



## Memorandum

To: West Linn Planning Commission

From: Peter Spir, Associate Planner

Date: September 4, 2014

Re: Consideration of written submittals and final deliberation in the case of  
MISC-14-04

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On August 20, 2014, the Planning Commission held a public hearing to consider the school district's request to modify a condition of approval to allow the athletic field lights at Rosemont Middle School to be left on an additional hour until 10pm. At the conclusion of the hearing, the record was left open for seven days, through August 27, 2014, to accept written submittals from the public. Staff received two submittals. Mr. Seida's submittal is attached as "Exhibit A" while a submittal from Stacey Robertson is attached as "Exhibit B".

The record was then left open for an additional week, through September 3, 2014, to allow the school district to provide a written rebuttal to the public submittals. Tim Woodley's rebuttal for the school district is attached as "Exhibit C".

For the September 17, 2014 Planning Commission meeting date, the public hearing has been closed and the Planning Commission is expected to proceed with deliberations.

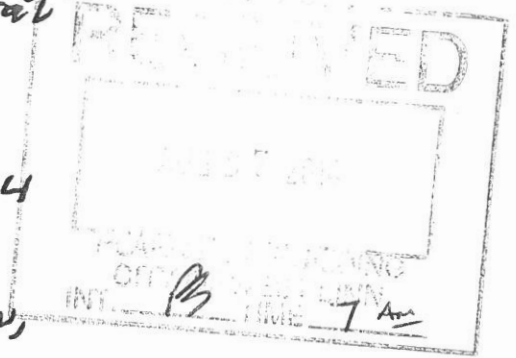
SENT FAX 503-656-4106

3 PAGES total 8-26-14

TO: West Linn PLANNING

FROM: KENT SEIDA

SUBJECT: FILE # MISC 14-04

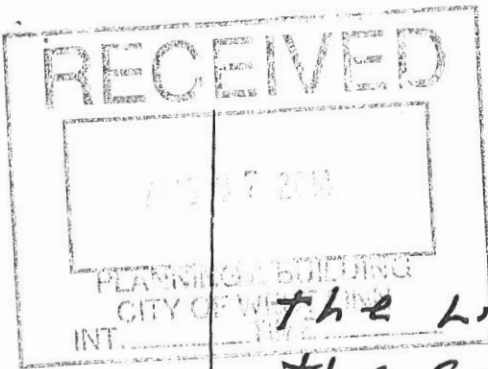


DEAR PLANNING COMMISSION,  
 PLEASE DO NOT APPROVE THE  
 REQUEST TO EXTEND THE LIGHTING  
 POLLUTION AND ALL THE NEGATIVE  
 PROBLEMS THAT COME WITH IT.

1. THE SCHOOL IS IN VIOLATION OF THE  
 ORIGINAL CONDITIONAL USE BY <sup>THESE</sup> ~~THESE~~  
 REMOVING THE CONIFER SCREENINGS  
 THEREFORE ADDITIONAL MODIFICATIONS  
 ARE NOT ALLOWED UNTIL THE  
 VIOLATION IS CORRECTED.

2. THE CURRENT LIGHT AND NOISE  
 POLLUTION IS NO LONGER  
 CONTAINED ON SITE. THE  
 PHOTOMETRIC STUDY IS NOW  
 FLAWED AND SHOULD NOT  
 BE ALLOWED.

3. THE PLANNING RECOMMENDATION  
 SHOULD BE WITHDRAWN AS



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the Lights and Noise Leave  
The School PROPERTY. Page # 3

4. The CURRENT buffering and  
Screening is NOT ~~compatible~~  
COMPATIBLE, PLEASE REFER  
TO PAGE 4 OF THE STAFF REPORT

5. the Neighbors STANDARD OF  
LIVING HAS BEEN GREATLY  
diminished ~~of~~ <sup>over</sup> the LAST FOUR  
YEARS. We just didn't complain

6. the STAFF REPORT PHOTOS PAGE 6.  
NO LONGER ARE THE TRUTH OF  
the SITE CONDITIONS ~~and~~ AND  
are NOW FALSE. the screening  
is MOSTLY GONE AND MUST  
be REPLACED BEFORE ANY  
ADDITIONAL MODIFICATIONS  
CAN BE CONSIDERED.

7. PAGE 9 "D" NO LONGER IS  
honest AND the FINDINGS  
MUST be DISALLOWED.  
the CRITERION IS NOT MET

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The Request to keep the lights on til 10:00 P.M (15) FIFTEEN hours AND seven DAYS A WEEK is over the top. This will increase the light pollution on the STARS for ALL the Neighborhood, the noise, Debris, crowds VANDALISM will ALSO be INCREASED when MANY PEOPLE and students should be in Bed. Livability will be greatly decreased by the EXTRA VERY IMPORTANT HOUR. 10:00 P.M is simply too LATE for this site. PLEASE VOTE NO.



