

WEST LINN PLANNING COMMISSION

FINAL DECISION NOTICE

CUP-10-03/DR-10-06/VAR-10-05/VAR-10-07/VAR-10-06/
VAR-10-08/WA-10-01

In the matter of a Conditional Use, Class II Design Review, four Class II Variances and Water Resource Area Protection permit approval for the construction of a 67,000 square foot elementary school and associated facilities at 1025 Rosemont Road.

At their meetings on November 3 and 17, 2010, the West Linn Planning Commission held public hearings to consider the request by the West Linn-Wilsonville School District to construct a 67,000 square foot elementary school to accommodate up to 500 children on a 15.98 acre site southeast of Rosemont and Hidden Springs roads. It is expected to be built in two phases. Phase one, serving 350 children, is to be complete by September 2012 or within three years of the approval date. The second phase serving an additional 150 children will be initiated by October 2019 or nine years from the approval date. The protection of a large forested area, Trillium Creek and three wetlands was an integral part of the site design.

The applicant requested Conditional Use Permit (CUP), Class II Design Review, Water Resource Area (WRA), and Variance approval to construct the proposed school. Variances were to: 1) allow two 95-foot wide driveways (measured from curb return to curb return); 2) allow parking spaces that are more than 200 feet from the building entrance; 3) reduce the transition setback for an intermittent drainage from 65 to 15 feet; and 4) allow two wall signs of approximately 38 and 84 square feet and a 32 square foot monument sign at the driveway entrance.

The approval criteria for CUP and Design Review are found in Community Development Code (CDC) Chapter 60 and 55 respectively. The approval criteria for a Class II Variance are found in CDC Chapters 75. The approval criterion for a WRA permit is found in CDC Chapter 32. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The November 3, 2010 hearing commenced with a staff report presented by Peter Spir, Associate Planner. Tim Woodley of the West Linn-Wilsonville School District and Karina Ruiz of DOWA Architects provided the primary testimony on behalf of the applicant.

Public testimony was heard from Gary Hitesman, Tracy Pyeatt, and Alice Richmond on November 3, 2010. Written comments were also submitted as part of the record. During the continuance period between the hearings, additional written testimony was submitted and is also part of the record.

The November 17, 2010 hearing commenced with a report presented by Peter Spir, Associate Planner that addressed the issues raised at the November 3, 2010 hearing by members of the Planning Commission and public comments gleaned from correspondence received through November 10, 2010. The relative merit of the east wetland and the value of city owned parcel J as a pedestrian corridor for students participating in "Safe Routes to School" programs were central issues.

Regarding the east wetland and why it was not accorded the same level of significance as the other wetlands on Trillium Creek, the applicant's wetland specialist Nancy Olmstead made it clear with the statement that the east wetland quality is poor and that "there is no surface expression of a wetland". Even the Department of State Lands stated that the east wetland "does not have the functions or values that we consider for a significant wetland."

It should also be noted that the City conducted a Local Wetland Inventory (LWI) to satisfy State and Metro requirements. The LWI was completed in February 2003 and approved by the Department of State Lands (DSL) in 2005. That inventory did not identify any wetland at the east location.

Regarding city owned parcel "J" between the school and Santa Anita Drive, it was found to be a critical and necessary component in meeting CDC 60.100. It was found that centrally located schools, relative to the populations they serve, are accessible to the maximum number of people and better serves the Transportation Planning Rule (TPR). This opens the door to a range of positive efficiencies that are codified in the TPR. The TPR encourages multi-modal transportation, including walking and biking, to reduce total vehicle miles traveled which in turn helps reduce pollution and reliance on fossil fuels.

The nationwide program Safe Routes to School works hand in glove with TPR in that a centrally located school encourages children to walk and bike to school which improves children's fitness and health. Gretchen Katko submitted e-mail comments on November 5, 2010 regarding the importance of the 500 foot long parcel "J" as a way for children to walk to school from the east side of the school. She stated that whereas she would walk with her children via parcel "J" she would not be inclined to walk the extra half mile via Bay Meadows Drive and would drive instead. Mrs. Katko also noted that the school district will not bus children who live within one mile of school so the availability of access from all four compass headings including the city owned parcel "J" to the east is critical.

