

**STAFF REPORT  
FOR THE CITY COUNCIL**

**FILE NUMBER:** AP-21-02

**HEARING DATE:** October 4, 2021

**REQUEST:** Appeal of the Planning Commission decision to approve the construction of a new Athey Creek Middle School at 840 and 945 Dollar Street through a Conditional Use Permit (CUP-21-02), a Class II Design Review (DR-21-04), Tualatin River Greenway Review (WRG-21-02), Flood Management Area Review (MISC-21-04), two Class II Variances (Var-21-01) for all parking to be within 200 feet of a building entrance and (VAR-21-06) and the size of the on-wall sign, and a lot line consolidation (LLA-21-02).

**STAFF REPORT  
PREPARED BY:** Chris Myers, Associate Planner

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Planning Manager Review DSW

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## GENERAL INFORMATION

<b>APPELLANT:</b>	Willamette Neighborhood Association 2307 Falcon Drive West Linn, OR 97068
<b>APPEAL DEADLINE:</b>	The appeal deadline was 5:00 p.m. on September 7, 2021. The appellant filed the appeal application on September 2, 2021, thus meeting the deadline.
<b>PUBLIC NOTICE:</b>	Public notice was mailed to all persons with standing, neighborhood associations, and property owners within 500-feet on September 14, 2021. The property was posted with a notice sign on September 24, 2021. The notice was published in the West Linn Tidings on September 22, 2021. The notice requirements of CDC Chapter 99 have been met. In addition, the application was posted on the City's website September 14, 2021.
<b>SITE LOCATION:</b>	840 and 945 Dollar Street
<b>LEGAL DESCRIPTION:</b>	Clackamas County Assessor's Map 21E34C00600, 21E34DC00900, 21E34DC01001
<b>SITE SIZE:</b>	22.11 acres
<b>ZONING:</b>	R-10, Single-Family Residential Detached and Attached.
<b>COMP PLAN DESIGNATION:</b>	Low-Density Residential
<b>OWNER/APPLICANT:</b>	West Linn-Wilsonville School District 2755 SW Borland Road Tualatin, OR 97062 Contact: Remo Douglas
<b>120-DAY PERIOD:</b>	This application became complete on April 30, 2021. The 120-day maximum application-processing period ended on August 28, 2021. A 30-day extension was approved for this application. The processing period ends September 25, 2021. A further 14 day extension request has been submitted which would extend the timeline to October 9, 2021.

## BACKGROUND

**Site Conditions:** The School District property is located at 840 and 945 Dollar Street. The school site consists of three tax lots; 212E34DC00900, 21E34C00600 and 21E34DC01001. The site is approximately 22.11 acres in size and is zoned Single Family Residential Detached R10. The existing site is undeveloped. There is a slope easement on the west side of the property roughly 85 feet wide and 1100 feet in length. This easement is for the purposes of grading, filling, slope protection, landscaping, maintenance, and related purposes. There exists a second easement on the site at approximately the northwest corner. This easement is a temporary nonexclusive emergency access easement that will extinguish upon construction of new road.

**Project Description:**

The West Linn-Wilsonville School District is proposing to construct a new 110,972 square-foot middle school on the District's vacant 22.11-acre Dollar Street site. The project was approved by District voters under Ballot Measure #3-554. The new facility will relocate the existing Athey Creek Middle School currently located in unincorporated Clackamas County.

The new school building will have 25 standard classrooms and capacity for 850 students and staff. The proposed building will be two stories in height with a maximum height of 48 feet. The building has been designed to step down with the natural topography of the site. Site improvements will include both a west and east entry plaza, soft and hard surface play areas, a running track, a turf athletic field, and outdoor learning areas. Staff parking and bus loading will be accessed from Dollar Street and will be located southeast of the building. Visitor Parking will be accessed from a newly constructed extension of Brandon Place and will be located west of the building. A total of 186 parking stalls will be provided on site. Pedestrian pathways will connect the main school building with site facilities and surrounding pedestrian infrastructure. The site will include pedestrian level lighting within the parking lot and around the building for safety. The track and field will also include LED lighting for sporting and special events.

The proposed development will include frontage and offsite improvements to Dollar Street and Willamette Falls Drive. An extension of Brandon Place from Dollar Street to Willamette Falls Drive, consistent with the West Linn's 2016 Transportation System Plan is proposed to meet the City's access standards. A roundabout is proposed at the new intersection of Willamette Falls Drive and Brandon Place. Sidewalks will be installed along the property frontage on Dollar Street and Willamette Falls Drive. The proposed extension of Brandon Place will include sidewalks on both sides, providing a pedestrian connection between Dollar Street and Willamette Falls Drive. There will also be a path constructed off Brandon Place to provide connection to the City walking path below Fields Bridge, to the park. Other offsite improvements include frontage improvements on Dollar Street and Willamette Falls Drive, including pavement replacement, planter strips and street trees.

As part of the proposed development, the District is proposing to consolidate the three tax lots the property is comprised of into a single tax lot.

## PROCEDURAL HISTORY

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

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

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

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

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

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

1. Impact of increased traffic on surrounding area
2. Concern regarding the removal of trees from the site
3. Concern that tree buffers aren't close enough to the neighborhood
4. Light pollution from the playing field lights
5. Noise pollution from the track and ball fields
6. The proposed school will not be a benefit to the City of West Linn

7. The site would be better served as housing
8. The site has inadequate infrastructure to serve a middle school
9. Concern regarding adequate parking on the site
10. Concern that the proposed roundabout is not appropriate for the site

After deliberations on August 18, 2021, the Commission approved the applicant proposal by finding compliance with the applicable criteria.

- Chapter 11: Single-Family Residential Detached, R-10;
- Chapter 28: Willamette and Tualatin River Protection;
- Chapter 32: Water Resource Area Protection
- Chapter 34: Accessory Structures on Steep Lots, Exceptions;
- Chapter 41: Building Height, Structures on Steep Slopes, Exceptions;
- Chapter 42: Clear Vision Areas;
- Chapter 44: Fences;
- Chapter 46: Off-Street Parking, Loading and Reservoir Areas;
- Chapter 48: Access, Egress and Circulation;
- Chapter 52: Signs;
- Chapter 54: Landscaping;
- Chapter 55: Design Review;
- Chapter 60: Conditional Uses;
- Chapter 75: Variances and Special Waivers;
- Chapter 92: Required Improvements;
- Chapter 96: Street Improvement Construction; and
- Chapter 99: Procedures for Decision Making: Quasi-Judicial

The Planning Commission approval of CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02 was appealed on September 2, 2021 by Kathie Halicki, Willamette Neighborhood Association President (Exhibit CC-2), pursuant to CDC 99.250. The appellant contends the West Linn Planning Commission misapplied the following provisions of the West Linn Community Development Code (see appellant application CC-2 pages 18-20).

The appellant met the application requirements by referencing the application to be appealed, providing a statement of standing, and paying the required fee, (the fee was waived as the appeal is from the Willamette Neighborhood Association). The appellant did not identify grounds for a procedural irregularity, nor did the appellant request the Council re-open the record.

## ANALYSIS

In this analysis, staff has provided the provisions of the West Linn Community Development Code the appellant contends were misapplied, with a summary of the record regarding each provision, including appellant arguments and associated findings or a reference to where the information can be found in the record.

### APPROVAL CRITERIA #1 CONTENDED TO BE MISAPPLIED

The appellant contends that the proposed plan failed to meet the goals of the West Linn Comprehensive Plan. In addition, that increased traffic would negatively affect the adjacent neighborhood.

#### *60.070 APPROVAL STANDARDS AND CONDITIONS*

A. *The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:*  
(...)

7. *The use will comply with the applicable policies of the Comprehensive Plan.*

**The Planning Commission found the application met the applicable policies of the West Linn Comprehensive Plan and adopted Staff Finding 248. See Exhibit PC-1 page 91 of the Planning Commission Staff Report.**

**The Planning Commission found that the application met the applicable policies in CDC 55.125 TRANSPORTATION ANALYSIS: Traffic Impact Analysis and adopted Staff Finding 238. See Exhibit PC-1 page 86 of the Planning Commission Staff Report.**

### APPROVAL CRITERIA #2 CONTENDED TO BE MISAPPLIED

The appellant contends that the Willamette Neighborhood Association (WNA) is not opposed to a school rather the WNA is opposed to this proposal. The Willamette Neighborhood Association would prefer a different configuration.

