



CITY OF
West Linn

Memorandum

Date: October 22, 2010
To: West Linn Planning Commission
From: Peter Spir, Associate Planner
Subject: Late submittals (CUP-10-03)

The following e-mails, e-mail streams, and letter from Clackamas County were received by staff after the staff report was prepared. They are attached for your review.

Clackamas County's comments, dated October 19, 2010, are only applicable in the event that the City does not complete the transfer of roadway jurisdiction before the Rosemont Road design and construction phase begins. It is staff's expectation that the transfer from County to City jurisdiction will be completed this winter, well before design work starts, which would render the County's comments moot.

Spir, Peter

From: Tim Woodley [Woodleyt@wlwv.k12.or.us]
Sent: Friday, October 08, 2010 2:00 PM
To: Karina Ruiz; Keith S. Liden; Spir, Peter
Cc: Tony Vandenberg
Subject: RE: letter from a neighbor

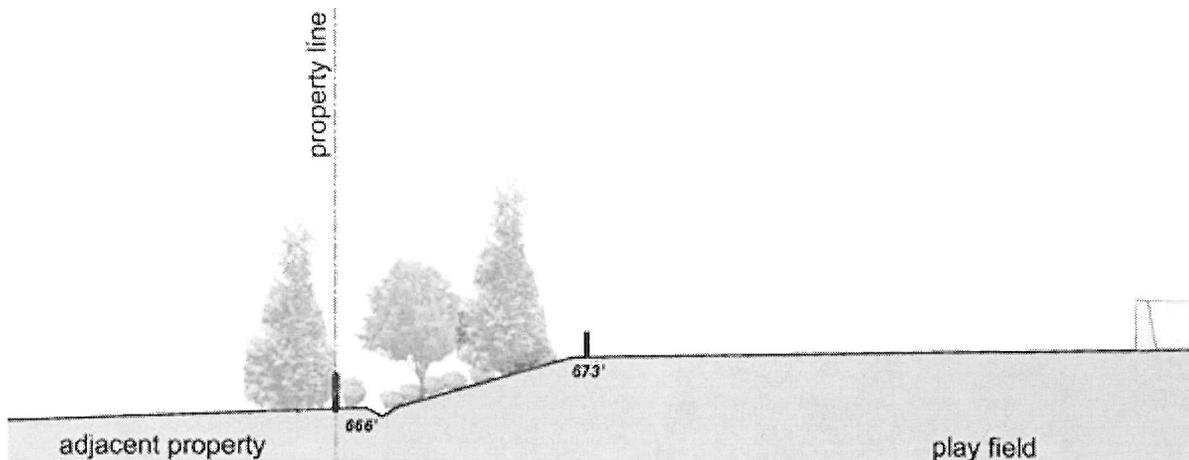
Peter: Just to add my own thoughts here; there was a point where I was concerned about visibility and security within this north buffer area. Given this section view as shown, I am now satisfied that the area will in fact be visible for supervision from the top of the slope. Somehow I had envisioned a steeper, denser slope, but this is clearly acceptable to us and, from last night's meeting, preferred by the neighbor. thanks tim

West Linn-Wilsonville School District
DEPARTMENT OF OPERATIONS
Tim K. Woodley, Director

>>> Karina Ruiz <KarinaR@dowa.com> 10/8/2010 11:58 AM >>>

Thanks for this, Peter. It's a shame that they did not accept the invitation to participate in the community meeting we held last night at Rosemont Ridge MS to review the specific conditions along all the properties lines and witness how we worked with individual neighbors to locate buffer planting in locations that work best for them. I don't know what plans they are referring to, but had they come last night, they would have also learned that the District has reached an easement agreement with the HSRRA in which the existing tennis and basketball courts will not only be maintained, but will be improved as part of our project.

On a separate but related note, we spent some time talking with April Peterson who lives directly adjacent to the school property on the north in the Arena Court subdivision about her concerns. She reiterated what was conveyed in some of the emails; namely, that the biggest concern for those neighbors is management of storm water run-off. We explained our three-tiered approach for management of storm drainage along the north property line and she was quite satisfied to hear that we will install measures to ensure that water on our site does not travel onto their property. We also reviewed our proposed grading, landscaping and fencing design as shown in this section.



As you can see, we are currently proposing a 6' chain link fence along the property line with 25' of buffer planting along the graded slope up to the multi-purpose field. We are then proposing to install a 3' high fence along the top of the slope to keep balls from rolling downhill and into the planted buffer. We asked April if she and her neighbors would prefer this solution over a tall fence at the property line or lowering the field and reducing the buffer to the required 5 feet and she indicated a strong preference for the currently proposed design. We talked with her (as well as the other neighbors along the other edges of the property) about specific plant species and location and worked out a solution that was to her liking. The District is committed to being a good neighbor and I think everyone at the meeting last night

(about 12-15 residents) left the meeting feeling assured that we were doing everything we could to mitigate our impact to their property.

If you should have any more questions, please do not hesitate to call. Thanks.

Karina

From: Spir, Peter [mailto:pspir@westlinnoregon.gov]
Sent: Friday, October 08, 2010 9:34 AM
To: Tim Woodley; Liden, Keith S.; Karina Ruiz
Subject: FW: letter from a neighbor

 Peter Spir
pspir@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov

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From: PWKonica@ci.west-linn.or.us [mailto:PWKonica@ci.west-linn.or.us]
Sent: Friday, October 08, 2010 10:26 AM
To: Spir, Peter
Subject: Message from PWKonica

***** This message scanned by GWAVA Anti-Spam and AntiVirus System. *****

Spir, Peter

From: Alex Kachirisky [president@hiddenspringsna.org]
Sent: Thursday, October 21, 2010 9:00 AM
To: Spir, Peter
Subject: RE: Confidential request for Enforcement

Hi Peter,

Thank you for taking the time to respond to my concerns. It is extremely helpful to understand the process and to be able to share at neighborhood meetings with residents who may also raise similar concerns.

