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CITY OF  
**West Linn**

## Memorandum

Date: September 9, 2015

To: Planning Commission

From: John Boyd AICP, Planning Manager

Subject: ConAm LLC DR 15-11/LLA 15-01 Additional Information

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Attached to this memorandum is written testimony received as of 12:00 p.m. on September 9, 2015.

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Wednesday, September 09, 2015 12:00 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: ConAm/West Linn - Modified Transportation Conditions  
**Attachments:** 2015-09-09 West Linn Tannler - DKS REVISED Mitigation Response.docx

For recird

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Le, Khoi [kle@westlinnoregon.gov]  
**Received:** Wednesday, 09 Sep 2015, 11:58AM  
**To:** Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: FW: ConAm/West Linn - Modified Transportation Conditions

**From:** Brian Copeland [mailto:bkc@dksassociates.com]  
**Sent:** Wednesday, September 09, 2015 11:53 AM  
**To:** Le, Khoi  
**Cc:** Calvert, Lance  
**Subject:** Re: FW: ConAm/West Linn - Modified Transportation Conditions

Khoi -

Attached is my response. Please get into the record if possible.

Thanks!

b

Khoi Le, Civil Engineer II  
Public Works Support, #1517



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Brian K. Copeland, P.E., PTOE  
Ph: 503-243-3500 | Direct: [503-972-1240](tel:503-972-1240) | Cell: [503-753-8992](tel:503-753-8992) | Email: [bkc@dksassociates.com](mailto:bkc@dksassociates.com)



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On Wed, Sep 9, 2015 at 11:24 AM, Le, Khoi <[kle@westlinnoregon.gov](mailto:kle@westlinnoregon.gov)> wrote:

**Khoi Le**  
Civil Engineer II  
22500 Salamo Rd.  
West Linn, OR 97068  
[kle@westlinnoregon.gov](mailto:kle@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone (503) 722-5517



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**From:** Kerr, Chris  
**Sent:** Wednesday, September 09, 2015 10:26 AM  
**To:** Le, Khoi  
**Subject:** Fwd: ConAm/West Linn - Modified Transportation Conditions

Chris Kerr, Community Development Director  
Community Development, #1538



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Begin forwarded message:

**From:** "King, Seth J. (Perkins Coie)" <[sking@perkinscoie.com](mailto:sking@perkinscoie.com)>  
**Date:** September 9, 2015 at 10:25:12 AM PDT  
**To:** "Robinson, Michael C. (Perkins Coie)" <[MRobinson@perkinscoie.com](mailto:MRobinson@perkinscoie.com)>, "Kerr, Chris" <[ckerr@westlinnoregon.gov](mailto:ckerr@westlinnoregon.gov)>, "Boyd, John" <[jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov)>, "Thornton, Megan" <[MThornton@westlinnoregon.gov](mailto:MThornton@westlinnoregon.gov)>  
**Cc:** "Stephenson, Garrett H. (Perkins Coie)" <[GStephenson@perkinscoie.com](mailto:GStephenson@perkinscoie.com)>, "Mr. Jeff Parker" <[jeff@parkerdev.com](mailto:jeff@parkerdev.com)>, "rmorgan@conam.com" <[rmorgan@conam.com](mailto:rmorgan@conam.com)>, "Mike Mahoney ([mmahoney@conam.com](mailto:mmahoney@conam.com))" <[mmahoney@conam.com](mailto:mmahoney@conam.com)>, "Stephenson, Garrett H. (Perkins Coie)" <[GStephenson@perkinscoie.com](mailto:GStephenson@perkinscoie.com)>, Brent Ahrend <[BAhrend@mcknze.com](mailto:BAhrend@mcknze.com)>, "Janet T. Jones ([JTJones@mcknze.com](mailto:JTJones@mcknze.com))" <[JTJones@mcknze.com](mailto:JTJones@mcknze.com)>  
**Subject:** ConAm/West Linn - Modified Transportation Conditions

Please see attached modified transportation conditions for the ConAm applications. We will submit the justification for these modifications with our materials by 12 noon today. Thank you.

**Seth King | Perkins Coie LLP**

SENIOR COUNSEL  
1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
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Suite 500  
Portland, OR 97205  
503.243.3500  
[www.dksassociates.com](http://www.dksassociates.com)

## MEMORANDUM

**DATE:** September 9, 2015  
**TO:** Khoi Le, City of West Linn  
**FROM:** Brian Copeland, P.E.  
**SUBJECT:** Tannler Mixed-Use Project Mitigation (Revised)

P#15127-000

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This memorandum provides a response to the applicant's *Revised Tannler Drive Mitigation* memo dated September 9, 2015. This memorandum only addresses changes in the applicant's proposed mitigation measures along Tannler Drive from the previous *Revised Mitigation Measures memo* dated August 25, 2015.

The applicant has proposed an alternate mitigation measure at the intersection of Blankenship Road/Tannler Drive instead of the installation of the raised "pork chop" channelization island on the north leg of Blankenship Road. Specifically, the proposed mitigation measure is to limit the site access on Tannler Drive to ingress only (no exit) so that all the traffic exiting the proposed site would do so at the new signal along Blankenship Road across from the west Haggen access. This proposed alternative mitigation has been discussed with City staff and is acceptable to DKS Associates.

Please contact me if you need more information or have questions.

## Shroyer, Shauna

---

**From:** Stephenson, Garrett H. (Perkins Coie) <GStephenson@perkinscoie.com>  
**Sent:** Wednesday, September 09, 2015 11:55 AM  
**To:** Shroyer, Shauna; Shroyer, Shauna; Shroyer, Shauna; Thornton, Megan  
**Cc:** Robinson, Michael C. (Perkins Coie); King, Seth J. (Perkins Coie); Rob Morgan  
**Subject:** Roberta Schwarz Testimony Re: Willamette Oaks Neighborhood Meeting

Dear Chair Schwark and members of the Planning Commission,

I am writing on behalf of ConAm to respond to Roberta Schwarz' September 7 letter in which she alleges that Mr. Robinson and Mr. Morgan misrepresented certain issues at the Savanna Oaks Neighborhood Meeting. This is false. The Applicant presented the project based on the information it had before it at the time of the meeting. Since that time, work with the City and ODOT have resulted in certain required transportation mitigation requirements that were not known, and could not be known at the time of the Savanna Oaks Neighborhood Meeting. The Applicant's responses to Ms. Schwarz arguments are as follows:

- Parking – The Applicant specifically stated it will meet the code for parking and that it is not responsible to handle "overflow" parking above and beyond what the code requires. Ms. Schwarz asserts that the parking code was not adequate for the amount of parking that would actually be generated by the project. However, the Applicant is required only to provide on-site parking as required by the Community Development Code (CDC). It is up to the City as to whether it will allow on-street parking on Tannler Drive.
- Height – The Applicant has always maintained that the buildings are 3 stories from the uphill side and 4 stories from the downhill side but that the residential component is only on 3 of the building levels.
- Quality of ConAm's Properties – Ms. Schwarz confuses the properties the Applicant manages on a third party fee basis, some of where are challenging, with the properties that the Applicant developed for its own account. The property Mr. Morgan mentioned in Oceanside is Piazza d' Oro. See following website link for photos: <http://www.piazzadorotownhomes.com/oceanside-oceanside/piazza-d-oro-apartment-home/photos/>. In any case, the perceived quality of the Applicant's other properties is not an approval criterion.
- No Left Turn – The Applicant stated that it would do everything it could to keep the left turn at Tannler, and at that time it had no indication that would not be achievable. Understand that the proposal to eliminate the left turn from Tannler was proposed after the neighborhood meeting in order to meet the City and ODOT's mitigation requirements. The Applicant maintains its preference to not eliminate the left turn lane from Tannler, but the Applicant is constrained by applicable mitigation requirements.
- Open Space – The Applicant distinctly stated that it would not build on the upper portion of the site, but that it had not determined whether this would be private or turned over to the public. There is no applicable requirement for "public" open space.
- Timing of Neighborhood Meetings – The Applicant came in good faith with the information it had at the time related to traffic.

Sincerely,

Garrett Stephenson on behalf of Mike Robinson

**Garrett Stephenson | Perkins Coie LLP**

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## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Wednesday, September 09, 2015 12:01 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: ConAm/West Linn - Modified Transportation Conditions

For record

Sent from my mobile device

John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Brian Copeland [bkc@dksassociates.com]  
**Received:** Wednesday, 09 Sep 2015, 11:53AM  
**To:** Boyd, John [jboyd@westlinnoregon.gov]  
**CC:** Le, Khoi [kle@westlinnoregon.gov]  
**Subject:** Re: FW: ConAm/West Linn - Modified Transportation Conditions

John - this looks reasonable to me.

Brian

---

Brian K. Copeland, P.E., PTOE  
Ph: 503-243-3500 | Direct: [503-972-1240](tel:503-972-1240) | Cell: [503-753-8992](tel:503-753-8992) | Email: [bkc@dksassociates.com](mailto:bkc@dksassociates.com)



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On Wed, Sep 9, 2015 at 11:37 AM, Boyd, John <[jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov)> wrote:

## For your review

### John Boyd

Planning Manager

22500 Salamo Rd

West Linn, Oregon 97068

[jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov)

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

Phone (503) 723-2524



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**From:** King, Seth J. (Perkins Coie) [<mailto:sking@perkinscoie.com>]  
**Sent:** Wednesday, September 09, 2015 10:25 AM  
**To:** Robinson, Michael C. (Perkins Coie); Kerr, Chris; Boyd, John; Thornton, Megan  
**Cc:** Stephenson, Garrett H. (Perkins Coie); Mr. Jeff Parker; [rmorgan@conam.com](mailto:rmorgan@conam.com); 'Mike Mahoney ([mmahoney@conam.com](mailto:mmahoney@conam.com))'; Stephenson, Garrett H. (Perkins Coie); Brent Ahrend; Janet T. Jones ([JTJones@mcknze.com](mailto:JTJones@mcknze.com))  
**Subject:** ConAm/West Linn - Modified Transportation Conditions

Please see attached modified transportation conditions for the ConAm applications. We will submit the justification for these modifications with our materials by 12 noon today. Thank you.

**Seth King | Perkins Coie LLP**

SENIOR COUNSEL

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## Shroyer, Shauna

---

**From:** Rapp, Reagan S. (Perkins Coie) <RRapp@perkinscoie.com> on behalf of Robinson, Michael C. (Perkins Coie) <MRobinson@perkinscoie.com>  
**Sent:** Wednesday, September 09, 2015 11:49 AM  
**To:** King, Seth J. (Perkins Coie); Shroyer, Shauna  
**Cc:** Kerr, Chris; Boyd, John; Thornton, Megan; Brent Ahrend (BAhrend@mcknze.com); Janet T. Jones (JTJones@mcknze.com); morgan.holen@comcast.net; mmahoney@conam.com; rmorgan@conam.com; Jeff Parker (jeff@parkerdev.com); Gary Alfson (gary.alfson@otak.com) (gary.alfson@otak.com); ron.dean@otak.com; Pete Miller (pete.miller@otak.com) (pete.miller@otak.com); Robinson, Michael C. (Perkins Coie); Stephenson, Garrett H. (Perkins Coie); kleinmanjl@aol.com  
**Subject:** (Email 1 of 6) Applicant Final Rebuttal Letter - City File Nos. DR-15-11 and LLA-15-01 (ConAm)  
**Attachments:** Doc1.pdf

Shauna:

Attached please find the exhibits to the applicant's final rebuttal letter. Please include a copy of these exhibits with the letter in the record for this matter and please forward to the Planning Commission as soon as possible for their consideration.

Please confirm receipt. Thank you for your courtesies.

**Michael C. Robinson | Perkins Coie LLP**

PARTNER

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# MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

September 9, 2015

City of West Linn  
Attention: Lance Calvert  
22500 Salamo Road  
West Linn, OR 97068

Re: **Tannler Mixed-Use Project**  
*Revised Tannler Drive Mitigation*  
Project Number 2130529.08

Dear Mr. Calvert:

Based on testimony at the Planning Commission hearings held on August 26 and September 2, as well as discussions with City staff and their consultant DKS Associates, Mackenzie is proposing alternate mitigation measures instead of the median to restrict left turns from Tannler Drive at the intersection with Blankenship Road. The analysis and recommendations in this letter are supplemental to the Transportation Impact Analysis report dated July 20 and supplemental analysis letter dated August 25.

The specific mitigation measure to replace the left-turn restriction on Tannler Drive is to limit the site driveway on Tannler Drive to ingress only. This limitation was requested by the City and their consultant, DKS Associates, in order to ensure that no site trips would be added to the left-turn movement on Tannler Drive, because the addition of site trips could result in intersection operation with longer delays than pre-development conditions. With a few exceptions noted below, all trips leaving the site would use the driveway to Blankenship Road. All other recommended mitigation measures remain the same. The new recommendations for mitigation are as follows:

1. Restrict the site driveway on Tannler Drive to ingress only through driveway geometry, signing, and striping. The driveway design will allow for emergency egress.
2. Signalize the Site Access/West Haggen Driveway intersection with Blankenship Road to accommodate the increase in left-turning vehicles from the site and enhance the pedestrian crossing of Blankenship Road.
3. Provide a second left-turn lane on the Salamo Road approach to 10th Street by widening the roadway and intersection and installing necessary traffic signal equipment. No changes are proposed to the signal timing or phasing. The two left-turn lanes should provide 225 feet of storage.
4. Pay a proportionate share, in the amount of \$18,991, towards the cost of improvements at the 10th Street/8th Avenue/8th Court intersection and the 8th Court extension. (No change from TIA.)

## TANLER MEDIAN

The overwhelming testimony provided by the neighbors at the September 2, 2015, hearing was opposed to installation of a median to restrict left turns from Tannler Drive to Blankenship Street. We had recommended this median to meet the City's standards for intersection operation.



503 224-9561 • 503 228-1285 • MACKENZIE.COM • Portland Center 65 SE Water Avenue, #100, Portland, OR 97214

Richard Leonard testified that he uses Tannler Drive instead of Salamo Road because of the long delays at the 10th Street signal. This makes sense, especially in the morning when long queues develop as shown in the large photo provided by Roberta Schwarz. With our proposed improvements on Salamo to provide a second left-turn lane, these left-turn queues and delays will significantly decrease. Delays drop from 95.8 to 30.7 seconds in the AM and 67.3 to 47.0 seconds in the PM, between the pre-development and post-development conditions. This improvement would be sufficient to attract the drivers back to Salamo Road who are currently using Tannler Drive instead.

**UPDATED ANALYSIS SUMMARY**

With clear neighborhood opposition to a median on Tannler Drive and improvements planned on the Salamo Road approach to the 10th Street signal, Mackenzie is providing the following updated analysis. We have also updated the site trip generation estimates to reduce the number of units from 210 in the original TIA to the current 180 residential units and the total gross area of the commercial areas from 3,500 sf to 2,200 sf.

The analysis assumes the other recommended transportation improvements are still provided, including a second left-turn lane on the Salamo Road approach to 10th Street and a traffic signal at the site driveway to Blankenship Road opposite the west Haggen Center driveway.

The following sections provide more detail on the updated assumptions and analysis.

**PRE-DEVELOPMENT TRAFFIC VOLUMES**

Pre-development traffic volumes have been updated to include the intersections of Greene Street with Tannler Drive and Salamo Road. Volumes for all other intersections are the same as in the original TIA. Updated figures for existing, background, and in-process traffic volumes are attached for reference.

**TRIP GENERATION**

Trip generation estimates have been updated from the original TIA to reflect the current 180 residential units and the total gross commercial area of approximately 2200 sf. The new estimates include 119 AM peak hour trips, 144 PM peak hour trips, and 1,377 daily trips. The trip generation for the proposed uses is shown in the following table.

PROPOSED TRIP GENERATION									
ITE Code	Land Use	Size	AM Peak Hour			PM Peak Hour			Daily
			Enter	Exit	Total	Enter	Exit	Total	Total
220	Apartment	180 d.u.	18	74	92	76	41	117	1,214
565	Day Care Center	2.2 KSF	14	13	27	13	14	27	163
	<b>Total</b>		<b>32</b>	<b>87</b>	<b>119</b>	<b>89</b>	<b>55</b>	<b>144</b>	<b>1,377</b>



## **TRIP DISTRIBUTION**

Trip distribution remains the same as the original TIA, but the specific routing has been updated based on the mitigation measures listed above. No trips would leave the site at the driveway on Tannler Drive – all trips will exit the site directly onto Blankenship Road. Trips that were previously traveling to the north on Tannler (5% of site trips) are now assumed to use Salamo.

A total of 332 parking spaces are required for the site. The current proposal is to provide 322 on site, and 10 visitor spaces on Tannler Drive. These visitor parking spaces represent 3.0 % of site spaces, and proportionately would be 4 AM peak hour (1 enter/3 exit) trips and 4 PM peak hour trips (2 enter/2 exit). Because these trips exiting the site are not subject to the egress restriction on Tannler, it is assumed the 3 AM and 2 PM trips will turn left from Tannler to Blankenship.

Figures 5A and 5B present the updated trip assignment from the site.

## **REROUTE OF EXISTING TRAFFIC**

As noted in testimony from the neighbors, some drivers are currently using Tannler Drive to avoid the long delays and queues on the Salamo Road approach to the signal at 10th Street. With the doubling of left-turn capacity, the delays will reduce significantly, and Salamo will become a more attractive option for neighborhood traffic traveling to I-205 and points south. Salamo Road is an arterial road, and more appropriate for access to the freeway than using Tannler Drive. We have assumed 12 AM trips and 23 PM trips would choose to reroute, and for purposes of this analysis, have shown them using Greene Street. We anticipate some of these trips would come from Remington and Bland Circle as well, but the volumes will be low, and these are likely residents living on or nearby these streets. A higher percentage of PM peak hour trips would reroute to Salamo because of the longer delays turning left to Blankenship and the shorter queues and delays on the Salamo approach as compared to the AM peak hour.

## **POST DEVELOPMENT VOLUMES**

Updated post-development volumes are presented in Figures 7A and 7B for the AM and PM peak hours, respectively. These volumes include pre-development volumes, plus existing traffic reroutes and added site trips.

## **CAPACITY ANALYSIS**

Updated capacity analysis calculations were prepared for the updated volumes described above. Results are presented in the following table. All study area intersections either meet the City and ODOT level of service standards, or when below standards under pre-development conditions, don't worsen the intersection delay. As noted in the original TIA, mitigation for the intersection of 10th Street with 8th Avenue is well beyond the proportionate impact of this project, and a proportionate share of the cost will be paid to the City. The updated proportion with the reduced trip generation is 0.95% and a fee of \$18,991.

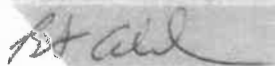
M.

INTERSECTION OPERATIONS				
Intersection	Peak Hour	2015 Existing	2017	
			Pre-Development	Post-Development with Mitigation
Tannler Drive/Site Access	AM	N/A	N/A	0.010-A-7.5
	PM	N/A	N/A	0.027-A-7.4
Blankenship Road/13th Street	AM	0.138-B-14.7	0.145-C-15.0	0.149-C-15.3
	PM	0.138-C-18.0	0.148-C-18.8	0.149-C-18.9
Blankenship Road/Site Access/Haggen's Access	AM	0.138-B-14.8	0.149-C-15.3	0.44-A-9.6
	PM	0.140-C-21.7	0.335-C-20.8	0.47-B-10.3
Blankenship Road/Tannler Drive	AM	0.392-C-23.8	0.420-D-29.2	0.439-D-34.8
	PM	0.406-E-35.2	0.454-F-56.5	0.274-F-56.1
10th Street/Blankenship Road/Salamo Road	AM	0.78-C-26.8	<b>0.85-D-36.7</b>	0.68-B-18.4
	PM	0.65-C-22.6	0.68-C-25.1	0.68-C-20.6
10th Street/I-205 SB Ramps	AM	0.71-C-34.2	0.78-D-42.2	0.77-D-39.9
	PM	0.66-C-33.4	0.71-D-36.2	0.74-D-35.3
10th Street/I-205 NB Ramps	AM	0.61-C-25.3	<b>0.66-C-25.9</b>	0.69-C-26.6
	PM	0.56-B-14.0	0.60-B-15.4	0.63-B-17.6
10th Street/8th Avenue/8th Court	AM	0.457-E-46.1	<b>0.522-F-55.5</b>	<b>0.533-F-57.5</b>
	PM	<b>1.559-F-385.3</b>	<b>1.864-F-526.6</b>	<b>1.915-F-551.4</b>
10th Street/Willamette Falls Drive	AM	N/A-C-24.5*	N/A-D-28.7*	N/A-D-29.9
	PM	N/A-D-27.0*	N/A-D-31.7*	N/A-D-32.4
Tannler Drive/Greene Street	AM	NR	NR	0.016-A-9.6
	PM	NR	NR	0.015-B-10.1
Salamo Road/Greene Street	AM	NR	NR	0.064-B-11.9
	PM	NR	NR	0.086-B-13.0

Note: Capacity results are reported as v/c-LOS-Delay  
 NR – Not Reported.

Results in **BOLD** font exceed capacity standards. \*All-way stop controlled intersections do not report an overall v/c ratio.

Sincerely,

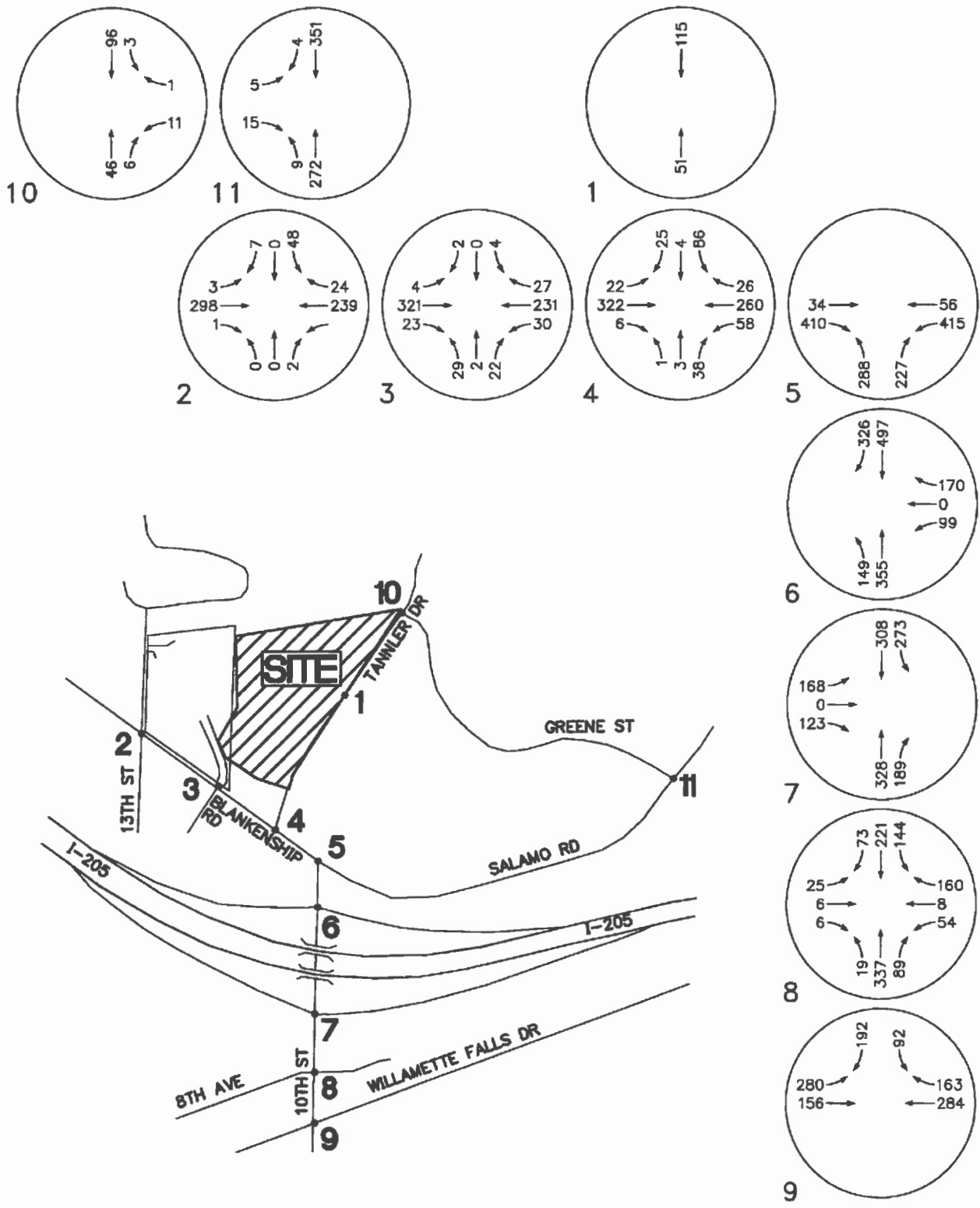


Brent Ahrend, PE  
 Senior Associate | Traffic Engineer

Enclosure(s): Figures, Capacity Calculations

- c: Khoi Le, Lance Calvert, John Boyd – West Linn
- Avi Tayar, Joshua Brooking – ODOT
- Michael Robinson, Seth King – Perkins Coie
- Jeff Parker – Parker Development
- Rob Morgan – Conam
- Janet Jones – Mackenzie

M.



**FIGURE  
1A**

**M** **McKenzie**  
 Architecture • Interiors  
 Planning • Engineering

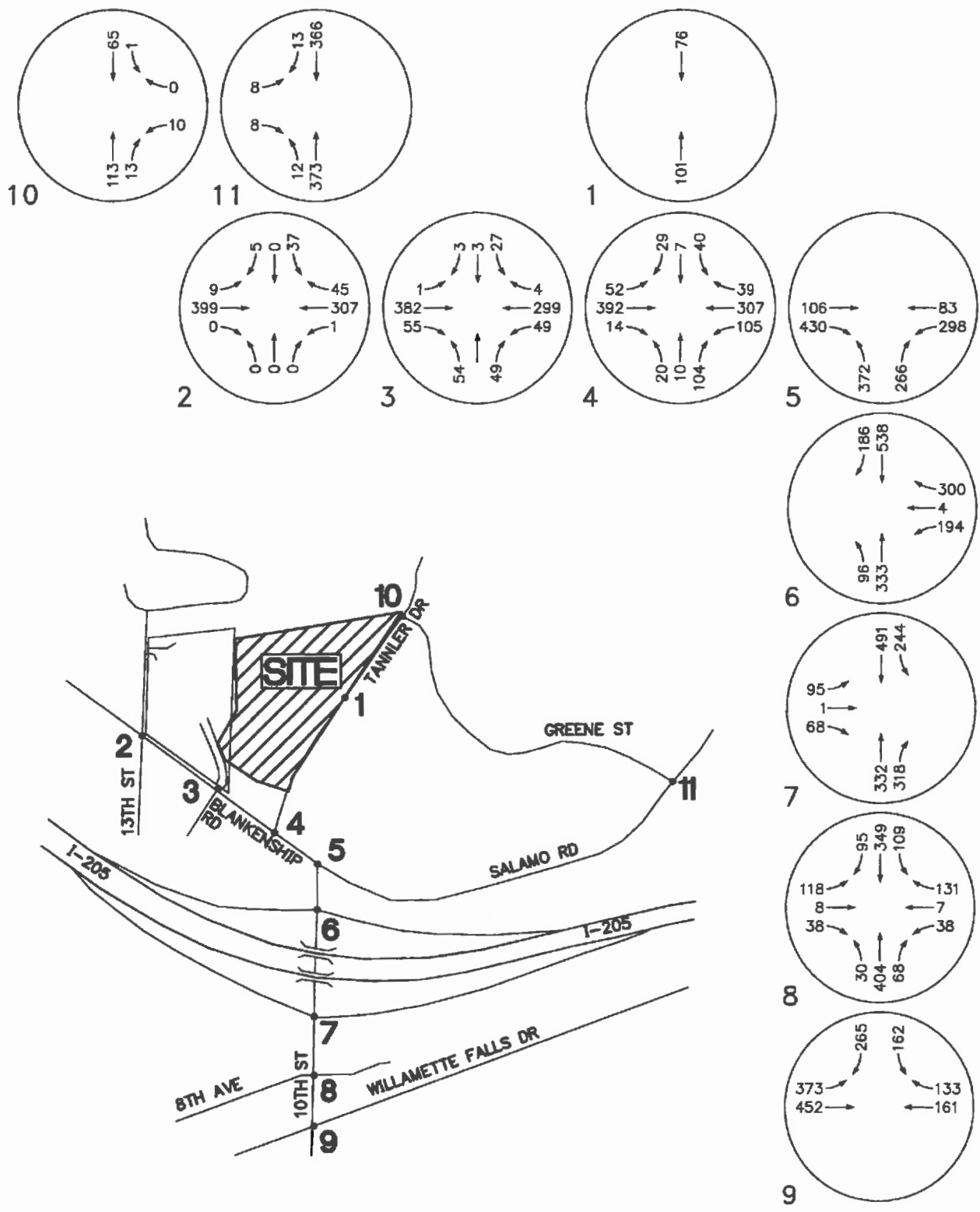
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**MACKENZIE**  
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 DRAWN BY: JTJ  
 CHECKED BY: BTA  
 JOB NO:  
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**2015 EXISTING TRAFFIC  
 VOLUMES - AM PEAK HOUR**

**TANNER DRIVE MIXED-USE PROJECT  
 WEST LINN, OREGON**



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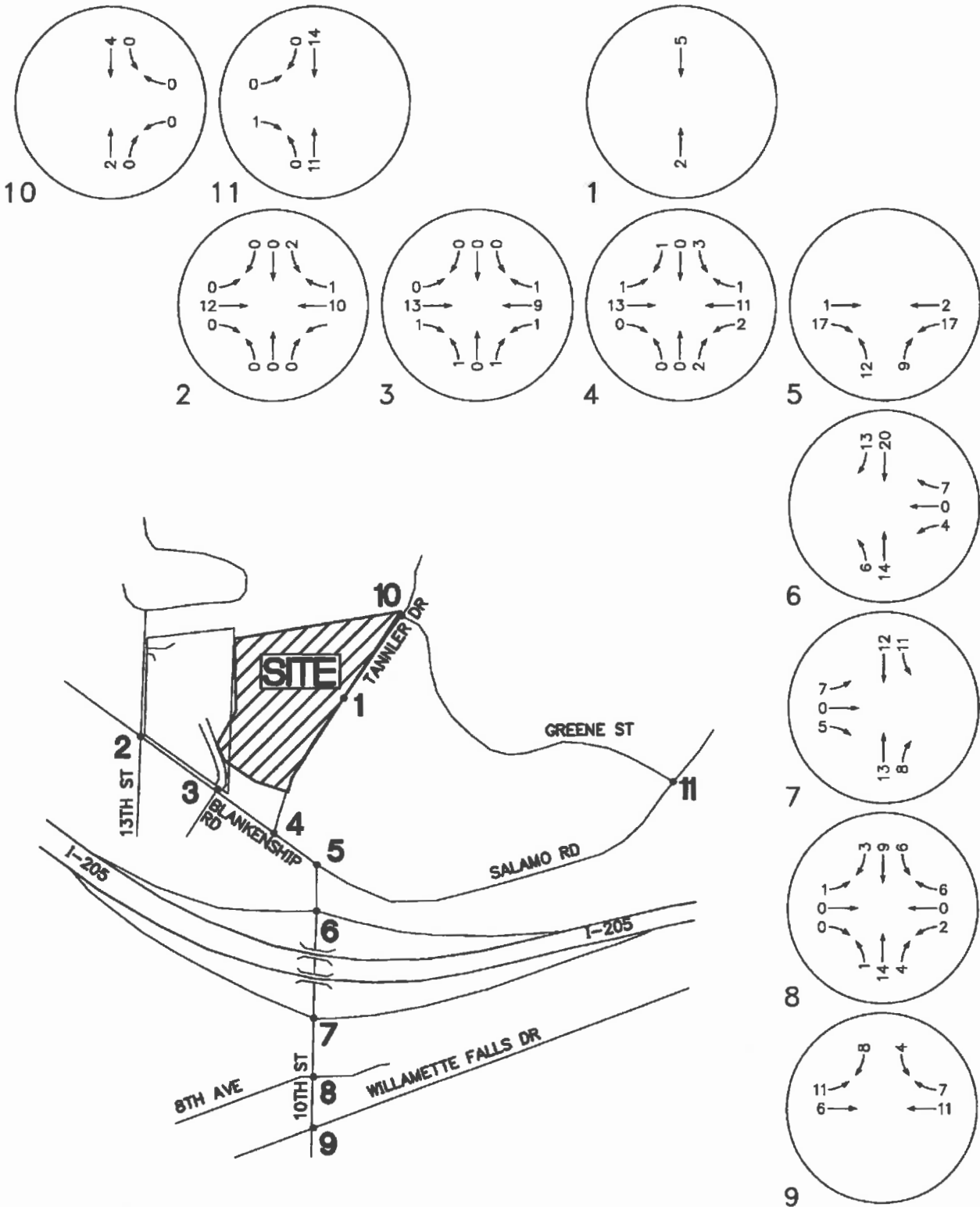
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**2015 EXISTING TRAFFIC VOLUMES - PM PEAK HOUR**