#### *60.070 APPROVAL STANDARDS AND CONDITIONS*

C. *The Planning Commission may impose conditions on its approval of a conditional use, which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:*  
(...)

2. *Requiring design features, which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.*

3. *Requiring additional setback areas, lot area, or lot depth, or width.*

4. Limiting the building height, size or lot coverage, or location on the site.
5. Designating the size, number, location and design of vehicle access points.

***The Planning Commission found the application met the applicable criteria and policies found in CDC 60.070(C) and adopted Staff Finding 250. See Exhibit PC-1 page 95 of the Planning Commission Staff Report.***

APPROVAL CRITERIA #3 CONTENDED TO BE MISAPPLIED

The appellant contends that City Council previously denied a similar application for a new school at this site.

***Previous development applications and the associated decision are not a part of the approval criteria in the Community Development Code. The Planning Commission approved the application based upon the applicable criteria.***

APPROVAL CRITERIA #4 CONTENDED TO BE MISAPPLIED

The appellant contends that the demographics indicate the need (for a school) is greater in Wilsonville than West Linn.

***Demographics are not a part of the approval criteria in the Community Development Code. The Planning Commission approved the application based upon the applicable criteria.***

APPROVAL CRITERIA #5 CONTENDED TO BE MISAPPLIED

The appellant contends that a resident on Brandon Place fears the increase in traffic will “lock in” the exit from its cul de sac.

***The applicant submitted a Traffic Impact Analysis (TIA) as part of the application process. The TIA was reviewed by the City of West Linn Engineering Department and a third party transportation engineering firm, Kittleson and Associates. The TIA showed that with the construction of a new Athey Creek Middle School on Dollar Street that there will be an increase in daily vehicle trips. With the construction of the Brandon Place extension connecting Dollar Street to Willamette Falls Drive, the intersections at Dollar and Ostman and Willamette Falls Drive and Ostman will not fail. The level of service will remain within an acceptable threshold.***

***The Planning Commission approved the application based upon the applicable criteria.***

APPROVAL CRITERIA #6 CONTENDED TO BE MISAPPLIED

The appellant contends that the zone should be kept residential because a school does not fit into the existing zone and need for housing exists.

***The application is not for a zone change. The application is for a Conditional Use Permit for a school to be located in a residential zone. All schools in the City of West Linn are in residential***

***zones under approved Conditional Use Permits. The Planning Commission approved the location of a school at the applicant's site based upon the applicable criteria.***

***The need for housing is not related to this Conditional Use Permit application.***

**APPROVAL CRITERIA #7 CONTENDED TO BE MISAPPLIED**

The appellant contends there will be an increase of traffic on Willamette Falls Drive due to the proposed tolling on Interstate 205 (I-205).

***The potential for an increase in traffic on Willamette Falls Drive due to potential tolling on I-205 is not a part of the approval criteria. The Planning Commission approved the application based upon the applicable criteria.***

**APPROVAL CRITERIA #8 CONTENDED TO BE MISAPPLIED**

The appellant contends that Tualatin Valley Fire & Rescue requires a road through the property for access.

***Tualatin Valley Fire & Rescue does not require an access road through the applicant's property. City of West Linn policy and the applicants Transportation Impact Analysis require an access road, which is an extension of Brandon Place. The Brandon Place extension is listed as a City project in the City Council approved 2016 Transportation System Plan.***

***The Planning Commission approved the application with three additional Conditions of Approval. Condition of Approval #10 requires that Brandon Place only be used for emergency vehicle access and not as a through street.***

***A discussion about the importance of the Brandon Place extension can be found below in the Condition of Approval Review.***

**APPROVAL CRITERIA #9 CONTENDED TO BE MISAPPLIED**

The appellant contends that there may have been a predetermined bias from a Planning Commissioner based on a comment made during deliberations. The comment has not been confirmed. The potential comment was "If the bond measure passed then the school should go forward."

***At the August 18, 2021 Planning Commission meeting the City Attorney, Tim Ramis, asked members of the Planning Commission if any of them stated that due to the passing of the bond measure, the school should move forward. No member of the Planning Commission remembered making such a statement. All members felt they had not made a decision on the outcome of this application prior to the proceedings.***

***The Planning Commission approved this application based upon the applicable criteria.***



APPROVAL CRITERIA #10 CONTENDED TO BE MISAPPLIED

The appellant contends that traffic on Dollar and Ostman streets may ultimately require a stoplight at Ostman and Willamette Falls Drive.

***A TIA has been prepared and provided by DKS and Associates on behalf of the applicant. A supplemental memo addressing concerns raised by members of the community, prepared by DKS and Associates, has been provided, (see page 153 of applicant submittal for the TIA. See page 255 for the memo addressing citizen concerns). The TIA and memo can be found in Appendix D of the application. The City of West Linn Engineering and Public Works Department also reviewed the TIA provided by DKS and Associates. The City of West Linn hired a third party Engineering firm to peer review the TIA from DKS and Associates. That firm, Kittelson and Associates, produced a report with their findings and recommendations. The Kittelson and Associates TIA review can be found in Exhibit PC- 2. Public comments were also submitted by a transportation planning/engineering firm and can be found in Exhibit PC- 3. DKS revised the TIA based on feedback from the City, Kittelson and Associates, and public comment. The revised TIA can be found in Exhibit PC-2.***

***The Planning Commission approved the application based upon the applicable criteria.***

CONDITIONS OF APPROVAL REVIEW

The appeal of the Athey Creek Middle School proposal will be de novo (CDC 99.280), which allows the Council to accept and consider new evidence. Council can use this new evidence in making its decision to uphold the PC approval, modify the PC approval, or overturn the PC approval.

As part of the Council decision, the 10 Conditions of Approval approved by the PC should be reviewed and discussed to ensure compliance with the West Linn Comprehensive Plan and Community Development Code. Staff recommends the Council specifically address the following:

1. Duplicate Conditions of Approval

Conditions of Approval 3 and 7 are duplicates and one or the other should be removed. This was simply a scrivener's error in the PC Final Decision and Order.

2. Ensure Conditions of Approval Language is Clear

The Council should review the language to ensure the conditions are clearly articulated to the applicant.

3. Conditions of Approval 8, 9, and 10

The three conditions were added by the PC during deliberations. There was no review of the conditions by legal counsel prior to the approval of the proposal. There is particular concern with Condition of Approval 10 in that all the evidence provided by the applicant is based on the connection of Brandon Place being constructed between Willamette Falls Drive and Dollar Street. The applicant's Transportation Impact Analysis (TIA), which analyzes the proposal's impact on surrounding transportation infrastructure, found the intersection of Willamette Falls Drive and Ostman Road would fail to meet the City's minimum level of service standard without the connection of Brandon Place from Willamette Falls Drive to Dollar Street. Conversely, if the connection is made, the intersection will meet the level of service standard.

If the Council upholds the PC approval and retains Condition of Approval 10, mitigation measures are required for the intersection to ensure the minimum level of service standard is being met. Council would need to identify the mitigation measures in a new Condition of Approval. Otherwise the proposal should not be approved.

If the Council upholds the PC approval and removes Condition of Approval 10, no additional conditions will be required and no further action related to transportation improvements will be required of the applicant.

