



Received
Planning Division
04/10/20

MEMORANDUM

Response to Appeal (APP 2020-003)

West Sylvan Middle School Field Improvements (CU2019-0011 / DR 2019-0182)

DATE April 10, 2020
TO Lauren Russell, City of Beaverton
FROM Frank Angelo and Emma Porricolo, APG
CC Heidi Bertman, PPS
Chris Linn, Leslie Cliffe, and Kate Feiertag, Bora
Adam Jenkins, The Greenbush Group
David Chesley, Interface

In response to the Appeal of the West Sylvan Middle School Field Improvements (APP2020-0003) the applicant, Portland Public Schools (PPS), wishes to address the grounds for appeal raised in the appellant’s (West Slope NAC) letter. The West Slope NAC appealed the West Sylvan Conditional Use application (CU2019-0011) based on three criteria of the Beaverton Development Code (BDC) that address the following three issues:

1. Noise / Acoustical Environment
2. Field Lighting
3. Buffering and Screening

The following addresses each issue and provides the applicant’s response.

Appellant Issue #1:

BDC 40.15.15.3.C.3. *“The proposal will comply with the applicable policies of the Comprehensive Plan”* specifically Comprehensive Plan Goal 8.4.1 *“Create and protect a healthy acoustical environment within the City.”*

Applicant Response: The appellant stated concerns regarding field activities after 10:00 pm. As presented at the Planning Commission public hearing, PPS will end all field activities at 9:30 p.m., with lights turned off no later than 10:00 p.m.

Additionally, the appellant suggested field activities may violate the City’s noise ordinance, City Code Chapter 5.15. However, the field use is exempt from time sensitive noise impacts (City Code Section 5.15.030). This section of the City’s noise ordinance is as follows:

5.15.035 Exemptions.

Sounds caused by the following are exempt from the provisions of BC [5.15.030](#) and are in addition to the exemptions specifically set forth in that section.

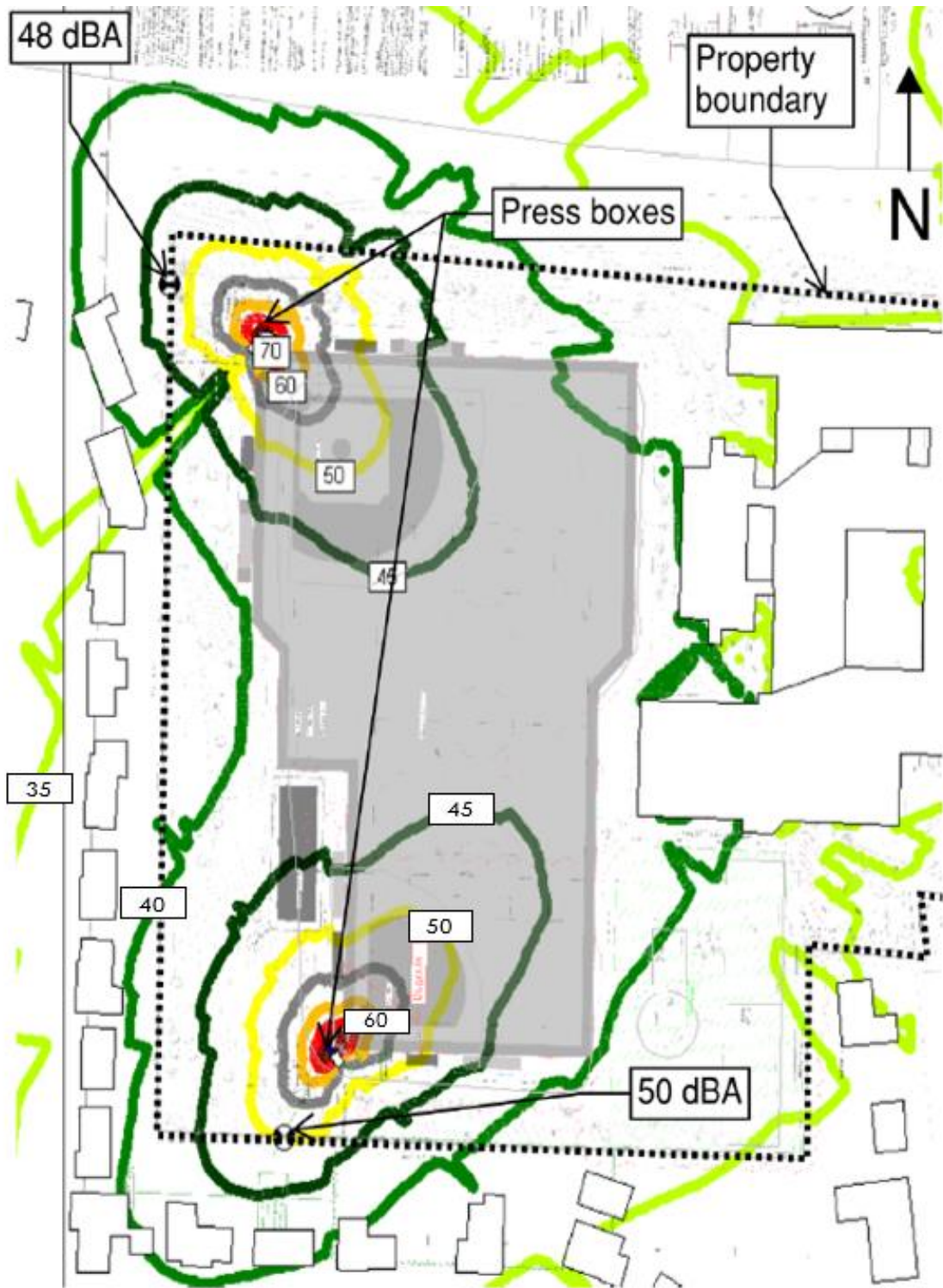
F. Reasonable activities conducted on school playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to school athletic and school entertainment events.