**TANNER DRIVE MIXED-USE PROJECT**  
WEST LINN, OREGON

**FIGURE 1B**





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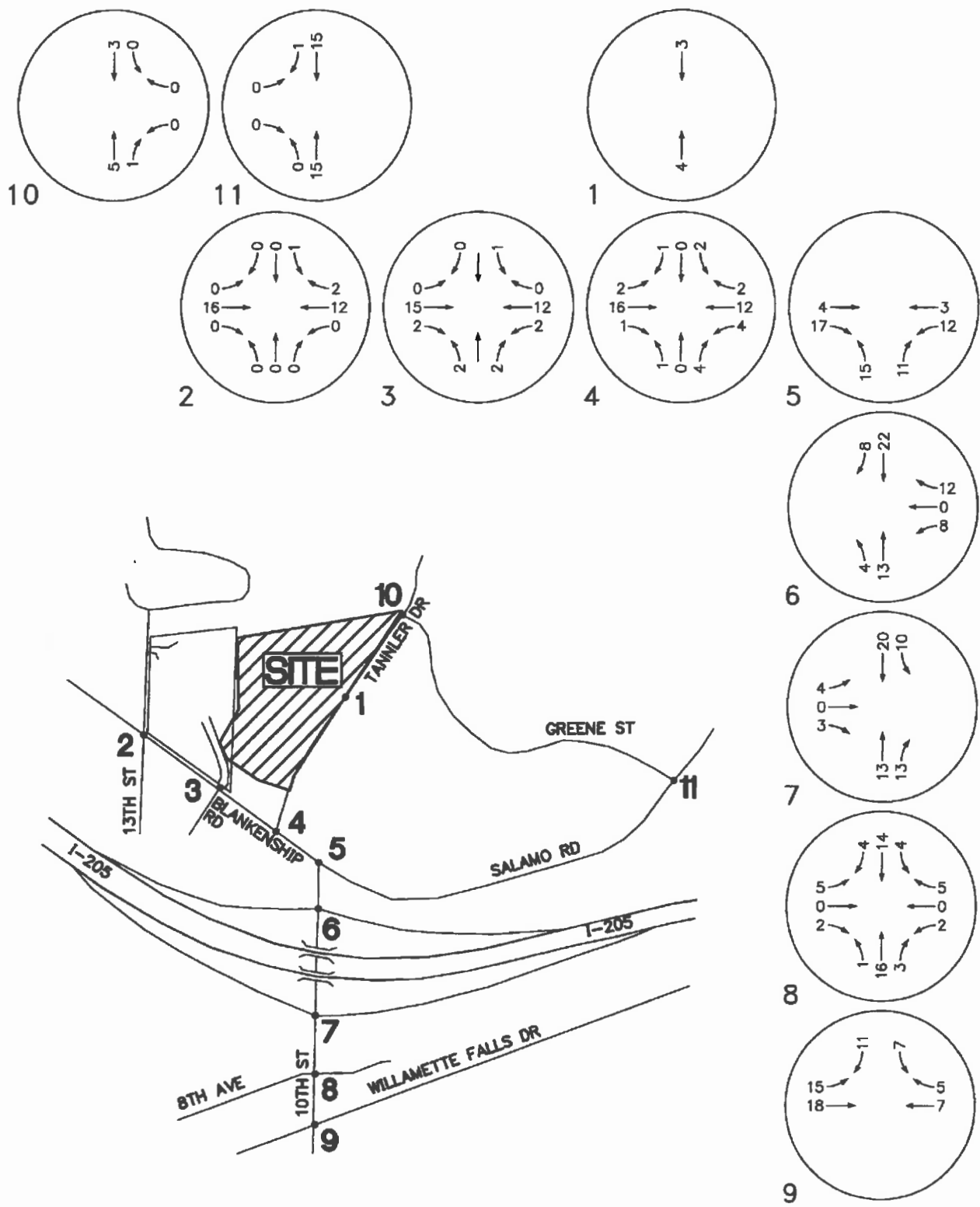
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**BACKGROUND GROWTH -**  
**AM PEAK HOUR**  
**2-YEAR AT 2% PER YEAR**

**TANNER DRIVE MIXED-USE PROJECT**  
**WEST LINN, OREGON**

**FIGURE**  
**2A**



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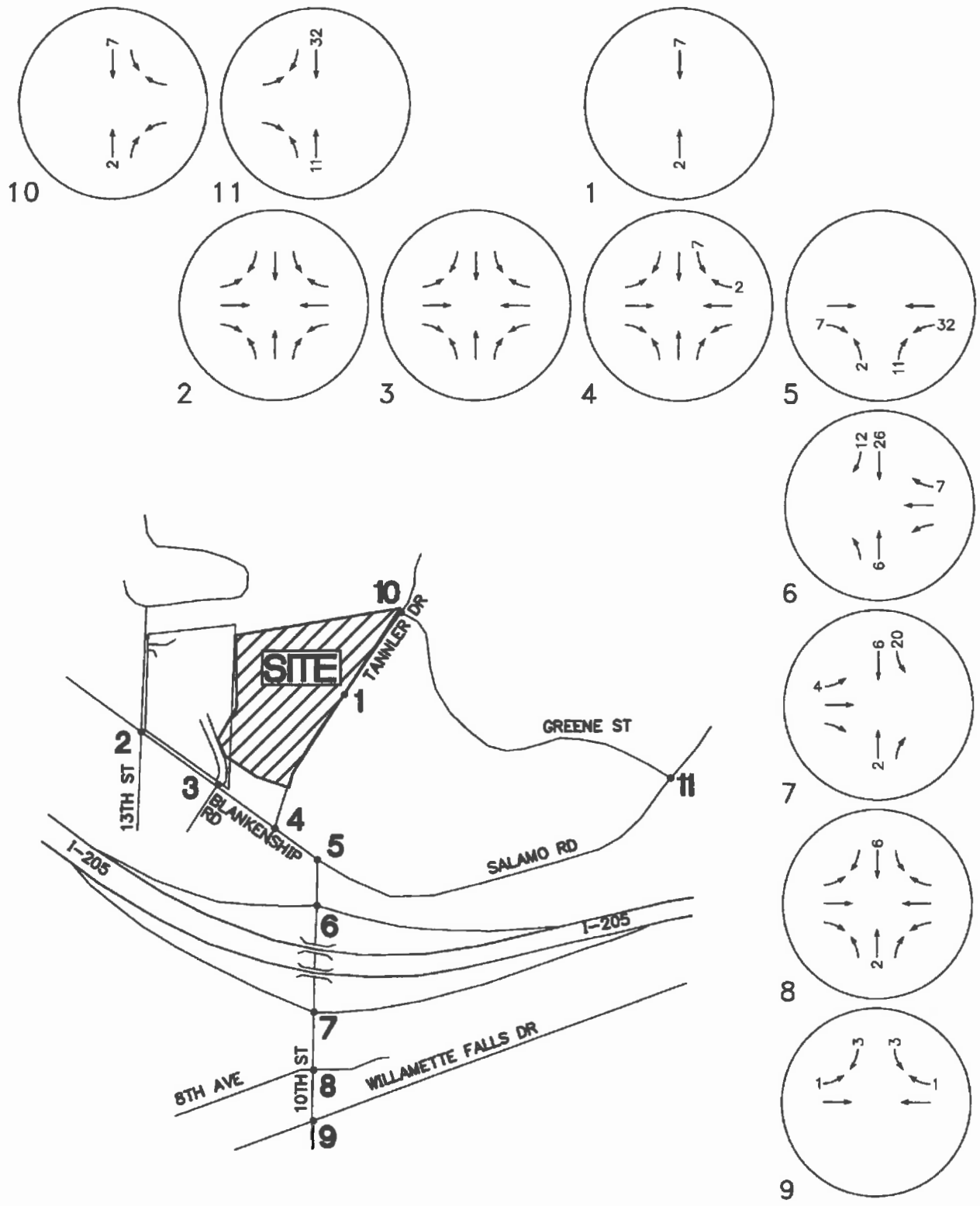
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**BACKGROUND GROWTH -  
 PM PEAK HOUR  
 2-YEAR AT 2% PER YEAR**  
**TANNER DRIVE MIXED-USE PROJECT  
 WEST LINN, OREGON**

**FIGURE  
 2B**

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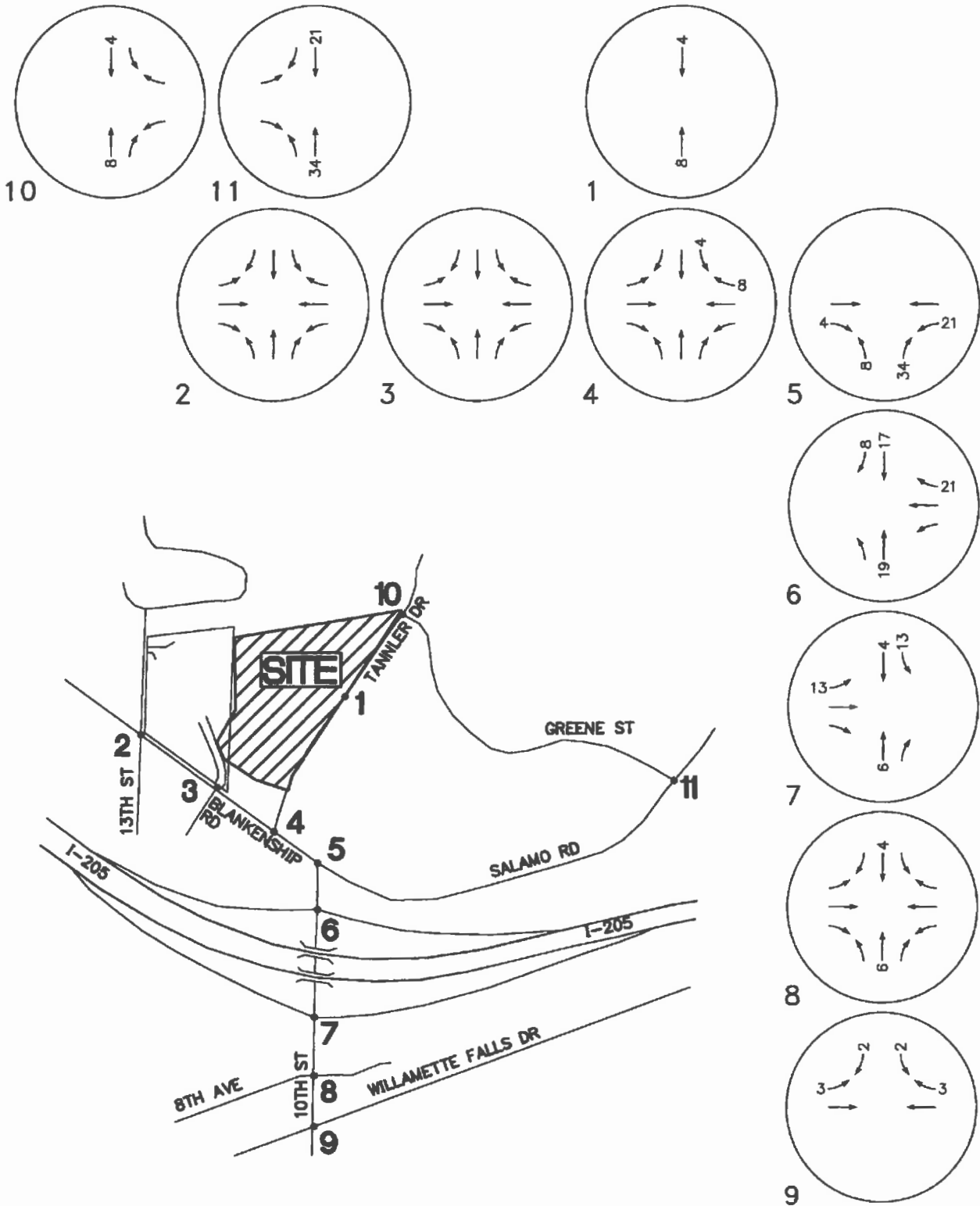
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**2017 IN-PROCESS TRIPS -  
 AM PEAK HOUR**

**TANLER DRIVE MIXED-USE PROJECT  
 WEST LINN, OREGON**

**FIGURE  
 3A**

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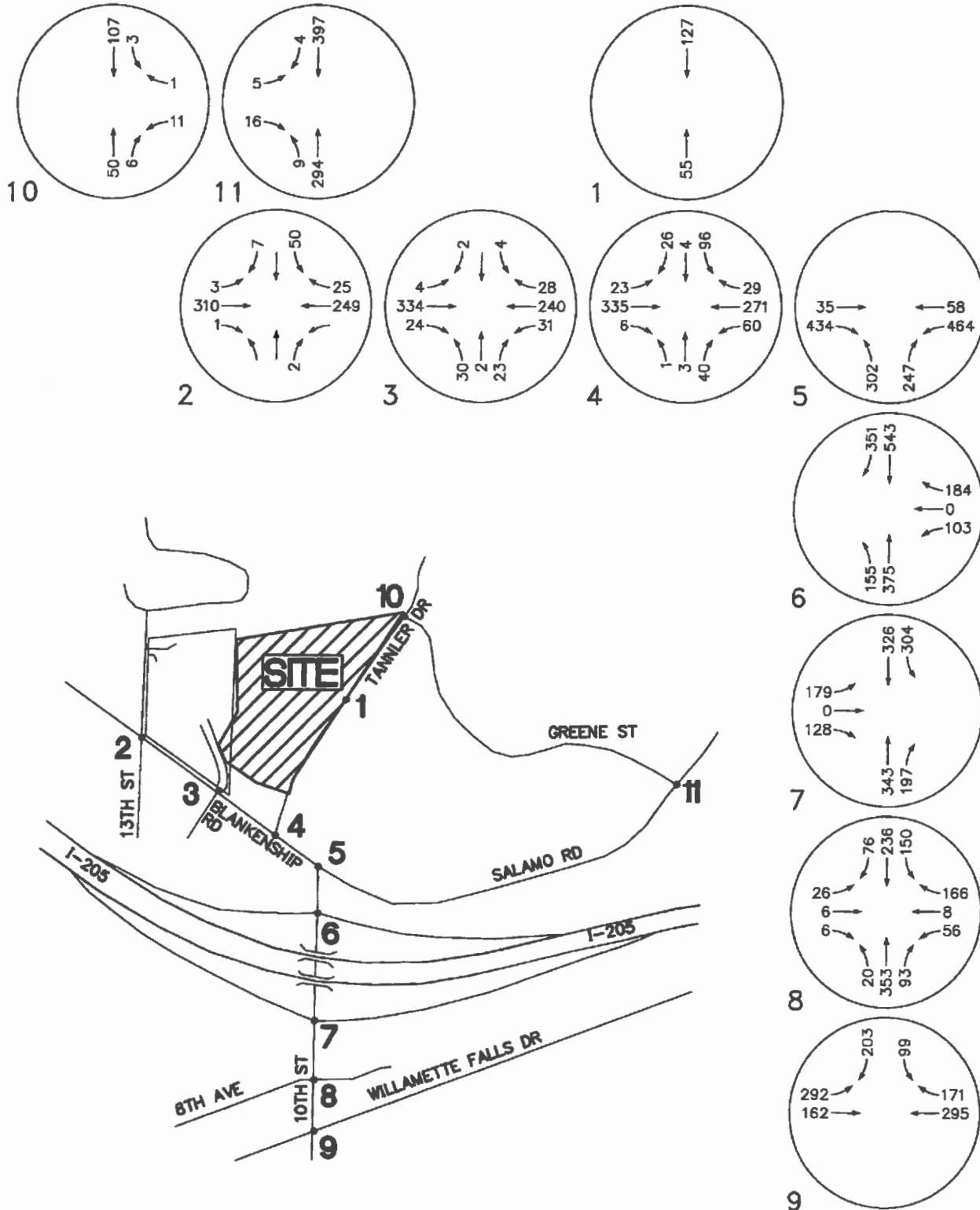
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**2017 IN-PROCESS TRIPS -**  
**PM PEAK HOUR**  
**TANNER DRIVE MIXED-USE PROJECT**  
**WEST LINN, OREGON**

**FIGURE**  
**3B**

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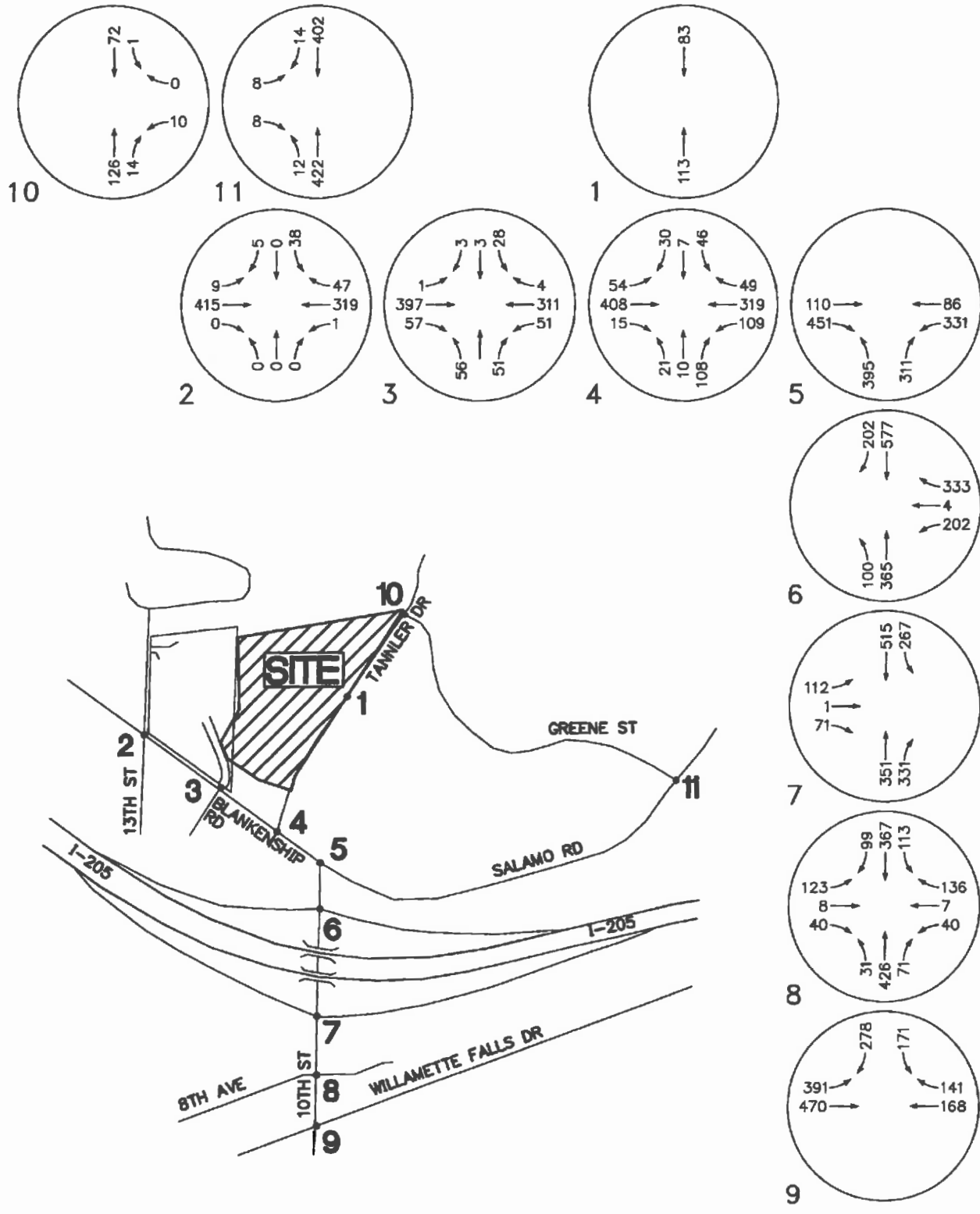
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**2017 PRE-DEVELOPMENT  
 VOLUMES - AM PEAK HOUR**  
**TANNER DRIVE MIXED-USE PROJECT  
 WEST LINN, OREGON**

**FIGURE  
 4A**

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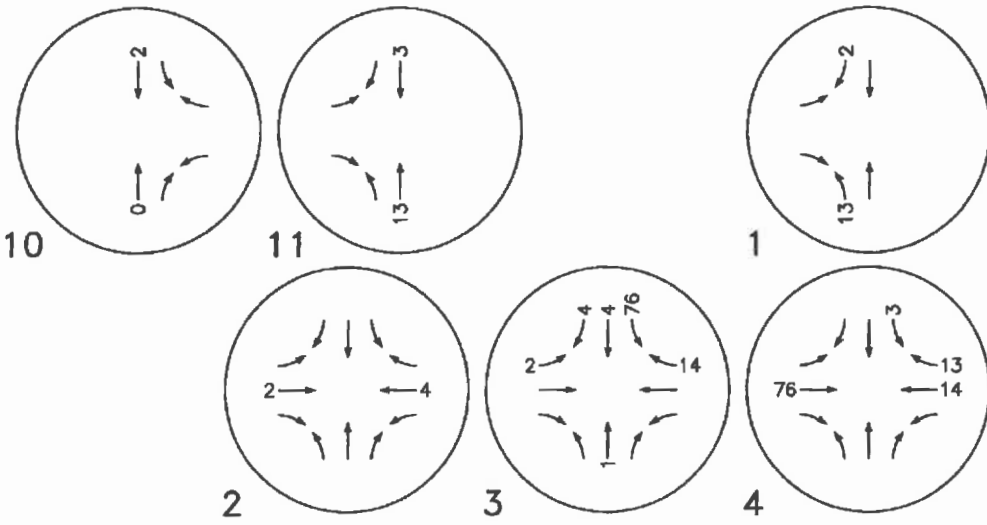
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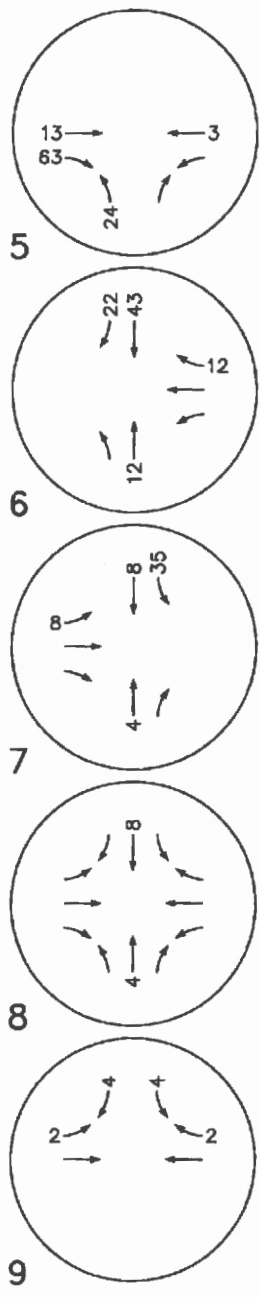
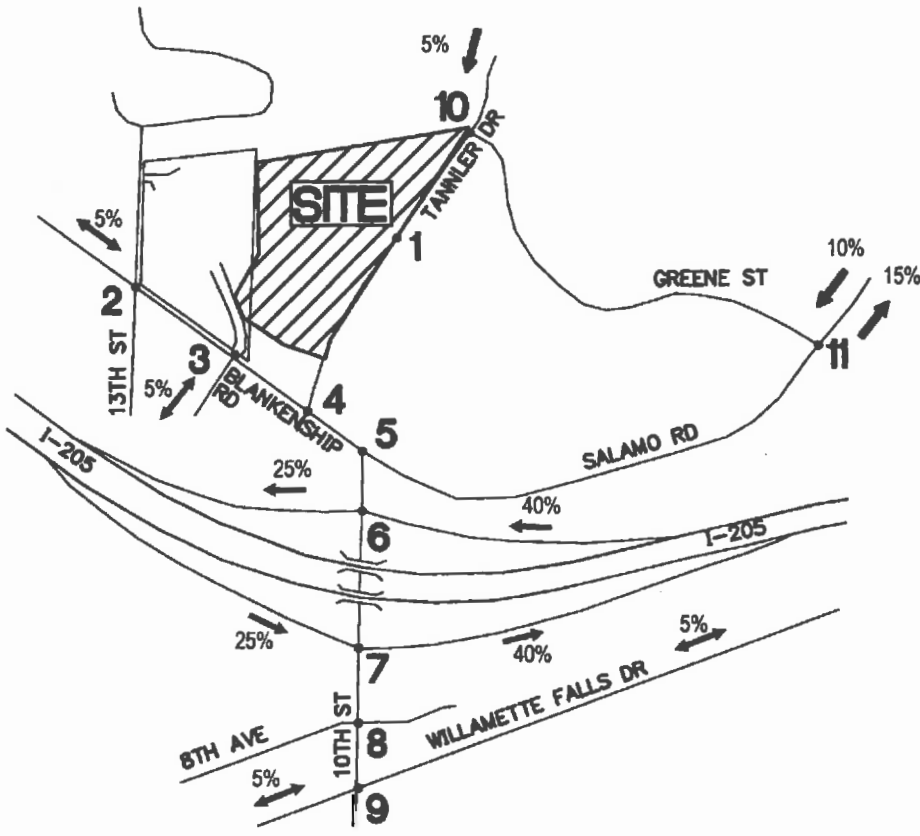
**2017 PRE-DEVELOPMENT  
VOLUMES - PM PEAK HOUR**

**TANNER DRIVE MIXED-USE PROJECT  
WEST LINN, OREGON**

**FIGURE  
4B**



AM PEAK  
HOUR TRIPS  
ENTER - 32  
EXIT - 87  
TOTAL - 119



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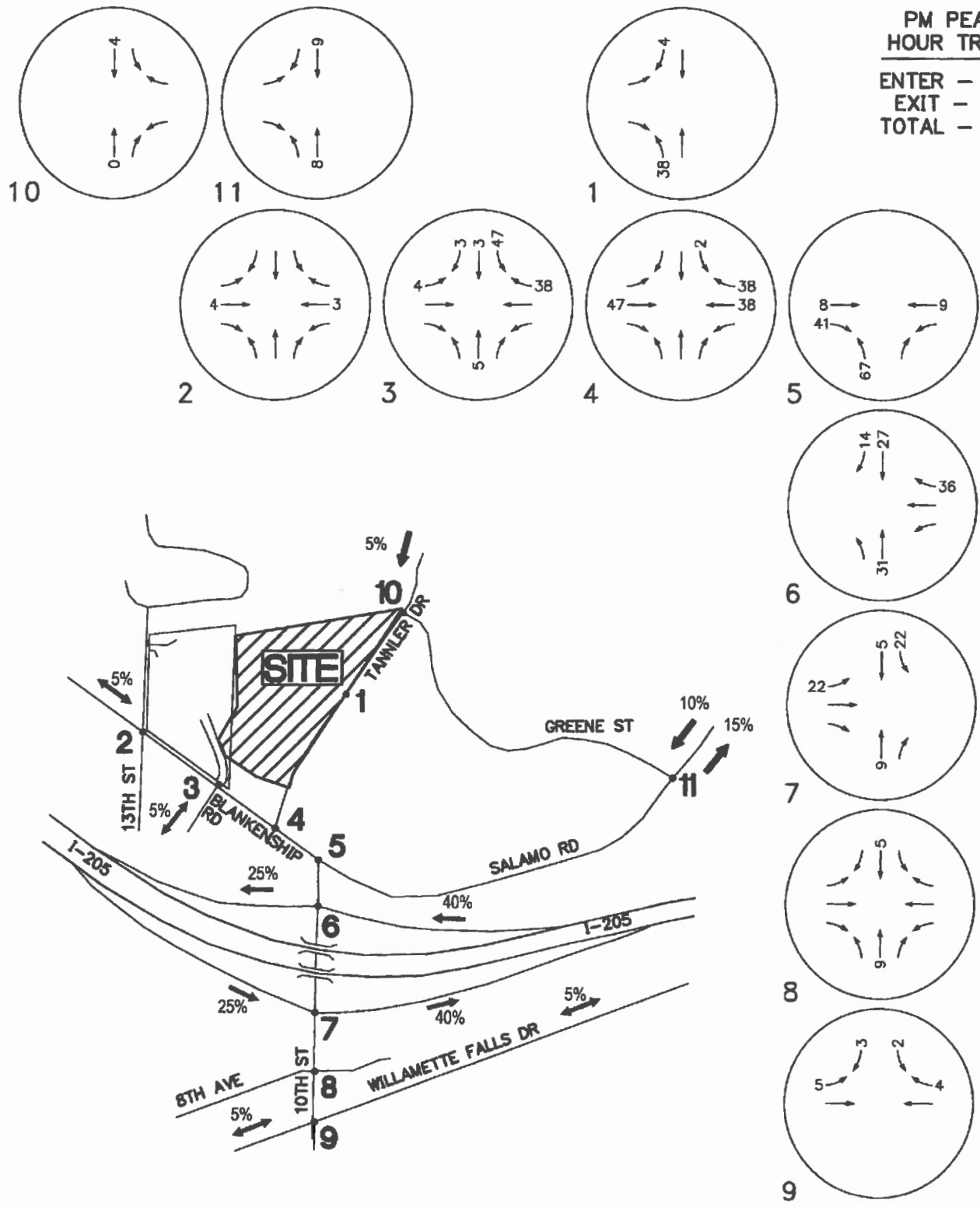
TRIP ASSIGNMENT -  
AM PEAK HOUR  
TANNLER DRIVE MIXED-USE PROJECT  
WEST LINN, OREGON