I'm glad to know that this is still an ongoing process, especially with my concerns for crosswalks and traffic control. And the concepts of "walking buses" and "bike trains" are brilliant, both in terms of safety and children's health!

Thank you again for all the information.

Kindest regards,

Alex Kachirisky, President
Hidden Springs Neighborhood Association

503-343-4752
HiddenSpringsNA.org

-----Original Message-----

From: Spir, Peter [mailto:pspir@westlinnoregon.gov]
Sent: Thursday, October 21, 2010 8:16 AM
To: President HSNA
Subject: RE: Confidential request for Enforcement

Alex

Thank you for your letter and concerns. You raise some good points.

To begin with, all commercial, public, residential and other land use projects must meet the Statewide Transportation Planning Rule (TPR) which dictates that opportunities for multi-modal access must be provided to help reduce vehicle miles travelled which in turn reduces pollution and fossil fuel use. Our Community Development Code and Transportation System Plan both mandate access from all compass points to a site. The school could not be approved without it.

The school site has vehicular access from the west while street stub outs (Bay Meadows and Suncrest Drives) will offer bike and pedestrian access only. To the east access by bike and foot can only come via Parcel "J".

The distance to school property from Santa Anita using Parcel J is 500 feet. It's a relatively straight shot to the school. Meanwhile, the distance from Santa Anita via Clubhouse, Churchill Downs and Bay Meadows is 2,568 feet or half a mile. Additionally, it is not a simple cognitive route but involves a number of turns and different streets.

The School District will pay for the trail, which can be maintained at modest cost as required. To talk in terms of costs and benefits, we cannot afford not to provide children

with as many opportunities to walk or bike at a time when childhood health problems and obesity continues to spiral upwards driven in no small part by the over dependence on cars and the concomitant lack of exercise. ODOT administers the annual distribution of 1.9 million dollars in federal funding for Safe Routes to School (SRTS) and allocates those monies to school districts that have adopted SRTS plans for their constituent K-8 schools. West Linn Wilsonville School District would, once they develop an SRTS plan, be eligible to apply for and receive money for improved access, facilities (sidewalks, traffic calming, pedestrian refuges, crosswalks, etc.).

I do agree that charting out the best routes for children to get to school has yet to be undertaken, but you can't develop an effective SRTS program if you preemptively eliminate options in terms of points of access. I also do not know how many will use the corridor since the school district has not drawn up the catchment area for this school yet. But even if a few parents and children use it, and leave their cars at home, that is a positive contribution to not only the health of the children but also meeting the TPR.

In operation, a SRTS program translates into "walking school buses" which involve a parent and child walking to school and then picking up other neighbor's children along the way. Often there can be 8-10 kids in the "walking school bus" by the time it reaches the school. Walking to school doesn't have to happen every day, many districts simply encourage "Walking Wednesdays". Similarly, adult supervised "bike trains" are popular. Over 200 schools statewide have SRTS programs. "Walk and Bike to School Day" was observed and participated in by thousands of children (K-8) in the Metro area and statewide earlier this month. Locally, Sunset Elementary has a footpath connecting Oregon City Boulevard with the school. (It's just to right of 2590 Oregon City Boulevard.) I was there earlier this week as a group of children and teachers were walking along it. I spoke with a teacher and she said it's a great path and they use it a lot.

Bottom line is that if we can provide the option of connectivity and exercise to students and parents there can be very positive benefits.

Please take a look at the SRTS websites. SRTS works.

Thanks

Peter

I will be meeting some of the homeowners who have property abutting parcel J on Monday.

[cid:image9b0d44.gif@bc20f139.231a47fd]

Peter Spir

pspir@westlinnoregon.gov<<mailto:pspir@westlinnoregon.gov>>

Associate Planner

22500 Salamo Rd.

West Linn, OR, 97068

P: (503) 723-2539

F: (503) 656-4106

Web: westlinnoregon.gov<<http://westlinnoregon.gov>>

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From: Alex Kachirisky [mailto:president@hiddenspringsna.org]

Sent: Wednesday, October 20, 2010 2:13 PM

To: Spir, Peter; Sonnen, John

Cc: Gary Hitesman; Susan Van de Water; Scott Howard

Subject: RE: Confidential request for Enforcement

Hi John and Peter,

I would like to express some concerns as to how K-5 aged children that live east of Santa Anita Dr. and north of Hidden Springs Rd. will gain access to Trillium Creek Primary School and their safety in doing so.

I would like to start first by saying that in terms of walking distance, access to Parcel J will only save a child living to the east of Santa Anita roughly 0.25 miles in terms of walking distance vs. accessing the school via Churchill Downs Dr. to Bay Meadows Drive, very open and public thoroughfares. It is my understanding that very few children, if any, live directly across Santa Anita from Parcel J. The majority of children east of Santa Anita live further along Pimlico and Appaloosa and beyond. For children who live north of Hidden Springs Road they would have access to the school site through WLWV School District owned property off of Hidden Springs Road. There would be no need for the City to spend tax payer dollars to maintain a path through Parcel J when the school district would already be maintaining school district owned property that the children can use just as readily. Also, placing an access point to the school at Parcel J raises the likelihood of parents dropping off their children at Santa Anita instead of driving around to the school entrance. This can lead to traffic, accidents or worse.

This brings me to my main concern, the safety of the children walking to school. Has there been any discussion as to improvements to cross walks at Hidden Springs and Santa Anita as well as Hidden Springs and Pimlico, both points children will have to tackle first to gain access to the new school if they are walking from the north or east, respectively? Would there need to be 3-way stops installed at both locations or at the very least crossing guards attending? Also, do we know how likely it is that parents of K-5 aged children are to allow them to cross these points unsupervised? I know that at this time, I would not allow my daughter to do so. If the WLWV School District is going to require children who live within the walking boundary to find alternatives to taking the bus, I believe their safety crossing at these points is the greater issue at hand and should be dealt with first. If Parcel J is cleared for use, is it anticipated that there will be an adult available to supervise the children at all times as they are dropped off and traverse a foot path through Parcel J.