Additionally, the PC identified three applicable criteria/policy (CDC 60.070.A(4), CDC 02.030, and Comprehensive Plan Goal 12 Streets Section Policy 2) to justify adding Condition of Approval 10. The PC did not address additional criteria/policy related to the City's connectivity goals, which have findings supporting the Brandon Place connection. Connectivity is important for a number of reasons, including:

1. Distributes peak traffic so intersections do not fail minimum level of service standards
2. Decreased response time for emergency services
3. Additional routes to leave a neighborhood during natural disasters (the recent ice storm is a good example)
4. Improved operations for both City services and private services (refuse/recycling trucks, street sweeper, sewer clean-out truck, delivery services) to eliminate redundant trips and the need to reverse out of streets without a through connection or turnaround

If the Council upholds the PC approval and retains Condition of Approval 10, additional findings should be made to replace the findings adopted by the PC that conflict with the condition and support the Brandon Place connection and the City's connectivity goals. These include:

#### West Linn Comprehensive Plan Goal 12

1. Goal 1.b. Provide for connectivity within and between neighborhoods.....
2. Goal 3. Develop transportation facilities that are accessible to all members of the community and minimize out of direction travel
3. General Policies 8. Pursue an interconnected street system that provides connections both between and within developments..... An interconnected street system shall discourage closed end street systems and will serve to reduce travel distance....

4. Streets Policy 3. Establish a minimum intersection LOS standard and design all public facilities to meet or exceed that threshold.
5. Streets Policy 9. Develop neighborhood and local street connections as identified in the TSP to provide adequate circulation in and out of the neighborhoods.
6. Streets Policy 10. Limit the use of cul-de-sacs and closed street systems.

#### West Linn Transportation System Plan

7. TSP Figure 12 and Table 17 Project LSC-9 identifies this planned connection under the section explaining the importance of local street connectivity to the transportation network.

#### West Linn Community Development Code

8. CDC 60.070.C(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.
9. CDC 60.070.C(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.
10. CDC 55.100.I(1) ...The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off-site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer's determination of developer obligation, the extent of road improvement and City's share... Streets shall be installed per Chapter 85 CDC standards...
11. CDC 85.200.A(1) ...The street system shall assure an adequate traffic or circulation system... To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent-plus), hazard areas, steep drainageways, wetlands, etc....
12. CDC 85.200.B(2) The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation... Block sizes and proposed accesses must be consistent with the adopted TSP.

### **PUBLIC COMMENT**

As of the publication date of this report, staff has received 3 submittals from citizens. All 3 comments are in favor of the application to build a new Athey Creek Middle School on Dollar Street. All comments can be found in Exhibit CC-3 pages 21-23.

### **RECOMMENDATION**

Staff supports the Planning Commission decision, with modifications to the Conditions of Approval, and recommends Council upholds the approval (with modifications) of the West-Linn Wilsonville School District proposal to construct a new Athey Creek Middle School based on the evidence in the record.

## **CC-1 Appellant Application**

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Myers</i>	PROJECT NO(S). <i>AP-21-02</i>	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S) <i>0</i>	REFUNDABLE DEPOSIT(S) <i>0</i>	TOTAL <i>0</i>

**Type of Review** (Please check all that apply):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX)                      | <input type="checkbox"/> Historic Review                                  | <input type="checkbox"/> Subdivision (SUB)                               |
| <input checked="" type="checkbox"/> Appeal and Review (AP)     | <input type="checkbox"/> Legislative Plan or Change                       | <input type="checkbox"/> Temporary Uses                                  |
| <input type="checkbox"/> Conditional Use (CUP)                 | <input type="checkbox"/> Lot Line Adjustment (LLA)                        | <input type="checkbox"/> Time Extension                                  |
| <input type="checkbox"/> Design Review (DR)                    | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Easement Vacation                     | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures           | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities    | <input type="checkbox"/> Planned Unit Development (PUD)                   | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Final Plat or Plan (FP)               | <input type="checkbox"/> Pre-Application Conference (PA)                  | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Flood Management Area                 | <input type="checkbox"/> Street Vacation                                  | <input type="checkbox"/> Zone Change                                     |
| <input type="checkbox"/> Hillside Protection & Erosion Control |   |  |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b> <i>945 Dollar St. Proposed Athey Creek Middle School</i>	Assessor's Map No.:
	Tax Lot(s):
	Total Land Area:

**Brief Description of Proposal:**

<b>Applicant Name:</b> <i>Willamette Neighborhood Assoc.</i> <small>(please print)</small>	Phone:
Address: <i>2307 Falcon Dr.</i>	Email:
City State Zip: <i>West Linn, Or. 97068</i>	

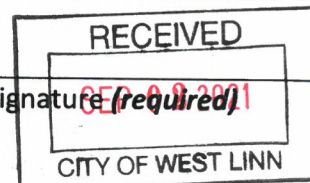
<b>Owner Name</b> (required): <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

<b>Consultant Name:</b> <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
4. The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page:  
<https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Kathie Halicki, WNA President 9/2/2021</i>			
Applicant's signature	Date	Owner's signature <b>(required)</b>	Date
<i>West Linn</i> <i>Willamette Neighborhood Assoc.</i>			



**Kathie Haiicki**  
**President, Willamette Neighborhood Association**  
2307 Falcon Dr., West Linn OR 97068  
WillametteNA#westlinnoregon.gov



September 1, 2021

**Darren Wyss**  
**West Linn Planning Manager**  
22500 Salamo Road, West Linn OR 97068  
dwyss#wesilinnoregon.gov

**Chris Myers**  
**West Linn Associate Planner**  
22500 Salamo Road, West Linn OR 97068  
CMeyerspwestlinnoregon.gov

Dear Mr. Wyss and Mr. Myers,

Pursuant to CDC 99.170(G)(1) and 99.240(C), the Willamette Neighborhood Association appeals to the City Council the West Linn Planning Commission's Final Decision and Order in the Matter of a Proposal for a Conditional Use Permit to Construct a New Athey Creek Middle School at 840/945 Dollar Street (dated 8/23/21; CUP 21-02/DR 21-04/WRG 21-02/MiSC 21-04/VAR 2-01/VAR 21-06/LLA 21-02) (the "Decision").

As President of our Willamette Neighborhood Association, I testified at the first hearing on the matter on July 7, 2021 and explicitly identified myself as representing the association. I thus have standing to appeal the Decision on behalf of the association. The subject property is also within our association's boundaries.

The Willamette Neighborhood Association held a special meeting on August 25th and voted 41 to 6 in favor of appeal. A copy of the meeting minutes and vote taken is attached.

The grounds for the appeal include, but are not limited to, failure to meet applicable Community Development Code and the West Linn Comprehensive Plan.

The cost of our appeal is waived pursuant to CDC 99.240(C) and the application is timely filed within 14 days of the Decision being mailed.

Sincerely,

Kathie Haiicki

Cc: Lynn Schroder, Administrative Assistant for Community Development

## Special Meeting of Willamette NA August 25, 2021 7pm Zoom

### Purpose:

To vote on an appeal to WL City Council re conditional use proposal for middle school on Dollar Street:  
CUP-21-02DR-21-04/WRG-21-02/  
MISC-21-04/VAR-21-01/VAR-21-06/LL-21-02

### Motion:

Laura Wirth moved:

“The Willamette NA shall appeal to the WL City Council the Planning Commission’s final decision of use permit and order to approve the conditional use permit to construct a new Athey Creek Middle school at 840/945 Dollar Street”.

Motion was seconded. 47 present.....Vote: 41 yes 6 against.