FIGURE  
5A

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PM PEAK HOUR TRIPS

ENTER - 89  
 EXIT - 55  
 TOTAL - 144



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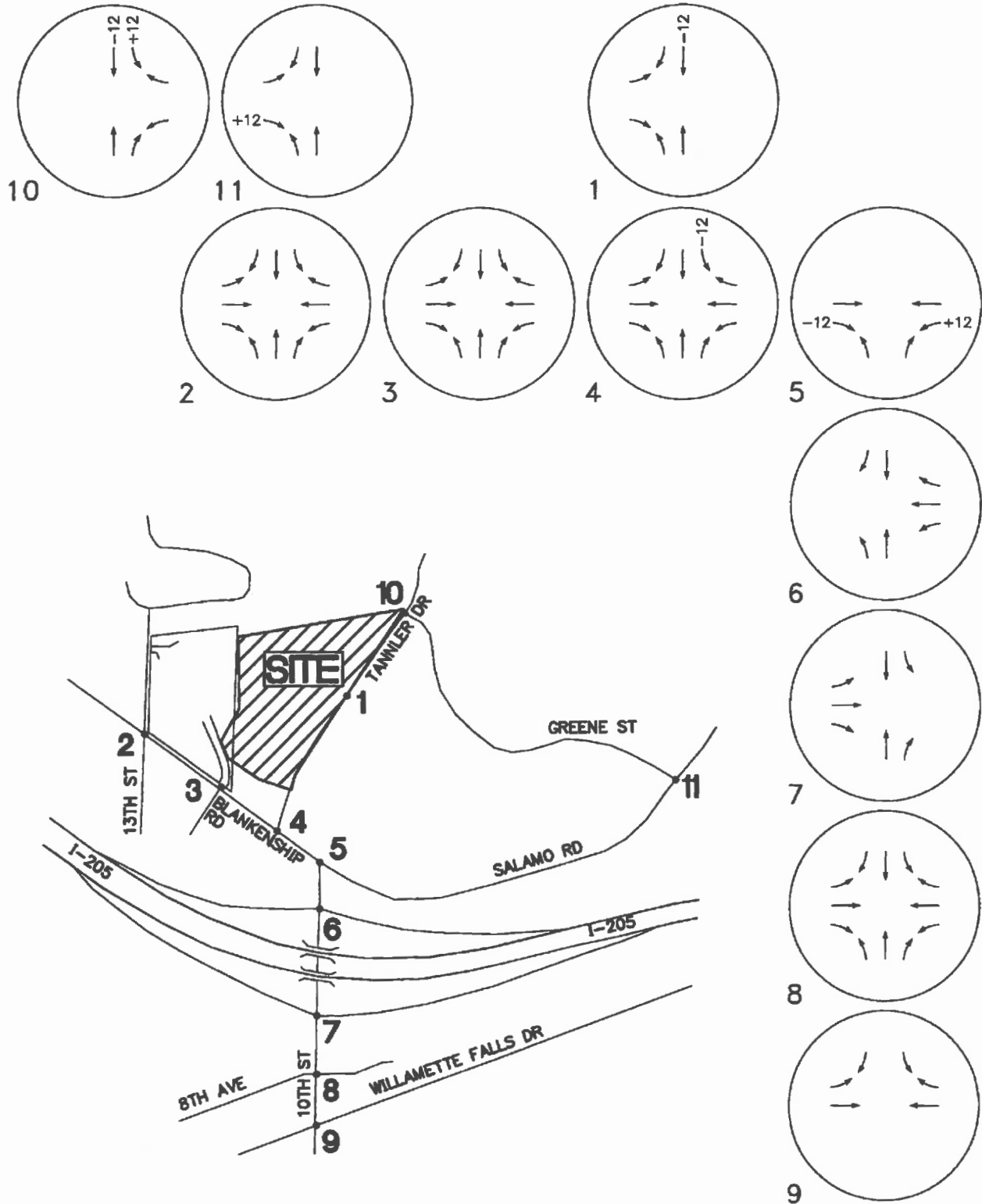
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TRIP ASSIGNMENT -  
 PM PEAK HOUR

TANNER DRIVE MIXED-USE PROJECT  
 WEST LINN, OREGON

FIGURE  
**5B**





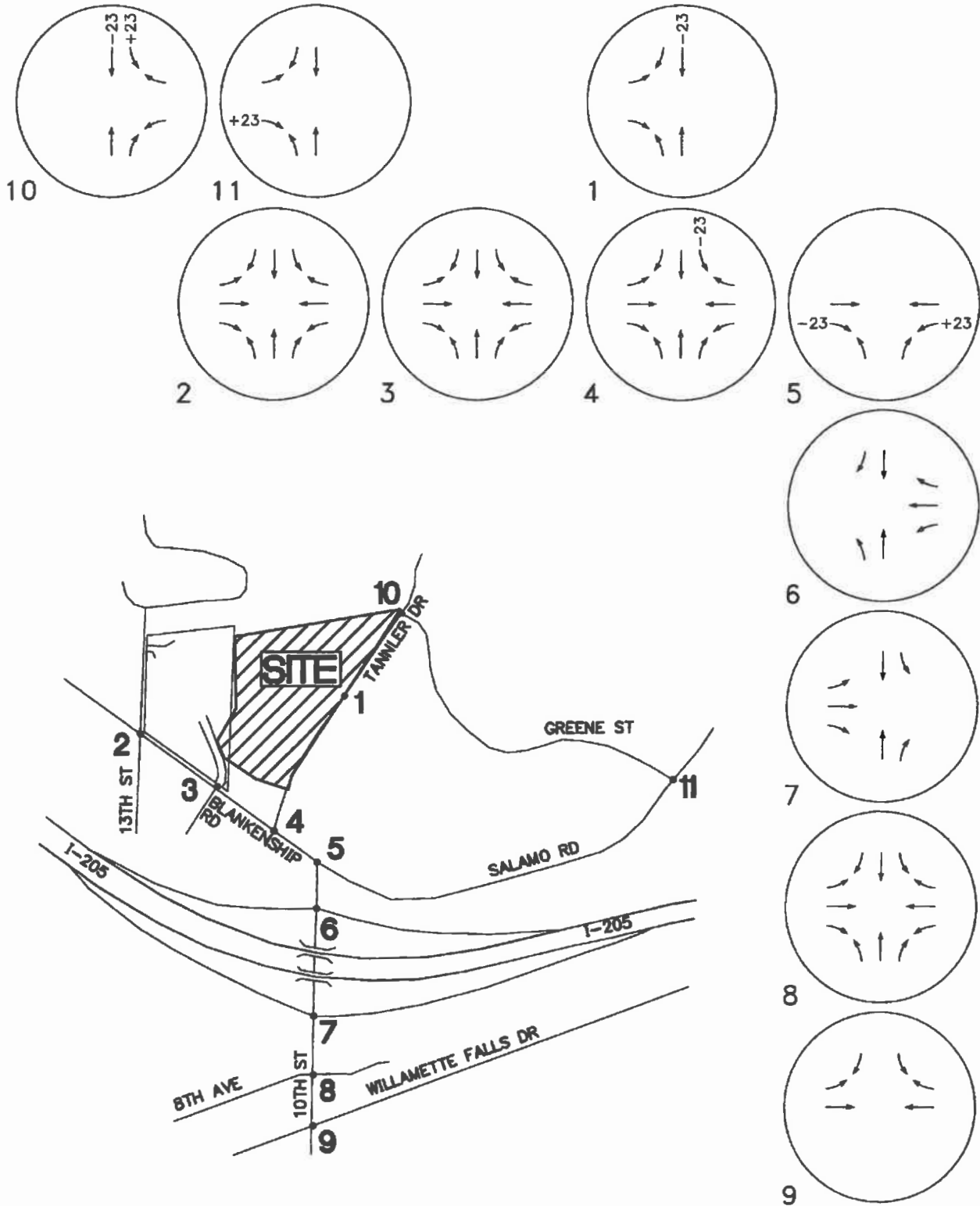
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**AM PEAK HOUR -**  
**REROUTED VOLUMES**  
**TANLER DRIVE MIXED-USE PROJECT**  
**WEST LINN, OREGON**

**FIGURE**  
**6A**

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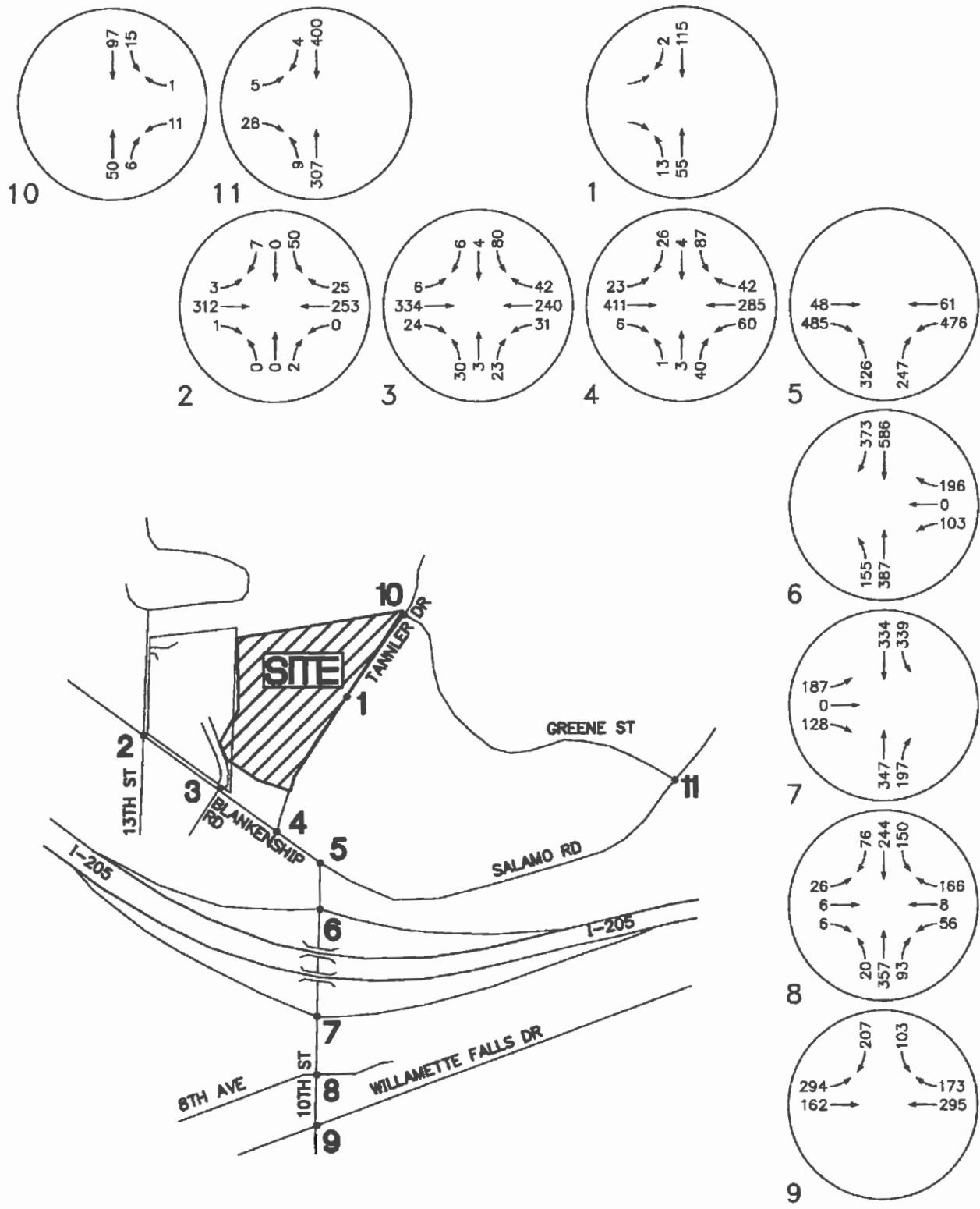
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**PM PEAK HOUR -  
 REROUTED VOLUMES**  
**TANLER DRIVE MIXED-USE PROJECT  
 WEST LINN, OREGON**

**FIGURE  
 6B**



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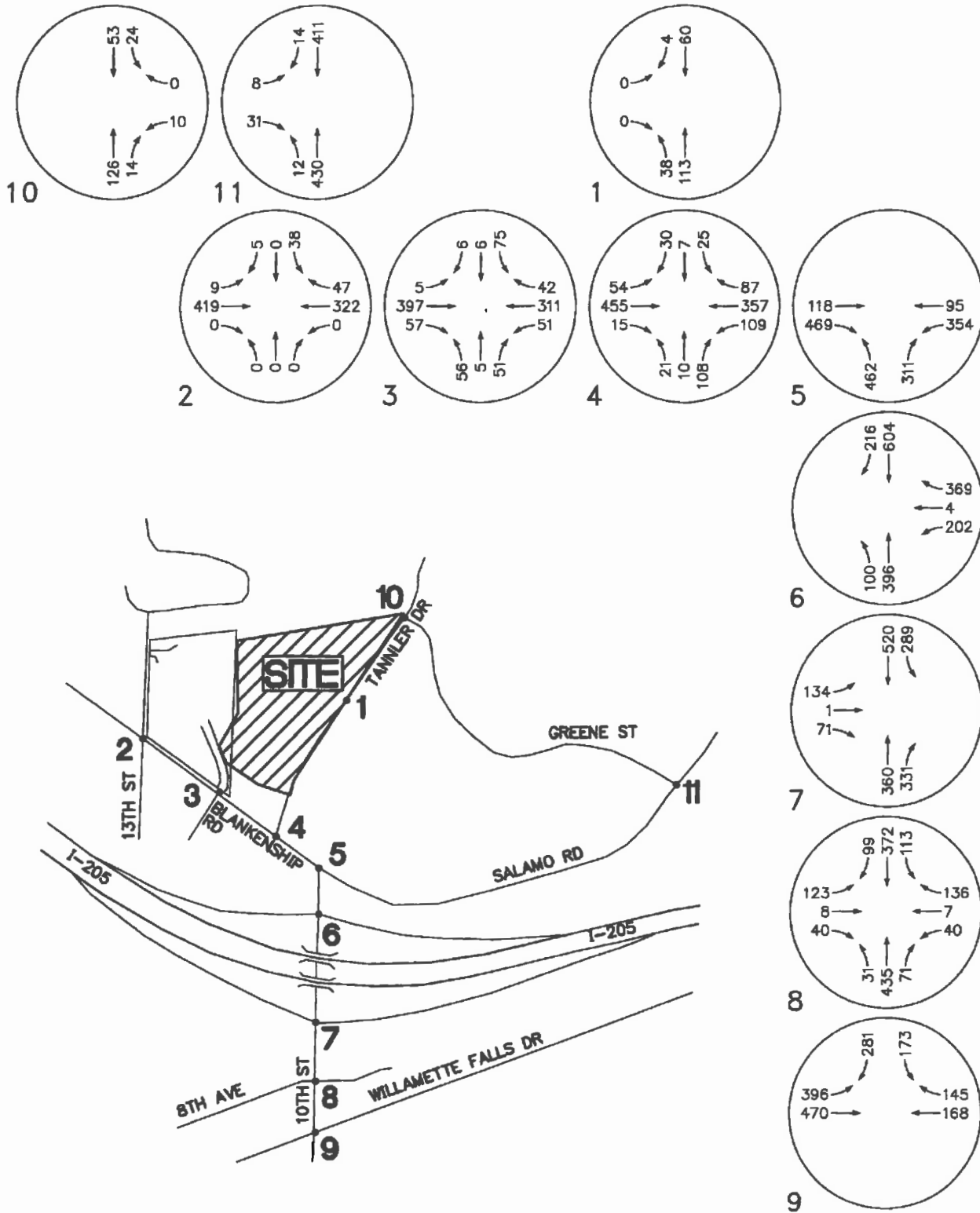
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**2017 POST-DEVELOPMENT VOLUMES - AM PEAK HOUR**

**TANNER DRIVE MIXED-USE PROJECT**  
**WEST LINN, OREGON**

**FIGURE 7A**



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**2017 POST-DEVELOPMENT VOLUMES - PM PEAK HOUR**  
**TANNER DRIVE MIXED-USE PROJECT**  
**WEST LINN, OREGON**

**FIGURE 7B**

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	0	0	13	55	115	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles %	2	2	2	2	2	2
Mvmt Flow	0	0	14	60	125	2
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	214	126	127	0	-	0
Stage 1	126	-	-	-	-	-
Stage 2	88	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	774	924	1459	-	-	-
Stage 1	900	-	-	-	-	-
Stage 2	935	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	766	924	1459	-	-	-
Mov Cap-2 Maneuver	766	-	-	-	-	-
Stage 1	900	-	-	-	-	-
Stage 2	926	-	-	-	-	-
Approach	EB		NB		SB	
HCM Control Delay, s	0		1.4		0	
Reluctant	A					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1459	-	-	-	-	
HCM Control Delay Ratio	0.01	-	-	-	-	
HCM Control Delay (s)	7.5	0	0	-	-	
HCM LOS	A	A	A	-	-	
HCM 95th %tile Q(veh)	0	-	-	-	-	

HCM 2010 TWSC  
2: 13th Street & Blankenship Road

9/9/2015

Intersection												
Int Delay, s/veh	1.4											
Movement	NBL	NBT	NBR	SBL	SBT	SBR	SEL	SET	SER	NWL	NWT	NWR
Vel, veh/h	0	0	2	50	0	7	3	312	1	0	253	25
Conflicting Peds, #/hr	3	0	1	1	0	3	4	0	7	7	0	4
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	93	93	93	93	93	93	93	93	93	93	93	93
Heavy Vehicles, %	0	0	0	2	0	0	0	3	0	0	5	4
Mvmt Flow	0	0	2	54	0	8	3	335	1	0	272	27
Major/Minor	Minor1			Minor2			Major1			Major2		
Conflicting Flow All	637	647	346	635	634	295	302	0	0	340	0	0
Stage 1	345	345	-	288	288	-	-	-	-	-	-	-
Stage 2	292	302	-	347	346	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.12	6.5	6.2	4.1	-	-	4.1	-	-
Critical Hdwy Stg 1	6.1	5.5	-	6.12	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.12	5.5	-	-	-	-	-	-	-
Flow-up Hdwy	3.5	4	3.3	3.518	4	3.3	2.2	-	-	2.2	-	-
Pot Cap-1 Maneuver	393	392	702	391	399	749	1270	-	-	1230	-	-
Stage 1	675	640	-	720	677	-	-	-	-	-	-	-
Stage 2	720	668	-	669	639	-	-	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	385	389	696	386	396	743	1263	-	-	1223	-	-
Mov Cap-2 Maneuver	385	389	-	386	396	-	-	-	-	-	-	-
Stage 1	671	636	-	716	675	-	-	-	-	-	-	-
Stage 2	709	666	-	661	635	-	-	-	-	-	-	-
Approach	NB			SB			SE			NW		
HCM Control Delay, s	10.2			15.3			0.1			0		
HCM LOS	B			C								
Minor Lane/Major Mvmt	NBLn1	NWL	NWT	NWR	SEL	SET	SER	SBLn1				
Capacity (veh/h)	696	1223	-	-	1263	-	-	410				
HCM Lane V/C Ratio	0.003	-	-	-	0.003	-	-	0.149				
HCM Control Delay (s)	10.2	0	-	-	7.9	0	-	15.3				
HCM Lane LOS	B	A	-	-	A	A	-	C				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.5				

### HCM Signalized Intersection Capacity Analysis 3: Haggen's Access/Site Access & Blankenship Road

9/9/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations													
Volume (vph)	6	334	24	31	240	42	30	3	23	80	4	6	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	
Total Lost Time (s)	5.0	5.0		5.0	5.0			5.0			5.0		
Lane Util. Factor	1.00	1.00		1.00	1.00			1.00			1.00		
Flt	1.00	0.99		1.00	0.98			0.94			0.99		
Flt Protected	0.95	1.00		0.95	1.00			0.97			0.96		
Satd Flow (prot)	1805	1830		1752	1721			1710			1802		
Flt Permitted	0.57	1.00		0.47	1.00			0.78			0.71		
Satd Flow (perm)	1082	1830		860	1721			1369			1327		
Peak-hour factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	
RTOR (s)	7	371	27	34	267	47	33	3	26	89	4	7	
RTOR Reduction (vph)	0	3	0	0	7	0	0	22	0	0	3	0	
Lane Group Flow (vph)	7	395	0	34	307	0	0	40	0	0	97	0	
Heavy Vehicles (%)	0%	3%	0%	3%	6%	19%	0%	0%	5%	0%	0%	0%	
Turn Type	pm+pt	NA		pm+pt	NA		Perm	NA		Perm	NA		
Protected Phases	1	6		5	2			4			8		
Permitted Phases	6			2			4			8			
Actuated Green, G (s)	21.7	21.0		23.3	21.8			7.2			7.2		
Effective Green, G <sub>e</sub> (s)	21.7	21.0		23.3	21.8			7.2			7.2		
Actuated g/C Ratio	0.49	0.47		0.52	0.49			0.16			0.16		
Clearance Time (s)	5.0	5.0		5.0	5.0			5.0			5.0		
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0			3.0		
Capacity Cap (vph)	536	859		478	839			220			213		
v/s Ratio Prot	0.00	c0.22		c0.00	0.18								
v/s Ratio Perm	0.01			0.03				0.03			c0.07		
v/c Ratio	0.01	0.46		0.07	0.37			0.18			0.45		
Queue Delay, d1	5.9	8.0		5.3	7.1			16.2			17.0		
Progression Factor	1.00	1.00		1.00	1.00			1.00			1.00		
Incremental Delay, d2	0.0	0.4		0.1	0.3			0.4			1.5		
Delay (s)	6.0	8.4		5.4	7.4			16.6			18.5		
Service Time	A	A		A	A			B			B		
Approach Delay (s)		8.4			7.2			16.6			18.5		
Approach LOS		A			A			B			B		
<b>Intersection Summary</b>													
HCM 2000 Control Delay			9.6	HCM 2000 Level of Service				A					
HCM 2000 Volume to Capacity ratio			0.44										
Sum of lost time (s)			44.7						15.0				
Intersection Capacity Utilization			41.9%	ICU Level of Service				A					
c Critical Lane Group													

Intersection												
Int Delay, s/veh	4.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Vol, veh/h	23	411	6	60	285	42	1	3	40	87	4	28
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Lane	50	-	-	150	-	-	-	-	0	75	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Capacity, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	94	94	94	94	94	94	94	94	94	94	94	94
Heavy Vehicles, %	25	3	0	7	6	0	7	0	0	0	0	0
Mvmt Flow	24	437	6	64	303	45	1	3	43	93	4	28
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	348	0	0	444	0	0	958	965	440	944	946	328
Stage 1	-	-	-	-	-	-	489	489	-	453	453	-
Stage 2	-	-	-	-	-	-	469	476	-	491	493	-
Critical Hdwy	4.35	-	-	4.17	-	-	7.17	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.17	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.17	5.5	-	6.1	5.5	-
Potential Capacity	2,425	-	-	2,263	-	-	3,563	4	3,3	3,5	4	3,3
Pot Cap-1 Maneuver	1094	-	-	1090	-	-	232	257	621	244	264	720
Stage 1	-	-	-	-	-	-	551	553	-	590	573	-
Stage 2	-	-	-	-	-	-	565	560	-	563	550	-
Mov Cap-1 Maneuver	1094	-	-	1090	-	-	207	237	621	211	243	720
Mov Cap-2 Maneuver	-	-	-	-	-	-	207	237	-	211	243	-
Stage 1	-	-	-	-	-	-	539	541	-	577	539	-
Stage 2	-	-	-	-	-	-	507	527	-	510	538	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.4			1.3			12.1			28.9		
Control	B			B			D			D		
Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2		
Capacity (veh/h)	229	621	1094	-	-	1090	-	-	211	571		
Capacity Factor	0.019	0.069	0.122	-	-	0.059	-	-	0.439	0.056		
HCM Control Delay (s)	21	11.2	8.4	-	-	8.5	-	-	34.8	11.7		
Control	C	B	A	-	-	A	-	-	D	B		
HCM 95th %tile Q(veh)	0.1	0.2	0.1	-	-	0.2	-	-	2.1	0.2		



HCM Signalized Intersection Capacity Analysis  
 5: 10th Street & Blankenship Road/Salamo Road

9/9/2015

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑	↑↑	↑	↑	↑
Volume (vph)	48	485	476	61	326	247
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.5	5.5	5.5	6.0	5.5	5.5
Lane Util. Factor	1.00	1.00	*0.94	1.00	1.00	1.00
Flt Protected	1.00	1.00	0.95	1.00	0.95	1.00
Flt Permitted	1.00	1.00	0.95	1.00	0.95	1.00
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88
RTOR Reduction (vph)	0	96	0	0	0	55
Heavy Vehicles (%)	6%	2%	2%	4%	7%	15%
Protected Phases	4	4 5 7	3	8	5 6 7	3 5 6 7
Actuated Green, G (s)	8.4	46.3	28.9	42.3	46.2	80.6
Actuated g/C Ratio	0.08	0.46	0.29	0.42	0.46	0.81
Vehicle Extension (s)	2.3		2.3	2.3		
v/s Ratio Prot	0.03	c0.29	c0.16	0.04	c0.22	0.16
v/c Ratio	0.37	0.62	0.56	0.09	0.47	0.20
Progression Factor	1.00	1.00	1.00	1.00	0.30	0.00
Delay (s)	44.2	21.6	30.7	17.3	5.9	0.0
Approach Delay (s)	23.6			29.2	3.4	
<b>Intersection Summary</b>						
HCM 2000 Volume to Capacity ratio	0.68		18.4		HCM 2000 Level of Service B	
Intersection Capacity Utilization	52.8%		100.0		Sum of lost time (s) 27.5	
	15				ICU Level of Service A	

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis  
6: 10th Street & I-205 Southbound Ramp

9/9/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR		
Lane Configurations					↖	↗	↖	↗			↕	↕		
Volume (vph)	0	0	0	103	0	196	155	387	0	0	586	373		
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900		
saturation (s)					5.5	5.5	5.5	5.5			5.5			
Lane Util. Factor					1.00	1.00	1.00	1.00			0.95			
Flt					1.00	0.85	1.00	1.00			0.95			
Flt Protected					0.95	1.00	0.95	1.00			1.00			
saturation (perm)					1687	1468	1805	1712			3338			
Flt Permitted					0.95	1.00	0.95	1.00			1.00			
saturation (perm)					1687	1468	1805	1712			3338			
Peak-hour factor, PHF	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	1.00		
saturation (phf)	0	0	0	116	0	220	174	435	0	0	658	373		
RTOR Reduction (vph)	0	0	0	0	0	204	0	0	0	0	78	0		
Lane Group Flow (vph)	0	0	0	0	116	17	174	435	0	0	953	0		
Heavy Vehicles (%)	0%	0%	0%	7%	0%	10%	0%	11%	0%	0%	3%	1%		
Phase				Split	NA	Perm	Prot	NA			NA			
Protected Phases				7	7		1	5			2 3 4			
Protected Phases						7								
Actuated Green, G (s)					7.5	7.5	12.2	24.9			58.3			
Green, g (s)					7.5	7.5	12.2	24.9			58.3			
Actuated g/C Ratio					0.08	0.08	0.12	0.25			0.58			
saturation (g/c)					5.5	5.5	5.5	5.5						
Vehicle Extension (s)					2.3	2.3	2.3	5.2						
saturation (veh)					126	110	220	426			1946			
v/s Ratio Prot					c0.07		0.10	c0.25			c0.29			
saturation (prot)						0.01								
v/c Ratio					0.92	0.15	0.79	1.02			0.49			
saturation (v/c)					46.0	43.3	42.7	37.5			12.2			
Progression Factor					1.00	1.00	1.00	1.00			0.74			
saturation (prog)					55.9	0.4	16.7	49.1			0.1			
Delay (s)					101.9	43.6	59.3	86.6			9.1			
saturation (delay)					F	D	E	F			A			
Approach Delay (s)		0.0			63.7			78.8			9.1			
Approach LOS		A			E			E			A			
<b>Intersection Summary</b>														
HCM 2000 Control Delay				39.9								HCM 2000 Level of Service	D	
HCM 2000 Volume to Capacity ratio				0.77										
saturation (length)				100.0							27.5		Sum of lost time (s)	
Intersection Capacity Utilization				56.2%									ICU Level of Service	B
saturation (sum)				15										

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis  
7: 10th Street & I-205 Northbound Ramp

9/9/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↖	↗					↑	↗	↖	↑	
Volume (veh)	187	0	128	0	0	0	0	347	197	339	334	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Flow (veh)		5.0	5.0					5.0	5.0	5.0	5.0	
Lane Util. Factor		1.00	1.00					1.00	1.00	1.00	1.00	
Flt		1.00	0.85					1.00	0.85	1.00	1.00	
Flt Protected		0.95	1.00					1.00	1.00	0.95	1.00	
Satd. Flow (prot)		1719	1583					1810	1599	1787	1827	
Flt Permitted		0.95	1.00					1.00	1.00	0.95	1.00	
Satd. Flow (perm)		1719	1583					1810	1599	1787	1827	
Peak-hour factor, PHF	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Volume (veh)	220	0	151	0	0	0	0	408	232	399	393	0
RTOR Reduction (vph)	0	0	125	0	0	0	0	0	147	0	0	0
Volume (veh)	0	220	26	0	0	0	0	408	85	399	393	0
Heavy Vehicles (%)	5%	0%	2%	0%	0%	0%	0%	5%	1%	1%	4%	0%
Control Type	Perm	NA	Perm					NA	Perm	Prot	NA	
Protected Phases		8						6		5	2	
Unprotected Phases	8		8						6			
Actuated Green, G (s)		15.6	15.6					27.7	27.7	31.7	64.4	
Effective Green, G <sub>E</sub> (s)		15.6	15.6					27.7	27.7	31.7	64.4	
Actuated g/C Ratio		0.17	0.17					0.31	0.31	0.35	0.72	
Effective g/C Ratio		5.0	5.0					5.0	5.0	5.0	5.0	
Vehicle Extension (s)		2.3	2.3					6.9	6.9	2.3	6.9	
Volume (veh)		297	274					557	492	629	1307	
v/s Ratio Prot								c0.23		c0.22	0.22	
v/c Ratio Prot		0.13	0.02						0.05			
v/c Ratio		0.74	0.10					0.73	0.17	0.63	0.30	
Progression Factor		35.3	31.3					27.8	22.8	24.3	4.6	
Progression Factor		1.00	1.00					1.00	1.00	1.00	1.00	
Delay (s)		8.8	0.1					7.4	0.6	4.8	0.6	
Delay (s)		44.1	31.4					35.3	23.4	29.1	5.2	
Service		D	C					D	C	C	A	
Approach Delay (s)		38.9			0.0			31.0			17.3	
Approach LOS		D			A			C			B	
<b>Intersection Summary</b>												
HCM 2000 Control Delay			26.6									
HCM 2000 Volume to Capacity ratio			0.69									
Sum of lost time (s)			90.0						15.0			
Intersection Capacity Utilization			77.0%									
ICU Level of Service									D			
Number of Critical Lane Groups			15									

c Critical Lane Group

Intersection												
Int Delay, s/veh	7.7											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Vol, veh/h	26	6	6	56	8	166	20	357	93	150	246	76
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	200	-	-	100	-	-	-	125	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	4	0	0	0	0	4	0	6	1	4	9	3
Mvmt Flow	30	7	7	64	9	191	23	410	107	172	283	87
Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1185	1234	326	1188	1225	464	370	0	0	517	0	0
Stage 1	671	671	-	510	510	-	-	-	-	-	-	-
Stage 2	514	563	-	678	715	-	-	-	-	-	-	-
Critical Hdwy	7.14	6.5	6.2	7.1	6.5	6.24	4.1	-	-	4.14	-	-
Critical Hdwy Stg 1	6.14	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.14	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.536	4	3.3	3.5	4	3.336	2.2	-	-	2.236	-	-
Pot Cap-1 Maneuver	164	178	720	167	180	594	1200	-	-	1039	-	-
Stage 1	443	458	-	550	541	-	-	-	-	-	-	-
Stage 2	540	512	-	445	438	-	-	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	91	145	720	137	146	594	1200	-	-	1039	-	-
Mov Cap-2 Maneuver	91	145	-	137	146	-	-	-	-	-	-	-
Stage 1	431	382	-	535	526	-	-	-	-	-	-	-
Stage 2	350	498	-	361	365	-	-	-	-	-	-	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	49.5			26			0.3			2.9		
	E			D								
Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	EBLn2	WBLn1	WBLn2	SBL	SBT	SBR		
Capacity (veh/h)	1200	-	-	91	241	138	594	1039	-	-		
Peak Hour V/C Ratio	0.019	-	-	0.328	0.057	0.533	0.321	0.166	-	-		
HCM Control Delay (s)	8.1	0	-	62.8	20.8	57.5	13.9	9.2	-	-		
Control Type	A	A	-	F	C	F	B	A	-	-		
HCM 95th %tile Q(veh)	0.1	-	-	1.3	0.2	2.6	1.4	0.6	-	-		