Lastly, do we know how many children, if any, are projected to use Parcel J as an access point to the school? Are the costs and liabilities associated with a path that will ultimately save very little in terms of walking distance and yet raises other issues for children attending Trillium Creek Primary justifiable?

Kindest regards,

Alex Kachirisky, President
Hidden Springs Neighborhood Association

503-343-4752
HiddenSpringsNA.org

From: GARY [mailto:hitesman@comcast.net]

Sent: Wednesday, October 20, 2010 9:21 AM
To: 'Spir, Peter'; 'Sonnen, John'
Cc: 'Alex Kachirisky'
Subject: RE: Confidential request for Enforcement

Dear Planning Director John Sonnen and associate planner Peter Spir,

No. I guess I will submit a letter response. Thanks for your work. I will be moving the small trees and trimming up the lower branches here in the near term. As I wrote earlier, I believe "As is" contains liabilities and poor precedents.

I strongly request Tract J be correctly zoned on the 'map'. Given the track record of enforcement, I have no faith that other departments and individuals would not come in and do something else altogether different. The planning process, agreements, and plans should all be formalized by meetings that provide standing and avenues for redress. Identifying the Tract as Open Space per the GIS plot map would go a long way in assuring the tract remains as an alternative route for children to take.

I will take this issue to the council as I feel this may be the best course of action? If there is a meeting, it should be at City Hall and attended by a third party?

Cheers, Gary

From: Spir, Peter [mailto:pspir@westlinnoregon.gov]
Sent: Wednesday, October 20, 2010 6:42 AM
To: 'GARY'
Subject: RE: Confidential request for Enforcement

[cid:image001.gif@01CB7062.4F878AE0]

Peter Spir
pspir@westlinnoregon.gov<<mailto:pspir@westlinnoregon.gov>>
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov<<http://westlinnoregon.gov>>

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Gary

I am meeting with the Pyeatts on this coming Monday at 4pm.
I can meet with you at 3:40 at the site if that is agreeable.
Peter

From: GARY [mailto:hitesman@comcast.net]
Sent: Tuesday, October 19, 2010 4:46 PM
To: Spir, Peter
Subject: Confidential request for Enforcement

Peter,

You will have a meeting with Karen and Steve, but not with me? The Pyeatts are the ones who placed most of the blockages in the tract years ago. Her recent 'fit' about the holly was about as disingenuous as the City is about not urbanizing Stafford. And Steve has not at all impressed me as a reliable or trustworthy person ever since he located that ugly cheap shed into Tract J years ago.

"As is" contains liabilities and poor precedents. I request that Tract J be reclassified "open space" to match the original deed use and entitlements. I also request that the City remove any structures (ie: Garden sheds) now in Tract J and wire fence "obstructions" at the Erickson property line.

There was also an easement similar to Tract J at Sunset that was abandoned by the City when Burgess was City Manager. So there are two precedents, both opposing, that the city can use. In addition, when you look at how the attendance lines are drawn, the district does not show students east of the school as attending Trillium?

I am also not so sure or enamored with the three pines that are located directly behind my property. I suggest replacements be substituted in a nearby better location that promotes safe passage and that we develop a planting plan with and fulfilled by Boskey Dell Nursery.

Regards, Gary

From: Spir, Peter [mailto:pspir@westlinnoregon.gov]
Sent: Tuesday, October 19, 2010 11:52 AM
To: GARY
Subject: RE: site visit

Gary

I was just over at Sunset Elementary and they have footpath trail in a City owned corridor next to 2590 Oregon City Boulevard that the children use accompanied by either parents or staff. There was a group of 12 children and four staff walking along it as I got there. I spoke with them and they said they use it a lot. I think there are parallels to be drawn from that.

Then I went over to the Parcel J and it would seem that apart from cutting a few lower limbs off one tree and transplanting one small (6ft) tree surrounded by pavers that no trees need to be removed. It looks very good "as is". I took a lot of photos and remain very positive about this opportunity to provide a connection for children living on the east side of the school.

As far as meeting, I will see if that can work. In the mean time feel free to call or e-mail any specific concerns you may have.

Peter

[cid:image001.gif@01CB7062.4F878AE0]

Peter Spir

pspir@westlinnoregon.gov<mailto:pspir@westlinnoregon.gov>
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov<http://westlinnoregon.gov>

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From: GARY [mailto:hitesman@comcast.net]
Sent: Tuesday, October 19, 2010 8:53 AM
To: Spir, Peter
Subject: RE: site visit

I also left you a long phone message. Today, I am intersted in schedule of events, Department responsibilities and intended programs the City will be implementing, and the history of Tract J that changed the zoning from a recreational open space to a ROW.

I'd like to have a joint meeting with you and John to discuss this issue as it appears to me that there are some poor precedents and policies in play that need remedy.

Cheers, Gary

From: Spir, Peter [mailto:pspir@westlinnoregon.gov]
Sent: Tuesday, October 19, 2010 7:46 AM
To: GARY
Subject: site visit

Gary
FYI: I will be over at the school site at 2pm looking at Parcel J and taking photographs if you wanted to come out and have a chat...
I will be meeting with Karen Pyeatt on Thursday and will calling Steve Lobel today.
Peter

[cid:image001.gif@01CB7062.4F878AE0]

Peter Spir
pspir@westlinnoregon.gov<mailto:pspir@westlinnoregon.gov>
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539

F: (503) 656-4106

Web: westlinnoregon.gov<<http://westlinnoregon.gov>>

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Spir, Peter

From: Spir, Peter
Sent: Friday, October 22, 2010 7:01 AM
To: 'GARY'
Cc: Sonnen, John
Subject: RE: Tract J Planning

Gary
Good morning.
I would be more than happy to meet with you between 6:30 and 3, as our schedules ,to discuss the proposed footpath. Indeed anytime this morning would be fine.