Thank you  
Kent Seida

**From:** Wyatt, Kirsten  
**Sent:** Thursday, August 21, 2014 2:54 PM  
**To:** Boyd, John; Kerr, Chris  
**Cc:** Jordan, Chris  
**Subject:** Facebook comment



**City of West Linn - Government** shared a link  
Posted by City of West Linn - Gov on Wednesday

The West Linn Planning Commission will meet tonight at 6:30 p.m. at city hall, 22500 Salamo Road.

One item on the agenda is a request to allow the athletic field lights at Rosemont Ridge Middle School to be left on an extra hour until 10 p.m. See the full agenda online.

[westlinnoregon.gov](http://westlinnoregon.gov)  
westlinnoregon.gov

Like Comment Share

Cathy Baca likes this.



Write a comment .



**Stacey Robertson** That would be helpful for practice and provide more opportunities for teams. West Linn needs another facility but very grateful for Rosemont for without it WLHS soccer would have nowhere to practice.

Like Reply Yesterday at 2:41pm Edited

663 people reached

Boost Post

Kirsten Wyatt, Assistant City Manager  
Administration, #1428



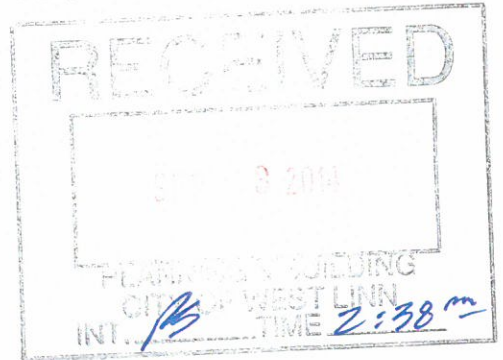
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## West Linn – Wilsonville Schools

### MEMORANDUM

TO: West Linn Planning Commission  
 FROM: Tim Woodley, Director of Operations  
 RE: Rosemont Ridge MISC-14-04  
 Closing Comments and Rebuttal  
 DATE: September 3, 2014



### INTRODUCTION

This memorandum represents the West Linn-Wilsonville School District's closing comments and rebuttal of testimony received during the West Linn Planning Commission hearing on August 20, 2014 to consider the above application. The comments below are in response to the following testimony:

- Letter from Dave and Kelly Seida, received by the city on August 19, 2014
- Memorandum from Kent Seida, received by the city on August 19, 2014
- Oral testimony by Kent Seida during the August 20, 2014 hearing
- Memorandum from Kent Seida, received by the city on August 27, 2014
- Oral testimony by Alice Richmond during August 20, 2014 hearing

### BACKGROUND

The West Linn-Wilsonville School District requested a Class II Design Review to amend condition of approval 3b of a previous Class II Design Review approval (DR-09-05) to allow existing sports field lights to remain illuminated one additional hour until 10:00 p.m. at Rosemont Ridge Middle School.

The existing athletic field improvements on the 21.38-acre Rosemont Ridge Middle School site are the result of the original conditional use approval granted by the city in 1997. The southern portion of the site includes the running track, football/soccer field, and softball field, which have remained in the same configuration and use since the school opened in 1999. In order to extend the use of the fields, especially during the school year, a Class II Design Review approval was granted by the city in 2009 (DR-09-05) to allow the installation of field lights. Condition 3b stated that "**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.**" The lighting plan sheet photos submitted with the 2009 and this application show how the light levels for the fields would drop off almost completely once beyond the edge of the playing field. The field lights have performed in a manner consistent with the lighting plans. No changes are proposed for the existing field lighting.

Several years have passed, and the District and city staff had not received any complaints regarding the use of the athletic field lighting until the receipt of the testimony from Kent, Dave, and Kelly Seida, who own the property immediately south and west of the school site.

Department of Operations

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## West Linn – Wilsonville Schools

### FINAL COMMENTS AND REBUTTAL

The comments for and against the application must be evaluated according to the relevant West Linn Community Development Code (CDC) criteria. For an amendment to a previous Design Review approval, Section 99.120(C) allows the Planning Director to identify the parameters of the submittal appropriate to the amendment and applicable approval criteria. The Planning Director determined that the District's submittal should address the Design Review approval criteria sections 55.100(C) and (D). These criteria are addressed in the District's application narrative and information as well as the planning staff report to the Planning Commission.

### Testimony Summary

The testimony presented by Kent, Dave, and Kelly Seida can be summarized to include several basic objections and grievances. As noted in the application narrative and the staff report, there are two West Linn Community Development Code (CDC) sections that apply:

- Section 55.100 C. Compatibility between Adjoining Uses, Buffering, and Screening
- Section 55.100 D. Privacy and Noise

The majority of the objections and grievances may be considered relevant to one or both of these CDC sections. In addition, several of the complaints are simply not relevant to this application. The issues raised are categorized according to the CDC criteria below:

#### ***Section 55.100 C. Compatibility between Adjoining Uses, Buffering, and Screening***

- The lights are intrusive and have been left on late many evenings.
- The outdoor lighting and people discourage the cattle from coming from the pasture to the barn.
- Visual and noise screening has recently been compromised because the District limbed up the trees adjacent to the Seida property.
- Baseballs have been hit onto the Seida property.