HCM 2010 AWSC  
9: Willamette Falls Drive & 10th Street

9/9/2015

Intersection										
Intersection Delay, s/veh	29.9									
Intersection LOS	D									
Movement	EBU	EBL	EBT	WBU	WBT	WBR	SBU	SBL	SBR	
Vol, veh/h	0	294	162	0	295	173	0	104	208	
Peak Hour Factor	0.92	0.85	0.85	0.92	0.85	0.85	0.92	0.85	0.85	
Heavy Vehicles, %	2	5	6	2	4	5	2	3	8	
Mvmt Flow	0	346	191	0	347	204	0	122	245	
Number of Lanes	0	1	1	0	1	0	0	1	1	

Approach	EB	WB	SB
Opposing Approach	WB	EB	
Opposing Lanes	1	2	0
Conflicting Approach Left	SB		WB
Conflicting Lanes Left	2	0	1
Conflicting Approach Right		SB	EB
Conflicting Lanes Right	0	2	2
HCM Control Delay	20.5	49	14.8
HCM LOS	C	E	B

Lane	EBLn1	EBLn2	WBLn1	SBLn1	SBLn2
Vol Left, %	100%	0%	0%	100%	0%
Vol Thru, %	0%	100%	63%	0%	0%
Vol Right, %	0%	0%	37%	0%	100%
Signal Control	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	294	162	468	104	208
LT Vol	294	0	0	104	0
Through Vol	0	162	295	0	0
RT Vol	0	0	173	0	208
Lane Flow Rate	346	191	551	122	245
Geometry Grp	7	7	4	7	7
Degree of Util (X)	0.689	0.353	0.941	0.27	0.462
Departure Headway (Hd)	7.169	6.676	6.151	7.936	6.793
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes
Queue	502	536	589	450	529
Service Time	4.956	4.462	4.222	5.719	4.574
HCM Lane V/C Ratio	0.689	0.356	0.935	0.271	0.463
HCM Control Delay	24.5	13.1	49	13.7	15.3
HCM Lane LOS	C	B	E	B	C
HCM 95th-tile Q	5.2	1.6	12.3	1.1	2.4

Intersection						
Int Delay, s/veh	1.3					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Veh/veh/h	11	1	50	6	15	97
Conflicting Peds, #/hr	0	0	0	0	0	0
Signal Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Queue Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Queue %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	12	1	54	7	16	105
Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	196	58	0	0	61	0
Stage 1	58	-	-	-	-	-
Stage 2	138	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Flow Up Hdwy	3,518	3,318	-	-	2,218	-
Pot Cap-1 Maneuver	793	1008	-	-	1542	-
Stage 1	965	-	-	-	-	-
Stage 2	889	-	-	-	-	-
Flow Blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	784	1008	-	-	1542	-
Mov Cap-2 Maneuver	784	-	-	-	-	-
Stage 1	965	-	-	-	-	-
Stage 2	879	-	-	-	-	-
Approach	WB		NB		SB	
HCM Control Delay, s	9.6		0		1	
Control S	A					
Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT		
Capacity (veh/h)	-	- 799	1542	-		
Flow to VC Ratio	-	- 0.011	0.011	-		
HCM Control Delay (s)	-	- 9.6	7.4	0		
Control S	-	- A	A	A		
HCM 95th %tile Q(veh)	-	- 0.1	0	-		

HCM 2010 TWSC  
 11: Salamo Road & Greene Street

9/9/2015

Intersection	
Int Delay, s/veh	0.6

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol. veh/h	5	28	9	307	400	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Signal Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Queue %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	5	30	10	334	435	4

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	790	437	439	0	-	0
Stage 1	437	-	-	-	-	-
Stage 2	353	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	359	620	1121	-	-	-
Stage 1	651	-	-	-	-	-
Stage 2	711	-	-	-	-	-
Approach blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	355	620	1121	-	-	-
Mov Cap-2 Maneuver	355	-	-	-	-	-
Stage 1	651	-	-	-	-	-
Stage 2	703	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	11.9	0.2	0
Control	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1121	-	557	-	-
Capacity V/C Ratio	0.009	-	0.064	-	-
HCM Control Delay (s)	8.2	0	11.9	-	-
Control	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

HCM 2010 TWSC  
 1: Tannler Drive & North Access

9/8/2015

Intersection							
Int Delay, s/veh	1.3						
Movement	EBL	EBR	NEL	NET	SWT	SWR	
Veh, veh/h	0	0	38	113	60	5	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Signal Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
	0	-	-	-	-	-	
Veh in Median Storage, #	0	-	-	0	0	-	
	0	-	-	0	0	-	
Peak Hour Factor	92	92	92	92	92	92	
	2	2	2	2	2	2	
Mvmt Flow	0	0	41	123	65	5	
Major/Minor	Minor2	Major1		Major2			
Conflicting Flow, #/h	273	68	71	0	-	0	
Stage 1	68	-	-	-	-	-	
Stage 2	205	-	-	-	-	-	
Critical Hdwy	6.42	6.22	4.12	-	-	-	
	5.42	-	-	-	-	-	
Critical Hdwy Stg 2	5.42	-	-	-	-	-	
	3,518	3,318	2,218	-	-	-	
Pot Cap-1 Maneuver	716	995	1529	-	-	-	
Stage 1	955	-	-	-	-	-	
Stage 2	829	-	-	-	-	-	
Platoon blocked, %	-	-	-	-	-	-	
Mov Cap-1 Maneuver	695	995	1529	-	-	-	
	695	-	-	-	-	-	
Stage 1	955	-	-	-	-	-	
Stage 2	805	-	-	-	-	-	
Approach	EB	NE		SW			
HCM Control Delay, s	0	1.9		0			
	A	A		A			
Minor Lane/Major Mvmt	NEL	NET	EBLn1	SWT	SWR		
Capacity (veh/h)	1529	-	-	-	-		
	0.027	-	-	-	-		
HCM Control Delay (s)	7.4	0	0	-	-		
	A	A	A	-	-		
HCM 95th %tile Q(veh)	0.1	-	-	-	-		



HCM 2010 TWSC  
2: 13th Street & Blankenship Road

9/8/2015

Intersection												
Int Delay, s/veh	1.1											
Movement	NBL	NBT	NBR	SBL	SBT	SBR	SEL	SET	SER	NWL	NWT	NWR
Veh/veh/h	0	0	0	38	0	5	9	419	0	0	322	47
Conflicting Peds, #/hr	2	0	2	2	0	2	2	0	25	25	0	2
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	95	95	95	95	95	95	95	95	95	95	95	92
Heavy Vehicles, %	0	0	0	0	0	0	0	3	0	0	0	0
Mvmt Flow	0	0	0	40	0	5	9	441	0	0	339	51
Major/Minor	Minor1			Minor2			Major1			Major2		
Conflicting Flow All	831	854	468	828	828	391	392	0	0	443	0	0
Stage 1	462	462	-	366	366	-	-	-	-	-	-	-
Stage 2	369	392	-	462	462	-	-	-	-	-	-	-
Critical Hdwy	7.1	6.5	6.2	7.1	6.5	6.2	4.1	-	-	4.1	-	-
Stage 1	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.1	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Stage 1	3.5	4	3.3	3.5	4	3.3	2.2	-	-	2.2	-	-
Pot Cap-1 Maneuver	291	298	599	293	309	662	1178	-	-	1128	-	-
Stage 1	584	568	-	657	626	-	-	-	-	-	-	-
Stage 2	655	610	-	584	568	-	-	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	280	294	586	284	305	647	1153	-	-	1105	-	-
Pot Cap-2 Maneuver	280	294	-	284	305	-	-	-	-	-	-	-
Stage 1	577	561	-	649	625	-	-	-	-	-	-	-
Stage 2	636	609	-	566	561	-	-	-	-	-	-	-
Approach	NB			SB			SE			NW		
HCM Control Delay, s	0			18.9			0.2			0		
Control	A			C								
Minor Lane/Major Mvmt	NBLn1	NWL	NWT	NWR	SEL	SET	SER	SBLn1				
Capacity (veh/h)	-	1105	-	-	1153	-	-	304				
Stage 1	-	-	-	-	0.008	-	-	0.149				
HCM Control Delay (s)	0	0	-	-	8.1	0	-	18.9				
Control	A	A	-	-	A	A	-	C				
HCM 95th %ile Q(veh)	-	0	-	-	0	-	-	0.5				

HCM Signalized Intersection Capacity Analysis  
 3: Haggens Access/Site Access & Blankenship Road

9/8/2015

	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↶	↷		↶	↷			↕			↕	
Volume (vph)	5	397	57	51	311	42	56	5	51	75	6	9
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lost time (s)	5.0	5.0		5.0	5.0			5.0			5.0	
Lane Util. Factor	1.00	1.00		1.00	1.00			1.00			1.00	
	1.00	1.00		1.00	1.00			0.99			1.00	
Flpb, ped/bikes	1.00	1.00		1.00	1.00			1.00			1.00	
	1.00	0.98		1.00	0.98			0.94			0.99	
Flt Protected	0.95	1.00		0.95	1.00			0.98			0.96	
	1804	1800		1767	1845			1704			1798	
Flt Permitted	0.54	1.00		0.38	1.00			0.80			0.79	
	1022	1800		709	1845			1400			1480	
Peak-hour factor, PHF	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Flow (vph)	5	422	61	54	331	45	60	5	54	80	6	9
RTOR Reduction (vph)	0	6	0	0	6	0	0	32	0	0	3	0
Flow (vph)	5	477	0	54	370	0	0	87	0	0	89	0
Confl. Peds. (#/hr)	1		7	7		1	2		2	2		2
Confl. Peds. (%)	0%	3%	4%	2%	1%	0%	0%	0%	2%	0%	0%	0%
Turn Type	pm+pt	NA		pm+pt	NA		Perm	NA		Perm	NA	
	1	6		5	2			4			8	
Permitted Phases	6			2			4			8		
	26.1	25.4		29.7	27.2			7.4			7.4	
Effective Green, g (s)	26.1	25.4		29.7	27.2			7.4			7.4	
	0.52	0.50		0.59	0.54			0.15			0.15	
Clearance Time (s)	5.0	5.0		5.0	5.0			5.0			5.0	
	3.0	3.0		3.0	3.0			3.0			3.0	
Lane Grp Cap (vph)	541	908		471	997			205			217	
Rot	0.00	c0.26		c0.01	0.20							
v/s Ratio Perm	0.00			0.06				c0.06			0.06	
	0.01	0.53		0.11	0.37			0.42			0.41	
Uniform Delay, d1	5.8	8.4		4.7	6.6			19.5			19.5	
	1.00	1.00		1.00	1.00			1.00			1.00	
Incremental Delay, d2	0.0	0.6		0.1	0.2			1.4			1.3	
	5.8	8.9		4.8	6.9			20.9			20.7	
Level of Service	A	A		A	A			C			C	
		3.9			6.6			20.9			20.7	
Approach LOS		A			A			C			C	
<b>Intersection Summary</b>												
HCM 2000 Control Delay			10.3			HCM 2000 Level of Service	B					
Capacity ratio			0.47									
Actuated Cycle Length (s)			50.3			Sum of lost time (s)	15.0					
ICU Level of Service			48.5%			ICU Level of Service	A					
Analysis Period (min)			15									

Intersection												
Int Delay, s/veh		4.8										
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Veh/veh/h	54	455	15	109	357	87	21	10	108	25	7	30
Conflicting Peds, #/hr	0	0	2	7	0	1	2	0	0	0	0	0
Signal Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	50	-	-	150	-	-	-	-	0	75	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	95	95	95	95	95	95	95	95	95	95	95	95
Heavy Vehicles, %	0	3	0	2	1	0	0	10	3	3	0	0
Mvmt Flow	57	479	16	115	376	92	22	11	114	26	7	32
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	469	0	0	497	0	0	1276	1302	496	1261	1263	426
Stage 1	-	-	-	-	-	-	603	603	-	653	653	-
Stage 2	-	-	-	-	-	-	673	699	-	608	610	-
Critical Hdwy	4.1	-	-	4.12	-	-	7.1	6.6	6.23	7.13	6.5	6.2
Stage 1	-	-	-	-	-	-	6.1	5.6	-	6.13	5.5	-
Stage 2	-	-	-	-	-	-	6.1	5.6	-	6.13	5.5	-
Potential Capacity	2.2	-	-	2.218	-	-	3.5	4.09	3.327	3.527	4	3.3
Pot Cap-1 Maneuver	1103	-	-	1067	-	-	145	155	572	146	171	633
Stage 1	-	-	-	-	-	-	489	476	-	455	467	-
Stage 2	-	-	-	-	-	-	448	430	-	481	488	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1101	-	-	1061	-	-	116	131	568	96	144	631
Maneuver	-	-	-	-	-	-	116	131	-	96	144	-
Stage 1	-	-	-	-	-	-	463	451	-	431	416	-
Stage 2	-	-	-	-	-	-	372	383	-	354	462	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.9			1.7			20.2			31.8		
HCM LOS	C			C			C			D		
Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1	SBLn2		
Capacity (veh/h)	120	568	1101	-	-	1061	-	-	96	383		
Ratio	0.272	0.2	0.052	-	-	0.108	-	-	0.274	0.101		
HCM Control Delay (s)	45.8	12.9	8.4	-	-	8.8	-	-	56.1	15.4		
Level	E	B	A	-	-	A	-	-	F	C		
HCM 95th %ile Q(veh)	1	0.7	0.2	-	-	0.4	-	-	1	0.3		

HCM Signalized Intersection Capacity Analysis  
 5: 10th Street & Blankenship Road/Salamo Drive

9/8/2015

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑	↑↑	↑	↑	↑
Volume (vph)	118	469	354	95	462	311
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Flt Protected (s)	5.5	5.5	5.5	6.0	5.5	5.5
Lane Util. Factor	1.00	1.00	*0.78	1.00	1.00	1.00
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00
Flt Protected	1.00	0.85	1.00	1.00	1.00	0.85
Flt Permitted	1.00	1.00	0.95	1.00	0.95	1.00
Flt Permitted (perm)	1881	1583	2761	1900	1787	1599
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88
RTOR Reduction (vph)	134	533	402	108	525	353
Confl. Peds. (#/hr)	0	140	0	0	0	28
Turn Type	NA	custom	Prot	NA	Prot	custom
Permitted Phases	4	4 5 7	3	8	5 6 7	3 5 6 7
Effective Green, g (s)	10.6	63.2	22.4	38.0	63.3	91.2
Clearance Time (s)	10.6	63.2	22.4	38.0	63.3	91.2
Attention (s)	0.09	0.56	0.20	0.34	0.56	0.81
Lane Grp Cap (vph)	5.5	5.5	6.0	5.5	5.5	5.5
v/s Ratio Perm	2.3	2.3	2.3	2.3	2.3	2.3
Uniform Delay, d1	176	886	548	640	1002	1292
Incremental Delay, d2	c0.07	c0.25	c0.15	0.06	c0.29	0.20
Level of Service	0.76	0.44	0.73	0.17	0.52	0.25
Approach LOS	49.9	14.5	42.4	26.3	15.4	2.6
Intersection Summary	1.00	1.00	1.00	1.00	0.42	0.09
HCM 2000 Control Delay	16.5	0.2	4.6	0.1	0.6	0.0
Sum of lost time (s)	66.3	14.7	47.0	26.4	7.2	0.3
ICU Level of Service	E	B	D	C	A	A
Analysis Period (min)	25.1			42.6	4.4	
ICU Level of Service	C			D	A	
<b>Intersection Summary</b>						
HCM 2000 Control Delay			20.6	HCM 2000 Level of Service		C
Actuated Cycle Length (s)			112.8	Sum of lost time (s)		27.5
Analysis Period (min)			15	ICU Level of Service		A

HCM Signalized Intersection Capacity Analysis  
6: 10th Street & I-205 Southbound Ramp

9/8/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕	↗	↖	↑			↕	↕
Volume (vph)	0	0	0	202	4	369	100	396	0	0	604	218
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Flt Protected					1.00	1.00	1.00	1.00			0.95	
Flt Permitted					0.95	1.00	0.95	1.00			1.00	
Peak-hour factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
RTOR Reduction (vph)	0	0	0	0	0	350	0	0	0	0	32	0
Confl. Peds. (#/hr)	0%	0%	0%	3%	25%	2%	6%	2%	0%	0%	3%	5%
Turn Type				Split	NA	Perm	Prot	NA			NA	
Permitted Phases				7	7	7	1	5			2,3,4	
Effective Green, g (s)					16.5	16.5	10.3	30.6			64.0	
Clearance Time (s)					5.5	5.5	5.5	5.5			0.57	
Lane Grp Cap (vph)					256	231	155	505			1864	
v/s Ratio Prot					c0.13		0.07	c0.24			c0.27	
v/s Ratio Perm						0.04						
Uniform Delay, d1					47.3	42.7	49.8	39.2			14.4	
Incremental Delay, d2					1.00	1.00	1.00	1.00			0.57	
Level of Service					E	D	E	E			A	
Approach LOS		A			E			E			A	
Intersection Summary												
HCM 2000 Control Delay			35.3		HCM 2000 Level of Service						D	
HCM 2000 Volume to Capacity ratio			0.74		Sum of lost time (s)						27.5	
Actuated Cycle Length (s)			112.8		VCU Level of Service						A	
Analysis Period (min)			15									
Critical Lane Group												

HCM Signalized Intersection Capacity Analysis  
 7: 10th Street & I-205 Northbound Ramp

9/8/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations		↖	↗					↑	↖	↗	↑		
Volume (vph)	134	1	71	0	0	0	0	360	331	289	520	0	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	
Total Lost time (s)		5.0	5.0					5.0	5.0	5.0	5.0		
Lane Util. Factor		1.00	1.00					1.00	1.00	1.00	1.00		
Flpb, ped/bikes		1.00	1.00					1.00	1.00	1.00	1.00		
Flpb, ped/bikes		1.00	1.00					1.00	1.00	1.00	1.00		
Flt		1.00	0.85					1.00	0.85	1.00	1.00		
Flt Protected		0.95	1.00					1.00	1.00	0.95	1.00		
Satd. Flow (prot)		1775	1553					1863	1553	1736	1863		
Flt Permitted		0.95	1.00					1.00	1.00	0.95	1.00		
Satd. Flow (perm)		1775	1553					1863	1553	1736	1863		
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	
Adj. Flow (vph)	152	1	81	0	0	0	0	409	376	328	591	0	
RTOR Reduction (vph)	0	0	68	0	0	0	0	0	214	0	0	0	
Lane Group Flow (vph)	0	153	13	0	0	0	0	409	162	328	591	0	
Confl. Peds. (#/hr)							15					15	
Ready Vehicles (%)	2%	0%	4%	0%	0%	0%	0%	2%	4%	4%	2%	0%	
Turn Type	Perm	NA	Perm					NA	Perm	Prot	NA		
Protected Phases		8						6		5	2		
Permitted Phases	8		8						6				
Actuated Green, G (s)		11.1	11.1					26.2	26.2	17.7	48.9		
Effective Green, g (s)		11.1	11.1					26.2	26.2	17.7	48.9		
Actuated g/C Ratio		0.16	0.16					0.37	0.37	0.25	0.70		
Clearance Time (s)		5.0	5.0					5.0	5.0	5.0	5.0		
Vehicle Extension (s)		2.3	2.3					6.9	6.9	2.3	6.9		
Lane Grp Cap (vph)		281	246					697	581	438	1301		
v/s Ratio Prot								0.22		0.19	0.32		
v/s Ratio Perm		0.09	0.01						0.10				
v/s Ratio		0.54	0.05					0.59	0.28	0.75	0.45		
Uniform Delay, d1		27.1	25.0					17.6	15.3	24.1	4.7		
Progression Factor		1.00	1.00					1.00	1.00	1.00	1.00		
Incremental Delay, d2		1.5	0.1					2.8	0.9	6.3	0.9		
Delay (s)		28.6	25.0					20.4	16.2	30.4	5.5		
Level of Service		C	C					C	B	C	A		
Approach Delay (s)		27.4			0.0			18.4			14.4		
Approach LOS		C			A			B			B		
<b>Intersection Summary</b>													
HCM 2000 Control Delay			17.6									HCM 2000 Level of Service	B
HCM 2000 Volume to Capacity ratio			0.63										
Actuated Cycle Length (s)			70.0								15.0	Sum of lost time (s)	
Intersection Capacity Utilization			80.7%									ICU Level of Service	D
Analysis Period (min)			15										
<b>Critical Lane Group</b>													

HCM 2010 TWSC  
8: 10th Street & 8th Avenue/8th Court

9/8/2015

Intersection												
Int Delay, s/veh	51.5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Vol, veh/h	123	8	40	40	7	136	31	434	71	113	372	99
Conflicting Peds, #/hr	1	0	6	6	0	1	9	0	0	0	0	9
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	200	-	-	100	-	-	-	125	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	88	88	88	88	88	88
Heavy Vehicles, %	1	0	3	0	0	2	0	4	2	2	3	7
Mvmt Flow	140	9	45	45	8	155	35	493	81	128	423	112

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	1356	1392	494	1379	1408	549	541	0	0	580	0	0
Stage 1	742	742	-	610	610	-	-	-	-	-	-	-
Stage 2	614	650	-	769	798	-	-	-	-	-	-	-
Critical Hdwy	7.11	6.5	6.23	7.1	6.5	6.22	4.1	-	-	4.12	-	-
Critical Hdwy, Stg 1	6.11	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy, Stg 2	6.11	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.509	4	3.327	3.5	4	3.318	2.2	-	-	2.218	-	-
Pot Cap-1 Maneuver	~ 127	143	573	123	140	535	1038	-	-	994	-	-
Stage 1	409	425	-	485	488	-	-	-	-	-	-	-
Stage 2	481	468	-	397	401	-	-	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	~ 73	117	566	91	114	528	1030	-	-	987	-	-
Mov Cap-2 Maneuver	~ 73	117	-	91	114	-	-	-	-	-	-	-
Stage 1	386	368	-	458	461	-	-	-	-	-	-	-
Stage 2	315	442	-	308	347	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	\$ 401.5	32.6	0.5	1.8
HCM 95th %ile	F	D		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	EBLn2	WBLn1	WBLn2	SBL	SBT	SBR
Capacity (veh/h)	1030	-	-	73	345	94	528	987	-	-
HCM 95th %ile	0.034	-	-	1.915	0.158	0.568	0.293	0.13	-	-
HCM Control Delay (s)	8.6	0	-	\$ 551.4	17.4	84.8	14.6	9.2	-	-
HCM 95th %ile	A	A	-	F	C	F	B	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	12.5	0.6	2.6	1.2	0.4	-	-

Notes  
 -: Volume exceeds capacity    \$: Delay exceeds 300s    +: Computation Not Defined    \*: All major volume in platoon

HCM 2010 AWSC  
9: Willamette Falls Drive & 10th Street

9/8/2015

Intersection									
Intersection Delay, s/veh	32.4								
Intersection LOS	D								
Movement	EBU	EBL	EBT	WBU	WBT	WBR	SBU	SBL	SBR
Vol, veh/h	0	396	470	0	168	145	0	173	281
Peak Hour Factor	0.92	0.94	0.94	0.92	0.94	0.94	0.92	0.94	0.94
Heavy Vehicles, %	2	4	3	2	2	2	2	4	2
Mvmt Flow	0	421	500	0	179	154	0	184	299
Number of Lanes	0	1	1	0	1	0	0	1	1

Approach	EB	WB	SB
Opposing Approach	WB	EB	
Opposing Lanes	1	2	0
Conflicting Approach Left	SB		WB
Conflicting Lanes Left	2	0	1
Conflicting Approach Right		SB	EB
Conflicting Lanes Right	0	2	2
HCM Control Delay	44.8	19.7	17.6
HCM LOS	E	C	C

Lane	EBLn1	EBLn2	WBLn1	SBLn1	SBLn2
Vol Left, %	100%	0%	0%	100%	0%
Vol Thru, %	0%	100%	54%	0%	0%
Vol Right, %	0%	0%	46%	0%	100%
Sign Control	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	396	470	313	173	281
LT Vol	396	0	0	173	0
Through Vol	0	470	168	0	0
RT Vol	0	0	145	0	281
Lane Flow Rate	421	500	333	184	299
Geometry Grp	7	7	4	7	7
Degree of Util (X)	0.848	0.933	0.613	0.413	0.566
Operational Flow (ft)	7.248	6.721	6.624	8.084	6.822
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes
Cap	497	540	543	445	529
Service Time	5.015	4.487	4.675	5.845	4.581
HCM Lane V/C Ratio	0.847	0.926	0.613	0.413	0.565
HCM Control Delay	38.8	49.9	19.7	16.5	18.2
HCM LOS	E	E	C	C	C
HCM 95th-tile Q	8.7	11.6	4.1	2	3.5



Intersection						
Int Delay, s/veh	1.3					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Ypl. veh/h	10	0	126	14	24	53
Conflicting Peds. #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Advanced Stop Line	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Queue Length	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicle %	2	2	2	2	2	2
Mvmt Flow	11	0	137	15	26	58
Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	255	145	0	0	152	0
Stage 1	145	-	-	-	-	-
Stage 2	110	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow Thru Hdwy	3,518	3,318	-	-	2,218	-
Pot Cap-1 Maneuver	734	902	-	-	1429	-
Stage 1	882	-	-	-	-	-
Stage 2	915	-	-	-	-	-
Stage 1, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	720	902	-	-	1429	-
Stage 1	882	-	-	-	-	-
Stage 2	898	-	-	-	-	-
Approach	WB		NB		SB	
HCM Control Delay, s	10.1		0		2.4	
Signal Phases	B					
Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT		
Capacity (veh/h)	-	-	720	1429	-	
Stage 1	-	-	0.015	0.018	-	
HCM Control Delay (s)	-	-	10.1	7.6	0	
HCM Lane LOS	-	-	B	A	A	
HCM 95th %tile Q(veh)	-	-	0	0.1	-	

Intersection						
Int Delay, s/veh	0.7					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol. veh/h	8	31	12	430	411	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	9	34	13	467	447	15
Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	947	454	462	0	-	0
Stage 1	454	-	-	-	-	-
Stage 2	493	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Potential Flow	3,518	3,318	2,218	-	-	-
Pot Cap-1 Maneuver	290	606	1099	-	-	-
Stage 1	640	-	-	-	-	-
Stage 2	614	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	285	606	1099	-	-	-
Mov Cap-2 Maneuver	285	-	-	-	-	-
Stage 1	640	-	-	-	-	-
Stage 2	604	-	-	-	-	-
Approach	EB		NB		SB	
HCM Control Delay, s	13		0.2		0	
LOS	B					
Minor Lane/Major Mvmt	NBL	NBTEBLn1	SBT	SBR		
Capacity (veh/h)	1099	- 492	-	-		
HCM Lane/VC Ratio	0.012	- 0.086	-	-		
HCM Control Delay (s)	8.3	0 13	-	-		
HCM LOS	A	A B	-	-		
HCM 95th %tile Q(veh)	0	- 0.3	-	-		

# MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

September 9, 2015

City of West Linn  
Attention: Lance Calvert  
22500 Salamo Road  
West Linn, Oregon 97068

Re: **Tannler Mixed-Use Project**  
*Re: Greenlight Engineering's Traffic Evaluation*  
Project Number 2130529.08

Dear Mr. Calvert:

Mackenzie has prepared this letter to address traffic concerns raised by the opposition's traffic engineer in a September 2, 2015 letter. We also discussed these items with the City's traffic engineering consultant, Brian Coleman, with DKS Associates.

## SITE TRIP DISTRIBUTION

While the City's standards typically require distribution be based on the City's Transportation System Plan or metro transportation model, neither source was able to provide reasonable distribution results for the subject site. Select zone transportation modeling was requested from Metro on several occasions. Metro staff has repeatedly stated that the trip assignment for the select zone in question shows "counterintuitive" distribution patterns – meaning the majority of trips travel to and from the north. This may be due to the assumptions of a more commercial oriented development, which would be used by residents on the hill.

The distribution used in the analysis was approved by the City, and is similar to that used in prior analyses at the site.

The opposition's traffic engineer also stated that 10% of the traffic heading north will do so via Greene Street or other neighborhood routes, rather than Salamo Road. However, the only attractions located along Greene Street and other neighborhood routes are residences. It is unlikely that traffic from a primarily residential development will travel to other residences during the peak hours. In addition, Salamo Road is currently designated as an arterial in the City's 2008 *Transportation System Plan*, which is designed to carry more through traffic and has a higher posted speed limit than the neighborhood routes.

## INTERSECTIONS NOT EVALUATED

The letter states that intersections east of 10th Street/Blankenship Road/Salamo Road were not evaluated. The study intersections were confirmed with City staff in an April 8, 2015, email, and again with the City's traffic engineer via a June 30, 2015, email and subsequent phone conversations.



503.224.9560 • 503.228.1285 • MCKENZIE CO. • RiverCity Center, 1515 SE Water Avenue, #100, Portland, OR 97214  
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The memo also states that the Tannler Drive/Greene Street and Salamo Road/Greene Street intersections were not analyzed after rerouting a maximum of 96 vehicles to Greene Street in the peak hour. A Mackenzie letter dated September 1, 2015, analyzed both intersections during the AM and PM peak hours with the rerouted background traffic. The letter reported an LOS B at both intersections during the AM and PM peak hours.

Any rerouted traffic volumes on Bland Circle or Remington Drive would be local residents and low volumes. These intersections have not been evaluated because of the low impact and expected acceptable operation. Analysis of Greene Street with all rerouted traffic volumes shows acceptable operation.

With the proposed changes to mitigation to allow left turns from Tannler Drive to Blankenship Road, the rerouted traffic volumes will be much less than assumed in our August 25 letter.