### Comments:

1. The proposed plan failed to meet the goals of the WL Comprehensive Plan. Increased traffic would negatively impact adjacent neighborhood.
2. If not for a school, how would the property be used? Ans: WNA not opposed to a school, just this proposal. Would prefer a different configuration.
3. Dick Bailey gave a synopsis of the previous school proposal and the reasons for its denial from City Council.
4. The demographics indicate the need is greater in Wilsonville than West Linn.
5. Brandon Place resident feared increased traffic would “lock in” the exit from its cut de sac.
6. Keep the residential zone because a school does not fit into the existing zone and need for housing exists.
7. Increased traffic on Willamette Falls Drive will occur with proposed tolling on I205 freeway.
8. TVF&R requires a road through the property for easy access.
9. Perhaps a predetermined bias from a Planning Commissioner from comment: “If the bond issue passed then the school should go forward”.
10. Traffic on Dollar and Ostman Streets may ultimately require a stoplight at Ostman and Willamette Falls Drive

Meeting adjourned at 7:52



**EXHIBIT CC-2 Planning Commission Final Decision and Order**

## WEST LINN PLANNING COMMISSION

### FINAL DECISION AND ORDER

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

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

#### **I. Overview**

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

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

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

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

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

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

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

## **II. The Record**

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

## **III. Findings of Fact**

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

## **IV. Findings**

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

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

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

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

#### V. Order

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

1. **Site Plans.** With the exception of modifications required by these conditions, the project shall substantially conform to all Tentative Plan Sheets.
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to the issuance of occupancy permits for each phase of the project.
3. **Landscaping Installation.** All landscaping improvements, including but not limited to planting of trees and shrubs, are subject to the conformance with the City Municipal Code and Community Development Code. Landscaping must be installed prior to the issuance of occupancy permits.
4. **Erosion Control.** The applicant shall submit an Erosion Prevention and Sediment Control Plan prior to issuance of site development permit.
5. **Curb Cuts.** The applicant shall redesign the two vehicle accessways to comply with the maximum curb cut requirements of 36 feet, per Staff Finding 128, and to also meet West Linn Public Works Standards.

6. **Street Improvements.** The applicant shall complete half street improvements, including pavement improvements, curbs, planter strips, street trees, street lights, sidewalks, pedestrian crossings, cycle tracks where required, and street storm drainage for those portions of Dollar Street and Willamette Falls Drive abutting the subject properties. The applicant shall complete full street improvements on the extension of Brandon Place. The City may partner with the applicant to fund additional improvements as part of the project.
  
7. **Landscaping Installation.** All landscaping improvements, including but not limited to planting of trees and shrubs, are subject to the conformance with the City Municipal Code and Community Development Code. Landscaping must be installed prior to the issuance of occupancy permits. (Staff Findings 62 and 73)
  
8. **Roundabout Pedestrian Safety.** At the proposed roundabout at Brandon Place and Willamette falls drive the applicant will have construct appropriate marked pedestrian crossings.
  
9. **School Speed Zone.** The applicant shall implement a school speed zone limit of 20 mph on Willamette Falls Drive, Brandon Place, and Dollar Street. Flashing beacons will be installed to alert vehicle traffic of the school speed zone.
  
10. **Brandon Place Extension.** The proposed Brandon Place extension will not be built as a through street. The extension will only be built for emergency vehicle access.

  
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 CHARLIE MATHEWS, VICE CHAIR  
 WEST LINN PLANNING COMMISSION

8/23/21  
 \_\_\_\_\_  
 DATE

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

Mailed this 23 day of August, 2021.

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

## **EXHIBIT CC-3 Public Comments**

I am a citizen of West Linn and I support the approval of the plans and drawings for the New Athey Creek Middle School at Dollar Street. Placing a middle school at this location is a benefit to our community for a variety of reasons, including but not limited to: schools make good neighbors; it will increase nearby home values (our citizens see increases in their home values when schools are built in their neighborhood); the location allows members of our community to walk or bike to school which is not possible at the existing location and this will reduce vehicular road traffic to and from the current Athey Creek site; the school will bring safety improvements such as emergency vehicle access routes, sidewalks, crosswalks, and a connection to Fields Bridge Park; the school can serve as another public meeting spot within our city limits when school is not in session; the addition of a school speed zone will deter and/or re-route traffic for those who use our local roads as a freeway bypass; and it will add additional recreational space for youth sports and activities.

Please approve this application.

Sincerely,

Chael

Good evening Mayor and Councilors,

On August 18th the Planning Commission met and voted 4-3 to approve the conditional use permit for the construction of a new Middle School on Dollar street. I know at this time, you are likely hearing more from immediate neighbors who are concerned about the project than from the broader West Linn community who voted to approve the bond last year (which included details and descriptions of this project).

I am writing to you to voice my support for the new school location. I live at 16th and Dollar and while I will miss the "Dollar Woods," my family is very interested in having a neighborhood middle school for our kids to walk and bike to just down the street.

I've reviewed the materials and the assessment by West Linn's City Planner, Chris Myers that indicated all the requirements were met by the school district's Land Use Application submission except two minor variance requests. Subsequently, after multiple meetings the Planning Commission ultimately concurred and voted in favor of the conditional use with certain conditions to address concerns voiced by neighbors.

I attended my local Willamette Neighborhood Association meeting last night and witnessed the group pass a motion to submit to the City Council an appeal of the Planning Commissions CUP decision which will go to all of you pending the paperwork is drafted and submitted.

I want you to hear from a neighbor in this community that there is SUPPORT of the Middle School. I want you to be hearing from a neighbor with school aged kids. We will absolutely utilize the proximity to avoid driving and not having MS-age kids in the community commute to car-dependent Athey is a huge benefit. We currently walk and bike to our Willamette Primary School and I would be thrilled to continue that through Middle School.

One of the straw man arguments from those opposing the school is related to traffic. If the School District, which owns the property, cannot use it for the purpose it intended when purchasing it, I imagine it will be quickly sold to a developer with housing and traffic to follow all the same. I think people are grieving for the loss of the space and want to leave the woods just as they are, but in the absence of a philanthropic act or bond by the city to purchase the land and convert to a park (see: Oppenlander), in all likelihood this are will be developed at some point - one way or another.

Additionally, arguments leaning on the assessment that the school will not be a net public benefit to West Linn, as grounds to dismiss the land use approval are narrow in their focus and not considering the broader Willamette and West Linn community. Public use of the site facilities, added trails, a playground, infrastructure improvements and more are all real public benefits in addition to the quality of life improvement to parents and students in our community who are able to attend a neighborhood school. There is a real need for High School capacity in West Linn. This project helps address that and will provide benefit to West Linn high schoolers by freeing up Athey MS to be repurposed into a technical High School.



I love Dollar Woods, but it isn't a city owned park, it's property owned by the school district and schools are absolutely within allowed conditional uses for residential zoned areas like this one.

There is an obligation to review this matter based on legal merit and the facts, and put personal feelings and opinions aside. Allowing NIMBY-ism of a small group of constituents to railroad a school district project like this would be disheartening to say the least. We want West Linn and the Willamette neighborhood to be a great place to live for ALL GENERATIONS of people living here.

I am anxious to hear this Council's position on the matter and assurances that voting, if necessary, will be done objectively based on the codes and laws of our City.

Best,

Katie Zabrocki

West Linn Resident - Willamette Neighborhood

Hi,

I wanted to submit my argument in favor of a new middle school. I live in Willamette, and have two small children at Willamette Primary, a middle schooler at Athey Creek, and a junior in High School. We moved here for the amazing schools and community. We walk every day to Willamette Primary, and would love for our middle school aged children to ride and walk to school, as well. As it stands now, I have to drive ( or my child takes the bus) and it takes around 15 minutes one way to get to Athey in a car. I know people are not unfamiliar with the possibility of violence in schools, or a natural disaster, and I constantly worry about how I would get access to all four of my children at such lengthy distances. I feel very invested in our children being safe number one, and healthy number two. Keeping children close to where they live is a safe and healthy choice for their well-being.

Please note that we are In FAVOR of a new middle school on Dollar St.

Kami Persse

## **CC-4 Planning Commission Draft Meeting Notes**



**PLANNING COMMISSION  
Draft Meeting Notes of July 7, 2021**

Commissioners present: Gary Walvatne, Charles Mathews, Lamont King, Joel Metlen, Carrie Pellett, Scott Erwin, and John Carr

Applicant Representatives: Remo Douglas, Mercedes Serra, Mercedes Serra, Angela Caffrey, Pat McGough, Kathy Ludwig, Carrie Richter, Rebecca Stuecker, Rebecca Grant, Scott Mansur, Jenna Bogert, Matt Manzer, Danielle Pruett, Mark Wharry, Ian Holzworth, Shawn Dimke, and Greg Parthemer

Public Present: Kathie Halicki, Willamette Neighborhood Association, Laura Wirth, Bogdana Clarke, Steve H Elliott, Wade M Clarke, Rebecca Regello, and John McCabe

Staff present: Darren Wyss, Planning Manager; Chris Myers, Associate Planner; Tim Ramis, City Attorney; Lance Calvert, Public Works Director; and Lynn Schroder, Administrative Assistant

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**1. Call To Order and Roll Call**

Chair Walvatne called the virtual meeting to order at 6:40 pm.