On the subject of meeting Mr. and Mrs. Pyeatt at 6:30am, it is quite common and appropriate to meet informally with property owners, either at our offices or at the site of a land use application to discuss their specific concerns. I grant you that the early hour is rather unusual but that is the only time they can meet and I start work at that time anyway. Thank you for your understanding.
Peter

From: Sonnen, John
Sent: Thursday, October 21, 2010 4:25 PM
To: Spir, Peter
Subject: FW: Tract J Planning

John Sonnen, Planning Director
Planning and Building, #1524

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From: GARY [mailto:hitesman@comcast.net]
Sent: Thursday, October 21, 2010 3:20 PM
To: Sonnen, John; Julie.A.Yip@odot.state.or.us
Subject: Tract J Planning

Dear Planning Director John Sonnen and Administrator Ms. Yip,

This process appears irregular and possibly problematic? Why not hold a general meeting at the NA or at your facilities? Under what authority is Peter operating under and what is the validity of a 6:30 am meeting with residents? The process appears to be continuing on in the fashion of the Palominio Loop Trail, does it not?

First Peter denies me a meeting at City Hall and then offers me to meet with him outside for 20 minutes before he meets with somebody else?

I have a standing concern requiring zoning which appears to be unanswered or ignored. The adjoining HOA has also undergone a few violations on the creek and within the property adjacent to Tract J.

Below is a copy of the issues I previously submitted where a response would be appreciated. At this juncture, it appears my only recourse is to raise the issue to the City Council and contact the State Program representative. Is that a correct assumption?

Gary Hitesman
2188 Clubhouse Drive

1.) The City tract designation is out of sorts with the original land deed. The Title defines the tract as "recreational horse trails and open space" whereas the city zoning map recently was reverted back to to City Owned ROW. The tract should be classified to match the original deed before any discussions or destruction of vegetation can take place. There are different procedures the city can act on based on the deed restrictions. The zoning map should be changed from City owned right of way controlled by the Engineering Department to Open space managed by the parks department and placed as part of the trails master plan study.

2.) What is the true definition of "safe passage"? Using the example of a crosswalk, an improperly placed crosswalk can create a false sense of security. Saying you want to create a safe passage only by tearing down trees is like saying you want to place a crosswalk on Hwy 43 without providing signage and other safety measures. Or to cite another principle; How does the removal of these trees improve Jane Jacobs principle of "eyes on the street"(sic)? What can the City do to address existing opaque fencing? How will the City address that the least safe portion of the tract is the first 250 feet?

3.) Review engineering standards in place and review existing standards that support safe passage. Please provide relevant engineering standards for neighborhood review to demonstrate safe passage?

4.) Please explain the differentiation in action and contrast in policy between the Palomino Loop Trail and Tract J? For starters, you have a designated trail with deed entitlement that is blocked from public use by private landowners and tract J that is improperly designated and where improperly placed existing storage structures will remain.

5.) Justify the cost increase of improving the tract when an existing access road is in place 50 feet away from the tract in question. Also please identify the staff costs associated with a 6:30 am meeting and the costs incurred for taking on a planning project outside the bounds of regular municipal procedures. Please provide a spreadsheet of the anticipated costs projected for this effort.

6.)The tract you want to provide access on was designed for horses and may be an inappropriate use for children due to the lack of visibility and the existing partitioning of land. How much due diligence is required from the City to negotiate improved access with the HOA? The whole idea of providing safe passage appears questionable when you look at the existing roads and pedestrian access that the HOA could provide with the only addition of one gate! Please explain why this is not a practical solution.

7.) The school districts application does not adequately address what it will be doing on it's end to secure access. Right now, there is a drainage swale and structured vegetation shown that appears to block passage AND create an unobserved access point and exit from school grounds. Please verify how our police will enforce the safe passage that Planning seeks to create. How will the school enforce and supervise such action?

8.) The existing cross sectional values transecting tract J present an insurmountable challenge in providing real safe passage. Please address hoiw the City plans to overcome this problem?

9.) Is the City using school subconsultant surveyors to do work off the project boundaries? How are costs being shared and how are these services being tracked back to the expenditures of the school bond?

From: Karen Pyeatt [mailto:karenpyeatt@msn.com]
Sent: Thursday, October 21, 2010 12:15 PM
To: tracypyeatt@msn.com; S&G Lobel; Gary Hitesman; Peter Spir
Subject: FW: letter dated Oct 15 re: easement

Well, then, see you, 6:30 am, Tuesday the 26th, at our house. Coffee will be brewed and tea water will be hot. Bring your questions, concerns and a positive attitude...I wouldn't generally require the attitude, but for those of us who aren't morning people, it just might make all the difference!

I do not have email for the neighbors on the other side of the easement...anybody else have them? or maybe just to let them know by word of mouth? Peter: A more formal invite?

From: pspir@westlinnoregon.gov
To: karenpyeatt@msn.com

Date: Thu, 21 Oct 2010 12:07:48 -0700
Subject: RE: letter dated Oct 15 re: easement

Karen
Tuesday at 6:30 at your house would be alright with me. See you then.
Peter

 Peter Spir
pspir@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov

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From: Karen Pyeatt [mailto:karenpyeatt@msn.com]

Sent: Thursday, October 21, 2010 10:47 AM

To: Spir, Peter

Subject: RE: letter dated Oct 15 re: easement

So I get from Tracy your intention to meet with us next week? Now that you have photos, we won't need to schedule around the seasonal darkness. We can go ahead and do an early am meeting at our house around the kitchen counter with the pictures (and coffee). Sound ok to you? Monday is the only morning that doesn't work for me, otherwise, Tues, Wed or Friday 6:30 is ok.