### **BLANKENSHIP SITE ACCESS SIGNAL**

The opposition's traffic engineer has stated that signalization at the Blankenship site access does not meet traffic signal warrants. In the July 20 TIA, signalization at the Blankenship site access was not recommended due to unwarranted volumes. However, the prior conditions of approval for the office development at this site, finalized on January 16, 2007, required a traffic signal at the Tannler Drive/Blankenship Road intersection **OR** the Blankenship site access. Since then, ODOT has run additional analysis at the 10th Street corridor, and has determined that a signal at the Tannler Drive/Blankenship Road intersection is not suitable, due to its proximity to the I-205 signalized ramps. Therefore, signalization has been recommended at the Blankenship site access instead.

It has been brought up to City staff's attention that 2017 post-development volumes at this intersection do not warrant a traffic signal. Yet, City staff and ODOT staff prefer signalization at the Blankenship site access, regardless of traffic volumes. Signalization at this intersection will add a safe pedestrian connection between the Haggen shopping plaza and the Tannler project. Finally, a traffic signal is the only mitigation measure that would allow site trips to shift away from Tannler Drive, while still meeting the City's transportation standards at the driveway on Blankenship Road.

### **BLANKENSHIP DRIVEWAY SIGHT DISTANCE**

The July 20 TIA reported that the site access on Blankenship Road has an available 400 feet of sight distance to the west and 290 feet of sight distance to the east. For a left turn from stop at this location, sight distance is required to the west. Conversely, for a right turn from stop at this location, sight distance is required to the east. AASHTO recommends 335 feet of sight distance for a left turn from stop and 290 feet of sight distance for a right turn from stop, based on a design speed of 30 mph. While the opposition's traffic engineer is correct in stating that the required sight distance for a 30 mph design speed is 335 feet, this required sight distance is not required from the east, but rather from the west for a right turn from this location. The required sight distance to the east would be 290 feet for a right-turn from stop, which is adequate for the available sight distance of 290 feet to the east.

Additionally, signalizing this intersection will improve safety at this location. AASHTO's recommended intersection sight distances referenced in the TIA will no longer apply, as those distances apply only to intersections with stop control on the minor road (Case B). According to AASHTO, "Left-turning vehicles should have sufficient sight distance to select gaps in oncoming traffic and complete left turns. Apart from these site conditions, there are generally no other approach or departure sight triangles needed for signalized intersections."

M.

## FAILING STUDY INTERSECTIONS

The opposition's traffic engineer states that the Tannler Drive/Blankenship Road intersection operates at an LOS E after accounting for mitigation, which fails to meet the City's standard of LOS D. This intersection is anticipated to fail under pre-development conditions during the PM peak hour, with an LOS F. According to the City's Community Development Code (CDC), a development is only required to mitigate its impacts. This means where an intersection is not already meeting City's standards, a development only is required to provide mitigation that does not worsen the operation.

The project will add through traffic to the 10th Street/8th Avenue/8th Court intersection. Although the intersection currently is at level of service F and would be slightly worse with the addition of site trips, the City's planned mitigation to extend 8th Court to Willamette Falls Drive is too costly for this project to construct. Instead, the City has agreed to accept a proportionate share of the project's cost. If the intersection were required to be mitigated back to current level of service standards, no projects could be approved in the City that added any trips to the intersection.

The letter also brings up the alternative mitigation measures for the Tannler/Blankenship intersection as presented in Appendix I of the Transportation System Plan. It has been confirmed with City staff that Appendix I is not an officially recognized element of the TSP and has no bearing on the current application.

## NO BICYCLE LANES

Per discussions with City staff, bicycle lanes will not be required on Tannler Drive along the site frontage. This is based in part on the fact that no bicycle lanes are currently provided on Tannler Drive north of the site, even though the standards include bicycle lanes and the road width is sufficient.

## TRUCK TURNING EVALUATION

The proposed mitigation at the 10th Street/Blankenship Road/Salamo Road intersection includes the addition of a second westbound left turn on the Salamo Road approach. A sketch of the proposed mitigation at this intersection was provided with the Revised August 25, 2015, letter. The opponent's letter questions the ability of these double left-turn lanes to accommodate truck turns. We would note the double turn lanes are also currently being considered as part of the City's Transportation System Plan update and are supported by ODOT. The exact alignment is yet to be determined, but the ability for trucks to make the turn will certainly be part of the design consideration. For purposes of this discussion, we have prepared the attached diagram showing how single unit trucks can make simultaneous left turns.

## INEFFECTIVE PORK CHOP ON TANNLER

The applicant has proposed alternate mitigation measures to avoid installation of a pork chop type median on Tannler. The pork chop as previously proposed was chosen because it would allow all other turning movements at the intersection, especially turns to and from the Haggen Center east driveway. Additional elements to more effectively prohibit left turns from Blankenship would have also restricted other turning movements.

M.

## MINIMIZING ACCESS POINTS

The project utilizes an existing office driveway on Blankenship Road, resulting in a shared driveway as promoted by the CDC. A second site driveway on Tannler Drive meets spacing standards and provides the necessary emergency vehicle access. These proposed access locations meet all other City standards for spacing and sight distances, and will not negatively affect the function, safety or operation of the roadways for all users.

## NEIGHBORHOOD IMPACTS

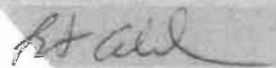
The impacts on neighborhood streets have in fact been analyzed. The current proposal to not physically restrict left turns from Tannler to Blankenship, and the condition to limit the Tannler site driveway to entering vehicles only, will help to reduce the impacts on neighborhood streets to the north. With a signal at the driveway on Blankenship, all egressing site trips will be routed to a higher classification roadway.

## ANALYSIS OF BLANKENSHIP CROSSWALK

The current proposal to include a traffic signal at the driveway on Blankenship Road will necessarily provide protected pedestrian crossings, and no specific analysis would be required. We had previously offered to provide an enhanced pedestrian crossing, which would be appropriate without a traffic signal. At the time we offered this enhanced crossing, it was not clear the specific treatments that would be provided, which could include elements such as raised medians, flashing lights, etc. City staff indicated additional analysis would be needed to determine the type of treatment, which we included as a condition due the limited time available to complete the analysis and have City staff review it.

In summary, many of the issues raised by the opponent's traffic engineer have already been discussed and addressed with City staff and their consultant DKS Associates, or are not approval criteria. With our current mitigation proposal to not install a median for left-turn restrictions on Tannler Drive, the issue of the pork chop median effectiveness is eliminated, and the neighborhood impacts are significantly reduced.

Sincerely,

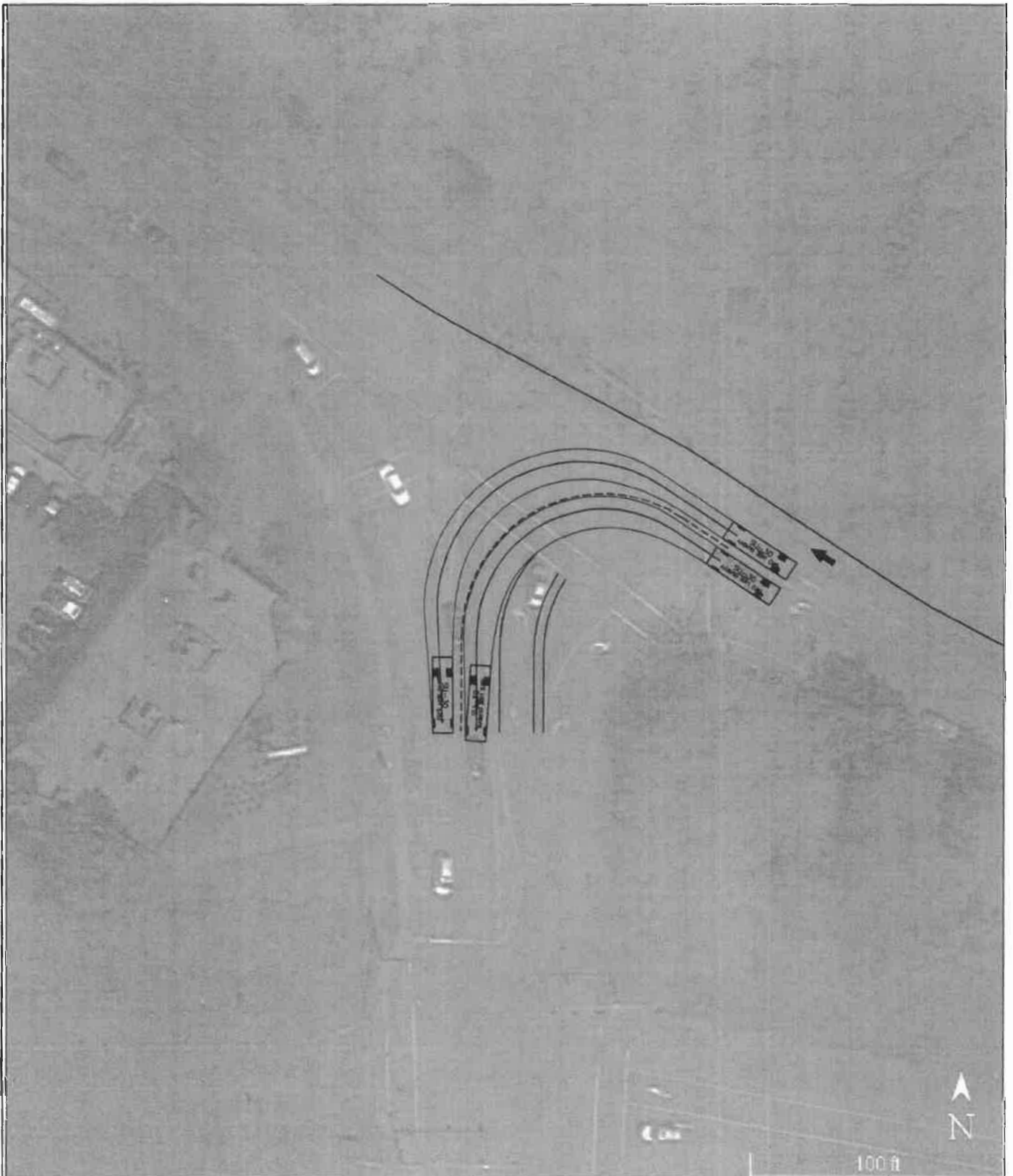


Brent Ahrend, PE  
Senior Associate | Traffic Engineer

Enclosure: Truck Turning Diagram

c: Khoi Le, John Boyd – West Linn  
Avi Tayar, Joshua Brooking – ODOT  
Michael Robinson, Seth King – Perkins Coie  
Jeff Parker – Parker Development  
Rob Morgan – Conam  
Janet Jones – Mackenzie

M.



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MACKENZIE

DATE: 09.02.15

DRAWN BY: JTJ

CHECKED BY: BTA

JOB NO:  
2130529.05

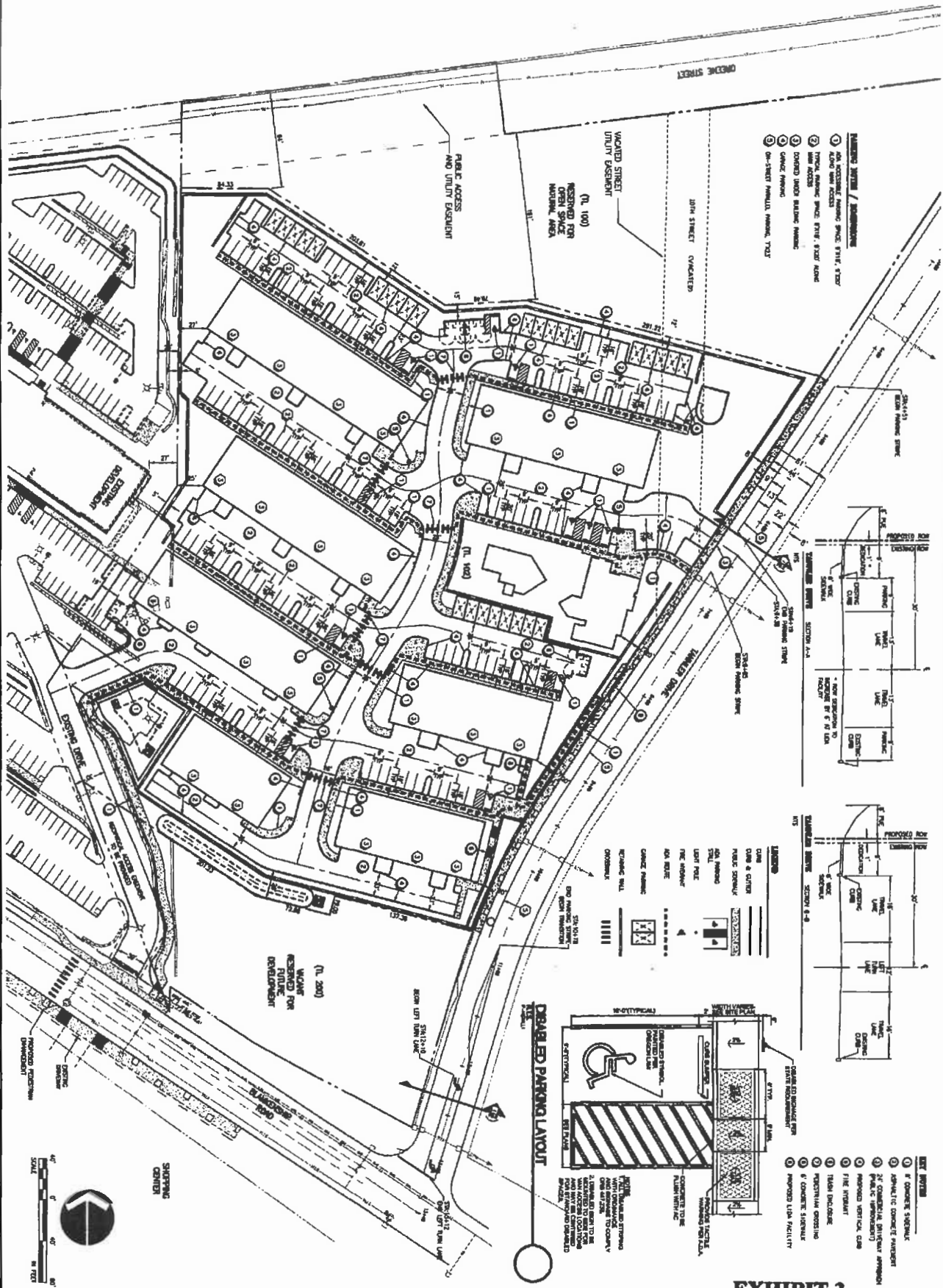
**SALAMO/10TH**  
**WESTBOUND DUAL LEFT**

**TANNER DRIVE MIXED-USE PROJECT**  
**WEST LINN, OREGON**

FIGURE

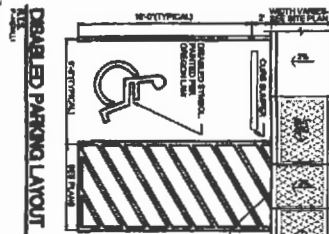
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- MARKING SYSTEM / SIGNAGE**
- 1) ADA ACCESSIBLE PARKING SPACE WITH KIOSK
  - 2) ADA COMPLY PARKING SPACE WITH KIOSK
  - 3) TYPICAL PARKING SPACE WITH KIOSK
  - 4) SPECIAL PARKING SPACE WITH KIOSK
  - 5) CONCRETE PAVEMENT
  - 6) ASPHALT PAVEMENT
  - 7) ASPHALT PAVEMENT WITH CURB
  - 8) ASPHALT PAVEMENT WITH CURB AND STRIP
  - 9) ASPHALT PAVEMENT WITH CURB AND STRIP AND STRIP
  - 10) ASPHALT PAVEMENT WITH CURB AND STRIP AND STRIP AND STRIP

- LEGEND**
- CONCRETE SIDEWALK
  - ASPHALT SIDEWALK
  - PUBLIC SIDEWALK
  - ASPHALT DRIVEWAY
  - ASPHALT DRIVEWAY WITH CURB
  - ASPHALT DRIVEWAY WITH CURB AND STRIP
  - ASPHALT DRIVEWAY WITH CURB AND STRIP AND STRIP
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- REV SYSTEM**
- 1) CONCRETE SIDEWALK
  - 2) ASPHALT SIDEWALK
  - 3) PUBLIC SIDEWALK
  - 4) ASPHALT DRIVEWAY
  - 5) ASPHALT DRIVEWAY WITH CURB
  - 6) ASPHALT DRIVEWAY WITH CURB AND STRIP
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  - 10) ASPHALT DRIVEWAY WITH CURB AND STRIP AND STRIP AND STRIP AND STRIP AND STRIP

LAND USE SUBMITTAL 7/10/2015 - NOT FOR CONSTRUCTION

**TANNER DRIVE MIXED-USE DEVELOPMENT**  
WEST LINN, OREGON

PRELIMINARY SITE DIMENSION PLAN

**EXHIBIT 3**

1172 07/28/15  
P2.1  
Scale: 1/8" = 1'-0"

City of West Linn, Oregon  
Public Works Department  
1172 07/28/15  
P2.1

**PRELIMINARY**

NO.	DATE	BY	REVISION
1	7/10/15	AVW	COMPLETION REVIEW
2			REVISIONS PER TP&P COMMENTS

Design: Drive Design      Date: 11/10/15      Issue: Date:



- Static pressure at the finished floor level would range between 120 psi and 138 psi across the proposed development, if served from the Bland pressure zone. This will require installation of pressure reducing valves for all service connections, but would result in appropriate service pressures across the entire development.
- Assuming a required fire flow of 2,500 gpm (multi-family and commercial), main extension from the intersection of Tannler Road and Greene Street should be a minimum size of 8-inch diameter. Residual pressures at hydrants on Tannler at the south end of the development would still be near 80 psi under fire flow conditions.

The proposed development plans propose extending an 8-inch public water line down Tannler Drive from Greene Street to the access driveway into the project site. Domestic and fire protection services would extend into the site from here. The private water line will be routed down the middle of the site to serve each building.

4. Sanitary sewers. *A registered civil engineer shall prepare a sewerage collection system plan which demonstrates sufficient on-site capacity to serve the proposed development. The City Engineer shall determine whether the existing City system has sufficient capacity to serve the development.*

**Response:** The preliminary utility plans for the project were developed under the direction of Gary Alfson, PE, and Brad Swearingen, PE, of Otak.

The site will be served by the public sanitary sewer line in Tannler Drive. The sewer line is located on the west side of Tannler Drive. The sewer has adequate depth and capacity to serve the site. A connection is proposed near the south end of the proposed development.

5. Solid waste and recycling storage areas. *Appropriately sized and located solid waste and recycling storage areas shall be provided. Metro standards shall be used.*

**Response:** Three solid waste and recycling enclosures are proposed. One large enclosure of approximately 525 square feet will be located at the north end of the central road through the site. Smaller enclosures of approximately 260 square feet each will be located near the clubhouse and near the west end of proposed building 4. Using the Metro standards, the proposed 180 multi-family units would be required to provide at least 900 square feet of trash and recycling storage at a ratio of 50 square feet of storage area per 10 units. The approximately 1,920 square feet of commercial space within the mixed-use buildings would be required to provide another 40 square feet of trash and recycling storage. Together, 940 square feet of trash and recycling storage area would be required. The proposed 1,045 square feet of storage area within the three proposed enclosures would therefore satisfy the trash and recycling demands anticipated from a mixed-use development of the size proposed.

- J. Crime prevention and safety/defensible space.  
 1. *Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants.*

**Response:** Windows are located along all building facades providing visual connection to most all site areas. Plantings adjacent to buildings will be low, not separating the site

or blocking visual connections, but instead allowing long open views through the site to enhance safety and security.

Please note that the phrase “areas vulnerable to crime’ is subjective because it requires the exercise of discretion and may, therefore, not be a basis for denial under the residential design review standards under ORS 197.3079(4).

2. *Interior laundry and service areas shall be located in a way that they can be observed by others.*

**Response:** No joint laundry facilities are proposed. Each residential unit will include its own washer and dryer. No other joint service areas are proposed. Therefore, this standard is not applicable.

3. *Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.*

**Response:** The recycling and solid waste facilities for the project are located at the end of the main drive aisle with plenty of visual connection those entering and exiting the site regularly. The recycling and solid waste collection facilities are designed with roofs which will house lights to keep the facilities well-lighted inside at all hours. Additionally, the entries to the facilities are open and easy for people to visually look into them before entering for security. The mailboxes are centrally located at the entry to the community building. This area will be readily visible from the adjacent driveway and from other buildings.

4. *The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.*

**Response:** The proposed Lighting Plans in Appendix G provide for lighting of all parking areas, sidewalks and the trash enclosures which might be areas attractive for criminal activities or mischief.

5. *Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.*

**Response:** The proposed Lighting Plans provide for lighting of all parking areas, sidewalks and the trash enclosures.

6. *Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.*

**Response:** The proposed Lighting Plans provides photometric details which illustrate anticipated light levels throughout the site. Fixtures will be oriented, as practical, so that light patterns overlap at a height close to seven feet so as to provide sufficient lighting for the proposed uses. See the Lighting Report in Appendix G for details on the lights to be used.

7. *Lines of sight shall be reasonably established so that the development site is visible to police and residents.*

**Response:** The proposed development plan provides for a main driveway through the site which will allow police, private security services personnel, or residents to quickly drive through the site and observe activities within the project.

8. *Security fences for utilities (e.g., power transformers, pump stations, pipeline control equipment, etc.) or wireless communication facilities may be up to eight feet tall in order to protect public safety. No variances are required regardless of location.*

**Response:** No power transformers, pump stations, pipeline control equipment, or wireless communication facilities are proposed as part of this development application. A 3.5-foot tall dark-colored vinyl covered chain-link fence is proposed around the proposed storm drainage detention pond in the southwestern corner of the site.

**K. Provisions for persons with disabilities.**

1. *The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.*

**Response:** On this steeply sloping site, accessible parking spaces have been placed in close proximity to accessible units and all site amenities, Crosswalks provide connection between project sidewalks to the extent that the site slope allows.

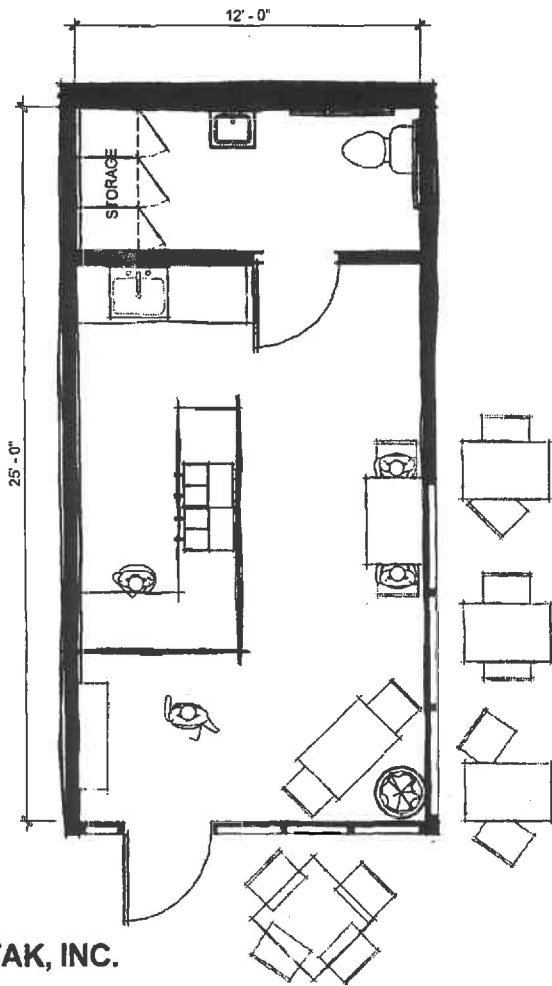
**L. Signs.**

1. *Based on considerations of crime prevention and the needs of emergency vehicles, a system of signs for identifying the location of each residential unit, store, or industry shall be established.*
2. *The signs, graphics, and letter styles shall be designed to be compatible with surrounding development, to contribute to a sense of project identity, or, when appropriate, to reflect a sense of the history of the area and the architectural style.*
3. *The sign graphics and letter styles shall announce, inform, and designate particular areas or uses as simply and clearly as possible.*
4. *The signs shall not obscure vehicle driver's sight distance.*

**Response to subsections 1 through 4:** Sheet A4.0 provides a preliminary plan for a Site Information Plan to be located adjacent to the driveway pull-out between Tanner Drive and building 1, north of the clubhouse. The Site Information Plan will provide guests, customers, clients, and emergency service providers with clear information with regard to the location of businesses and multi-family units within the project. The proposed lettering and plan style will contribute to a sense of project identity. The sign is simple and clear and readily conveys information with regard to particular uses within the project. Due to the nature of rental commercial units, the identification signs for businesses will be easily changeable. The Site Identification Sign will be located off of the main driveway into the site and far enough off of Tanner Drive so that it will not

### COFFEE SHOP

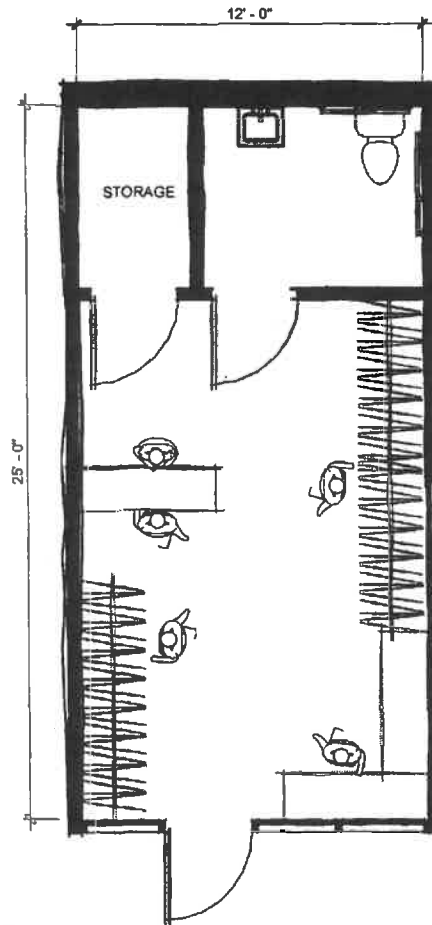
SCALE: 1/4" = 1'-0"



OTAK, INC.  
9.4.2015

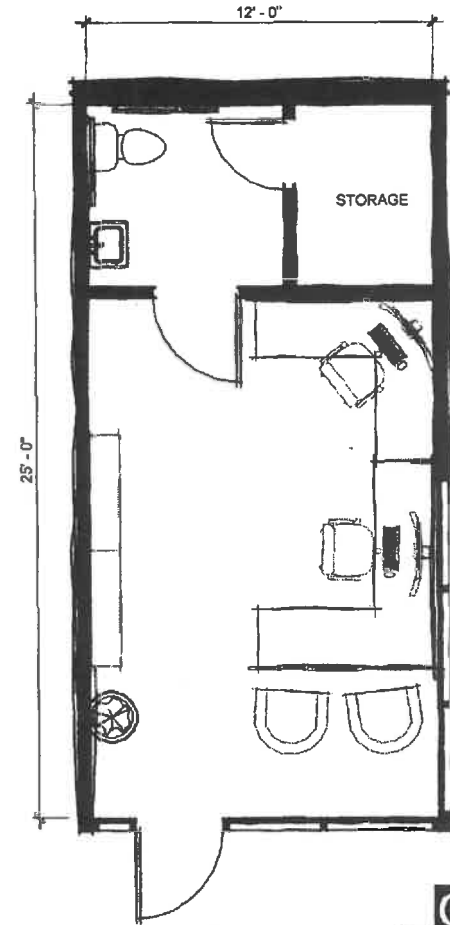
### RETAIL SPACE

SCALE: 1/4" = 1'-0"



### REAL ESTATE/INSURANCE OFFICE

SCALE: 1/4" = 1'-0"



Tannler Drive - Mixed Use  
West Linn, OR

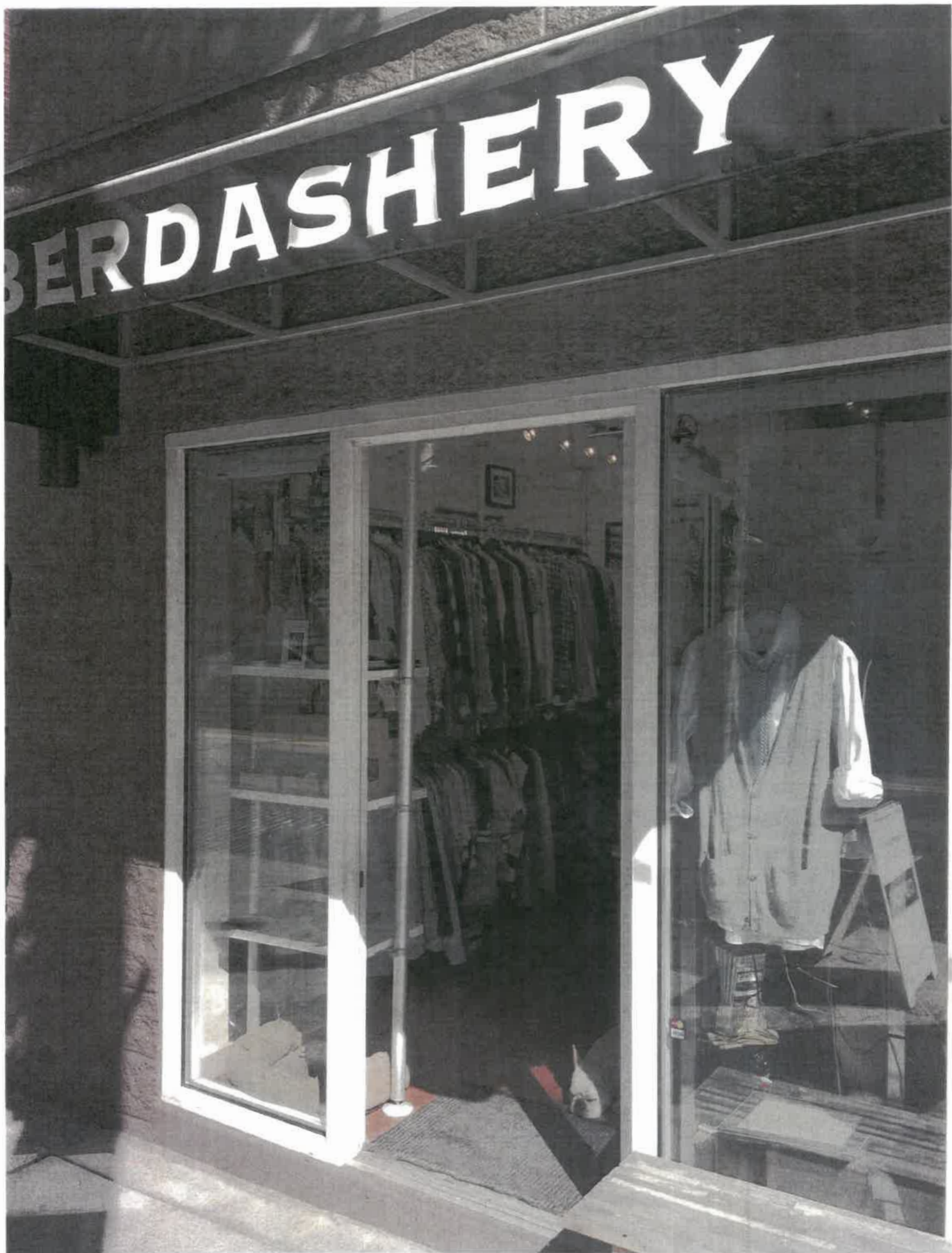




EXHIBIT 6



BERDASHERY

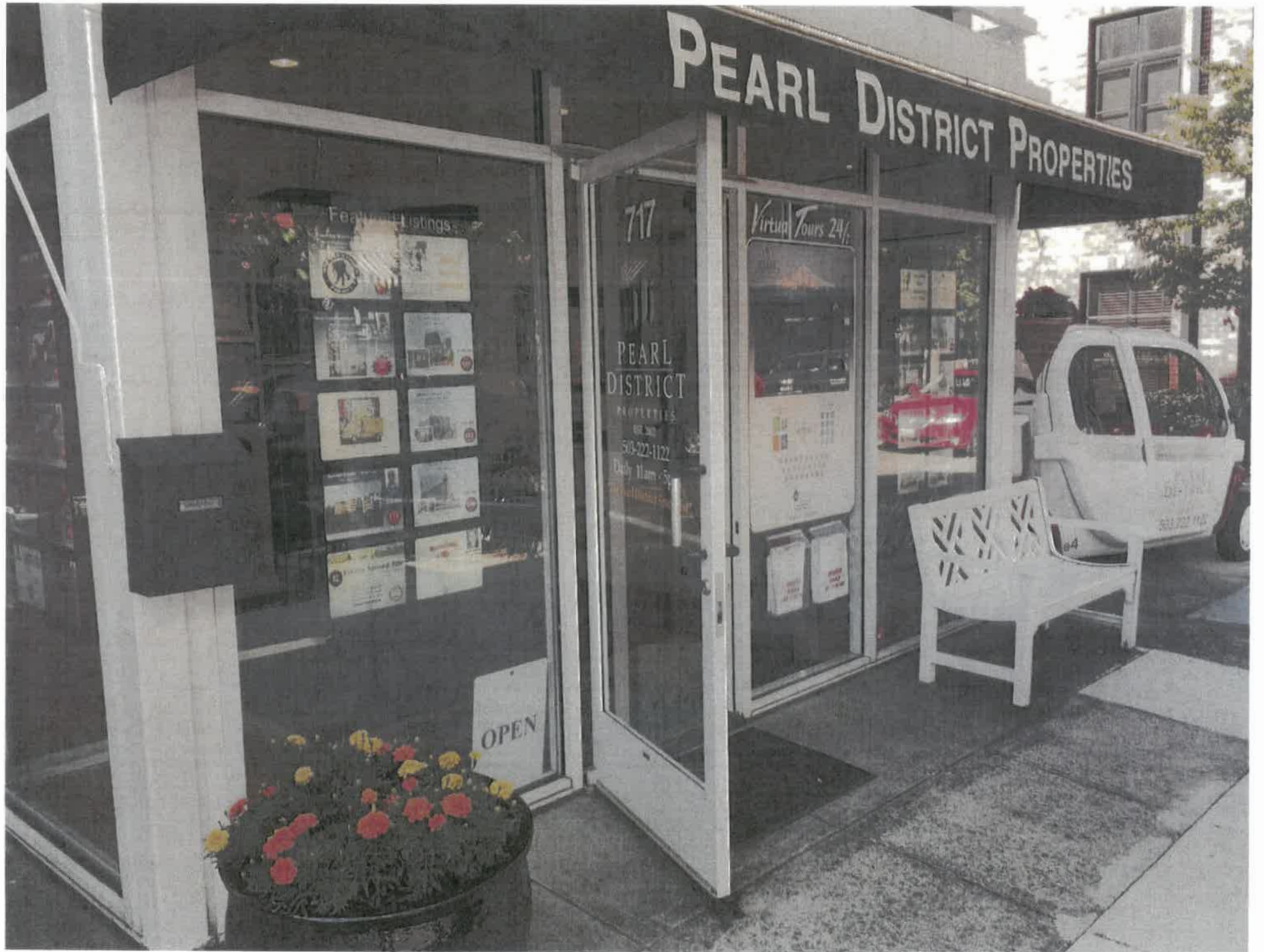


















**MEMORANDUM**

DATE: June 23, 2014

TO: ConAm Properties LLC

FROM: JOHNSON ECONOMICS, LLC

SUBJECT: Assessment of Supply and Demand of Office Lands in West Linn, Oregon

---

JOHNSON ECONOMICS conducted an assessment of the supply and demand of lands appropriate for new Class A office development in West Linn, Oregon.