The Appellant's also raised concerns regarding the Portable Public Address (PA) System. The applicant submitted an Acoustical Analysis (Application Exhibit I - with our original application. This analysis was completed by a certified acoustician (Adam C. Jenkins, PE, INCE Bd. Cert. Principal, The Greenbusch Group, Inc.) and addresses concerns raised by the appellant. They include:

- The Acoustical Analysis specifically analyzed the Portable PA System Sound System under conditions where two PA's are used at the same time. Both PA systems, when in use, will be directed away from houses to the west and south of the fields. They will be used only during official athletic events – they will not be available for use during practices. Per the Acoustical Analysis, predicted PA system sound levels do not exceed 50 dBA at neighboring property lines, as shown in Figure 1, which satisfies and is under the 55-dBA limit for commercial noise sources under Oregon Administrative Rules (OAR) 340-035-0035, with the conservative condition of two systems operating at the same time. The PA's will be set and monitored at specific levels to not exceed the levels recommended in the Acoustical Analysis.
- Based on the Acoustical Analysis findings, there will be no noise impacts if operational sound levels of the Portable PA System do not exceed 80 dBA five feet from the front of the PA system. To achieve this sound level, PPS will establish programming and practices requirements in the school's Operations Plan¹ that will provide instruction on the use of and noise level settings on the PA system. Additionally, a Condition of Approval (COA) included in the Planning Commission decision, restricts all amplified sounds, with the exception of the portable PA system (Land Use Order No. 2750 COA #6).
- In response to the concerns raised by the Appellant of wind impacts on noise travel, the noise model used by the certified Acoustical Engineer to predict PA system sound levels in the Acoustical Analysis, included a moderate downwind condition. This is a default condition of the acoustic computation algorithm (ISO 9613 Part II) due to uncertainty of weather conditions, which assumes a moderate downwind condition, in all directions, away from the noise source.

¹ The Land Use Order No. 2750, requires a Parking and Circulation Operations Plan as a condition of approval (#9). PPS will also provide West Sylvan MS with an Operations Plan for use of the fields.