These comments are part of the record in the form of a memorandum from Peter Spir to the Planning Commission dated November 12, 2010. Additional testimony was then submitted by Tracy Pyeatt and Alice Richmond.

Final rebuttal was made by Tim Woodley with additional comments by Ben Vaughn of Walker Macy. Mr. Woodley stated the school district's support of the Safe Routes to School program and the need to provide access from all directions including parcel "J". Speaking to concerns by

Mrs. Richmond, Mr. Woodley stated that a perimeter fence will be installed to clearly delineate public and semi-private space. Mr. Vaughn addressed earlier discussion on permeable hardscapes and stated that concern about visual impact raised by Mr. Pyeatt would be addressed by the use of more muted colors in the playground area near his house. In subsequent discussion regarding the covered outdoor play structure, Karina Ruiz of DOWA Architects stated that decorating the blank east wall with a mural or similar work would be a possibility. Mr. Vaughn restated the position of the wetland specialist and staff that the relocated east wetland will be both qualitatively and quantitatively superior to the existing east wetland.

The hearing was closed and the discussion phase began.

Commissioner Wood and Horsey spoke to the maintenance of parcel "J" and asked about the possible lighting of parcel J's path. Tim Woodley responded that lighting is not a preference and that no other paths to school are illuminated. He also stated that they would likely be subject to vandalism if they were on low posts while taller posts would generate glare for abutting properties. Mr. Woodley stated that once the path and associated improvements were complete, the long term maintenance would fall to the city since parcel "J" is a city owned tract. Commissioner Horsey spoke about shifting the north driveway south and whether it may be a more appropriate trade off to save some trees at the loss of wetlands. Mr. Vaughn stated that only a limited number of trees will be lost by the proposed alignment and that shifting the driveway south could jeopardize some significant oak trees in addition to the wetlands.

Shifting to final deliberations Commissioner Steel appreciated the natural laboratory allowed by this design and the collaborative process between the applicant and the neighbors. Vice chair Babbitt declared his support as did Commissioner Horsey who also supported the use of parcel J for a pathway and the selection of this site in general. She expressed concerns about the colors on the east elevation but that it was not a critical issue. Commissioner Wood supported the application as did Chairman Martin; however Chairman Martin had continuing reservations about the need for two driveways off Rosemont Road and the issues of speed and safety on the street.

Commissioner Horsey, speaking on the safety of the crosswalk at Santa Anita Drive near parcel J, proposed the drafting of a letter from the Planning Commission to City Council encouraging a safety review by the city of that crosswalk and whether additional safety features (signs, lighting, etc.) are needed.

Based on the supportive findings of the staff report and findings in the record, Vice Chair Babbitt made a motion to approve the application (CUP-10-03/DR-10-06/VAR-10-05/VAR-10-07/VAR-10-06/VAR-10-08/WA-10-01) with conditions prepared by staff dated November 16, 2010 with modifications to conditions 1 and 14 as shown below. This motion was seconded by Commissioner Horsey and unanimously approved.