**2. Public Comment Related To Land Use Items Not On The Agenda**

**None.**

**3. Approval of Meeting Notes: [5/19/21](#) and [6/16/21](#)**

Commissioner King and Mathews requested changes to the June 16 meeting notes. Chair Walvatne requested changes as well. Commissioner Carr moved to approve the 5/19/21 and 6/16/21 Planning Commission meeting notes, as amended. Commissioner Mathews seconded. **Ayes: King, Mathews, Pellett, Erwin, Carr, Metlen, and Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.**

**4. Public Hearing: [CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02](#) - 945**

Dollar Street Conditional Use, Class 2 Design Review, Willamette River Greenway, Flood Management Area, Class 2 Variance, and Lot  a new Athey Creek Middle School.

Chair Walvatne introduced the proposed project and explained the hearing procedures. He opened the public hearing to consider the West Linn-Wilsonville School District's request to approve a Conditional Use, Class 2 Design Review, Willamette River Greenway, Flood Management Area, Class 2 Variance Lot Line Adjustment for the proposed Athey Creek Middle School at 945 Dollar Street.

City Attorney Ramis addressed legal standards and appeal rights. The substantive criteria that apply to the application are Community Development Code (CDC) Chapters 11, 28, 32, 34, 41, 42, 44, 46, 48, 52, 54, 55, 60, 75, 92, 96, and 99 of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.170.

City Attorney Ramis addressed Planning Commission conflicts of interest, ex parte contacts, and challenges. No Commissioner declared a conflict of interest, bias, or ex parte contact. Commissioners King and Mathews declared site visits but did not learn anything that wasn't already in the record. Chair Walvatne declared a site visit where he noted the condition of the roads surrounding the property.

City Attorney Ramis asked the public if there were any challenges to the Planning Commission's jurisdiction to hear the matter. John McCabe questioned if the proposed new middle school still needed to be approved by Clackamas County within the 120 quasi-judicial proceeding. City Attorney Ramis responded that the question was not a challenge to the Planning Commission's jurisdiction. He further responded that any additional approval that Clackamas County may require would not be a time limitation on the City's obligation to decide the case within the 120-day time limit. Carrie Richter stated that the proceeding should be held in person rather than virtually on Webex. City Attorney Ramis responded that Carrie Richter's statement was not a challenge to the Planning Commission's jurisdiction. There were no other challenges or objections to the Commissioners' jurisdiction or impartiality on the application.

Associate Planner Chris Myers presented a staff report. Myers noted that there were 273 Staff Findings for the proposed new middle school. The proposed new middle school meets all applicable code criteria except for the two requested variances, which staff recommended conditions of approval to satisfy code criteria. Staff recommended approval of the application with proposed conditions.

Commissioner Metlen asked if the TSP contemplated the connection of Dollar Street to Willamette Falls Drive at Brandon Place. Myers confirmed that it did.

Commissioner Mathews asked about pedestrian safety at roundabouts. Public Works Director Calvert responded that, in general, national studies have demonstrated that roundabouts are safer for pedestrian crossings than other crossing alternatives. Roundabouts slow traffic down, provide better sightlines, and pedestrians only cross one lane of traffic at a time. He noted that one of the benefits of roundabouts is eliminating right-angle collisions, which are the most deadly collision. Commissioner Mathews said that the traffic analysis did not compare pedestrian safety for different intersections at the proposed Brandon Place intersection.

Commissioner Mathews asked if the City required the applicant to put in a roundabout at this location. Calvert responded that the City prefers roundabouts for new intersections when possible because of their safety advantages.

Commissioner King noted that the proposed roundabout is not part of the TSP yet. He asked if the proposed middle school was contingent on the roundabout. Calvert responded that the roundabout was part of the traffic analysis for the proposed new middle school. City Attorney Ramis answered that the PC must determine if the proposed new middle school, which includes the roundabout design, meets the code criteria.

Commissioner Erwin noted that the traffic analysis prepared by technical experts included several pages on pedestrian safety. Erwin stated that he was confident that the applicant made the best decision on pedestrian safety for the intersection.

Remo Douglas of the WLWLS, Mercedes Serra of 3J Consulting, and Scott Mansur of DKS Engineering presented the proposed new middle school. Serra stated that the proposed new middle school was responsive to community concerns about site layout, noise, building size and massing, tree removal, light, connectivity, and traffic. She presented the design details that were incorporated into the proposed new middle school as a result of community concerns.

Scott Mansur presented the traffic impact analysis. Mansur stated that applicant conducted an alternatives analysis on the proposed intersection design at Branson Place and Willamette Falls Drive. The roundabout design was by far the preferred alternative for capacity and safety. The roundabout design

would reduce the risk of severe and fatal injury by up to 80% by lowering vehicles' speed to 15-20 mph and providing good sightlines to pedestrians crossing the intersection. A signaled intersection would not work because the existing bridge could not accommodate a left-turn lane necessary for the design.

Commissioner Mathews asked about the level of service for the intersection at Ostman and Willamette Falls Drive. Mansur explained that the 2023 No-Build scenario shows that the Willamette Falls Drive/Ostman Road intersection would fail to meet operating standards. However, under the 2023 Build scenario that would reroute some trips to Brandon Place, the Ostman/Willamette Falls Drive intersection would improve to Level of Service D as it operates today.

Commissioner Metlen asked about how the I205 tolling concept would impact traffic in the neighborhood with the proposed school. Mansur replied that there is too much unknown about the I205 tolling concept to evaluate the impacts. Still, he noted that the ODOT would be responsible for mitigating I205 tolling on the neighborhood.

Commissioner Metlen asked if the number of walking students is expected to increase over time. Douglas noted that the current Athey Creek Middle School on Borland Road does not have any walking students, but the new Athey Creek would have some walking students from the surrounding neighborhood. He stated that the School District needs to think very long term when building new schools. He noted that it is conceivable that the City may expand west and south, resulting in more students walking to school.

Commissioner Metlen asked about mitigation for traffic, light, and noise. Douglas outlined traffic calming, car queuing, light and noise mitigation measures that would be implemented.

Commissioner King noted that the school district previously deemed the site unsuitable for a new middle school in early 2000. He asked what changed since that determination. Douglas responded that 17 years ago, the School Board did not view the property as suitable based on projections at that time. The current School Board has reevaluated the property based on an extensive design and study process. The property is suitable in 2020 for multiple reasons, including improved infrastructure in the area and the balance of middle schools across the School District.

Commissioner Erwin asked about noise mitigation during construction. Douglas responded that the School District would follow the City's municipal code related to construction noise. They will request that the contractor build Brandon Place early in the process to alleviate construction traffic on Dollar Street.

Commissioner Erwin asked if the School District considered other locations for the new middle school. Douglas responded that there were not many locations in West Linn that were suitable and large enough to locate the new middle school. Relocating the Athey Creek Middle School to the Dollar Street site provides the District with two middle schools located in different areas of West Linn to address enrollment growth at the middle school level. West Linn High School is more than 200 students over capacity. Wilsonville High School is predicted to eclipse capacity in the next ten years. The school district needs to build a new high school. The Athey Creek/Borland Road site is centrally located within the District, making it ideal for a new high school.

Chair Walvatne questioned why Athey Creek Middle School needed to move and how locating a middle school at the Dollar Street location serves the City of West Linn. Douglas responded that the growth projections indicate that middle school enrollment in West Linn is expected to exceed capacity by more than 100 students by 2028. In the 2018-19 school year, 432 of 663 Athey Creek students lived in West Linn. Building a new Athey Creek Middle School on the Dollar Street site allows the District to bring the school closer to where students live. The new location is most suited for the students that will be served.