ConAm Properties is currently pursuing a zone change on a parcel of roughly 11.4 gross acres in south West Linn. The property is currently zoned as "Office Business Center" (OBC). This analysis considers the potential of rezoning the majority of this parcel to the "Single Family and Multi-Family Residential" (R-2.1) zone, with an associated reduction of the amount of overall land in the City's OBC zone.

An estimated 10.2 acres are proposed for rezoning, while 1.2 gross acres adjacent to Blankenship Road would remain in the OBC zone.

This memo first discusses the current estimated supply of buildable office-permitting lands, and the demand for new office space. It then quantifies the potential public benefits of building a multi-family housing development on the subject site.

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A. Executive Summary.....2

B. Allowed and Conditional Uses in the Office Business Center (OBC) Zone.....4

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Figure 9 demonstrates that under current conditions, the estimated value of the proposed office building would be significantly less than the cost to build, even assuming a 10% vacancy rate. Assuming a 20% vacancy rate (still lower than comparable lower properties) the achieved value is roughly 80% of the cost of construction.

No company with the means and sophistication to undertake a project of this size would proceed under these conditions. The project would exceed the entire 20-year projected demand for office space (Figure 4) and is over 4 times the size of the Summerlin Center and nearly 3 times the size of the Willamette 205 Center, both of which have suffered elevated vacancy for many years.

\* \* \*

The following section discusses the potential public benefits of a multi-family residential use on the subject site. While the office development as previously proposed in 2007 would *in theory* produce higher property tax revenue and larger SDCs, *in practice* this development is highly unlikely to ever take place.

Therefore, the accurate comparison is between the subject site as it is now, a collection of vacant parcels, or under multi-family residential use. The benefits of each case are discussed below.

#### **I. MULTI-FAMILY HOUSING NEED**

The proposed rezoning of the subject site would result in an estimated 10.2 acres of multi-family residential land, and 1.2 acres of remaining OBC land. This split of the full 11.4 would still achieve mixed uses at the site, with the commercial uses located adjacent to Blankenship Road where it is likely to be most successful, and residential uses uphill where the site is better suited to this use for reasons discussed more below.

Before discussing estimates of the direct potential impact of multi-family development at the site, this section provides an overview of the supply and demand for multi-family rental apartments and land in West Linn.

The recent Arch Bridge and Bolton Town Center<sup>7</sup> existing conditions study concludes that there is strong demand for rental housing in West Linn with a short supply of relatively expensive rental units. The study found that West Linn's housing stock is dominated by single-family detached housing at 77% of units. An additional 11% are "attached single family units", typically townhomes. Only 11% of units are multi-family units in buildings of 2 or more attached units (Page 18, Figure 16). These multi-family units would include for-sale condominiums as well as rentals.

<sup>7</sup> "Arch Bridge and Bolton Town Center Existing Conditions Study", LMN Architects et al., April 2014.



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Furthermore, the type of housing available in West Linn tends to be quite high end. The median sale price in the community in recent months has been \$439,000, while the median Metro-wide is \$341,000, 22% lower.

In terms of land, the amount of land in West Linn's primary multi-family zones (R2.1 and R3) is just 5% of the amount of land in single-family zones (205 acres compared to 4022 acres).

Very little of this land is available for new rental housing development. Johnson Economics identified an estimated 5.3 gross acres in the city's multi-family zones and mixed-use zone. Roughly 2.2 acres (or 41%) of this is part of the Madison Heights condo development located just north of the subject site. This is unlikely to be developed as rental, rather than condominium, units.

These supply constraints are likely a large contributor to the fact that West Linn supports a much lower share of renters than Clackamas County or the Metro Area. While 22% of West Linn residents are renters, 31% of county residents and 38% of Metro residents are renters (Page 16).

Census Employment Dynamics data indicates that nearly 4,000 people employed in West Linn commute into the community from outside. This is more than 5 times the estimated number of local employees who live in the community. Many of these in-commuters will locate local public servants such as teachers or local government employees.

These figures indicate an on-going need for increased housing opportunities for West Linn's local work force, including rental housing. As it stands, there is little land remaining to meet this growing need.

#### **J. POTENTIAL IMPACTS OF RESIDENTIAL USE AT THE SUBJECT SITE**

The subject site is well-suited for multi-family residential use. It enjoys good access to the local and regional transportation grid, shopping and employment opportunities. The site should enjoy excellent views of the river valley, and it offers direct access to City-owned open space across Tannler Drive. Topography would buffer residential uses at the site from impacts of Blankenship Road and the freeway.

The site is located adjacent to existing R-2.1 zoning, as well as a mix of other uses. A concentration of new households here could help support existing business in the area and help create a functional mixed-use neighborhood.

West Linn is an attractive community for residents due to high household incomes and excellent schools. At the same time, rental opportunities have been limited in the area, with very slow development of multi-family apartment properties over the last decade. This site, being large and well-located in a transitional zone between single-family and commercial neighborhoods would be well suited to providing needed rental housing to the community.





Finally, a multi-family project at this site is feasible and has much better odds of reaching fruition and bringing public benefits than a large office project or the current vacant condition. Some of the major benefits are estimated below.

**Tax Revenue Generation**

The preliminary design ideas for the subject site call for approximately 210 residential units of one, two and three bedrooms in multiple three-story buildings served by surface and tuck-under parking. There would also likely be a clubhouse on site for use by residents. ALL DESIGNS ARE PRELIMINARY ONLY, AND SUBJECT TO CHANGE.

Johnson Economics applied the income approach to value a potential development of 210 units and roughly 230,000 sq.ft. of built space. The improvement value was combined with the current estimate of land value of the subject parcels, and then multiplied by the official Changed Property Ratio to arrive at the Assessed Value used for taxation. (See Figure 10)

Based on the preliminary design, under residential use, the property would have an estimated assessed value of roughly \$32 million and generate an estimated \$591,000 in property taxes per year. (These are estimates only and may differ significantly from the final project design and market value assessments of the County Appraiser. Assumptions such as achievable income and cap rate also change over time.)

**Figure 10: Estimated Valuation and Property Tax Generation, Multi-family Residential**

			<u>Source</u>
Size:	230,560 sf 210 units		ConAm Properties
Estimated effective Gross Income	\$3,661,700		Con Am/Johnson Economics
Expenses (Pre-tax)	\$988,659	27%	Multifamily NW apartment report
NOI:	\$2,673,041		
Cap Rate:	5.50%		CBRE
Effective Tax Rate:	1.50%		Tax rate/Changed Prop. Ratio
Est. Value (Direct Cap):	\$38,186,300		NOI/Cap rate + Eff. tax rate
<hr/>			
Est. Total RMV (Land & Impr.):	\$39,434,039		
Changed Property Ratio:	0.807		
Assessed Value:	\$31,823,269		
Tax Rate (Code 003-002)	18.5815	per \$1,000	
<b>Est. Annual Tax Payment:</b>	<b>\$591,324</b>		

Source: Johnson Economics, sources noted

**Figure 11: Estimated Annual Property Tax Generation, by Recipient**

	Tax Rate per \$1,000	Share of Total Rate	Estimated Annual Revenue (1st year)
West Linn/Wilsonville School District	4.8684	26.2%	\$154,928
West Linn/Wils. School Dist. Levy	1.5000	8.1%	\$47,735
Clackamas Community College	0.5560	3.0%	\$17,694
Clackamas Education Service District	0.3676	2.0%	\$11,698
Clackamas County	2.4037	12.9%	\$76,494
City of West Linn	2.1200	11.4%	\$67,465
Fire District	1.5252	8.2%	\$48,537
County Library	0.3963	2.1%	\$12,612
Fire District Levy	0.2500	1.3%	\$7,956
County Public Safety Levy	0.2480	1.3%	\$7,892
Metro	0.0963	0.5%	\$3,065
Metro Levy	0.0960	0.5%	\$3,055
Port of Portland	0.0699	0.4%	\$2,224
County Extension and 4H	0.0499	0.3%	\$1,588
County Soil Conservation	0.0489	0.3%	\$1,556
Vector Control Levy	0.0250	0.1%	\$796
County Urban Renewal	0.0065	0.0%	\$207
Vector Control	0.0065	0.0%	\$207
City of West Linn Bond	0.4390	2.4%	\$13,970
Clackamas Comm. College Bond	0.1494	0.8%	\$4,754
Fire District Bond	0.1309	0.7%	\$4,166
West Linn/Wils. School Dist. Bond 1	0.7816	4.2%	\$24,873
West Linn/Wils. School Dist. Bond 2	2.1722	11.7%	\$69,127
Metro Bond 1	0.0931	0.5%	\$2,963
Metro Bond 2	0.1811	1.0%	\$5,763
<b>TOTAL:</b>	<b>18.5815</b>		<b>\$591,324</b>

Source: Johnson Economics, Clackamas County Assessment and Taxation

**Impact and SDC Fee Generation**

The estimated fee and SDC generation for this hypothetical development is estimated at \$4.1 million, including planning fees (\$25,800), SDC's (3,526,900), building permits (\$283,300) and school excise tax (\$230,300).

**School Impacts**

The proposed development would have a positive revenue impact on local schools on a number of levels.

- At the time of development, the project would pay an excise tax of \$1.00 per square foot, which would amount to an estimated \$230,500 in this case.

- As Figure 11 shows, the estimated property tax revenue to the district would be \$155,000 in the first year, with an additional \$48,000 to the school levy.
- The Oregon school funding system ensures that funding is provided per student, so that each new student from the proposed development would bring the same per capita funding to the district as existing students.
- The West Linn-Wilsonville School District Long Range Plan estimates an average 0.47 students per multi-family housing unit. This means the proposed project would bring an additional 99 students to the district, or roughly 8 new students per grade. The district had an estimated enrollment of 4,795 in 2013.
- In 2013, the West Linn part of the district had an estimated remaining available capacity for 230 students at the elementary level and 136 students at the high school level. Rosemont middle is estimated to be over capacity by 46 students.

#### **Employment and Economic Impacts**

Johnson Economics uses an IMPLAN model to estimate the economic impacts of new development for a range of project types. IMPLAN is an established and accepted method that provides a direct and quantifiable answer to the question of how much commercial activity new development can support.

#### **The IMPLAN Economic Impact Methodology**

To model the economic impacts of various activities, JOHNSON REID applied the IMPLAN (IMPact for PLANning)<sup>8</sup> input/output multiplier model. Developed by the Forest Service to assist in land and resource management planning, IMPLAN has developed since the 1970's into an economic impact model designed for analyzing the effects of industry activity (employment, income or business revenues) upon all other industries in an economic area. IMPLAN is specifically designed to identify related economic activity associated with shifts in employment, and provides useful guidance to the question of commercial space supported by new development activity.

Economic impact analysis generally seeks to assess changes in overall economic activity within a specific geographic area as a result of a change in one or many specific activities; in this case, multi-family housing construction. The ripple effect of a gain or loss in economic activity is identified in three stages: *Direct Impacts*, *Indirect Impacts* and *Induced Impacts*.

- *Direct Impacts*: The actual change in activity affecting a local economy. For example, if a new housing development is constructed, direct economic impacts comprise the jobs required for construction and operations, and the labor income paid.
- *Indirect Impacts*: The response of all other local businesses within the geographic area to the direct impact. Continuing the previous example, indirect impacts of a new apartment complex would comprise revenues for related vendors, i.e. suppliers, subcontractors, etc., and the jobs and labor income thereby generated.

---

<sup>8</sup> Minnesota IMPLAN Group (MIG), Inc., Stillwater, Minnesota.

- **Induced Impacts:** The response of households within the geographic area affected by direct and indirect impacts. In the given example, induced impacts would be the increase in all categories of spending by households in the geography directly or indirectly employed by the businesses' activities (not including the new residents at the property).

Applying this model to a multi-family construction project in the West Linn market of the size suggested in preliminary designs, yields the following estimated impacts:

**Figure 12: Estimated Economic Impacts of Proposed Multi-Family Development**

Category of Impact	Employment	Labor Income	Total Value Added
Direct Effect	96.7	\$5,857,851	\$7,823,860
Indirect Effect	46.1	\$1,865,765	\$2,580,050
Induced Effect	27.5	\$1,039,399	\$1,944,430
<b>Total Effect</b>	<b>170.2</b>	<b>\$8,763,014</b>	<b>\$12,348,320</b>

Source: IMPLAN, Johnson Economics

As Figure 12 shows, the proposed development could have a significant economic impact, creating or inducing up to 170 jobs during construction and operation and total value added of \$12.3 million.

**Spending Impacts**

As of 2014, the average West Linn household spends \$68,500 on services and products beyond the cost of rent or mortgage. This level of spending is 130% the national average.

**Figure 13: Estimated Average Per-Household Spending by Category**

Food At Home	\$6,925
Food Away from Home	\$3,838
Alcoholic Beverages	\$1,325
Day Care & Education	\$6,974
Healthcare	\$6,370
Housing & Personal Services*	\$8,654
Transportation Expenses	\$13,904
Furnishings and Appliances	\$3,458
Personal Care, Smoking Products	\$2,040
Pet Expenses	\$811
Sports and Entertainment	\$9,126
Apparel	\$5,425
<b>Total Household Spending:</b>	<b>\$68,850</b>

\* Does not include rent or mortgage expense

Source: Nielsen, Claritas



January 2014

Renter households tend to have a lower average income than the general household population. In West Linn, the median income of renter households is 64% the general median income. Applying this as a simple discount factor to the average spending yields an estimated average spending per *renter* household of \$44,174.

Based on this estimate, the proposed multi-family development at 210 new households could generate as much as \$9.3 million in new spending. As all communities experience some leakage of spending from their local households to other shopping areas, this spending would take place both in West Linn and beyond.

The local community is likely to capture much of the food expenditure, and expenditures on local household and personal services. A capture of 50%, which is not uncommon, would generate \$4.7 million in additional local spending per year.

#### **Summary of Estimated Benefits**

In summary, a multi-family residential development in keeping with the preliminary design discussed would generate an estimated:

- \$591,000 in annual property tax
- \$4.1 million in fees and SDC's
- 170 jobs created or induced by construction and operation
- \$12.3 million added through wages and economic activity related to these jobs
- Up to \$9.3 million in household spending by new residents at the property

THE PRELIMINARY DESIGN IS SUBJECT TO CHANGE. All of the above figures are estimates based on best available data, assumptions, and sources as described in this document.

This is in contrast to the current vacant use which produces an estimated current property tax of \$18,133 in the latest year. Absent development, these parcels will continue to produce this relatively low property tax revenue, with a modest yearly escalator. Until developed, the site will produce no benefits in SDC's, jobs created, economic activity from development and operations, new households or spending.

Given the uncertainty that commercial development will take place on this site at any time in the foreseeable future, these benefits, very modest in comparison to the benefits of the proposed multi-family development, are likely to persist indefinitely.

#### **K. CONCLUSIONS**

- An inventory of buildable lands appropriate for new office use reveals a significant supply of available vacant and redevelopable parcels. Development of the OBC zone has been modest over the previous decades. Roughly 26% of land in this zone remains

vacant, not including the 10.2 acres of the subject site proposed for rezone, or the City-owned property at Tannler Drive.

- Compared to projected 20-year demand for office space in West Linn, there is buildable supply of office lands well in excess of 20-year needs, regardless of the possible rezoning of the subject parcel. The available buildable inventory is multiple times what is projected to be necessary over this period.
- The West Linn area submarket for office space is not the most robust in the Portland Metro area. The submarket, along with Kruse Way and other south-Metro submarkets experienced some of the highest vacancy rates during the recent recession and vacancy remains high. A recent inventory from the Clackamas County Business and Economic Services of available commercial space in West Linn found 80,000 sq.ft. of office space available and vacancy of nearly 31% among buildings surveyed.
- The office developments directly adjacent to the subject site have combined vacancy in excess of 27%. Overall, the West Linn market has experienced negative absorption in recent years, shedding office space back onto the market. Absorption is projected to be flat in coming years.
- Based on our analysis, Johnson Economics thinks that it is highly unlikely that office development of anywhere near this scale will take place on the subject site. The reasons for this are described in this report, but to summarize:
  - Value of new development as an income-generating investment is lower than the cost to build.
  - Market is very soft with high vacancies and negative absorption putting more vacant space on the market.
  - Established weakness of adjacent large office developments.
  - Weakening of suburban metro markets relative to central Portland and Hillsboro.
  - Slow historical pace of development in West Linn and modest projected demand.
  - Prospective office tenants have flexibility in where to locate.
  - This site has sat vacant since adoption of the OBC zoning in 1974.
- Based on our analysis, there are other challenges presented by the subject site making it an unlikely location for other uses which are allowed in the OBC zone. The site is unappealing for conditional uses such as retail and hotel due to topography, visibility and access. Vertical mixed-use or live/work units are infeasible due to increased costs, difficulty of marketing the commercial space, and lack of market demand.
- The subject site is well-suited for residential use, providing good access, views, and schools. Multi-family residential is a good use for transitional areas like the subject site which lays between low-density residential and commercial neighborhoods.
- The development as preliminarily designed would generate significant public benefits, including fees and system development charges at construction, and on-going tax



generation. It would also have economic impacts on local job creation and household spending. This is a preliminary estimate of impacts:

- \$591,000 in annual property tax
  - \$4.1 million in fees and SDC's
  - 170 jobs created or induced by construction and operation
  - \$12.3 million added through wages and economic activity related to these jobs
  - Up to \$9.3 million in household spending by new residents at the property
  - These estimates are preliminary and subject to change but provide indicators of general magnitude of benefits.
- As office development on the scale of the subject site is highly unlikely, and the topography is unfavorable for retail, the most likely scenario for the site under the OBC zone is to remain vacant indefinitely. This provides a very modest public benefit in terms of property tax, but no additional benefits in generating economic activity, providing housing choices, generating economic activity or bringing active use to this large dormant site.

## Shroyer, Shauna

---

**From:** KleinmanJL@aol.com  
**Sent:** Wednesday, September 09, 2015 11:47 AM  
**To:** Planning Commission Board; Shroyer, Shauna  
**Subject:** ConAm Properties, LLC – File No. DR-15-11/LLA-15-01  
**Attachments:** Planning Commission letter 9-9-15.pdf

Dear Planning Commission,

Please see the attached letter submitted on behalf of Concerned Citizens of West Linn in the above matter.

Thank you.

Jeffrey L. Kleinman  
Attorney at Law  
The Ambassador  
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Portland, OR 97204  
Tel (503) 248-0808  
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September 9, 2015

Via email to [ima\\_planningcommission@westlinnoregon.gov](mailto:ima_planningcommission@westlinnoregon.gov), [sshroyer@westlinnoregon.gov](mailto:sshroyer@westlinnoregon.gov)

Chair Schwark and Members  
West Linn Planning Commission  
c/o West Linn Planning Department  
22500 Salamo Road  
West Linn, OR 97068

Re: ConAm Properties, LLC – File No. DR-15-11/LLA-15-01

Dear Chair Schwark and Planning Commission Members:

Again, I represent Concerned Citizens of West Linn (“CCWL”). I am writing to address the contention set out in one of Michael Robinson’s letters of September 2, 2015—that the so-called mix of uses proposed by the applicant is allowed in the Office Business Center zone.

In my earlier memorandum and in my testimony to the Commission on September 2, 2015, I addressed the plain language of the CDC. While others have made a solid argument that the uphill side of each structure can and should be treated as the “first floor,” I showed that this project is not allowable even if, as the applicant suggests, the lower, garage level is deemed to be the first floor under CDC 21.050. As we have explained, the enclosed garages on that floor are part and parcel of the multiple-family units, and are in turn not allowed on the first floor of a structure. This renders the apartments impermissible in the OBC zone under CDC 21.050. Semantic gymnastics will not alter this fact.

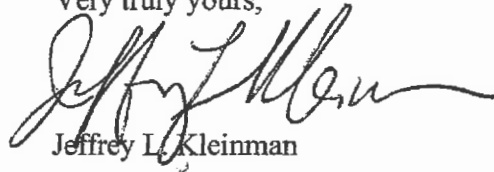
The legislative history cited by the applicant is similarly unhelpful to its position. While the City Council considered limiting residential use to no more than 25 percent of the area of a site in the OBC Zoning District, it was clearly satisfied that the purpose of the legislation would be satisfied by the language which remains in effect, requiring that residential use be located above the first story of any structure. This would still provide for ample commercial development—a typical modern design of offices and stores below, with apartments above. In selecting the language it chose to adopt, the City Council intended to fulfill the purpose of OBC zoning. It did not intend for applicants to flaunt the very nature of the OBC Zoning District through the designation of mere fingernails—cuticles in this case—of “commercial” space. After all, what was the point of the first floor limitation in the first place? It was certainly not to allow a backdoor rezoning.

Chair Schwark and Members  
West Linn Planning Commission  
September 9, 2015  
page 2

Similarly, for the reasons we have discussed, CDC 21.010 need not be an approval standard in order for its language to assist the Planning Commission in interpreting the directly applicable language of the code. That's what it's there for.

For all the reasons set out by CCWL and others, the applicant has not met its burden of proof in this case. The application before you must be denied.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey L. Kleinman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jeffrey L. Kleinman

JLK:cme

cc: Concerned Citizens of West Linn

## Shroyer, Shauna

---

**From:** King, Seth J. (Perkins Coie) <sking@perkinscoie.com>  
**Sent:** Wednesday, September 09, 2015 12:36 PM  
**To:** Shroyer, Shauna  
**Cc:** Kerr, Chris; Boyd, John; Thornton, Megan; Robinson, Michael C. (Perkins Coie)  
**Subject:** FW: Applicant Final Rebuttal Letter - City File Nos. DR-15-11 and LLA-15-01 (ConAm)  
**Attachments:** Applicant Final Rebuttal.PDF

Shauna:

Re-sending the attached, which was originally submitted at 11:38am (see below). Please confirm receipt.

**Seth King | Perkins Coie LLP**

SENIOR COUNSEL

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---

**From:** King, Seth J. (Perkins Coie)  
**Sent:** Wednesday, September 09, 2015 11:38 AM  
**To:** 'Shroyer, Shauna'  
**Cc:** ckerr@westlinnoregon.gov; jboyd@westlinnoregon.gov; mthornton@westlinnoregon.gov; Brent Ahrend (BAhrend@mcknze.com); Janet T. Jones (JtJones@mcknze.com); morgan.holen@comcast.net; mmahoney@conam.com; rmorgan@conam.com; Jeff Parker (jeff@parkerdev.com); Gary Alfson (gary.alfson@otak.com) (gary.alfson@otak.com); ron.dean@otak.com; Pete Miller (pete.miller@otak.com) (pete.miller@otak.com); Robinson, Michael C. (Perkins Coie) (MRobinson@perkinscoie.com); Stephenson, Garrett H. (Perkins Coie); kleinmanjl@aol.com  
**Subject:** Applicant Final Rebuttal Letter - City File Nos. DR-15-11 and LLA-15-01 (ConAm)

Shauna:

Attached please find the applicant's final rebuttal letter. Please include a copy of this letter in the record for this matter and please forward to the Planning Commission as soon as possible for their consideration.

There are seven exhibits to this letter, which we will send momentarily.

Please confirm receipt. Thank you for your courtesies.

**Seth King | Perkins Coie LLP**

SENIOR COUNSEL

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September 9, 2015

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**VIA EMAIL TO SSHROYER@WESTLINNOREGON.GOV**

Ryerson Schwark, Chair  
West Linn Planning Commission  
c/o West Linn Planning Department  
22500 Salamo Road  
West Linn, OR 97068

**Re: Applications for Tannler Drive Mixed-Use Development  
City File Nos. DR-15-11 and LLA-15-01  
Applicant's Responses to Opponents' Arguments**

Dear Chair Schwark and Members of the West Linn Planning Commission:

This office represents Con Am Properties, LLC ("Applicant"), the applicant requesting approval of the Design Review II and Lot Line Adjustment applications to allow development of multi-family residential, commercial, and open space uses ("Project") identified in City File Nos. DR-15-11 and LLA-15-01 ("Applications") on the property located at 2410, 2422, and 2444 Tannler Drive ("Property"). This letter includes Applicant's responses to arguments raised by opponents during the continued hearing for the Applications on September 2, 2015. I have asked City staff to place a copy of this letter in the official record for this matter and to place a copy before you. Please review this letter and its enclosures before making a final decision on the Applications.

**I. Executive Summary.**

For the following reasons, the Planning Commission should deny each of the opponents' arguments and should approve the Applications:

- Applicant will mitigate the traffic impacts associated with the Project consistent with the requirements of West Linn Community Development Code ("CDC") 55.125, without restricting left turns at the Tannler/Blankenship intersection.
- The proposed mix of residential and commercial uses is allowed in the OBC zone.

- Required parking spaces for the apartments are not prohibited on the first floor of the Project buildings.
- The Project is not inconsistent with the OBC zone purpose statement, which is not an applicable approval criterion.
- The proposed development complies with all of the design standards of CDC Chapter 55, including standards governing pedestrian accessways, location of parking, crime prevention strategies, and first-floor transparency.
- The buildings do not exceed the applicable maximum height limit (45 feet).
- By both continuing the public hearing and holding the record open, the City has cured any potential procedural error caused by the introduction of new transportation mitigation measures after the filing of the Applications.
- It is feasible to develop and operate permitted uses in the Project's commercial spaces.
- Development of the Project will generate positive economic benefits for the City and region.
- Details from other sites owned or managed by Applicant are not relevant and do not constitute credible evidence in this proceeding.
- Opponents' testimony regarding the "low-income" nature of potential tenants of the Project is misplaced and elitist and provides no basis for legally denying the Applications.

## **II. Responses to Opponents' Arguments.**

- A. Applicant will mitigate the traffic impacts associated with the Project consistent with the requirements of the CDC, without restricting left turns at the Tannler/Blankenship intersection.**

Opponents expressed a series of concerns about traffic, but the Planning Commission should find that all of these concerns are unfounded.

First and foremost, Applicant's neighbors have been loud and clear about their interest in retaining the full-access nature of the intersection of Tannler Drive and Blankenship Road. Applicant is pleased to report that it can accommodate the neighbors' request. Applicant's transportation engineer has conducted additional analysis and has determined that if the Tannler Drive site access is limited to "entrance only" to the site, it will allow Applicant to mitigate the impacts of its development consistent with the CDC without installing the median or restricting left turns at Tannler Drive. In short, the intersection of Tannler Drive and Blankenship Road will remain a full access intersection. The additional transportation analysis to support this recommendation is set forth in Exhibit 1. If the Planning Commission opts to accept this recommendation, it should revise proposed Condition of Approval 11 accordingly. Additionally, Applicant's transportation engineer has rebutted each of the allegations presented by opponents' consultant. This short rebuttal is set forth in Exhibit 2.

For these reasons, the Planning Commission should deny opponents' contentions pertaining to traffic.

**B. The proposed mix of residential and commercial uses is allowed in the OBC zone.**

**1. Required parking spaces for the apartments are not prohibited on the first floor of the Project buildings.**

For three reasons based upon the plain language of the CDC, the Planning Commission should deny the opponents' contention that garages for the apartments are not allowed on the first floor of Project buildings. First, the plain language of CDC 21.050.2 does not prohibit first-floor garages; it only prohibits first-floor "multiple-family units." Second, the plain language of CDC 2.030 does not include "parking" or "garages" within the definition of "multiple-family residential units," which reads as follows: "A structure containing three or more attached dwelling units in any vertical or horizontal arrangement." Third, the OBC zone development standards also do not prohibit or limit first-floor parking or garages. See CDC 21.070, 21.080, and 21.090. There is no basis for the Planning Commission to sustain the opponents' contention on this issue.