CONDITIONS OF APPROVAL

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the plans LU1.00 through LU4.03 (dated 6/25/2010) LU3.01 through LU3.07 (dated 5/3/2010) and LU4.01 through LU4.03 (dated 6/25/2010).
2. Phased Project. This project shall be phased as described in finding 16 and as shown in drawings LU3.01 and LU3.02. Substantial construction of the Phase One shall be completed within three years of the effective date of the final decision. Substantial construction of the Phase Two shall be completed within nine years from the effective date of the final decision. All on and off-site improvements associated with both phases, with the exception of the phase two school building itself, shall be completed prior to occupancy of the first phase of the project.
3. Utility Easements. The applicant shall Grant the City of West Linn all necessary utility easement for existing and proposed utilities, including storm drainage, at this site. These easements shall be recorded with Clackamas County before the final building permit inspection/occupancy is granted.
The vacation of the sanitary sewer easement that traverses the property on a north south axis from the vicinity of Bay Meadows Drive to Trillium Creek shall be facilitated by the School District and undertaken by the City.
4. Intersection Improvements. The applicant shall provide crosswalks and striping at Hidden Springs Road.
5. Rosemont Road improvements. Provide a center turn lane, northbound travel lane and southbound travel lane per cross section note on Sheet LU1.01 from Hidden Springs to Bay Meadow. Provide the necessary striping required for pedestrian safety at these intersections consistent with the Manual on Uniform Traffic Control Devices and City design standards. If a transfer of roadway jurisdiction has not taken place prior to construction of street improvements on Rosemont Road then the conditions included in the October 19, 2010 memo from Robert Hixson of Clackamas County's Department of Transportation and Development shall apply.
6. Sidewalk Repair. The northernmost section of sidewalk in front of 1845 Bay Meadows Drive is buckling and shall be replaced.
7. Curb Cuts. The north driveway curb cut shall be a maximum of 66 feet wide. The south driveway curb cut shall be a maximum 95 feet wide. Speed tables shall be installed at both the north and south driveway crosswalks. Both crosswalk areas shall be identified by X-Walk signs and painted crossings. The 10-foot wide pedestrian area on top of the

speed table shall be painted or finished in a contrasting color and/or texture to the driveway pavement. The speed tables shall have a minimum height of 3-inches. The stop bar for exiting vehicles shall not be located so as to result in stopped vehicles blocking the crosswalk.

8. Driveway Retaining Walls. The north driveway shall be re-designed and built with a graded slope on each side of the driveway south of Trillium Creek crossing to maximize the number of significant trees saved. To achieve this, boulders shall be used to create tree wells or reduce overburden on the roots of adjacent trees. The City arborist shall verify that the provisions of this condition are satisfied. The embankment shall be stabilized with sufficient native groundcover to provide full ground coverage within two years of planting. New driveway and grading plans in conformance with this condition shall be submitted with the construction plans.

9. Flashers. The applicant shall provide an evaluation of school zone flashers and install flashers as necessary.

10. Signs.

a. The applicant shall replace all existing yellow signs at the Rosemont Ridge Middle School with fluorescent yellow green signs to match with new fluorescent yellow green signs at the new school.

b. Signs shall be installed and maintained along Bay Meadows Drive and Suncrest Drive that state *"No student pickup or drop off permitted"* on those streets. To maximize visibility, the exact location shall be approved by the Planning Director. There shall be a sign at the school's southern driveway that clearly states: *"School bus, commercial deliveries and staff vehicles only."*

11. Northwest Playing Field. The programming and design of the playing field shall be changed to general play from softball.

12. Noise.

a. Screening shall be installed to reduce noise impacts that are at least equal in height of RTU-301, RTU-302, RTU-303 and RTU-307 rooftop equipment. Screens for units in the southern roof area and all other RTU's shall be three feet taller than the rooftop units. Emergency generator testing shall only occur between 7:00 am and 7:00 pm for a maximum of five minutes at any time.

b. School bus and truck deliveries shall meet all noise code standards. Truck deliveries shall only occur between 7:00 am and 10:00 pm and no more than two deliveries per hour. No idling truck engines shall be permitted. A sign shall be posted to this effect at the loading area. (Idling propane powered school buses is permitted.)

c. The amphitheater shall not be used for activities using amplified sound.