He stated that the City also benefits from the new school by the additional sport fields, a track, a large community gathering space, improvements to Willamette Falls Drive, and the Brandon Place street connection. He noted that the parking problem at West Linn High School is exacerbated because the school is over capacity. A new high school at Athey Creek/Borland Road will reduce the number of students enrolled at West Linn High School and alleviate parking problems in that area.

Chair Walvatne asked how the arsenic found onsite would be mitigated. Douglas responded that the construction team would implement the DEQ rules and guidance so that the site would be in full compliance. The School District would retain its environmental consultant during construction to ensure that the material is handled appropriately.

Chair Walvatne observed that the Geotech report included in the staff report was not for the Athey Creek/Dollar Street site. Instead, the included Geotech report was for the Athey Creek/Borland Road site. Douglas responded that the Athey Creek Middle School/Borland Road report was erroneously submitted in the second submittal the District provided to the City. He noted that the first submittal had the correct Geotech report. Staff Planner Myers confirmed that the first submittal to the City that he reviewed included the Geotech report for the Athey Creek Middle School/Dollar Street. To address incompleteness on other items, the City required that the applicant resubmit the complete application with all the necessary documents. The applicant erroneously included the Athey Creek/Borland Road Geotech report instead of the Athey Creek/Dollar Street Geotech report in the second submittal.

Testimony was provided from Kathie Halicki, Willamette Neighborhood Association, Wade Clarke, Laura Wirth, Bogdana Clarke, and John McCabe. Concerns about trees, traffic, safety, light and noise, benefit to City, and process were identified.

Laura Wirth asked the PC to deny the project because the application fails to meet the approval standards and conditions outlined in CDC 60.07 - to provide a sufficient community benefit. She stated that the staff report relied on an erroneous finding. She said that the proposed middle school would not be walkable or more centrally located for 77% of current students. She stated that data in the staff report showed that the majority of population growth to serve Athey Creek middle school comes from Wilsonville, not West Linn.

Bogdana Clarke asked the PC to deny the project because it does not comply with the transportation policies of the Comprehensive Plan. She stated that the Traffic Impact Analysis identifies adverse impacts to the neighborhood created by the proposed new middle school that the applicant does not mitigate. Clarke stated that growth in the Stafford area is real motivation behind the project and future enrollment demands.

Willamette Neighborhood President Kathie Halicki stated that the WNA did not have sufficient opportunity to have their concerns addressed during the Neighborhood Meeting phase. She was concerned about the large footprint of the proposed building, the impact of the stadium lighting on the neighborhood, the impact on bald eagles, emergency access and traffic stacking on Willamette Falls Drive and Dollar Street, overflow parking in the neighborhood, the proposed roundabout, safety, and process issues.

Steve Elliot testified about the traffic impacts to the area. He stated that because Ostman/Willamette Falls Drive intersection currently fails to meet operating standards. With a new intersection at Brandon Place, traffic would divert down Dollar Street to the Willamette Falls Drive/Brandon Place intersection. The neighborhood would be impacted with increased thru-traffic. He stated that Dollar Street would become just as congested as Willamette Falls Drive.

John McCabe stated his concerns about the proposed roundabout on Willamette Falls Drive, bald eagle habitat, service area, and school capacity.

Wade Clarke testified about the transportation, the Willamette Falls Drive/Ostman intersection, lightning, and noise impacts. He stated that the proposed new middle school does not comply with the Comprehensive Plan because the rerouted traffic conflicts with the Comprehensive Plan, protecting neighborhoods from excessive thru-traffic. He stated that the track setbacks are insufficient to address to mitigate the impacts from light and noise.

Rebecca Regillo testified that the population growth in the area does not support a middle school in this area. She requested the opportunity for an additional public, in-person hearing because she has learned additional information to which she would like to respond.

Remo Douglas responded to the public testimony. He stated that because the majority of students that attend Athey Creek Middle School live in West Linn, the new site is appropriate and central to the student body that the school serves. He stated that the School District is responsive to the neighborhood concerns by providing traffic calming measures, lowering the building and site improvements, improving queuing capacity onsite, retaining and replacing trees, balancing retaining walls versus slopes, setback distances from the street, and vegetative buffering fencing along Dollar Street. The lighting study shows that the light will not trespass on adjacent properties. The School District stated that the meeting held with the neighborhood association in late 2020 was intended to fill the neighborhood meeting requirement. They did host an additional meeting with the neighborhood association. The congestion at Ostman/Willamette Falls Drive will continue to degrade with or without the new school.

The applicant requested a continuance to submit the correct Geotech report for the property with an opportunity for that final written rebuttal.

Commissioner King moved to continue the public hearing to August 4, 2021, and keep the record open for the Geotech report. The applicant shall submit a Geotech report by July 14, 2021 at noon, and the community shall have until noon on July 21, 2021 to provide written comment on the Geotech report supplied by the applicant. The applicant shall submit the final written rebuttal by July 28, 2021 at noon. Commissioner Erwin seconded. **Ayes: Carr, Pellett, Metlen, Erwin, King, Mathews, and Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.**

**5. Items Of Interest From The Planning Commission**

None.

**6. Items Of Interest From Staff**

None.

**7. Adjourn**

Chair Walvatne adjourned the meeting at approximately 11:00pm.





**PLANNING COMMISSION  
Draft Meeting Notes of August 4, 2021**

Commissioners present: Gary Walvatne, Charles Mathews, Lamont King, Joel Metlen, Carrie Pellett, and Scott Erwin

Commissioners absent: John Carr

Applicant Representatives: Remo Douglas, Mercedes Serra, Mercedes Serra, Angela Caffrey, Pat McGough, Kathy Ludwig, Carrie Richter, Rebecca Stuecker, Rebecca Grant, Scott Mansur, Jenna Bogert, Matt Manzer, Danielle Pruett, Mark Wharry, Ian Holzworth, Shawn Dimke, and Greg Parthemer

Public Present: John McCabe and Karie Oakes

Staff present: Darren Wyss, Planning Manager; Chris Myers, Associate Planner; Tim Ramis, City Attorney; Lance Calvert, Public Works Director

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**1. Call To Order and Roll Call**

Chair Walvatne called the virtual meeting to order at 6:49 pm.

**2. Public Comment Related To Land Use Items Not On The Agenda**

John McCabe testified about the hazardous transition from the bike path to the pedestrian path along Willamette Falls Drive.

**3. Continued Public Hearing from July 7, 2021: [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**

Chair Walvatne called the continued public hearing for CUP-21-02 to order. City Attorney Ramis reviewed the legal matters related to quasi-judicial hearings and the criteria for consideration of CUP-21-02. No Commissioner declared a conflict of interest, bias, or ex parte contact since the previous hearing on the matter. Chair Walvatne stated that he visited on July 29, 2021 to view the Willamette Falls Drive and a Fields Bridge area. He stated that the visit confirmed that the guard rail obscured the sightline to the bridge leaving the park. There were no challenges to the Commissioners' jurisdiction or impartiality on the application.

The West Linn Planning Commission held an initial evidentiary hearing for the proposed new school on July 7, 2021. The Commission continued the hearing to August 4, 2021 and left the record open but limited to submitting the correct geotechnical report for the Dollar Street location. The applicant was given until July 14, 2021 at 5pm to produce the report. An additional seven days through July 21, 2021 at 5pm were granted for review and comment on the geotechnical report. Last, the applicant was given seven more days to submit a final written rebuttal.

Chair Walvatne closed the public hearing. The Planning Commission deliberated.

Vice-Chair Mathews proposed three additional conditions of approval to address his concerns about trip generation and pedestrian safety.

Commissioner King commented on the geotechnical report and the potential for landslides and earthquakes at the site. He questioned if the site was satisfactory for a school given that the WLWVSD School Board determined that it was not acceptable in early 2000. The City Council denied a previous application to build a middle school on the site. He stated that just because voters approved the bond measure to build a new Athey Creek Middle School in West Linn does not mean the Planning Commission should automatically approve it. He noted that 62% of the students who currently attend the Athey Creek Middle are not West Linn residents. He stated that conditional use approvals are based on the overall benefit to the City. He stated that the new Athey Creek School would not benefit the City. He stated that the trees should be considered.