Let us know. Thank you,
Karen

From: pspir@westlinnoregon.gov
To: karenpyeatt@msn.com
Date: Tue, 19 Oct 2010 06:45:05 -0700
Subject: RE: letter dated Oct 15 re: easement

Karen
I am here at that time but it really doesn't lighten up until 7:15 . What I can do is get out there today...take photos for us to reference and then either come over to your house or you can come by our offices and I can let you in. Whichever you prefer.
Peter

 Peter Spir
pspir@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov

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From: Karen Pyeatt [mailto:karenpyeatt@msn.com]
Sent: Monday, October 18, 2010 6:36 PM
To: Spir, Peter
Subject: RE: letter dated Oct 15 re: easement

Yes, sadly our schedules are not well suited to accomodate one another. Perhaps we could look at Thursday 6:30 am? I know that day is further out than you'd asked, but it is the best I can do on short notice. Let us know. Tracy and I will both make it work for our schedules.
Thanks, Karen

From: pspir@westlinnoregon.gov
To: karenpyeatt@msn.com
Date: Mon, 18 Oct 2010 08:03:07 -0700
Subject: RE: letter dated Oct 15 re: easement

Mrs. Pyeatt:
Thank you for the letter and voice mail.
I do not know who cut the holly tree down but I will try to get an answer today.
Unbeknownst to us, the school district had a surveyor at the site trying to survey the city owned tract.
I have asked Tim Woodley at the school district to make inquiries as to whether they removed the tree.

Would it be possible to meet at the site to discuss this and related issues sometime around 2pm this afternoon?
If not then perhaps Tuesday at 2pm?
Please let me know what works best for you.
Sincerely,
Peter Spir

 Peter Spir
pspir@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov

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From: Karen Pyeatt [mailto:karenpyeatt@msn.com]
Sent: Sunday, October 17, 2010 12:09 PM
To: Spir, Peter
Cc: S&G Lobel; tracypyeatt@msn.com; hitesman@comcast.net
Subject: letter dated Oct 15 re: easement

Mr. Spir:

This email is in response to your letter initiating to the neighbors the City's interest in providing (via the easement directly behind our property) a "way for the children to walk and bike to school from the direction of Santa Anita Drive".

You have boldly stated that it "will make an ideal corridor for that purpose". You went on to say that "the school staff and neighbors can keep an eye on the safe passage of the children" by providing an "adequate line of sight". My husband limbed up the fir trees directly behind our property yesterday in an attempt to visualize your path as you have. It would be impossible to ever have an adequate line of sight from one end of the path to the other simply because it is not straight. 500 feet is a very long distance to ensure student safety when there is no exit between one end and the

other. Will there be fencing involved? Lighting? How impacted will the homeowners be in providing safety? Your definition? Mine? The judge who has recently incarcerated a child predator who snatched a child on his/her way to school? The parent of said child? While I agree that this easement behind our home might well be reasonable for students to walk to school, please to not believe that I think that path would be free of harm or risk. It may be useful for you to define the word "safe" in the context that you have used. The spectrum is enormous and if taken to its extreme will be cost prohibitive if attainable at all.

As far as possible tree removal goes, we do not support your proposal. There are some minor exceptions to that including bushes and a maple. But in general, those trees provide the homeowners with privacy for us and for the birds. The fir trees have been in place since 1978 when our home was built and the easement was to be used as a horse trail. As I mentioned in my phone message to you from yesterday, please let me know if you were responsible for the holly tree(s) being cut down in the easement recently. The neighbor behind us said the city employee was cutting it down because my husband had requested it be done. That is misinformation at best but more likely, finger-pointing and not taking personal responsibility. Whatever the reason for the cutting, the absence of communication regarding your plan until yesterday demonstrates a general disrespect to the *very few* homeowners who are intimately involved in this process. Further, it is very apparent that surveying has already taken place and I wonder why you did not make that clear in your letter. Rather you mention only that the school district WILL BE surveying this corridor (which is not on the school's property at all). Do you know WHO has already surveyed the easement?

I hope your request for our support is not one way and that we can count on yours as well. But that will require OPEN dialogue beginning with an apology for not bringing this plan to light prior to your holly cutting. Please consider a meeting in the very near future where we can all discuss this and move forward in a mutually supportive and respectful manner (H) 503 656 5052 or (C) 503 830 9078 or Tracy's (C) 503 421 0787. It could be in the easement or I would be happy to host it in our home.

Respectfully submitted,
Karen Pyeatt

Homeowner, Taxpayer, Apology-Seeker, Mother of school-age-children, Wife of Trillium Creek Primary School Design Committee Member

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Spir, Peter

From: GARY [hitesman@comcast.net]
Sent: Friday, October 22, 2010 7:52 AM
To: Spir, Peter
Cc: Sonnen, John
Subject: RE: Tract J Planning

Dear Associate Planner Peter Spir,

Thank you for your clarification.

Cheers, Gary

From: Spir, Peter [mailto:pspir@westlinnoregon.gov]
Sent: Friday, October 22, 2010 7:01 AM
To: 'GARY'
Cc: Sonnen, John
Subject: RE: Tract J Planning

Gary
Good morning.
I would be more than happy to meet with you between 6:30 and 3, as our schedules ,to discuss the proposed footpath. Indeed anytime this morning would be fine.

 Peter Spir
pspir@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov

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On the subject of meeting Mr. and Mrs. Pyeatt at 6:30am, it is quite common and appropriate to meet informally with property owners, either at our offices or at the site of a land use application to discuss their specific concerns. I grant you that the early hour is rather unusual but that is the only time they can meet and I start work at that time anyway. Thank you for your understanding.

Peter

From: Sonnen, John
Sent: Thursday, October 21, 2010 4:25 PM
To: Spir, Peter
Subject: FW: Tract J Planning

John Sonnen, Planning Director
Planning and Building, #1524

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From: GARY [mailto:hitesman@comcast.net]
Sent: Thursday, October 21, 2010 3:20 PM
To: Sonnen, John; Julie.A.Yip@odot.state.or.us
Subject: Tract J Planning

Dear Planning Director John Sonnen and Administrator Ms. Yip,

This process appears irregular and possibly problematic? Why not hold a general meeting at the NA or at your facilities? Under what authority is Peter operating under and what is the validity of a 6:30 am meeting with residents? The process appears to be continuing on in the fashion of the Palominio Loop Trail, does it not?