**2. The Project is not inconsistent with the OBC zone purpose statement, which is not an applicable approval criterion.**

For the reasons stated at length on the record, the OBC zone purpose statement in CDC 21.010 is not a mandatory approval criterion for any land use applications. Further, opponents' contentions that the purpose statement supports denial of the Applications misconstrue the CDC, which expressly permits apartments, subject to conditions that are satisfied in this case. CDC 21.050.2. The Planning Commission should deny opponents' contention on this issue.

**C. The proposed development complies with the design standards of CDC Chapter 55.**

**1. Pedestrian accessway.**

Opponents contend that CDC 55.100.B.6.i is clear and objective, and therefore applies notwithstanding ORS 197.307, the "needed housing statute." CDC 55.100.B.6.i provides as follows:

"Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot-wide pedestrian accessway must be maintained per Chapter 53 CDC, Sidewalk Use."

The first sentence of this provision is optional, and therefore cannot be clear and objective under ORS 197.307. Applicant does not propose such amenities on public sidewalks. The second sentence explains that when the items listed in the first sentence are included in a development, a four-foot-wide clear area must be maintained pursuant to CDC Chapter 53. Chapter 53 requires a four-foot-wide clear area on all sidewalks and applies in all commercial zones regardless of whether a development application is under review. For this reason, the second sentence is a performance standard, not an approval criterion or development standard.

For the reasons stated above, the Planning Commission should find that CDC 55.100.B.6.i does not apply. In the alternative, the Planning Commission should find that because Applicant proposes eight-foot sidewalks, the Project can comply with the four-foot clear area requirement of CDC Chapter 53, as shown on Application Plan Sheet

P2.1 in Exhibit 3. If necessary, Applicant will accept a condition of approval requiring a four-foot-wide clear area on all sidewalks.

**2. Parking to the side or rear of buildings.**

Opponents contend that parking may not be placed in garages, but rather must be placed in surface lots along the side or rear of the proposed buildings. CDC 55.100.B.7.b provides as follows:

“Multi-family projects shall be required to keep the parking at the side or rear of the buildings or behind the building line of the structure as it would appear from the right-of-way inside the multi-family project. For any garage which is located behind the building line of the structure, but still facing the front of the structure, architectural features such as patios, patio walls, trellis, porch roofs, overhangs, pergolas, etc., shall be used to downplay the visual impact of the garage, and to emphasize the rest of the house and front entry.”

The Planning Commission should deny this contention for three reasons.

First, CDC 55.100.B.7.b requires discretion in determining the meaning of “side” or “rear” of the buildings, as well as the meaning of “the building line of the structure as it would appear from the right-of-way line inside the multi-family project.” As such, CDC 55.100.B.7.b is not clear and objective, and cannot apply pursuant to ORS 197.307, the “needed housing statute.”

Second, there is nothing in CDC 55.100.B.7.b that prohibits using garages for multi-family dwellings. In fact, this provision expressly contemplates that garages can be used.

Finally, the Planning Commission can find that the Project can satisfy these standards by placing parking behind the building line of the proposed multi-family structures, as viewed from Tannler Drive. CDC 55.100.B.7.b essentially prohibits parking between a right-of-way and multi-family buildings. As demonstrated by Application Plan Sheet P2.1, there is no parking located between the right-of-way of Tannler Drive and the proposed buildings. To the extent that any parking is found to be located between any



building line and the Tannler Drive right-of-way, the Applicant will accept a condition requiring that all parking areas be located behind the building lines of the buildings abutting Tannler Drive, as viewed from the Tannler Drive right-of-way.

For the reasons above, the Planning Commission can find that CDC 55.100.B.7.b is not applicable under ORS 197.307. In the alternative, the Planning Commission should find that the Project can comply with CDC 55.100.B.7.b, as proposed or with a reasonable condition of approval.

### **3. Crime prevention strategies.**

Opponents contend that the crime prevention design elements listed in CDC 55.100.J are clear and objective, but does not explain how each such design element can be applied without the use of discretion. Because application of these design elements does in fact require discretion, Applicant reiterates that CDC 55.100.J are not clear and objective and are inapplicable under ORS 197.307.

Nevertheless, the Application included detailed explanations of how the Project includes applicable crime prevention design elements. See application narrative at pages 31-33 in Exhibit 4. Applicant's responses to CDC 55.100.J constitute substantial evidence that the Project satisfies that subsection.

For the reasons above, the Planning Commission should find that CDC 55.100.J does not apply. In the alternative, the Planning Commission should find that the Project includes applicable crime prevention design elements of CDC 55.100.J and thereby satisfies that subsection.

### **4. Transparency.**

Opponents contend that the buildings do not satisfy the pedestrian-level transparency requirements of CDC 55.100.B.6.e. The relevant portions of that standard are below:

"The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or

greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional.”

This standard only applies to commercial and office buildings, not to mixed-use or residential buildings. Thus, to the extent that it applies to the Project, it applies only to the commercial portions of the building. As demonstrated by the elevations submitted with the Applications, the commercial spaces have 100% transparency at their fronts, and approximately 48% transparency along their sides. *See, e.g.*, Drawing Nos. A3.1A, A3.2A.

For this reason, the Planning Commission can find that the Project meets CDC 55.100.B.6.e.

**D. The buildings comply with the City’s height standards.**

As explained in the Application, the grade change between building sides is less than 10 feet; therefore, Applicant measured the building height using CDC 41.005.A.1: “[f]or relatively flat sites where there is less than a 10-foot difference in grade between the front and rear of the building, the height of the building shall be measured from grade five feet out from the exterior wall at the front of the building.”

For purposes of this measurement, Applicant designated the north sides of the buildings as their architectural “fronts” and measured from a point located five feet out from the exterior walls of the north building sides. This resulted in building heights between 42 feet and 42 feet 6 inches for the mixed use buildings and 31 feet 4 inches for the clubhouse, below the maximum 45-foot height limit in the OBC zone (CDC 21.070.A.6.).

For this reason, the Planning Commission can find that the Project meets this standard.

**E. By both continuing the public hearing and holding the record open, the City has cured any potential procedural error caused by the introduction of new transportation mitigation measures after the filing of the Applications.**

The Planning Commission should deny opponents’ contention that the introduction of the transportation mitigation measures after the filing of the Applications resulted in procedural error. The proposed traffic mitigation information became available on

August 25, 2015 after final input from staff at the City and the Oregon Department of Transportation. The measures were discussed at the noticed public hearing on August 26, 2015, and members of the public had the opportunity to respond to this information at that meeting. Then, the Planning Commission both continued the public hearing by seven days and held the record open for a total of 14 days to allow members of the public to respond on this issue. Dozens of members of the public have taken advantage of this opportunity to present written and oral testimony on the proposed transportation mitigation solutions. Further, opponents even retained a transportation consultant who had sufficient time to review and respond to these mitigation measures by September 2, 2015. Accordingly, the City has cured any procedural error that may have occurred. Because there was no procedural error, there was no prejudice to any parties.

**F. It is feasible to develop and operate permitted uses in the Project's commercial spaces.**

The OBC zone permits a variety of commercial uses by right, including Business support services (including "secretarial services"); Financial, insurance and real estate services (including offices for banks, insurance companies, or investment services); Personal services and facilities (including photography studios and weight-loss centers); and Professional and administrative services (including professional offices for law or engineering firms). CDC 2.030, 21.030.

Each of these uses can feasibly be developed in the Project's commercial spaces. See sample floor plans set forth in [Exhibit 5](#). These floor plans are not merely conceptual either. **Successful businesses of this type in the Portland area operate in approximately 300 square feet. See photographs of insurance office and real estate office dated September 2015 in [Exhibit 6](#).**

On the basis of this evidence, the Planning Commission should find that it is feasible to develop the commercial spaces with uses permitted by right in the OBC zone.

**G. Development of the Project will have positive economic benefits for the City and region.**

Johnson Economics previously estimated that developing the Property with 210 apartments would generate the following benefits:

- \$591,000 in annual property taxes
- \$4.1 million in fees and system development charges
- 170 jobs created or induced by construction and operation
- \$12.3 million added through wages and economic activity related to these jobs
- Up to \$9.3 million in household spending by new residents at the Property

A copy of the relevant portions of this study are set forth in Exhibit 7. Although Applicant is now proposing a slightly smaller development plan, which will, in turn, reduce the Project benefits, the Planning Commission should still find that these benefits will still be substantial in nature and certainly exceed those of leaving the Property vacant.

**H. Details from other sites developed or managed by Applicant are not relevant and are not supported by reliable evidence.**

The Planning Commission should not consider the testimony from opponents pertaining to other apartment sites owned or managed by Applicant because this testimony is not directed at the applicable approval criteria. As a result, it is irrelevant. Moreover, it is premised upon unreliable data, including anonymous online reviews. As a result, this unreliable data cannot serve as substantial evidence to support a decision to deny the Applications.

**I. Ms. Schwartz's testimony regarding the "low-income" nature of potential tenants of the Project is misplaced and elitist and provides no basis for legally denying the Applications.**

For two reasons, the Planning Commission should deny Ms. Schwartz's allegation that the Applications should be denied because the future residents of the Project may be "low-income" in nature. First, there is no factual basis to conclude that future residents will be low-income in nature. In fact, Applicant testified at the September 9, 2015

Ryerson Schwark, Chair  
September 9, 2015  
Page 10

hearing of its intention to develop the Project as a market-rate project. Ms. Schwartz's speculation to the contrary is just that, speculation. Second, and more saliently, even if future residents of the Project are low-income in nature, there is no legal basis for the City to deny the Applications on these grounds. To the contrary, both the federal Fair Housing Act and the state "needed housing" laws prohibit local governments from excluding a group of persons from residing in the community simply because the surrounding neighbors disfavor the group.

Therefore, the Planning Commission should deny Ms. Schwartz's contention.

### **III. Conclusion.**

For all of the foregoing reasons, the Planning Commission should deny the contentions raised by the opponents and should approve the Applications, subject to the conditions proposed by City staff.

Applicant reserves the right to submit additional argument and evidence in this matter consistent with the review schedule established by the Planning Commission and ORS 197.763.

Thank you for your time and consideration.

Very truly yours,



Michael C. Robinson

Encls.

Ryerson Schwark, Chair

September 9, 2015

Page 11

cc: Mr. Chris Kerr (via email) (w/encls.)  
Mr. John Boyd (via email) (w/encls.)  
Ms. Megan Thornton (via email) (w/encls.)  
Mr. Gary Alfson (via email) (w/encls.)  
Mr. Ron Dean (via email) (w/encls.)  
Mr. Pete Miller (via email) (w/encls.)  
Mr. Brent Ahrend (via email) (w/encls.)  
Ms. Janet Jones (via email) (w/encls.)  
Ms. Morgan Holen (via email) (w/encls.)  
Mr. Mike Mahoney (via email) (w/encls.)  
Mr. Rob Morgan (via email) (w/encls.)  
Mr. Jeff Parker (via email) (w/encls.)  
Mr. Jeff Kleinman (via email) (w/encls.)  
Mr. Seth King (via email) (w/encls.)  
Mr. Garrett Stephenson (via email) (w/encls.)

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Wednesday, September 09, 2015 11:29 AM  
**To:** Kerr, Chris; Thornton, Megan  
**Cc:** 'Robinson, Michael C. (Perkins Coie)'; Shroyer, Shauna  
**Subject:** FW: Letter  
**Attachments:** Tannler MU Greenlight 9-9-15.pdf

FYI and Record

John Boyd  
Planning Manager  
Email: [jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov), #1524  
<http://westlinnoregon.gov>

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

From: Roberta Schwarz [<mailto:roberta.schwarz@comcast.net>]  
Sent: Wednesday, September 09, 2015 10:41 AM  
To: Planning Commission Board  
Subject: Letter

West Linn Planning Commission,

Attached is my next letter.

Thanks,

Rick Nys, PE, PTOE  
Principal Traffic Engineer  
Greenlight Engineering  
P: 503.317.4559  
[www.greenlightengineering.com](http://www.greenlightengineering.com)



# GREENLIGHT ENGINEERING

TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

September 9, 2015

Ed and Roberta Schwarz  
2206 Tannler Drive  
West Linn, OR 97068

RE: City of West Linn FILE NO. DR-15-11/LLA-15-01

Greenlight Engineering has been asked to evaluate the transportation related impacts of the proposed Tannler Mixed Use Project located in West Linn, Oregon. We have completed a review of the applicant's September 2, 2015 letter from Perkins Coie and the applicant's September 1, 2015 letter from Mackenzie. We offer the following comments.

**Clarification of Tables 1 Through 3 of our September 2, 2015 letter**

In our September 2, 2015 letter, we established that 10% of the site traffic destined to the north will travel via Greene Street rather than traveling to Blankenship and Salamo Street. This is established in Tables 1 through 3 of our letter. Our analysis was based on the original TIA, which did not include the proposed unwarranted signalization of the intersection of Blankenship/Site Access intersection. Even with the signal in place, which the applicant originally argued against due to the signal being unwarranted, this 10% site traffic will utilize Greene Street to access destinations to the north. The effect on Greene Street is understated by at least 10%.

**Applicant Falsely Claims that Tannler/Blankenship Intersection Meets City Standards**

The applicant's traffic engineer states in their September 1, 2015 memo that “[w]ith the restriction of left turns and through movements at the Tannler Drive approach to Blankenship Road, as proposed, the failing movement is eliminated, allowing the intersection to meet City standards. However, in the applicant's attorney's September 2, 2015 memo, the attorney states that “all affected intersections will meet City standards, with the exception of the Blankenship Drive/Tannler Road intersection and the 10<sup>th</sup> Street/8<sup>th</sup> Court intersection...”

The applicant's traffic engineer has not provided any analysis that establishes that the intersection operates at the City standard of LOS D. In their August 25, 2015 memo, it was established that even with the pork chop installed on Tannler Drive, the intersection would still operate at LOS E, certainly not meeting the City standard.



**Applicant Falsely Claims that Standard is to Mitigate Their Impact not Meet City Standard of LOS D**

The applicant's attorney claims that the "City only requires that an applicant mitigate the traffic impacts of its development, not to eliminate all existing traffic deficiencies. See CDC 55.125, 85.170.B.2.e"

The applicant's traffic engineer stated something similar at the September 2, 2015 planning commission hearing.

In fact, there is no language in the CDC that makes any such statement.

CDC 55.125 states in full:

**55.125 TRANSPORTATION ANALYSIS**

Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2). (Ord. 1584, 2008)

CDC 85.170.B.2.e states in full:

**e. Approval criteria.**

1) Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:

(A) The Traffic Impact Analysis was prepared by a professional traffic engineer qualified under OAR 734-051-0040; and

(B) If the proposed development shall cause one or more of the effects in subsection (B)(2) of this section, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis includes mitigation measures that meet the City's level of service and are satisfactory to the City Engineer, and ODOT when applicable; and

(C) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

(1) Have the least negative impact on all applicable transportation facilities; and

- (2) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable and
- (3) Make the most efficient use of land and public facilities as practicable; and
- (4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
- (5) Otherwise comply with applicable requirements of the City of West Linn Community Development Code.

This section of Code states absolutely nothing about mitigating the impacts of the development only. In fact, this section states that if mitigation is required, then the mitigation must both “meet the City’s level of service and are satisfactory to the City Engineer”.

In the case of the Tannler/Blankenship intersection, it is freely acknowledged by the applicant's attorney that the City's level of service standard is not met. The applicant's traffic engineer claims that it does meet the City level of service standard although their analysis clearly establishes that the level of service at the intersection is “E”, not “D” as required.

In the case of the 10<sup>th</sup> Street/8<sup>th</sup> Court intersection, the applicant proposes to pay money towards a future project. The intersection operates at LOS F with the proposed development in place. There is nothing in the CDC that allows the City to accept money in lieu of meeting the City level of service standard.

**Improvements Do Not Have the Least Negative Effect on Transportation System as Required**

Section 85.170(B)(2)(e)(1)(c) requires that the applicant's mitigation “[h]ave the least negative impact on all applicable transportation facilities.” The applicant proposes to install a pork chop island at the Tannler/Blankenship intersection removing the southbound left turns from the intersection. The applicant's proposed mitigation involves creating traffic circulation that requires the existing residents of West Linn to travel out of direction by approximately ½ mile in order access I-205. This mitigation certainly does not have the least negative impact on all transportation facilities. There are other options that may have a lesser impact than the proposed pork chop.

Conclusion

The land use application fails to provide substantial evidence, or in some cases any evidence at all, to support the conclusion that the applicant demonstrated compliance with the transportation related requirements necessary to approve this land use application.

Should you have any questions, feel free to contact me at 503-317-4559.

Sincerely,

*Rick Nys*

Rick Nys, P.E., PTOE  
Principal Traffic Engineer



EXPIRATION DATE: DEC. 31, 2010

## Shroyer, Shauna

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**From:** Robinson, Michael C. (Perkins Coie) <MRobinson@perkinscoie.com>  
**Sent:** Wednesday, September 09, 2015 10:48 AM  
**To:** Shroyer, Shauna  
**Subject:** FW: ConAm Application; Response to Submittal by Ms. Schwarz regarding presentation to WNA meeting

If possible, please send this to the PC this morning. Thank you.

### Michael C. Robinson | Perkins Coie LLP

**PARTNER**

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Portland, OR 97209-4128  
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in Litigation - Land Use & Zoning by  
*U.S. News – Best Lawyers® "Best Law Firms"*

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**From:** Robinson, Michael C. (Perkins Coie)  
**Sent:** Wednesday, September 09, 2015 10:47 AM  
**To:** 'Shroyer, Shauna'; Kerr, Chris; 'Boyd, John'; 'Thornton, Megan'  
**Cc:** King, Seth J. (Perkins Coie); Stephenson, Garrett H. (Perkins Coie)  
**Subject:** ConAm Application; Response to Submittal by Ms. Schwarz regarding presentation to WNA meeting

Dear Chair Schwark and members of the Planning Commission;

I am writing to respond to part of Ms. Schwarz's September 7 submittal in which she argues that I misrepresented the building height of this application and that this site is subject to the SONA Plan.

**First**, Ms. Schwarz argues that I misrepresented the height of the buildings by saying they are 3 stories when they are 4 story buildings. The Planning Commission should disregard this argument for four reasons.

First, Mr. Morgan and I said at each of the meetings we attended that the buildings were 4 stories when viewed from the south and 3 stories when viewed from the north because of the site's grade. Second, at each meeting, we showed building elevations and site plans which illustrated what we said. Third, the number of stories is really not relevant since the OBC zone allows maximum height by either stories or feet. Finally, since the very beginning of this matter, Ms. Schwarz has made a point of saying that the applicant proposed four story buildings. I can't have done a very good of misrepresenting the facts if Ms. Schwarz was convinced the project provided for four story buildings.

**Second**, she argues that the application is subject to the SONA Plan. She is incorrect for two reasons. First, ConAm's September 2 letter included a map of the neighborhood association boundaries and this site is in the WNA area, not SONA. Second, Ms. Schwarz fails to cite any relevant criteria in the CDC that makes neighborhood plans applicable, especially where a site is not in the area covered by a particular neighborhood plan.

**Finally**, ConAm was always as straight forward as possible when making our presentations at the six meetings that we attended. We had no reason not to be.

Unfortunately, the three SONA meetings(which are public meetings conducted by a public body)we attended were conducted not as opportunities to exchange information but as foregone conclusions that the neighbors should oppose the application. At the required meeting in July when we asked to remain when SONA voted on a resolution concerning the application, Ms. Schwarz literally turned off the meeting room lights and dismissed the meeting, saying they could meet next door at a pizza restaurant rather than have us present at a public meeting where the SONA members were to vote on the resolution, even though she is not an officer of the neighborhood association. The vote occurred at a special meeting of the neighborhood association on a Saturday evening at 5:00pm.

When I asked Mr. Schwarz at the August special meeting to provide us with the slides he presented to the neighborhood association as they considered the resolution, he said he wouldn't, even though he is an officer of a public body that receives public funds for its operation.

It was in this atmosphere that Mr. Morgan and I tried to answer every question asked.

Thank you for your consideration of these arguments.

**Michael C. Robinson | Perkins Coie LLP**

**PARTNER**

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## Shroyer, Shauna

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**From:** Boyd, John  
**Sent:** Wednesday, September 09, 2015 11:28 AM  
**To:** Kerr, Chris; Thornton, Megan  
**Cc:** 'Robinson, Michael C. (Perkins Coie)'; Shroyer, Shauna  
**Subject:** FW: Final Written Statement  
**Attachments:** Final Written Statement on Con Am Proposed 180 Unit Apartment Complex Application.pdf

FYI and record

John Boyd, Planning Manager  
Planning, #1524



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**From:** Roberta Schwarz [mailto:roberta.schwarz@comcast.net]  
**Sent:** Wednesday, September 09, 2015 10:40 AM  
**To:** Planning Commission Board  
**Subject:** Final Written Statement

Dear Planning Commission,

I have attached my Final Written Statement on the proposed Con Am 180 unit apartment complex and lot line adjustments. There are ten codes cited which are not complied with in this application. Please see attached. If you have not yet done so, please also view the spots in the NA meeting videotapes (which were dropped off with Mr. Boyd yesterday) that are referenced in the statement I sent to you on the 7<sup>th</sup>. They point out several material misrepresentations made by the applicant in the NA meetings which are required by our code.

Please do the right thing. Please do what the code says is the right thing. Deny this application that, if passed, would be precedent setting. You have plenty of reasons to do so.

Thank you,  
Roberta Schwarz

Final Written Statement on Con Am Proposed 180 Unit Apartment Complex  
Application

Dear Planning Commission,

September 9, 2015

Below you will find the many reasons, based on ten different codes, to deny this proposed application and lot line adjustments:

In his final traffic report, which you are receiving today, Rick Nys, Principal Traffic Engineer at Greenlight Engineering, states that both **CDC 55.125** and **CDC 85.170 (B)(2)(e)** state absolutely nothing about mitigating the impacts of the development only. In fact, the latter states that if mitigation is required, then the mitigation must both “meet the City’s level of service and are satisfactory to the City Engineer”.

In the case of the Tannler Blankenship intersection even the applicant’s attorney’s September 2<sup>nd</sup> 2015 memo states that’s that is not the case. The Tannler/Blankenship intersection is freely acknowledged to not meet the City’s level of service after mitigation. The traffic analysis by the applicant’s engineer clearly establishes that the level of service after mitigation is “E” not “D” as required.

In the case of the 10<sup>th</sup> St/8th Court intersection the applicant is proposing to pay money towards a future project. The intersection operates at LOS F with the proposed development in place. There is nothing in the CDC that allows the city to accept money in lieu of meeting the City level of service standard.

**CDC 85.170 (B)(2)(e)(1)(c)** requires that the applicant’s mitigation “(h)ave the least negative impact on all applicable transportation facilities”. That is not the case with the proposed pork chop island which eliminate the ability of the residents to turn left off of Tannler onto Blankenship and will require them to travel out of their way in order to reach I 205. This mitigation does not have the least negative impact on all transportation facilities. There are other options available. West Linn’s planning staff suggested one.

In his conclusion, Rick Nys states that this application “fails to provide substantial evidence, or in some cases any evidence at all, to support the conclusion that the

applicant demonstrated compliance with the transportation related requirements necessary to approve this land use application”.

In attorney Jeff Kleinman’s September 2<sup>nd</sup> Memorandum (please refer to that document) he states that the following codes are not met in this application:

**CDC 21.050** Multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure. In fact the multi-family units include and fully dominate the first floor of each apartment building and are not to be used or constructed in conjunction with anything that could be termed “commercial development”.

**CDC 21.010** The application defeats and contravenes the purpose of the OBC zone. Only 1.4% is commercial in this proposed application.

ORS 197.307 The applicant has persuaded staff that its application must nonetheless be approved under this “needed housing” language. To the extent that ORS 197.307 may be deemed applicable here, the city’s standards are clear and objective and compel you to deny this application. They do not support a contrary result.

**CDC 55.100 (B)(6)(I)** This objective requirement for at least a four foot wide pedestrian accessway pursuant to **CDC 53** is not subjective as the applicant maintains in Finding 27 and must be met.

**CDC 55.100 (B)(7)(b)** plainly requires multi-family projects to “keep the parking at the side or rear of the buildings or behind the building line of the structure as it would appear from the right-of-way inside the multi-family project” not indoors in garages. This is a clear and objective requirement and the applicant must show compliance with it even if the proposal states it is for needed housing. Proposed Finding 29 states the opposite.

**CDC 55.100 (J)** requires that tenants be provided with measures for “crime prevention and safety/ defensible space.” Proposed Finding 57 states that the eight listed requirements are not clear and objective and cannot be applied to this application for needed housing. These criteria are clear and objective and the occupants of needed housing are entitled to the same protections as everyone else.



**CDC 99.038 (E)(6)**

Material misrepresentations of the project have been made at the neighborhood meetings. Two videotapes of these meetings have been submitted to Mr. Boyd for your review. The changes in existing traffic patterns (pork chop at Tannler/Blankenship intersection and double left at Salamo/10<sup>th</sup>) were not disclosed at the neighborhood meetings conducted by the applicant. Also not disclosed were the following: the parking of 20 cars on Tannler Dr as part of their required parking, the fact that tens of thousands of Con Am's apartments are low income, and the true quality of those apartments. Further, the proposed mitigation of the double left turns off of Salamo may very well require the use of some of the land in a public park (the White Oak Savanna) for a right of way if the current right of way is used as a lane. This was not disclosed. This would trigger a vote of the people because of the May 2012 passing (with 85% of the vote) of Measure 3-396 to protect parks from just this sort of thing. The community had no opportunity to present input on these issues. This defeated the purpose of the neighborhood contact as set out in CDC 99.038 (A) This application must be denied as incomplete.

For all of the above stated reasons, the applicant has not met his burden of proof and the application must be denied.

Respectfully submitted,

Roberta Schwarz

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Wednesday, September 09, 2015 11:27 AM  
**To:** Kerr, Chris; Thornton, Megan  
**Cc:** Shroyer, Shauna; 'Robinson, Michael C. (Perkins Coie)'  
**Subject:** FW: Tannler apartment  
**Attachments:** Judy Hunter.pages

### FYI and Record

John Boyd, Planning Manager  
Planning, #1524



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**From:** Judy Hunter [mailto:[judys42000@gmail.com](mailto:judys42000@gmail.com)]  
**Sent:** Wednesday, September 09, 2015 10:20 AM  
**To:** Planning Commission Board  
**Subject:** Tannler apartment

Sent from my iPad

Begin forwarded message:

**To:** judy Hunter <[judys42000@gmail.com](mailto:judys42000@gmail.com)>  
**Subject:** file

## Shroyer, Shauna

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**From:** Robinson, Michael C. (Perkins Coie) <MRobinson@perkinscoie.com>  
**Sent:** Wednesday, September 09, 2015 8:33 AM  
**To:** Shroyer, Shauna  
**Subject:** FW: ConAm Application; Response to Argument Concerning CDC 80.050

Can you please send this and my letter to the PC right away?

**Michael C. Robinson | Perkins Coie LLP**

PARTNER  
1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
D. +1.503.727.2264  
C. +1.503.407.2578  
F. +1.503.346.2264  
E. [MRobinson@perkinscoie.com](mailto:MRobinson@perkinscoie.com)



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U.S. News -- Best Lawyers® "Best Law Firms"

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**From:** Robinson, Michael C. (Perkins Coie)  
**Sent:** Wednesday, September 09, 2015 8:33 AM  
**To:** 'Shroyer, Shauna'; Kerr, Chris; 'Boyd, John'; 'Thornton, Megan'  
**Cc:** King, Seth J. (Perkins Coie); Stephenson, Garrett H. (Perkins Coie); Mr. Jeff Parker; 'Mike Mahoney (mmahoney@conam.com)'; rmorgan@conam.com  
**Subject:** ConAm Application; Response to Argument Concerning CDC 80.050

Dear Chair Schwark and members of the Planning Commission,

An unnamed person submitted two arguments concerning this application and both must be rejected.

**FIRST**, they argue that CDC 21.020.A., discussing permitted uses outright, requires the consideration of CDC Chapter 80. This is a serious and cynical misreading of the CDC for the following reasons.

**First**, CDC 21.020.A.-C. address uses permitted outright, uses under prescribed conditions and conditional uses in separate paragraphs, meaning that each paragraph addresses a separate topic. Subsection A does not address the uses in Subsection B, which is what this application concerns

**Second**, CDC 21.020.B addresses uses permitted under prescribed conditions, which is the classification of the application before you. That section says nothing about unlisted uses and thus has no reference to CDC Chapter 80. More importantly, the reference in CDC 21.020.A to unlisted uses is the CDC's way of addressing unlisted uses that might be allowed as similar uses to permitted uses. In that event, the City must apply CDC Chapter 80, "Unlisted Uses; Authorization of Similar uses". This means that a use that isn't listed as a permitted use might be allowed under CDC Chapter 80 as a similar use but because CDC 21.020.A only applies to permitted uses and not to uses allowed under prescribed conditions, it is irrelevant to this application. However, CDC 21.020.B does not contain this provision and 21.050.5 lists the use that is before the Planning Commission.

**Finally**, CDC 21.050.D lists other provisions of the CDC applicable to decision making for a use in this district and it does not list CDC Chapter 80 nor does CDC Chapter 55 list CDC Chapter 80.

**SECOND**, the opponents argue that the residential component of this application isn't subject to the "Needed Housing" provisions in ORS 197.303-197.307 because the site is not designated as residential buildable lands. They are incorrect for two reasons. The Applicant's **September 2** letter explains both of these reasons in more detail.

**First**, the **West Linn Comprehensive Plan** calls for clear and objective criteria to be applied to residential developments. **Plan Goal 10, Policy 2**. Thus, the City has determined on its own to apply only clear and objective criteria to residential developments. This application applies that requirement to the residential component of the mixed use development.

**Second**, ORS 197.296 concerns buildable lands for in Metro's jurisdiction. ORS 197.296(4)(c) defines **buildable lands to include mixed use zones**. The Metro Buildable Lands map includes this site and denotes a residential density for the site. The September 2 letter at **pages 13 and 14 and Exhibit 10** describes these arguments in more detail and shows the Metro buildable lands map as including this site.

Please reject these incorrect arguments advanced by the opponents.

**Michael C. Robinson | Perkins Coie LLP**

PARTNER

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## Shroyer, Shauna

---

**From:** Robinson, Michael C. (Perkins Coie) <MRobinson@perkinscoie.com>  
**Sent:** Wednesday, September 09, 2015 8:26 AM  
**To:** Shroyer, Shauna; Kerr, Chris; Boyd, John; Thornton, Megan  
**Cc:** Mr. Jeff Parker; 'Mike Mahoney (mmahoney@conam.com)'; rmorgan@conam.com; King, Seth J. (Perkins Coie); Stephenson, Garrett H. (Perkins Coie); Brent Ahrend; Janet T. Jones (JtJones@mcknze.com); 'Gary Alfson'; 'Pete Miller'; Ron Dean (ron.dean@otak.com)  
**Subject:** ConAm Application; First Letter on Behalf of the Applicant  
**Attachments:** City of West Linn File Nos. DR-15-11 and LLA-15-01.pdf

Shauna, please find attached a letter with one exhibit. I'd very much appreciate it if you would send this letter to the Planning Commission **as soon as you can this morning**. This letter contains, among arguments, a revision of the traffic mitigation condition that eliminates the "pork chop" at the intersection of Tannler and Blankenship.