Commissioner Metlen noted that neighbors have been using the site as a public space. He stated that, if approved, the site would continue to be used as a public space. He considered that to be a benefit to neighbors and the City. He was concerned about adequate public facilities related to through-traffic and pedestrian safety. He agreed with Vice-Chair Mathews's proposed conditions of approval.

Commissioner Erwin also agreed with the pedestrian safety conditions proposed by Mathews. He noted that a through-street is needed at Brandon Place to allow for proper traffic flow through the area. He stated that drivers going to the middle school would need to turn around and go back down Dollar Street without a through street, resulting in two trips on Dollar Street instead of one.

Chair Walvatne stated that the code requires that schools be centrally located to the students they serve and be serviceable by bikes and sidewalks. He did not think that the school district demonstrated that the school would be centrally located to the student body. He stated that the current Athey Creek school is larger than the proposed Dollar Street location and does not have the seismic and landslide issues that the Dollar Street location has. Further, the current Athey Creek School has adequate transportation infrastructure while the Dollar Street location does not. He stated that the current Athey Creek school location could be updated substantially lower than building the Dollar Street location. He said that there was no compelling reason to relocate the Athey Creek Middle School from its current location to the Dollar Street location.

Commissioner Pellett was not convinced that enough residents had input into the process despite the public outreach by the School District. She noted that Commissioner King's comments about the school bond measure passing by only 51% with a 45% voter turnout supported her position that there was insufficient public input on the process. Last, she stated that the proposed school would not be centrally located for most students that it would serve.

Erwin noted that West Linn has a challenging topography for siting a school. He stated that the proposed Dollar Street site is adequately sized and provides athletic facilities and required parking. He wanted to be mindful of the long-term needs of the district and West Lin residents. He noted that Rosemont Middle School is already overpopulated. He stated that anticipated new middle housing in West Linn would increase density in the City. He pointed out that a majority of voters supported building a new school, demonstrating community support.

Chair Walvatne stated that the support for the general obligation bond is not a consideration for the Planning Commission. He said that Athey Creek school is a functioning school that could be doubled in size without impact because there is adequate room.

Vice-Chair Mathews moved to approve CUP-21-02 with three additional conditions of approval:

- Brandon Place and Willamette Falls Drive be appropriately marked to facilitate safe pedestrian crossing at the proposed roundabout;
- Willamette Falls Drive near Field Bridge Park be designated a School Speed Zone with a 20 mph speed limit and flashing beacon indicators; and
- Brandon Place extension only be utilized for emergency vehicle access and not as a public through-street.

Commissioner Metlen seconded. **Ayes: Commissioners Metlen, Erwin, and Mathews. Nays: Commissioner King, Pellett, and Walvatne. Abstentions: None. The motion failed 3-3-0.**

Commissioner Pellett moved to deny the application. Commissioner King seconded. **Ayes: Commissioners King, Pellett, and Walvatne. Nays: Commissioner Metlen, Erwin, and Mathews. Abstentions: None. The motion failed 3-3-0.**

Chair Walvatne move to continue deliberation of CUP-21-02 until August 18, 2021 Planning Commission meeting. Commissioner Erwin seconded. Chair Walvatne withdrew the motion.

Chair Walvatne moved to continue the final deliberation of CUP-21-02 until the August 18, 2021 Planning Commission meeting. Commissioner Pellett seconded. **Ayes: Commissioners Metlen, Erwin, Mathews, Pellett, and Walvatne. Nays: Commissioner King. Abstentions: None. The motion passed 5-1-0.**

#### **4. Items Of Interest From The Planning Commission**

Chair Walvatne commented about the August 2, 2021 City Council meeting. Walvatne thanked Danny Schreiber, Historic Review Board Chair, for his comments on the Willamette Falls Drive Concept Plan.

He noted that the City Council also discussed Resolution 2021-11 relating to selling a City-owned property at 3955 Cedar Oak Drive. He stated his concern about the city selling a property that water resource issues on it. He expressed his desire to have any development proposal for the property come to the Planning Commission for consideration.

He expressed his concern about the speed limit on a portion of Parker Road. He would like city staff to reconsider the speed limit.

#### **5. Items Of Interest From Staff**

Planning Manager Wyss discussed the transition to in-person meetings and the upcoming meeting schedule.

#### **6. Adjourn**

Chair Walvatne adjourned the meeting at approximately 8:21 pm.



**PLANNING COMMISSION**  
**Draft Meeting Notes of August 18, 2021**

Commissioners present: Gary Walvatne, Charles Mathews, Lamont King, Joel Metlen, Carrie Pellett, Scott Erwin, and John Carr  
Council Liaison: Bill Relyea  
Applicant Representatives: Remo Douglas, Carrie Richter, Rebecca Stuecker, Pat McGough, Mercedes Serra, Scott Mansur, Shawn Dimkle, Mark Wharry, Angela Caffrey  
Public Present: John McCabe, Karie Oakes, and Kathy Ludwig  
Staff present: Darren Wyss, Planning Manager; Chris Myers, Associate Planner; Tim Ramis, City Attorney; and Lynn Schroder, Administrative Assistant

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**1. Call To Order and Roll Call**

Chair Walvatne called the virtual meeting to order at 6:49 pm.

**2. Public Comment Related To Land Use Items Not On The Agenda**

None.

**3. Continued Public Hearing from August 4, 2021: [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](#)**

Chair Walvatne called the continued public hearing for CUP-21-02 to order. City Attorney Ramis reviewed the legal matters related to quasi-judicial hearings and the criteria for consideration of CUP-21-02. He noted that the record was closed, and no additional public testimony would be taken. No Commissioner declared a conflict of interest, bias, or ex parte contact since the previous hearing on the matter.

When asked if there were any challenges to the Commissioners' jurisdiction or impartiality on the application, Rebecca Regello challenged the authority and impartiality of the Planning Commission to continue to deliberate at a hearing on August 18, 2021 after votes on the proposal failed at the August 4, 2021 meeting. She stated that allowing Commissioner Carr to vote at this hearing after being absent on August 4 raised fairness, objectivity, and transparency issues. Ramis responded that the CDC does not limit the Commission's deliberations. He stated that deliberations could include offering motions that fail, but failed motions do not preclude further deliberations or a final decision.

John McCabe challenged the impartiality of a Planning Commissioner based on the comment made at the August 4 meeting. McCabe stated that the Commissioner said that the Planning Commission should approve the proposal because voters approved the bond measure to fund a new school. He could not identify which Commissioner made the statement because he attended the meeting by phone and could not see the speaker. He stated the comment was a pre-judgment of the proposal. He asked that the Commissioner remove themselves from voting.

Ramis asked Commissioners to state whether they pre-judged the proposal based on the school bond measure. Commissioners Mathews, Metlin, Erwin, Walvatne, King, Pellett, and Carr stated that

they did not have pre-judgment or bias on the proposal and based their decision on the record.

The West Linn Planning Commission held an initial evidentiary hearing for the proposed new school on July 7, 2021. The Commission continued the hearing to August 4, 2021 and left the record open but limited to submitting the correct geotechnical report for the Dollar Street location. The applicant was given until July 14, 2021 at 5pm to produce the report. An additional seven days through July 21, 2021 at 5pm were granted for review and comment on the geotechnical report. Last, the applicant was given seven more days to submit a final written rebuttal. At the August 4, 2021 meeting, the Planning Commission voted to continue the final deliberation of CUP-21-02 to the August 18, 2021 meeting.

Chair Walvatne noted that public comments were closed. The Planning Commission continued to deliberate CUP-21-02.

Vice-Chair Mathews reiterated his proposed conditions of approval.

Commissioner Metlen stated that traffic capacity and safety need to be mitigated. He supported the conditions of approval proposed by Vice-Chair Mathews.

Commissioner Pellett supported the proposed conditions of approval but disagreed that this was the only location for the new school. She did not the proposal met the criteria to be centrally located to the majority of the population that they will serve.

Commissioner King did not think that the applicant proved that the proposal provided a primary benefit to the City of West Linn. He stated that the school district's population forecast demonstrates growth in Wilsonville and not West Linn. He noted the geotechnical challenges of the site.