First Peter denies me a meeting at City Hall and then offers me to meet with him outside for 20 minutes before he meets with somebody else?

I have a standing concern requiring zoning which appears to be unanswered or ignored. The adjoining HOA has also undergone a few violations on the creek and within the property adjacent to Tract J.

Below is a copy of the issues I previously submitted where a response would be appreciated. At this juncture, it appears my only recourse is to raise the issue to the City Council and contact the State Program representative. Is that a correct assumption?

Gary Hitesman
2188 Clubhouse Drive

1.) The City tract designation is out of sorts with the original land deed. The Title defines the tract as "recreational horse trails and open space" whereas the city zoning map recently was reverted back to to City Owned ROW. The tract should be classified to match the original deed before any discussions or destruction of vegetation can take place. There are different procedures the city can act on based on the deed restrictions. The zoning map should be changed from City owned right of way controlled by the Engineering Department to Open space managed by the parks department and placed as part of the trails master plan study.

2.) What is the true definition of "safe passage"? Using the example of a crosswalk, an improperly placed crosswalk can create a false sense of security. Saying you want to create a safe passage only by tearing down trees is like saying you want to place a crosswalk on Hwy 43 without providing signage and other safety measures. Or to cite another principle; How does the removal of these trees improve Jane Jacobs principle of "eyes on the street"(sic)? What can the City do to address existing opaque fencing? How will the City address that the least safe portion of the tract is the first 250 feet?

3.) Review engineering standards in place and review existing standards that support safe passage. Please provide relevant engineering standards for neighborhood review to demonstrate safe passage?

4.) Please explain the differentiation in action and contrast in policy between the Palomino Loop Trail and Tract J? For starters, you have a designated trail with deed entitlement that is blocked from public use by private landowners and tract J that is improperly designated and where improperly placed existing storage structures will remain.

5.) Justify the cost increase of improving the tract when an existing access road is in place 50 feet away from the tract in question. Also please identify the staff costs associated with a 6:30 am meeting and the costs incurred for taking on a planning project outside the bounds of regular municipal procedures. Please provide a spreadsheet of the anticipated costs projected for this effort.

6.)The tract you want to provide access on was designed for horses and may be an inappropriate use for children due to the lack of visibility and the existing partitioning of land. How much due diligence is required from the City to negotiate improved access with the HOA? The whole idea of providing safe passage appears questionable when you look at the existing roads and pedestrian access that the HOA could provide with the only addition of one gate! Please explain why this is not a practical solution.

7.) The school districts application does not adequately address what it will be doing on it's end to secure access. Right now, there is a drainage swale and structured vegetation shown that appears to block passage AND create an unobserved access point and exit from school grounds. Please verify how our police will enforce the safe passage that Planning seeks to create. How will the school enforce and supervise such action?

8.) The existing cross sectional values transecting tract J present an insurmountable challenge in providing real safe passage. Please address hoiw the City plans to overcome this problem?

9.) Is the City using school subconsultant surveyors to do work off the project boundaries? How are costs being shared and how are these services being tracked back to the expenditures of the school bond?

From: Karen Pyeatt [mailto:karenpyeatt@msn.com]
Sent: Thursday, October 21, 2010 12:15 PM
To: tracypyeatt@msn.com; S&G Lobel; Gary Hitesman; Peter Spir
Subject: FW: letter dated Oct 15 re: easement

Well, then, see you, 6:30 am, Tuesday the 26th, at our house. Coffee will be brewed and tea water will be hot. Bring your questions, concerns and a positive attitude...I wouldn't generally require the attitude, but for those of us who aren't morning people, it just might make all the difference!

I do not have email for the neighbors on the other side of the easement...anybody else have them? or maybe just to let them know by word of mouth? Peter: A more formal invite?

From: pspir@westlinnoregon.gov
To: karenpyeatt@msn.com
Date: Thu, 21 Oct 2010 12:07:48 -0700
Subject: RE: letter dated Oct 15 re: easement

Karen
Tuesday at 6:30 at your house would be alright with me. See you then.
Peter

 Peter Spir
pspir@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov

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From: Karen Pyeatt [mailto:karenpyeatt@msn.com]
Sent: Thursday, October 21, 2010 10:47 AM
To: Spir, Peter
Subject: RE: letter dated Oct 15 re: easement

So I get from Tracy your intention to meet with us next week? Now that you have photos, we won't need to schedule around the seasonal darkness. We can go ahead and do an early am meeting at our house around the kitchen counter with the pictures (and coffee). Sound ok to you? Monday is the only morning that doesn't work for me, otherwise, Tues, Wed or Friday 6:30 is ok.

Let us know. Thank you,

Karen

From: pspir@westlinnoregon.gov
To: karenpyeatt@msn.com
Date: Tue, 19 Oct 2010 06:45:05 -0700
Subject: RE: letter dated Oct 15 re: easement

Karen
I am here at that time but it really doesn't lighten up until 7:15 . What I can do is get out there today...take photos for us to reference and then either come over to your house or you can come by our offices and I can let you in. Whichever you prefer.
Peter

 Peter Spir
pspir@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov

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From: Karen Pyeatt [mailto:karenpyeatt@msn.com]
Sent: Monday, October 18, 2010 6:36 PM
To: Spir, Peter
Subject: RE: letter dated Oct 15 re: easement

Yes, sadly our schedules are not well suited to accomodate one another. Perhaps we could look at Thursday 6:30 am? I know that day is further out than you'd asked, but it is the best I can do on short notice. Let us know. Tracy and I will both make it work for our schedules:
Thanks, Karen

From: pspir@westlinnoregon.gov
To: karenpyeatt@msn.com
Date: Mon, 18 Oct 2010 08:03:07 -0700
Subject: RE: letter dated Oct 15 re: easement

Mrs. Pyeatt:
Thank you for the letter and voice mail.
I do not know who cut the holly tree down but I will try to get an answer today.
Unbeknownst to us, the school district had a surveyor at the site trying to survey the city owned tract.
I have asked Tim Woodley at the school district to make inquiries as to whether they removed the tree.