Figure 1. PA Systems Sounds Distribution.
(Source: PA Sound System Study, Application Exhibit I)



Appellant Issue #2:

BDC 40.15.15.3.C.5 *“The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.”*

Applicant Response: The appellant highlighted lighting and sound impacts as impacts on livability. Response to noise impacts are addressed in the previous response. For field lighting, as previously mentioned, PPS has committed to ending field activities at 9:30 p.m. and will mandate lights are shut off by 10:00 p.m. Lighting will not be on when the field is not in use. A system for turning field lights on and off, consistent with the hours established in the application, will be codified in the West Sylvan MS Operations Plan. Additionally, the new lighting will feature modern technology that is highly focused on the fields, similar to the lighting shown in Figure 2. Figure 3 illustrates how field lighting has evolved to minimize light impacts over time. The Lighting Plan (Application Exhibit G) meets all applicable lighting standards of the City’s Technical Lighting Standards (BDC. Table 60.05-1.).

The athletic field is an exempt use (BDC. 60.05-1.F.1-3.). The code exemption permits up to 2.0 foot-candles at the property line for recreational uses. As shown in the Lighting Plan submitted with the application, the maximum foot-candles measurement at the property lines is 0.58 foot-candles, well below the 2.0 foot-candles permitted by the code.

Table 60.05-1. TECHNICAL LIGHTING STANDARDS**F. Exemption for Specified Public Outdoor Recreation Uses:**

- 1. Because of their unique requirements for nighttime visibility, public ball diamonds, public playing fields, and public tennis courts only, inclusive of facilities located on school district properties, are exempted from the exterior lighting standards of Sections D.1 through D.2 above. These outdoor recreational uses must meet all other requirements for this Section and of the Code.*
- 2. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.*
- 3. The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent properties. The maximum permitted illumination at the property line or, if required, the interior buffering line, shall not exceed two (2) foot-candles.*

Figure 3. Example of Focused Field Lighting

(Note: This is an example, not a rendering of West Sylvan Fields)



Figure 3. Evolution of Lighting Technology

What Matters in Lighting Technology **Light Control**

1977	1989	1989	1989	2005	Today
SportsCluster [®]	SportsCluster [®] 2	SportsCluster [®] 2 Level 8 [™]	SportsCluster [®] 2 Total Light Control [™]	Light-Structure System [™] Green Generation [™]	Light-Structure System [™] TLC for LED [™]

Photographed at 100 ft (30 m) from field edge

Used equal parameters for:

- On-field light level per pole
- Luminaire aiming angles
- Wattage per luminaire
- Pole distance from aiming point
- Mounting height

©2015, 2017 Musco Sports Lighting, LLC. M-1905-err04-4

MUSCO Solutions for Lighting

Appellant Issue #3:

BDC Section 60.05.25.13.D “B-3 High screen buffer: This buffer is intended to provide a high degree of visual screening between zones. This buffer consists of minimum six (6)-foot high fully sight obscuring fences or walls with an adjoining landscape area on the interior of the fence when the fence is proposed within three (3) feet of the property line. If the fence is proposed to be setback from the property line more than three feet, the landscaping shall be on the exterior of the fence within a landscape area a minimum of five (5) feet in width, with adequate provision of access and maintenance of the landscaped area. The height of the fence shall be measured from the property on which the fence is to be located, and, if located on a wall, shall be in addition to the height of the wall. The landscape area shall be planted with one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width, filled between with evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting. Live ground cover consisting of low height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.”

Applicant Response: The appellant has suggested that the screening requirements associated with the proposed development were waived during the review process. That is incorrect. Rather, the applicant has applied and complied with the City’s Design Review Guidelines for screening and buffering. The Design Review Three application filed allows for compliance with Design Review Guidelines, rather than Design Review Standards. The applicant has met the corresponding Design Review Guideline to the B3 buffer standards of BDC 60.05.25.13.D. The guideline, BDC 60.05.45.11, states the following:

11. *Landscape buffering and screening.*

A. *A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer should not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.13)*

B. *When potential impacts of a Conditional Use are determined, or when potential conflicts of use exist between adjacent zoning districts, such as industrial uses abutting residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts of uses are not as great, such as a commercial use abutting an industrial use, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.13)*