Commissioner Erwin agreed with two of the conditions of approval proposed by Vice-Chair Mathews. He stated that the Planning Commission needs to be mindful of the long-term needs of the school district.

Commissioner Carr stated that he read the record. He said that he supported the proposal with the proposed conditions. Commissioner moved to approve CUP-21-02 with three additional conditions of approval. The motion was not seconded.

Chair Walvatne reiterated that he did not believe that the proposal met the approval criteria for a conditional use in CDC 60.070 and 60.100.

Vice-Chair Mathews moved to approve CUP-21-02 with three additional conditions of approval:

- Brandon Place and Willamette Falls Drive be appropriately marked to facilitate safe pedestrian crossing at the proposed roundabout;
- Willamette Falls Drive near Field Bridge Park be designated a School Speed Zone with a 20 mph speed limit and flashing beacon indicators; and
- Brandon Place extension only be utilized for emergency vehicle access and not as a public through-street.

Commissioner Carr seconded. **Ayes: Commissioners Metlen, Erwin, Mathews, and Carr. Nays: Commissioner King, Pellett, and Walvatne. Abstentions: None. The motion passed 4-3-0.**

**4. Work Session: [Housing Needs Analysis \(HB2003\)](#) Adoption**

Planning Manager Wyss presented the Housing Needs Analysis completed in June 2021. The City must adopt the HNA by June 2023 with changes to the zoning code to address deficiencies. The City needs to address the 5-acre shortage in multi-family zoned land and the deficiency in meeting the Metro Housing Rule of 8 units/developable acre. The options to address the shortages are:

- rezone SFR land, possibly property not yet annexed into the City;
- Create new MU zoned lands that require residential components;
- Change zoning rules for commercial land to require residential component; and
- Rezone commercial/industrial land.

Staff will request that the City Council appoint the Planning Commission as the advisory board for the effort and begin putting together materials/maps for options discussion to begin work sessions in November 2021.

**5. Items Of Interest From The Planning Commission**

Chair Walvatne requested information about WAP-21-01 and the Notice of Upcoming Planning Manager Decision. Vice-Chair Mathews asked for information on how the PC can call up a Planning Manager decision for consideration.

**6. Items Of Interest From Staff**

Planning Manager Wyss discussed the upcoming Planning Commission schedule.

**7. Adjourn**

Chair Walvatne adjourned the meeting at approximately 8:38 pm.

## **CC-5 Affidavit and Notice Packet**

**AFFIDAVIT OF NOTICE**  
**Type A**

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

**PROJECT**

File No.: **AP-21-02**

Appellant's Name: **Willamette Neighborhood Association**

Development Name: **Appeal of CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02**

Scheduled Decision Date: **City Council Hearing 10/4/21 at 6:00 pm**

**MAILED NOTICE**

Notices were mailed at least 20 days prior to the scheduled hearing date per Section 99.080 of the Community Development Code to:

1	Willamette Neighborhood Association, appellant	9/14/21	<i>Lynn Schroder</i>
2	WLWLS, Remo Douglas, applicant	9/14/21	<i>Lynn Schroder</i>
3	Mercedes Serra, 3J Consulting, applicant's agent	9/14/21	<i>Lynn Schroder</i>
4	Metro	9/14/21	<i>Lynn Schroder</i>
5	TriMet	9/14/21	<i>Lynn Schroder</i>
6	Clackamas County Planning Dept.	9/14/21	<i>Lynn Schroder</i>
7	Oregon Division of State Lands	9/14/21	<i>Lynn Schroder</i>
8	US Army Corps of Engineering	9/14/21	<i>Lynn Schroder</i>
9	City of Lake Oswego	9/14/21	<i>Lynn Schroder</i>
10	ODOT Region 1	9/14/21	<i>Lynn Schroder</i>
11	Stafford-Tualatin CPO	9/14/21	<i>Lynn Schroder</i>
12	Oregon Department of Fish & Game	9/14/21	<i>Lynn Schroder</i>
13	Property owners of record within 500 feet	9/14/21	<i>Lynn Schroder</i>
14	All Neighborhood Associations	9/14/21	<i>Lynn Schroder</i>

**TIDINGS**

Notice was posted in the West Linn Tidings at least 10 days prior to the hearing or meeting date per Section 99.080 of the Community Development Code.

9/22/21	<i>Lynn Schroder</i>
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**WEBSITE**

Notice was posted on the City's website at least 20 days prior to the scheduled hearing date.

9/14/21	<i>Lynn Schroder</i>
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**SIGN**

At least 10 days prior to the scheduled hearing, a sign was posted on the property per Section 99.080 of the Community Development Code.

9/24/21	<i>Chris Myers</i>
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**STAFF REPORT** was posted on the website and mailed to the applicant and members of the decision-making body at least 10 days prior to the scheduled date of the public hearing per Section 99.040 of the Community Development Code.



9/24/21
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<i>Lynn Schroder</i>
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**FINAL DECISION** notice mailed to applicant, parties with standing, and, if zone change, the County surveyor's office per Section 99.040 of the Community Development Code.

<i>Lynn Schroder</i>
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**CITY OF WEST LINN  
NOTICE OF UPCOMING CITY COUNCIL HEARING  
FILE NO. AP-21-02**

The West Linn City Council will hold a hybrid public hearing on **Monday, October 4, 2021, starting at 6:00 pm** to consider an appeal of the conditional use approval (CUP) for a new middle school at 840 and 945 Dollar Street: CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR 21-06/LLA-21-02.

The City Council will review the Planning Commission's decision based on the criteria in Chapter 99.325 of the Community Development Code. This review will examine if the applicant has demonstrated conformance with applicable Community Development Code provisions based on the approval of CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR 21-06/LLA-21-02.

The appeal is a de novo hearing and not limited to the stated grounds for the appeal. All relevant issues may be considered. All evidence presented to the lower approval authority shall be considered and given equal weight as evidence presented on appeal. The criteria applicable to the CUP approval, approved by the Planning Commission and under review by City Council are in Chapters 11, 28, 32, 41, 42, 44, 46, 48, 52, 54, 55, 60, 75, 92, 96, and 99 of the Community Development Code (CDC). The approval authority may affirm, reverse, or modify the August 18, 2021 decision.

All relevant materials in the above-noted file are available on the City website, <https://westlinnoregon.gov/planning/945-dollar-street-conditional-use-class-2-design-review-willamette-river-greenway-flood>, or for inspection at no cost at City Hall. Alternatively, copies may be obtained for a minimal charge per page.

**Anyone wishing to present written testimony for consideration on this matter may submit their concerns before 12:00 pm on October 4, 2021 to [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or mail to City Hall. The City cannot accept *emailed* testimony after 12:00 pm on October 4, 2021. The City Council will also accept written testimony in person at the public hearing.**

The City Council meeting will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. Those who wish to participate remotely should complete the speaker form <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> before 12:00 pm on the meeting day to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call-in.

The City Council will receive a staff presentation at the hybrid meeting, take testimony from the appellant and the applicant, and invite both virtual and in-person oral testimony from the public. Previously submitted written testimony is included as part of the record. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the review as provided by CDC 99.290. Failure to raise an issue during the hearing or in writing before the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.

Contact Chris Myers, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6062 for additional information.



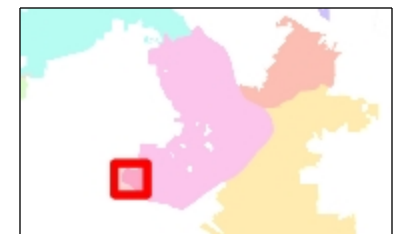
**Legend**

- Unofficial Tax Lots
- City Limit
- Parks and Open Space
- City Owned Property

0 0.11 0.23 Miles



1: 9,028



**Notes**

This map was automatically generated using Geocortex Essentials.



**NOTICE OF UPCOMING  
CITY COUNCIL DECISION**

**PROJECT # AP-21-02  
MAIL: 09/14/21 TIDINGS: 09/22/21**

**CITIZEN CONTACT INFORMATION**

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.