Would it be possible to meet at the site to discuss this and related issues sometime around 2pm this afternoon?
If not then perhaps Tuesday at 2pm?
Please let me know what works best for you.
Sincerely,
Peter Spir



Peter Spir
pspir@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 723-2539
F: (503) 656-4106
Web: westlinnoregon.gov

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From: Karen Pyeatt [<mailto:karenpyeatt@msn.com>]
Sent: Sunday, October 17, 2010 12:09 PM
To: Spir, Peter
Cc: S&G Lobel; tracypyeatt@msn.com; hitesman@comcast.net
Subject: letter dated Oct 15 re: easement

Mr. Spir:

This email is in response to your letter initiating to the neighbors the City's interest in providing (via the easement directly behind our property) a "way for the children to walk and bike to school from the direction of Santa Anita Drive".

You have boldly stated that it "will make an ideal corridor for that purpose". You went on to say that "the school staff and neighbors can keep an eye on the safe passage of the children" by providing an "adequate line of sight". My husband limbed up the fir trees directly behind our property yesterday in an attempt to visualize your path as you have. It would be impossible to ever have an adequate line of sight from one end of the path to the other simply because it is not straight. 500 feet is a very long distance to ensure student safety when there is no exit between one end and the other. Will there be fencing involved? Lighting? How impacted will the homeowners be in providing safety? Your definition? Mine? The judge who has recently incarcerated a child predator who snatched a child on his/her way to school? The parent of said child? While I agree that this easement behind our home might well be reasonable for students to walk to school, please to not believe that I think that path would be free of harm or risk. It may be useful for you to define the word "safe" in the context that you have used. The spectrum is enormous and if taken to its extreme will be cost prohibitive if attainable at all.

As far as possible tree removal goes, we do not support your proposal. There are some minor exceptions to that including bushes and a maple. But in general, those trees provide the homeowners with privacy for us and for the birds. The fir trees have been in place since 1978 when our home was built and the easement was to be used as a horse trail. As I mentioned in my phone message to you from yesterday, please let me know if you were responsible for the holly tree(s) being cut down in the easement recently. The neighbor behind us said the city employee was cutting it down because my husband had requested it be done. That is misinformation at best but more likely, finger-pointing and not taking personal responsibility. Whatever the reason for the cutting, the absence of communication regarding your plan until yesterday demonstrates a general disrespect to the *very few* homeowners who are intimately involved in this process. Further, it is very apparent that surveying has already taken place and I wonder why you did not make that clear in your letter. Rather you mention only that the school district WILL BE surveying this corridor (which is not on the school's property at all). Do you know WHO has already surveyed the easement?

I hope your request for our support is not one way and that we can count on yours as well. But that will require OPEN dialogue beginning with an apology for not bringing this plan to light prior to your holly cutting. Please consider a meeting in the very near future where we can all discuss this and move forward in a mutually supportive and respectful manner (H) 503 656 5052 or (C) 503 830 9078 or Tracy's (C) 503 421 0787. It could be in the easement or I would be happy to host it in our home.

Respectfully submitted,
Karen Pyeatt

Homeowner, Taxpayer, Apology-Seeker, Mother of school-age-children, Wife of Trillium Creek Primary School Design Committee Member

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Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Memorandum

TO: Peter Spir, Associate Planner
City of West Linn

FROM: Traffic Engineering and Development Review, Robert Hixson

DATE: October 19, 2010

RE: CUP-10-3, DR-10-06, Proposed Rosemont Road Elementary School
T2S., R1E., Section 23CD, Tax Lot 12500

Due to existing workload commitments and a short comment period, this brief memorandum has been drafted, based on the April 2010 traffic study and preliminary site plan. Staff may attend the scheduled hearing to provide more up to date information and testimony.

Traffic Engineering and Development Review staff have the following comments pertaining to the proposed school:

Facts and Findings:

1. County Engineering staff has been in contact with various City Staff since March 2010, regarding the proposed school. In addition, County Engineering staff provided preliminary comments to the applicant's Traffic Engineering consultant on August 27, 2010, following review of the April 2010 transportation impact study, regarding various issues associated with Rosemont Road and the proposed accesses.
2. A transfer of jurisdiction of a portion of Rosemont Road, along the site frontage, from Clackamas County to the City of West Linn, is currently being discussed and may occur in the near future. If a transfer occurs prior to the initiation of construction, the County requirements should become moot and all requirements should be based on conditions of approval required by the City of West Linn.
3. Clackamas County currently has jurisdiction over Rosemont Road to 0.22 miles past Bay Meadows Drive. The entire site frontage is under County jurisdiction.
4. The design/construction for this section of Rosemont Road should be based upon the Clackamas County Roadway Standards. The County is willing to defer the general details of the cross section to any adopted City standard. The proposed frontage improvements listed on page 6 of the TIS, dated April 2010, are acceptable.
5. County access spacing should be based upon the Roadway Standards and shall be addressed by the applicant. Engineering staff do not take issue with the proposed number of accesses, but a modification may be required.

6. The applicant shall provide and maintain adequate intersection sight distances and adequate stopping sight distances for all site driveway intersections with Rosemont Road. Sight distances shall be based upon the Roadway Standards. Based upon the TIS, there is an off-site sight distance issue associated with the proposed southern driveway. For the access to be approved, the applicant shall be required to demonstrate that adequate sight distances may be achieved and be maintained for each access. Any required sight line easements necessary to insure sight lines remain unobstructed shall be obtained by the applicant prior to issuance of a building permit.
7. The impact of bus traffic shall be included in the sight distance requirements of the southerly driveway.
8. The TIS indicates that a center left turn lane is planned along the project frontage and therefore a left turn lane analysis was not conducted. It is anticipated that a left turn lane is warranted and should be required in order to serve this development. There is a large gap between the subject property's frontages on Rosemont Road, where another property, not part of the development, has existing frontage on Rosemont Road. Based upon the submitted site plan, it does not appear that the applicant intends to install a center left turn lane within this gap area, which would have resulted in a continuous left turn lane from Hidden Springs to Bay Meadows.