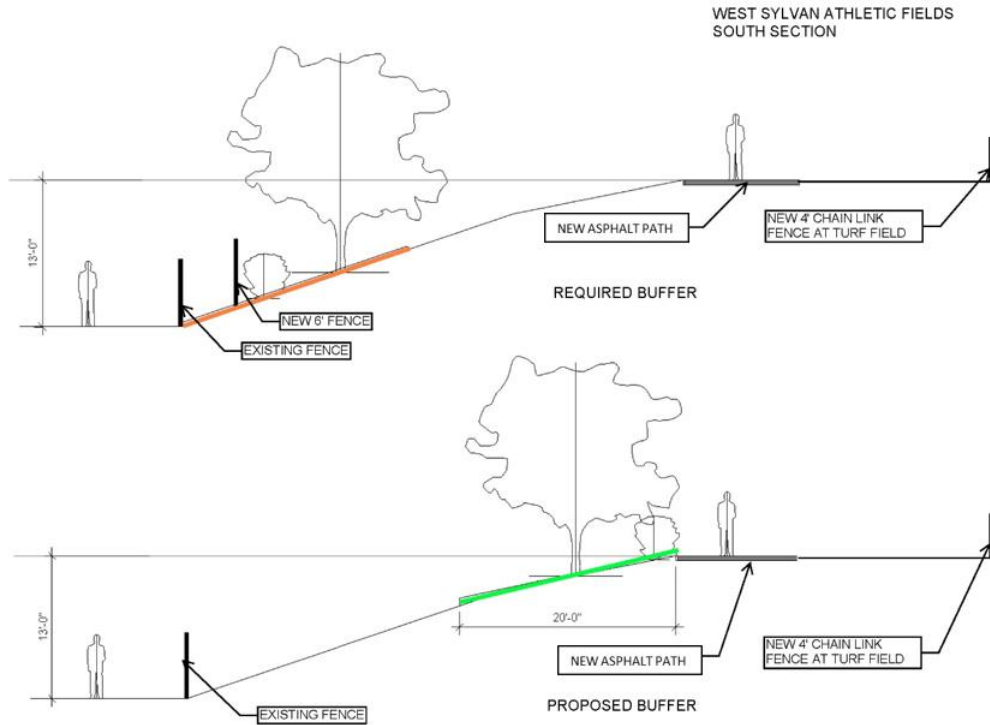
C. *Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.13)*

D. When changes to buffer widths and buffer standards are proposed, the applicant should describe the physical site constraints or unique building or site characteristics that merit width reduction. (Standard 60.05.25.13.E).

Given the topography of the site, the landscape buffer was moved to the top of the hill, consistent with BDC 60.05.45.11.D. As shown in Figure 4 (below), the alternative design provides better screening for properties abutting the site. The landscape buffer, approximately 20 feet in depth, will consist of a variety trees, shrubs, ground cover, and grasses. See the Landscape Plan (Application Exhibit A, Sheet L100) for more information. Additionally, for the landscape buffer PPS will add evergreen trees, and shrubs that are a minimum of 36 inches tall and will reach 90-percent opacity within three years of planting, as applied in a Conditions of Approval adopted by the Planning Commission (Land Use Order No. 2750 COA #12). See pages 45 to 47 of the original application narrative for complete responses to the Design Guidelines.

Moving the southern buffer to the top of the hill was in response to comments made by neighbors who attended the first Neighborhood Meeting, held on August 6, 2019. At this meeting neighbors suggested they would prefer to have screening and buffering moved upslope to increase sight-obstruction onto neighboring properties as recorded in the meeting minutes (Application Exhibit C) sent to the NAC Chairman on September 5, 2019.

Figure 4. Screening and Buffering Standard Compared to Proposed Design (consistent with Design Guidelines)



Conclusion

As noted by the Planning Commission, the application complies with all applicable City Design Standards and Guidelines. The Planning Commission adopted additional Conditions of Approval designed to further minimize impacts to adjacent properties. We request that the City Council reject the appeal filed by the West Sylvan NAC.