13. Resource Conservation Easements. The applicant shall convey to the City resource conservation easements that describe and protect all the significant trees, Trillium Creek and the wetland areas exclusive of loss and impacts associated with development and construction per the approved site plan. The recorded easements shall be mapped and delineated 10 feet beyond the drip line of the significant trees and shall follow the transition boundaries of the wetlands and creek. The easements shall state that no removal of trees and no development shall be permitted in the easement, to the exclusion of removal of non-native or invasive plants, without approval by the City of West Linn through the appropriate permitting process. For the purpose of this condition the definition of “development” shall be per the CDC but with no exemption of projects involving areas of less than 10 cubic yards. Subsequent maintenance and replacement in kind of driveways, associated fill and retaining walls, utilities, sidewalks, trails, interpretive facilities, etc. that are part of the approved site plan shall be allowed without further permit.
14. Trail on Parcel “J”. The school district shall provide a gravel path (8-feet wide with allowable reductions in width for trees and tree roots) from the Trillium School property along parcel J to the Santa Anita Drive sidewalk. The applicant shall install a six-foot high wooden fence for those sections of the parcel that do not have a fence along their edge. The applicant shall try to save as many of the taller trees as possible by limbing them up to at least six feet to increase line of sight. Where trees block the path, they shall be transplanted if possible or cut down. Reasonable notice to adjacent property owners shall be provided of imminent tree removal to give them the opportunity to transplant said trees. Obstructing understory shall be removed. To negotiate the slope down to the Santa Anita Drive sidewalk, the applicant shall install stairs/sleepers with a six inch rise and 2-3 foot run. On either side of the stairs a low split rail or similar fence shall be installed across the width of parcel J to discourage bicyclists from riding down the slope and into the ROW. Alternate transitions to the sidewalk will be considered. The plans for these improvements shall be submitted to the Planning Director and City Arborist to determine conformance with these standards.
15. Detention ponds. The applicant shall provide effective visual screening of native trees and understory, as determined by the Planning Director, around the pond perimeter with 25 percent of shrubs to be at least 3 gallons in size at the time of planting. If a fence is required, it shall be 30 to 40 inches high of decorative type steel, aluminum or wrought iron which shall provide minimum contrast with the surrounding landscape. Any required fence shall be placed behind the perimeter landscaping. If possible, the pond slope shall be no steeper than 3:1. Native vegetation planted in the pond interior shall be per City of West Linn Construction Code standards.
16. Drainage at the northwest property line. The applicant shall install any required facilities to intercept and mitigate any increase in storm water run-off that may

otherwise travel north into the Arena Park subdivision from the proposed northwest graded area.

17. Wetland work and mitigation. All wetland work and mitigation shall be consistent with the provisions of CDC Chapter 32 and the permitting requirements of DSL. The Planning Director or designee shall review all plans and shall monitor and approve their implementation.
18. Landscaping. Trees in the landscape plan (LU2.05), south of the bus driveway, shall provide effective screening to a height of at least eight feet within two years of planting.
19. Lighting. Lighting shall be effectively shielded or pointed away from adjacent homes. Lighting designs must be reviewed and approved by the Planning Director to determine that no direct glare will impact adjacent homes.
20. Construction entrance. The construction entrance will be from Rosemont Road with the only exception being construction extending the driveway and sidewalk from Bay Meadows Drive. Paths from Santa Anita Drive and Suncrest Drive to the school property may also require construction vehicles and equipment on those two streets.
21. Covered Play Structure. The east elevation of the covered play structure (sheet LU3.05) shall be re-designed with at least two horizontal rows of contrasting colored building material at five to 14 feet above grade or facsimile design to break up the blankness of the wall. The rows shall be at least 12 inches tall.

Phasing. The applicant proposed the following phasing which, by the approval of the land use application, is also approved: *Phase one, serving 350 children, is to be complete by September 2012 or within three years of the approval date. The second phase serving an additional 150 children will be initiated by October 2019 or nine years from the approval date.*

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.



ROBERT MARTIN, CHAIR
WEST LINN PLANNING COMMISSION

11/23/2010

DATE

Mailed this 23 day of November, 2010.

Therefore, this decision becomes effective at 5 p.m., December 7, 2010.