#### ***Section 55.100 D. Privacy and Noise***

- Visual and noise screening has recently been compromised because the district limbed up the trees adjacent to the Seida property.
- Cheering is heard at "ten at night."
- Loudspeakers and "blaring music" begins at 7 am. This would be a code violation in a residential neighborhood.

#### ***Irrelevant to the Application***

- There have been "numerous trespassing issues."
- The District is disposing of debris over the fence onto the Seida property.
- The athletic fields have turned into a "24-hours sports complex" that is a "commercial operation which is not allowed in this zoning."
- The city of West Linn has opposed bringing the Seida property into the UGB.

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## West Linn – Wilsonville Schools

- **Applicant Comments and Rebuttal**

**55.100 C. Compatibility between adjoining uses, buffering, and screening.**

1. *In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:*
  - a. *The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.*
  - b. *The size of the buffer required to achieve the purpose in terms of width and height.*
  - c. *The direction(s) from which buffering is needed.*
  - d. *The required density of the buffering.*
  - e. *Whether the viewer is stationary or mobile.*
2. *On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:*
  - a. *What needs to be screened?*
  - b. *The direction from which it is needed.*
  - c. *How dense the screen needs to be.*
  - d. *Whether the viewer is stationary or mobile.*
  - e. *Whether the screening needs to be year-around.*

**Response:** The issues raised by the opponents, which are relevant to this CDC section, are addressed below:

- ***The lights are intrusive and have been left on late many evenings.*** A pre-programmed timer automatically shuts lights off at 9 pm with no on-site over-ride feature. This function would continue and is proposed to turn off no later than 10 pm. District staff is not aware of any infraction, nor has received any previous complaint from neighbors. This is also true for the city of West Linn as noted in Finding No. 1 in the staff report.
- ***The outdoor lighting and people discourage the cattle from coming from the pasture to the barn.*** Lighting on this site is both shielded by design of the light fixture and by surrounding buffers. District staff has not observed on-site activity to have a negative impact on the cattle-raising venture on adjacent county land.
- ***Visual and noise screening has recently been compromised because the District limbed up the trees adjacent to the Seida property.*** Applicant concedes that lower branches were recently limbed by well-meaning staff; however, between trees on district property, differential in elevation, and vegetation on Seida property, appropriate and adequate screening remains.
- ***Baseballs have been hit onto the Seida property.*** Scheduled sport activities for the lighted fields do not include baseball. The softball field is only used for sanctioned softball use, along with occasional baseball/T-ball for young elementary school age children. The softball field is fenced and not available for general public. If baseballs land on Seida

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property, it is from casual, non-sanctioned activity occurring outside of the softball field. Adding an hour to the use of the fields will not increase the likelihood of errant baseballs.

3. *Roof top air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.*

**Response:** This criterion is not relevant because heating, cooling, and other mechanical equipment is not the subject of this application.

### **55.100 D. Privacy and noise.**

1. *Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view by adjoining units.*
2. *Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards in West Linn Municipal Code Section 5.487.*

**Response:** These criteria are not relevant as noted in the staff report.

3. *Structures or on site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.*

**Response:** The issues raised by the opponents, which are relevant to this CDC section, are addressed below:

- ***Visual and noise screening has recently been compromised because the district limbed up the trees adjacent to the Seida property.*** As noted above, several trees were limbed up in an appropriate manner, and the screening and buffering along the southern property boundary has not been compromised.
  - ***Cheering is heard at "ten at night."*** Currently, activities on the fields ceases by 9 pm. As noted in the staff report, appropriate buffering has been maintained, and city regulations anticipate and allow such noise coming from a school. It should be noted that major reason for the field lighting is to enable practice sessions, which generally do not involve significant noise or cheering. Games also occur according to the schedules of different sports seasons.
  - ***Loudspeakers and "blaring music" begins at 7 am. This would be a code violation in a residential neighborhood.*** A public address (PA) system is used only for softball at the Rosemont site. This system is directed to the softball bleachers located 300-ft from the Seida property line and is used only during high school softball games which are scheduled between 6:00 and 8:00 pm, one day per week in the spring.
4. *Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit*

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*appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M)).*

*If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.*

**Response:** The applicant agrees with the analysis in Finding No. 2 in the staff report.

### ***Irrelevant to the Application***

**Response:** The opponents raise three issues, which are not relevant to the application or the CDC criteria:

- ***There have been “numerous trespassing issues.”*** The District has not been aware of any trespassing problems. If this is occurring, it is likely a problem unrelated to the school or the use of field lights.
- ***The District is disposing of debris over the fence onto the Seida property.*** This allegation is totally untrue, in addition to being irrelevant to the issue of field lights.
- ***The athletic fields have turned into a “24-hours sports complex” that is a “commercial operation which is not allowed in this zoning.”*** As noted in the applicant's oral testimony, the athletic fields are used for school and general public use. It is not a commercial sports complex or a for-profit enterprise.
- ***The city of West Linn has opposed bringing the Seida property into the UGB.*** The designation of the UGB is outside of the District's control or influence, and it has no relevance to this application.

## **CONCLUSION**

The proposed time extension to use field lighting until 10:00 p.m. satisfies the relevant CDC requirements, and the proposal should be approved.

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