It is not clear that the proposed improvements would result in sufficient widening to allow a sufficient southbound left turn lane, appropriate tapers, shadow areas, and deceleration at either driveway location. Given the high speeds on Rosemont Road, those amenities are very likely to result in the need to provide off-site widening that the applicant currently does not appear to be planning to construct. If a center left turn lane is not intended to be provided from Hidden Springs to Bay Meadows, the applicant must provide the necessary analysis and preliminary drawings to indicate how the project traffic can be accommodated.

9. The Clackamas County Roadway Standards require the use of school zone flashers on collector and arterial roadways. Clackamas County classifies Rosemont Road as a minor arterial.
10. The applicant shall provide adequate corner vision in accordance with the Zoning and Development Ordinance corner vision requirement.
11. Applicant shall comply with County Roadway Standards clear zone requirements in accordance with Roadway Standards subsection 240.5.
12. The use of public rights-of-way for construction vehicle staging is not authorized by the Roadway Standards and poses a potentially deleterious effect of the proposed use, because it contributes to congestion, reduces sight distance, and occupies shoulders intended for emergencies and other purposes. To protect the public from such effects, the applicant shall be required to submit a construction vehicle management plan for

review and approval by the County DTD, Construction and Development Section, before the County issues a Development Permit.

Conclusion:

If a transfer of jurisdiction, of the portion of Rosemont Road along the subject property frontage, occurs prior to the initiation of construction, the County requirements should become moot and all requirements should be based on conditions of approval required by the City of West Linn.

However, if a transfer of jurisdiction does not occur prior to construction, the following conditions of approval are recommended:

- 1) All frontage improvements in, or adjacent to Clackamas County right-of-way, or on site, shall be in compliance with *Clackamas County Roadway Standards*.
- 2) The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
- 3) The applicant shall verify by a professional survey that a 35-foot wide, one-half right-of-way width exists along the entire site frontage, on the easterly side of Rosemont Road or shall dedicate additional right-of-way as necessary to provide it. Contact Deana Mulder for the specifics regarding exhibits to be included with submittals. (*Clackamas County Roadway Standards* Table 2-4, ZDO subsections 1007.03 A and 1007.03 F)
- 4) The applicant shall grant an eight-foot wide public easement for signs, slopes, sidewalks and public utilities along the entire site frontage of tax lot 12500 on the easterly side of Rosemont Road. Contact Deana Mulder for the specifics regarding exhibits to be included with submittals. (*Roadway Standards* drawing C140)
- 5) The applicant shall design and construct improvements along the entire site frontage of Rosemont Road consistent with the improvements identified on page six in the April 2010 TIS.
- 6) If a center left turn lane is not intended to be provided from Hidden Springs to Bay Meadows, the applicant shall provide the necessary analysis and preliminary drawings, for review and approval by County Engineering staff, to indicate how the project traffic can be accommodated.
- 7) The applicant shall address the issue of multiple accesses to a minor arterial and access spacing in accordance with Roadway Standards subsection 220 and submit a modification request for review and approval prior to the issuance of a building permit.
- 8) The applicant shall provide and maintain adequate intersection sight distances and adequate stopping sight distances at the driveway intersections with Rosemont Road

consistent with Clackamas County Roadway Standards subsection 240.

Adequate intersection sight distance for drivers turning left into the site shall also be provided and maintained. In addition, no plantings at maturity, retaining walls, embankments, fences or any other objects shall be allowed to obstruct vehicular sight distance. Adequate sight distances for buses shall be provided at the southerly driveway approach intersection with Rosemont Road. Any required sight line easements shall be obtained by the applicant prior to issuance of a building permit. (*Roadway Standards* section 240 and AASHTO Exhibits 9-55 and 9-67)

- 9) The applicant shall provide adequate corner vision in accordance with the Zoning and Development Ordinance corner vision requirement. No sight-obscuring structures or plantings exceeding 30 inches in height, measured from the roadway surface, shall be located within a 20-foot radius of the lot corner nearest the intersection of two public, County, or State roads, or from the intersection of a private driveway, access drive, or private road and a public, County, or State road.
Trees located within a 20-foot radius of such an intersection shall be maintained to allow eight feet of visual clearance below the lowest-hanging branches. The limits of a public, County or State road are defined by the entire right-of-way width.
- 10) Applicant shall comply with County Roadway Standards clear zone requirements in accordance with Roadway Standards section 245.
- 11) The applicant shall provide an Engineer's cost estimate to Clackamas County Engineering, to be reviewed and approved, for the asphalt concrete, aggregates, curbs, sidewalks and any other required public improvement.
- 12) The applicant shall install and maintain 30-inch "STOP" signs, behind the sidewalk, with the bottom of the signs positioned seven feet above the surface of the sidewalk, at the driveway intersections with Rosemont Road. (*Manual on Uniform Traffic Control Devices*)
- 13) All traffic control devices on private property, located where private driveways intersect County facilities shall be installed and maintained by the applicant, and shall meet standards set forth in the *Manual on Uniform Traffic Control Devices* and relevant Oregon supplements.
- 14) Prior to the issuance of a building permit, the applicant shall submit to Clackamas County Engineering Office:
 - a) A set of street improvement construction plans, including a striping and signing plan, for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Deana Mulder in Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.
 - i) The permit will be for road, driveway, curb, sidewalk, drainage, and other site improvements.

- ii) A fee will be required to be paid by the applicant, for plan reviews and inspections, in accordance with the current fee structure for commercial/industrial/multi-family development that is in place at the time of the Development Permit application.
 - iii) The applicant shall have an Engineer, registered in the state of Oregon, design and stamp the construction plans for all required improvements.
- 15) Before the County issues a Development Permit, the applicant shall submit a construction vehicle management and staging plan for review and approval by the County DTD, Construction and Development Section. That plan shall show that construction vehicles and materials will not be staged or queued-up on public streets and shoulders without specific authority from DTD.

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