

## **WEST LINN PLANNING COMMISSION**

### **FINAL DECISION NOTICE**

**DR-09-05**

#### **IN THE MATTER OF THE PROPOSAL TO INSTALL A ONE-WAY BUS DRIVEWAY AROUND THE NORTHWEST CORNER OF ROSEMONT MIDDLE SCHOOL AND TO INSTALL LIGHTS ON POLES TO ILLUMINATE TWO ATHLETIC FIELDS.**

On January 6 and 20, 2010, the West Linn Planning Commission held a public hearings pursuant to the provisions of CDC Chapter 99 to consider the request by West Linn-Wilsonville School District to install a one-way driveway around the northwest corner of school to allow school buses to access the site via Salamo Road and exit the site onto Rosemont Road. The proposal also includes installing lights and light poles to illuminate soccer and baseball fields. This required a Class II Design Review permit. The approval criteria for Design Review are found in Chapter 55 of the Community Development Code (CDC).

The hearing commenced with a staff report presented by Peter Spir, Associate Planner. Karina Ruiz of DOWA Architects presented for the applicant. Alice Richmond spoke in favor of the application. A letter in the record from Gary Hitesman noting concerns about the potential lighting impacts on abutting properties and the contention that the bus driveway location was inappropriate were noted. The staff report addressed these concerns with the DKS traffic study provided qualified and credible evidence that the driveway would function as intended and that the lines of sight on Rosemont Road exceed the minimum standards. The lighting analysis was found to contain the glare to the athletic fields with no illumination of adjacent properties. No other member of the public spoke on the application. The hearing was then continued to leave the record open for seven days to allow public comments regarding a last minute study by the applicant's acoustic engineer who determined that the CDC's noise standards may not be met by driveway use between 7pm and 7am. The applicant subsequently removed that issue from the table by agreeing to block use of the driveway during that 7pm-7am period.

On January 20, 2010 the Planning Commission reconvened. At that time the following additional findings were made:

- (1) The proposed driveway and existing driveway serve the Transportation Planning Rule by reducing reliance on automobiles and facilitating pedestrian access between the Senior Center and the Rosemont Middle School buildings. Thus section (55.100(B)(7)) is met.
- (2) The proposed driveway and existing driveway will better address Americans with Disabilities Act (ADA) standards with grades at or under 5% as opposed to a stairway connection. Thus section 55.100(K) is met
- (3) The applicant's submittal and testimony by Tim Woodley, Director, Department of Operations for the school district stated that the construction of the proposed

driveway will turn a dark vegetated area behind the school that has no activity or lighting to discourage inappropriate activity to an area that meets 55.100(J) "*Crime Prevention and safety/defensible space*". Specifically, the new driveway will be fully illuminated. The vegetation will be removed creating unobstructed line of sight along the driveway behind the school. Bus activity and pedestrian use of the driveway will put "eyes on the street" to provide improved surveillance. The gates at both ends of the driveway can be opened by police making it possible for patrol access in that area. Staff noted that windows on school at the east end of the driveway will offer surveillance opportunities as well. In combination, it was found that the defensible space capabilities will be enhanced with the proposed driveway and that the criterion is met.

A motion to approve was made and the Planning Commission majority voted in favor of the application with the following conditions of approval:

### **CONDITIONS OF APPROVAL**

1. **SITE PLAN:** The grading, erosion control, wall profiles, driveway, lighting, utilities and landscaping and associated improvements shown in exhibit F of the lighting plan and plans RR-C2 through C8 and plans L1.1-L1.2 shall be complied with except as modified to be in agreement with these conditions. Efficacy of proposed treatment and detention must be quantified by applicant's engineer and supportive data.
2. **TREES:** Trees scheduled for retention on the applicant's plan that are in the work area shall be preserved and protected by the installation of six-foot cyclone fence 10 feet beyond the dripline of those trees and this fence shall stay in place from site clearing/grubbing all the way through completion of all construction activity.
3. **LIGHTING:**
  - a. The applicant shall provide lighting along the driveway adjacent to the senior center property.
  - b. All lighting shall be oriented to create no off site illumination and the light fixtures shall be screened to allow no off-site glare. The pole lighting must be turned off at 9 p.m. including game days.
4. **NOISE:** The bus driveway shall be gated at both ends and closed between 7pm and 7am to facilitate meeting the city's noise standards.
5. **PEDESTRIAN/WALKWAY:** The loop driveway's drop off and pick up area shall include a curb flush sidewalk and a connective sidewalk to a school entryway with sidewalk grades not to exceed 5% or per ADA standards. The gates shall allow pedestrian and ADA accessibility between the school and the senior center along the bus driveway.

- 6 FIRE HYDRANT: Relocate the existing fire hydrant outside of curb radius of the driveway.
7. RIGHTS-OF-WAY (ROW): Dedicate ROW along both Rosemont and Salamo Roads to meet City of West Linn Engineering Department requirements.
8. EASEMENT: If an easement is approved on the Adult Community Center property to accommodate anchors for the retaining wall the School District shall be required to record it with Clackamas County and provide the City with a copy of the recorded documents. The district shall also provide an access easement to the Senior Center allowing pedestrians to use the driveway during special events at the Senior Center.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearings, or signed in on an attendance sheet or testimony form at either of the hearings, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

EXPIRATION OF APPROVAL NOTICE: This approval shall expire 3 years from the effective date of this decision unless substantial construction has not been initiated.

 FOR RM  
 ROBERT MARTIN, CHAIR  
 WEST LINN PLANNING COMMISSION

3 February 2010  
 DATE

Mailed this 4<sup>th</sup> day of February, 2010.

Therefore, this decision becomes final at 5 p.m., February 18, 2010.