



## MEMORANDUM

To: West Linn Planning Commission

From: Peter Spir, Associate Planner

Date: September 29, 2016

Re: Proposed Condition of Approval from Oregon Department of Transportation (ODOT) regarding self-storage facility (CUP-16-01, et al)

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Since March 2016, the applicant has been seeking ODOT comments regarding surface runoff from the I-205 right of way (ROW) slope onto the project site. No ODOT comments were forthcoming until staff received the attached email, dated August 16, 2016, from Seth Brumley of ODOT. Accompanying the email was "ODOT Response", also dated August 16, 2016. It requests that the City impose a condition of approval on the applicant relating to any needed off-site work within the ODOT I-205 ROW.

City Planning and Engineering staff met with the applicant, his consultants and ODOT staff at the site on September 26, 2016 to discuss minor off-site grading within the ODOT ROW to collect the storm water runoff and direct it towards Bernert Creek. This off-site grading is shown on the applicant's original plan submittal. See applicant plans: Sheet C1.2 "Construction Management Plan" and C3.0 "Grading Plan".

The proposed condition is standard ODOT language required when any work is being considered within the ODOT ROW. Staff proposes that the condition text be rendered down to the essential requirement that an ODOT Miscellaneous Permit be obtained for (off-site) work in the ROW. The applicant is agreeable to this simplified condition.

2(b) An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way.

## Spir, Peter

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**From:** Seth.A.Brumley@odot.state.or.us  
**Sent:** Tuesday, August 16, 2016 11:52 AM  
**To:** Spir, Peter  
**Cc:** Arnold, Jennifer; abraham.tayar@odot.state.or.us; James.A.Nelson@odot.state.or.us; Seth.A.Brumley@odot.state.or.us  
**Subject:** ODOT Case # 6610 Northwest Self Storage  
**Attachments:** 06610\_08195\_RESPCFORM.docx

Hello Peter,

I have attached ODOT comments regarding the proposed self storage building at 2400-2450 Willamette Falls Drive (CUP-16-01).

Please contact me if you have any questions.

Thank you,

Seth Brumley  
ODOT Region 1 Planner  
123 NW Flanders St.  
Portland, OR 97209  
(503) 731-8234



# Oregon

Kate Brown, Governor

## Department of Transportation

Region 1 Headquarters  
123 NW Flanders Street  
Portland, Oregon 97209  
(503) 731.8200  
FAX (503) 731.8259

8/16/16

ODOT #6610

## ODOT Response

<b>Project Name:</b> Northwest Self Storage	<b>Applicant:</b> Northwest Self Storage West Linn
<b>Jurisdiction:</b> City of West Linn	<b>Jurisdiction Case #:</b> CUP-16-01, DR-16-02
<b>Site Address:</b> 2400 and 2450 Willamette Falls Drive, West Linn, OR	<b>Legal Description:</b> 02S 01E 35D <b>Tax Lot(s):</b> 02000
<b>State Highway:</b> I 205	<b>Mileposts:</b> 6.78

The site of this proposed land use action is adjacent to I-205. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

### COMMENTS/FINDINGS

In reviewing the late submittal from the applicant (Staff Memo and Late Submittal 8/11/16) it appears that the applicant is proposing a construction entrance on ODOT right-of-way. This will need to be reviewed by the ODOT 2B District office and permits issued before construction can begin (see contact information below). In addition, it appears that site grading will permanently alter drainage on ODOT right-of-way. This will also require ODOT review and permitting. Finally, the building shows a five foot setback from the property line, which will provide the minimum clearance for routine maintenance activities on the proposed building.

### ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

#### Permits and Agreements to Work in State Right of Way

- An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

Note: If a CIA is required, it may take up to **6 months** to process.

**Please send a copy of the Notice of Decision including conditions of approval to:**

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97209

[Region1\\_DEVREV\\_Applications@odot.state.or.us](mailto:Region1_DEVREV_Applications@odot.state.or.us)

Development Review Planner: Seth Brumley	503.731.8234, Seth.A.Brumley@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221
District 2B Contact: James Nelson	971.673.2942