### Michael C. Robinson | Perkins Coie LLP

PARTNER  
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September 9, 2015

Michael C. Robinson  
MRobinson@perkinscoie.com  
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**VIA EMAIL**

Mr. Ryerson Schwark, Chair  
City of West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068

**Re: City of West Linn Planning File Numbers DR-15-11 and LLA-15-01**

Dear Chair Schwark and Members of the Planning Commission:

This office represents ConAm Properties, LLC ("ConAm").

I am writing in advance of additional argument and evidence to be submitted by ConAm prior to the close of the written record on September 9, 2015 at 12 pm. The reason I am writing is to address issues that have some urgency prior to the Planning Commission deliberations. A separate letter seems appropriate to call attention to these issues.

**1. Issues unrelated to the approval criteria should be ignored.**

ConAm recognizes the impact that the many persons testifying against the application may have on the Planning Commission's perception of the application. Nevertheless, it is exactly the point of that testimony to overwhelm the evidentiary process that the Planning Commission is engaged in and instead provoke an emotional response to the application. While ConAm believes the Planning Commission is capable of reviewing the application based on the approval criteria, as Chair Schwark said several times at both public hearings, it is important to reinforce the idea that while testimony regarding approval criteria is welcome and must be responded to, testimony that has nothing to do with approval criteria and is inflammatory and irrelevant should not be considered.

Falling into the latter category, testimony regarding the assertion that ConAm might establish low-income housing on the property should the application be approved must be disregarded. ConAm has repeatedly said that it will not provide low-income housing on this site. Mr. Morgan, representing ConAm, said this in his testimony on September 2 and Mr. Morgan has told several neighborhood associations, including Savanna Oaks, that this would not be the case. Nevertheless, this issue continues to arise. ConAm believes the only reason it arises is to prejudice the Planning Commission against the application. ConAm respectfully requests that the Planning Commission exercise its task by rejecting inflammatory issues such as this and focusing on the approval criteria.

**2. The commercial spaces are feasible and are not subject to a minimum size requirement.**

Another issue that has no basis in the approval criteria is the size of the commercial units. The Applicant's testimony to the Planning Commission is that those units will likely act as incubators for new business, or for people wishing to transition from a home-based business to a larger space. The fact that 300 square feet may be a small space does not mean it is not ideal for these purposes.

As a review of West Linn Community Development Code ("CDC") CDC 21.050.2 shows that there is no minimum size requirement for commercial uses either in a mixed-use project such as the current application, or in any use allowed in the OBC zone. As ConAm testified on September 2, the legislative history shows that while the West Linn City Council once considered a limitation on the amount of residential uses as part of a planned unit development mixed-use in the OBC zone, it rejected that requirement and for 32 years the OBC zone has not had such a requirement. While some might believe it is a good idea to impose such a requirement in the future, it is not in the CDC now and may not be applied to this application.

**3. Please do not prejudice the application until the hearing and record are closed.**

ConAm has the greatest respect for the Planning Commission but when we hear a Planning Commissioner state prior to the close of the record that "the neighbors have made a strong case", we become concerned about potential bias and prejudgment. We view this statement as simply an expression of opinion and not necessarily an expression on how that Planning Commissioner might rule. Nevertheless, in order to maintain the fairness that is one of the hallmarks of a quasi-judicial application, it would be fair to all parties to refrain from making such statements. A statement that the "Applicant has made a strong case" would be equally disturbing to those opposed to the application.

**4. CDC 55.125 requires ConAm to mitigate its impacts.**

Contrary to the assertions of the opponents, CDC 55.125, "Transportation Analysis", does not require ConAm to make failing intersections meet applicable level of service ("LOS") standards. CDC 55.125 provides "certain development proposals require [sic] that a Traffic Impact Analysis ("TIA") be provided which may result in modification to the site plan or conditions of approval to **address or minimize any adverse impacts created by the proposal**. The purpose, applicability, and standards of the analysis are found in CDC 85.170(B)(2)." (Emphasis added.)

This is the standard regarding transportation analysis. It expressly provides that an Applicant is required to address or minimize its proposals adverse impacts, not mitigate impacts created by others.

Further, CDC 55.125 also allows the Planning Commission to reject the argument that the acknowledged West Linn Transportation System Plan (“TSP”) must be amended to implement the transportation conditions of approval. CDC 55.125 expressly provides that the modifications may be required for the site plan or conditions of approval to implement mitigation measures. This is consistent with the Planning Commission’s authority in CDC 99.110.D and E authorizing the Planning Commission to approve an application pursuant to CDC 99.160 with conditions of approval.

Neither the TSP nor the Tenth Street Technical Appendix is an applicable approval criterion. The TSP is not an applicable approval criterion because it is not made so by CDC Chapter 55. The Tenth Street Technical Appendix is not an applicable approval criterion because, as the Applicant has previously explained in writing, the Tenth Street Technical Appendix was never acknowledged nor submitted to the Oregon Department of Land Conservation and Development (“DLCD”) for acknowledgement. Therefore, it is not a binding approval standard.

The Applicant’s traffic engineer has undertaken traffic counts of the streets connecting to Salamo Road and will introduce those traffic counts into the record. The result of the traffic counts show that the intersections of each of those streets with Salamo Road will operate at acceptable LOS standards and will not contain more traffic than acceptable for either a Local or Neighborhood Route classification with or without the “pork chop”.

**5. The “pork chop” mitigation condition at Tannler and Blankenship can be eliminated.**

The “pork chop” at the intersection of Tannler and Blankenship was not requested by the Applicant. The City of West Linn’s traffic consultant, DKS, required mitigation and suggested that the critical turning movement (the southbound to eastbound left turn from Tannler to Blankenship) must be prohibited. The “pork chop” provides this mitigation if a traffic signal cannot be installed.

The Applicant has attempted to obtain the Oregon Department of Transportation’s (“ODOT”) approval for a signal at this intersection. In fact, ODOT approved a signal at this intersection in the 2006 office development approval (**Exhibit 1**).

The Applicant will propose a mitigation condition that eliminates the “pork chop” at Tannler and Blankenship. Mitigation can be accomplished by eliminating existing traffic from using the site’s Tannler driveway. This means left turns at Tannler and Blankenship would **not** be prohibited. We understand that DKS and the City Engineer agree with this revised mitigation condition.



**6. CDC 99.038(e)(6) is not violated.**

This provision provides that:

**“e. An application shall not be accepted as complete unless and until the applicant demonstrates compliance with this section by including with the application:**

**...**

**6. In the event it is discovered by staff that the aforementioned procedures were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the *project* at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with this section.”  
(Emphasis added.)**

Several parties alleged that the application should be deemed incomplete because of this standard. The Applicant disagrees and urges the Planning Commission to reject this assertion for three (3) reasons.

First, the City deemed the application complete on July 20, 2015. The opportunity to deem the application incomplete passed on that date and the City may not now deem the application incomplete. Moreover, the 120-day period began on July 20, 2015 and is running. The Applicant has not agreed to any continuances, nor has the Applicant requested any continuances, so to deem the application incomplete at this point would not stop the 120-day clock from continuing to run.

Second, the process in CDC 99.038(e) is for the Applicant to submit all of the information required by CDC 99.038(e)(1)-(5) and, prior to the City's determination of completeness, the City is required to evaluate this issue for completeness. The Applicant did so and the City deemed the application complete.

Third, the Applicant did not make a misrepresentation, material or otherwise, about the *project*. The assertion is that the Applicant did not describe a "pork chop" at Tannler and Blankenship at its July presentations to the Savanna Oaks Neighborhood Association and the Willamette Neighborhood Association and that the "pork chop" is now required.

One aspect of the project is not a material misrepresentation of the project, meaning the entire project. The Applicant's representations to the two (2) neighborhood groups are consistent with the application Applicant filed with the City on July 13, 2015, and with the application deemed

Mr. Ryerson Schwark, Chair  
September 9, 2015  
Page 5

complete by the City on July 20, 2015. The requirement for the "pork chop" emerged much later, just before the first evidentiary hearing on August 26, 2015.

For these reasons, CDC 99.030(e)(6) is not relevant and the City has no authority to deem a complete application incomplete.

**7. Conclusion.**

The Applicant will submit additional argument and evidence prior to the close of the written record. However, the Applicant urges the Planning Commission to review these important issues and not to prejudge the application notwithstanding the neighborhood opposition. Simply because many people oppose the application is not a basis for its denial.

Very truly yours,



Michael C. Robinson

MCR:rsp  
Enclosure

cc: Mr. Chris Kerr (via email) (w/ encl.)  
Mr. John Boyd (via email) (w/ encl.)  
Mr. Jeff Parker (via email) (w/ encl.)  
Ms. Megan Thornton (via email) (w/ encl.)  
Mr. Mike Mahoney (via email) (w/ encl.)  
Mr. Rob Morgan (via email) (w/ encl.)  
Mr. Garrett Stephenson (via email) (w/ encl.)  
Mr. Seth King (via email) (w/ encl.)

### *Phase 1 Mitigation*

1. Widen the eastbound Blankenship approach to 10<sup>th</sup> Street to provide full-width through and right-turn lanes, providing 250 feet and 200 feet of queuing, respectively.
2. Install a traffic signal at the intersection of Tannler with Blankenship with permitted left-turn phasing on Blankenship and split phasing for Tannler and the Albertson's driveway **OR** install a traffic signal at the intersection of Blankenship and the western Albertson's driveway.
3. If a signal is installed at the Tannler/Blankenship intersection, lengthen the existing left turn lane from Blankenship to the east Albertson's driveway from 100 feet to 150 feet with a short transition area.
4. Provide two lanes southbound on 10<sup>th</sup> Street, ending in a left-turn trap lane at the I-205 northbound ramps.
5. Stripe the Tannler approach at Blankenship to provide a 300-foot left-turn lane.
6. Stripe a 100-foot left-turn lane on Tannler at the site access.
7. Lengthen the northbound off-ramp to provide 200 feet of storage in the left- and right-turn lanes.
8. Coordinate the proposed signal on Blankenship at Tannler (or the site driveway) and the 10<sup>th</sup> Street/I-205 northbound ramps with the existing signals on 10<sup>th</sup> Street at Blankenship/Salamo and the I-205 southbound ramps.
9. Provide sight distance in accordance with AASHTO standards at the site driveways on Blankenship and Tannler. Landscaping and retaining walls should be placed such that there are no obstructions within the clear vision area.
10. Restripe the existing through lane approach at the intersection of Blankenship and 10<sup>th</sup> street to allow for left-turns and through movements from the rightmost lane. This would require modifications to the traffic signal heads on this approach and minor changes to the signal operations.

### *Full Development Mitigation*

1. Provide all Phase 1 mitigation measures.
2. If a traffic signal is installed at Blankenship/Tannler, modify signal timing to provide protected/permitted left-turn phasing for westbound left turns.
3. Add a second eastbound right-turn lane on Blankenship at 10<sup>th</sup> Street. With a signal at the Tannler intersection, this lane should extend back to the intersection with

Tannler Drive to provide 200 feet of queuing. With a signal at the site driveway, the second lane can taper back to a single lane at the Tannler intersection.

4. Provide a second northbound through lane along 10<sup>th</sup> Street from 200 feet south of the I-205 northbound ramp intersection to Blankenship, where the two through lanes align with the existing left- and right-turn lanes.
5. Extend the northbound left-turn lane on 10<sup>th</sup> Street at the I-205 southbound ramp to 300 feet.

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Tuesday, September 08, 2015 10:49 PM  
**To:** Kerr, Chris; Thornton, Megan  
**Cc:** Shroyer, Shauna; MRobinson@perkinscoie.com  
**Subject:** FW: Tannler Drive Mixed-Use Development proposal - traffic mitigation concerns  
**Attachments:** snowroutes\_map\_2014.pdf

FYI and record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Jon Udell [Jon.Udell@pobox.com]  
**Received:** Tuesday, 08 Sep 2015, 10:44PM  
**To:** CWL Planning Commission [cwl\_planningcommission@westlinnoregon.gov]  
**Subject:** Tannler Drive Mixed-Use Development proposal - traffic mitigation concerns

To the City of West Linn Planning Commission,

I am sending this to supplement my testimony during the Sept 2, 2015 meeting. I want to clarify and provide references for some of the things I said regarding the proposal to mitigate the traffic impacts of this development in part by eliminating the possibility of turning left from Tannler Drive onto Blankenship Road towards 10th Street and I-205. I want to add some additional points as well.

I mentioned that Tannler and Salamo Road, as well as Killarney Drive, are main winter routes down the hill towards I-205. These roads are designated as "Primary Snow and Ice Routes" on the West Linn Winter Weather Route Map, which I have included below:  
As the map states:

Primary snow and ice routes include major and minor streets, **with the focus on facilitating access to local arterials.**

If left turns from Tannler Drive onto Blankenship are no longer allowed, Tannler will no longer be able to be used to reach I-205, the major nearby arterial, and in fact will only provide access to other Primary Snow and

Ice Routes that lead eventually back up the hill. Hence Tannler Drive would no longer be able to function as a Primary Snow and Ice Route.

As I also mentioned, when (winter) weather conditions are bad, several other Primary Snow and Ice Routes are closed, increasing the traffic on other routes such as Salamo and Tannler. I then mentioned that with Salamo having such a steep southeast side, that it is also sometimes closed, with its traffic being routed to Tannler. The last time I saw this happen traffic was backed up all the way to Bland, with cars waiting to turn onto Tannler from both directions. The City's Inclement Weather Information web site (<http://westlinnoregon.gov/publicworks/inclement-weather-information>) also mentions the possibility of Salamo closing. After mentioning the 6 routes with steep grades that are especially hazardous that will likely be closed when snow and ice accumulate, a paragraph states:

Salamo Road and Sunset Avenue may have short-term closures due to spun-out vehicles.

When this occurs, Tannler Drive will no longer be a feasible alternative route if left turn access is no longer provided to Blankenship road. Similarly, depending on the location of the closure of Salamo, the applicant's suggested alternative routes from Tannler to Salamo will also not be feasible. The only way down the hill to 10th Street will involve a lengthy, twisty, and in parts very steep detour along Bland to (eventually) Killarney Drive, Debok, and then Blankenship.

It should also be noted that even when Salamo is open, detouring from Tannler to get down the hill involves first traveling uphill along either Bland Circle, Remington Drive, or Greene Street. These are not good options even in good weather, but in slippery conditions this increases the danger, first going uphill, then having to travel further downhill. The map included above does not include topography, but does indicate the 500 ft elevation level. You can see from it that using both Bland and Remington require driving up to and above this level. The Greene Street detour does not cross this level but starts lower and still involves significant hill climbing. Preventing left turns from Tannler Drive onto Blankenship would not only increase the distance that must be driven to reach 10th Street and the interstate for many residents, but would also increase the amount of hill climbing and descent needed to reach those points, significantly increasing driving risk in winter weather conditions.

Moving on from discussing winter weather conditions to the rest of the year, I also pointed out that Tannler is still the only alternative when Salamo is closed near 10th Street, which can occur due to accidents, police activity, and road repairs. When these events occur, Tannler will not be useful as an alternative if it does not provide access to 10th Street. Much longer detours will be required. Due to the dearth of alternatives, Tannler Drive as a route to 10th Street and beyond is an integral part of the city's current traffic infrastructure.

Several other people testified about how detouring from Tannler to Salamo to get to 10th Street greatly increases their driving distance. This can be easily seen from the map provided. It appears that from anywhere along Tannler Drive, detouring to Salamo at least doubles the total driving distance to 10th Street. In addition, as already stated, some of that added distance is uphill, which increases emissions greatly, even further affecting the quality of life of those living along the 3 alternative routes. It also significantly increases gas usage. Note that Tannler Drive has no uphill stretches when traveling southbound.

As I stated, the residents of the proposed development will be provided with easy access to 10th Street and I-205 via a left turn from the lower exit of the development onto Blankenship. But this comes at the expense of taking away that access from existing residents who normally access those roads from Tannler Drive. It is not

fair to existing residents to take this access away from them and greatly increase their travel times. Taking away that access while providing it to new residents discriminates against existing residents.

I would like to also cite some examples from West Linn's Comprehensive Plan. I don't have access to this document, but found these citations in another group's testimony that has apparently already been submitted to you. However I would like to apply them to the traffic mitigation plan in addition to the purposes they used it for.

Discussing "commercial land", Section 2 the Comprehensive Plan refers to "Neighborhood Commercial Development":

"Neighborhood commercial centers are intended to provide residents with opportunities to walk or bike to shops to purchase items or services needed on a frequent basis (i.e., weekly or more frequently). They also provide opportunities to reduce auto travel. They are to be very limited in size and include appropriate small businesses."

This could be interpreted as referring only to the opportunity for residents of the center to reduce auto travel. But with the limited commercial space in the proposed development, these opportunities to reduce auto travel will pale by comparison to the increased auto travel required of existing residents affected by the removal of the left turn from Tannler Drive. This more than negates any benefit of reduced auto travel within the development. While not strictly violating the wording of the Plan, it definitely violates the intent.

This statement from the "Goals" of the Comprehensive Plan, however, cannot be interpreted as applying only to residents of the new project. It must be applied to the effects of the development on the overall city:

2. Consider the development of commercial and office facilities in West Linn that will increase employment opportunities, reduce dependence on services outside of the City, and promote energy-efficient travel and land use patterns, while recognizing that there will be limits imposed by West Linn's topography and limited available land.

Removing the left turn from Tannler to Blankenship will greatly increase travel distances of existing residents and cause residents to travel further uphill than they would otherwise have to to get down to 10th Street. This is extremely energy-inefficient, in direct violation of the above goal. As other testimony has shown, the goal of increased employment opportunities is also not met. This development simply does not meet this goal of the plan, and should not proceed. In this case, West Linn's topography is what makes the proposed "mitigation" (consisting of removing the left chance to turn left off of Tannler) so impractical - the topology should not be used an excuse to force existing residents to greatly increase traffic congestion, road wear, fuel use, and emissions, and the "mitigation" does nothing to compensate for the additional traffic that this proposed development will generate.

I hope that you consider this input and conclude that these are but a few of the many reasons that this development application should be rejected.

Sincerely,

Jon Udell  
2255 Tannler Drive  
West Linn, Oregon 97068

# SAVE THIS MAP FOR YOUR GLOVE COMPARTMENT

## West Linn Winter Weather Route Map



Questions or requests for service  
 Use the City's New YourGov app:  
<http://westlinnoregon.gov/YourGOV>

For up-to-date winter weather information,  
 please visit our website at [www.westlinnoregon.gov](http://www.westlinnoregon.gov)  
 or facebook at [www.facebook.com/CityofWestLinn](http://www.facebook.com/CityofWestLinn)



## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Tuesday, September 08, 2015 10:47 PM  
**To:** Kerr, Chris; Thornton, Megan  
**Cc:** Shroyer, Shauna; MRobinson@perkinscoie.com  
**Subject:** FW: Deny Proposed ConAm 180-Unit Apartment Application Due to Flawed No Left Turn Mitigation at Tannler/Blankenship

FYI and record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Robinson Foster [fosterr@comcast.net]  
**Received:** Tuesday, 08 Sep 2015, 9:35PM  
**To:** Planning Commission Board [ima\_planningcommission@westlinnoregon.gov]  
**Subject:** Deny Proposed ConAm 180-Unit Apartment Application Due to Flawed No Left Turn Mitigation at Tannler/Blankenship

Planning Commission  
City of West Linn  
22500 Salamo Road  
West Linn, Oregon 97068

[ima\\_planningcommission@westlinnoregon.gov](mailto:ima_planningcommission@westlinnoregon.gov)

Dear Members of the West Linn Planning Commission:

Because the proposed traffic mitigation, no left turn at Salamo/Tenth, degrades West Linn, makes it less livable, raises cost, and increases danger, please deny the proposed ConAm 180-unit apartment application and lot line adjustment, (DR- 15-11, LLA-15-01).

Circuitry and roundabout travel caused by closure of this very popular left turn increases vehicle miles travelled, travel time, fuel expense, pavement wear, carbon pollution, all needing TSP evaluation.

The circuitry and roundabout travel caused will overload other intersections, at which delays will not be mitigated at applicant ConAm/Parker expense, precipitating need for additional stop sign and signal improvements at public expense. The delays and motorist impatience will simply be displaced from Tannler/Blankenship to the intersections of Greene/Salamo, Remington/Salamo, and Bland Circle/Salamo. Furthermore, despite any signage or speed limits, impatient drivers will simply shortcut through the ConAm/Parker development to get to the new proposed light at the west end of the Haggens parking lot.

The ConAm/Parker closure of left turns from Tannler/Blankenship will inconvenience and endanger the public by eliminating one of only two intersections to reach businesses in the mall immediately south of I-205, (e.g. Ace Hardware, Les Schwab), other businesses in Willamette Village along Willamette Falls Drive, and to reach I-205 itself. The redundancy of both the Salamo/Tenth and the Tannler/Blankenship intersections are needed to serve the significant, and growing, (e.g. 120 new houses proposed for Weatherhill Drive), trafficked of residential streets connected by Tannler and Salamo.

I personally recall a long closure of Salamo due to vehicle rollover that forced Salamo traffic onto Tannler resulting in delays over 30 minutes getting to the freeway. This one incident and others need to be researched with other incidents in TVFD and West Linn Police records.

The additional turn lane on Salamo does not protect the public from road closure, but two viable intersections do. A full TSP evaluation is needed to forecast how this closure will negatively impact not only routine social and business travel, but ambulance, fire and police vehicle travel time to and from incidents, too.

Three scenarios highlight the common sense need for, and relevant redundancy of having two points of egress, both Salamo/Tenth and Tannler/Blankenship. The West Linn Planning Commission should not be so incautious as to doubt that the following could occur, and should provide for redundancy to lower public safety risk in the event of:

- A mudslide resulting from heavy winter rain that severs Salamo.
- A mass downhill movement of people escaping wildfire.
- Fluid movement during snow emergencies.

I appreciate your denial of the proposed ConAm 180-unit apartment application and lot line adjustment, (DR- 15-11, LLA-15-01), because the proposed traffic mitigation to close the left turn from Tannler onto Blankenship is not only impractical and costly, but dangerous.

Sincerely,

Robinson Foster  
2375 Falcon Drive  
West Linn, OR 97068

503-781-9339

September 8th, 2015

## Shroyer, Shauna

---

**From:** WLFM <westlinnfm@gmail.com>  
**Sent:** Tuesday, September 08, 2015 7:34 PM  
**To:** CWL Planning Commission; Shroyer, Shauna; Boyd, John  
**Subject:** ConAm development  
**Attachments:** conamrebuttal.docx

See attached testimony.

Dear Planning Commission:

We previously wrote you in regards to this proposal. We have read the attorney's rebuttal and we don't feel that many of our concerns were addressed in the rebuttal. Perhaps because they have no answer to these concerns. Regardless, this is our rebuttal to ConAm's rebuttal.

Summary:

- Garages are for residential use and thus do not meet the "Only Above" criteria of the code.
- OBC Zone does indeed specifically state that the "purpose statement" can be used as approval criteria per 21.020(A). 21.020(A) states that any use that is not an "**outright**" use is subject to Chapter 80 of the CDC. Mixed use is a "prescribed" use, not an "outright" use thus can be subject to Chapter 80. Chapter 80.050(B) specifically states that an approval standard shall be based on whether or not the use is consistent with the "intent and purpose" of the zone.
- 80.050(A) and (C) are also not met with this application. 80.50(C) states "The use is similar to and of the same general type as the uses listed in the zone". All uses are business/commercial in the zone. No residential use outside the mixed use criteria are listed. Thus, this application is not similar to or the same general type as the zone.
- If the proposed commercial floor is the first story, why are building heights measured from "above grade" and not from the first floor? It is a basement when it suits ConAm in regards to building height, but not a basement, rather a "story" when referring to commercial space. We feel this application doesn't fit Design Review II in regards to building heights if we count the commercial floor as a "story" per ConAm's definition.
- ORS197.307 cannot be applied to this application. The Secretary of State says that implementation of ORS197.307 is to be based on certain definitions. They state "'Buildable Land' means **residentially designated** land" and "necessary for residential uses". This parcel is not on any of the city's plans for residential development. It is only on the city maps for commercial uses. Thus it is not "residentially designated" nor "necessary for residential use".
- The rebuttal also references ORS 197.296 but this statute states that the city will determine the "housing capacity of buildable lands". Again, since this parcel is not on the city inventory list of "buildable land". Thus, no housing capacity for this land has been determined by the city. Since there has been no determination that housing of any kind is "needed" on this parcel, it does not meet the State's definition of "needed housing". Since the application doesn't meet the Design Review II criteria without the waiver via ORS197.303, and since ORS197.303 should not apply to this parcel, the requirements have not been met and thus the application must be denied.

Full Details:

ConAm still has not answered the question why the garages should not be considered part of the multi-family usage. The code clearly says "above the first floor" The garages are for the use of residents, not the businesses, so they are part of the multi-family units. The garages are on the first floor, so this project clearly does not meet this code.

The rebuttal tip-toes this issue. They state: "ground floor commercial **uses** in each building". They don't say that the "first floor" is commercial because they know this is not true. They say ground floor "uses" as a way of tricking you to believe this meets the code. It does not. "ONLY ABOVE" is what the code states. Having a small commercial use in the corner of each building with residential garages on the rest of the floor does not meet the "ONLY ABOVE" criteria.

Quoting ConAm's rebuttal directly "most land use regulations purpose statements are phrased as a general expression of goals and objectives". But then ConAm goes on to say: "There are two exceptions to this general rule. First, the text of the purpose statement itself may elevate the purpose statement beyond simply being descriptive or aspirational in nature". While the first half of the purpose statement could be regarded as "general", the last sentence is pretty clear: "This zone is intended to implement the policies and criteria set forth in the Comprehensive Plan." Since this is a commercially zoned property, the part of the Comprehensive Plan that should be considered is the Commercial and Mixed Use parts of the plan, not the Residential part of the plan as ConAm would again try to get us to believe in their application. This does not meet Comp Plan Section 2 for Commercial Developments (making walkable commercial district) or Section 3 for Mixed Use (increasing employment opportunities and one-stop shopping centers) or Goal 9 for Economic Development.

ConAm then cites the second exception to the "general rule". "The approval criteria for the particular application **may require compliance** with the purpose statement or may incorporate the purpose statement as a mandatory approval criterion".

The OBC Zone states:

"A. A use permitted outright, CDC [21.030](#), is a use that requires no approval under the provisions of this code. **If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter [80](#) CDC.**"

The multiple family units is a "prescribed use", not an "outright" use. Thus, per the zoning code language, Chapter 80 of the CDC can be applied to this use. Chapter 80 of the CDC states:

#### **80.050 APPROVAL STANDARDS**

Approval or denial of an unlisted use application by the Commission shall be based on findings that:

- A. The use is consistent with the Comprehensive Plan;
- B. The use is consistent with the intent and purpose of the applicable zone;**
- C. The use is similar to and of the same general type as the uses listed in the zone;**
- D. The use has similar intensity, density, and off-site impacts as the uses listed in the zone; and
- E. The use has similar impacts on the community facilities as the listed use. (Ord. 1339, 1993)

Therefore, similar to the LUBA cases ConAm cites, our code does indeed state that the "purpose" statement can be used as a criteria for approval in this case. Since ConAm is applying under 21.050 "prescribed conditions" and not 21.030 "permitted uses", it is an unlisted use. The code is clear in this case. Only uses under 21.030 require no approval. All other

uses, including prescribed and conditional uses, are not listed as **"permitted outright"** uses, thus fall under "unlisted" uses and can be held to the provisions of Chapter 80 of the CDC. Just like ConAm tried to convince us that the purpose statement is not relevant even though it is listed there in the code, the "residential as a mixed use" is not exempt from Chapter 80 even though it is in the code page because it doesn't reside in the section 21.030. Since 21.020(B) states "all conditions must be satisfied", Chapter 80 should be considered applicable conditions and we don't feel any of 80.050 is being met.

The rebuttal also points to the WNA and TBNP comprehensive plans but again does not address how this project meets the West Linn Comprehensive plan for Commercial Zones or Economic Development because it doesn't (as previously mentioned). Thus, 80.050(A) is not met.

The use is not consistent with the INTENT of the zone, thus this application does not meet 80.050(B). Since all the permitted outright uses are for business and commercial use, it is clear that the "intent" of the zone is for commercial, not residential uses.

No residential uses are listed in the zone aside from the one mixed use reference. Again, since all of the other possible uses are commercial or business related, not residential, ConAm's proposed use is not in ANY WAY similar to or the same general type as listed in the zone. Thus this application also fails 80.050(C).

Since this application fails 80.050(A)(B) and (C), (D) and (E) are moot points, though arguments could be made that this application fails (D) and (E) as well.

The rebuttal argues that the first level is a "story" for the purposes of the "commercial" portion, yet when they refer to the building height in their application, the height is taken from the "above grade" portion of the building. So they want us to tell us it is not a basement when we talk about the commercial portion, but they do want us to see it as a basement when they measure the total height of the building so they can get 4 stories in. Again, they try to bend the code to their needs.

They do the same thing when they try to tell us that this is a "mixed use" project. They claim that the 1% commercial usage is "mixed use" but then want to use residential codes and policies so they don't have to do things that the "mixed use" zone requires. Again, bending code to what fits their needs only with no consistency. If we take the commercial level to be a story, then the height of the 4 story building exceeds the code height in the Design II review. Thus, this application fails here as well.

They also continue to try to force ORS197.307(4) on us but the fact is that the Secretary of State, in their definition of ORS197.307, states that "needed land" is **"residentially designated"** land and again this parcel is not on the current list of "residentially designated" land per the city of West Linn. It is not "necessary for residential uses" since it not designated as residential. Thus, ORS197.307 should not apply.

**Secretary of State Interpretation of Goal 10 Housing**

**660-008-0000**

**Purpose**

(1) The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs. **This division**

is intended to provide standards for compliance with Goal 10 "Housing" and to implement ORS 197.303 through 197.307.

660-008-0005

**Definitions**

For the purpose of this division, the definitions in ORS 197.015, 197.295, and 197.303 shall apply. In addition, the following definitions shall apply:

(2) "Buildable Land" means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

The rebuttal references ORS 197.296(4)(a)(C) but ORS 197.296(4)(a) refers to subsection (3)(a) of this section. (3)(a) states:

In performing the duties under subsection (2) of this section, a local government shall:

- (a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and
- (b) Conduct an analysis of housing need by type and density range, in accordance with ORS 197.303 (Needed housing defined) and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

Again, this parcel has residential mixed use as a **prescribed** condition, not outright, and we can find no study or report that catalogs this parcel in the residential buildable lands inventory. Thus, housing capacity for this land has not been determined. The parcel is listed in the EOA as a commercial parcel that can meet the city's need for COMMERCIAL land for the Chapter 9 of the state's economic development policy goals. But since it has not been cataloged as residential, no "housing capacity" has been set for it, and thus, this parcel does not meet any of the ORS definitions of "needed housing". Thus, all the Design Review II criteria should apply to this application and cannot be waived under ORS 197.303. Since the application doesn't meet the Design Review II criteria without the waiver under ORS 197.303, this application should be denied.

For all the forgoing reasons, the Planning Commission should deny this application and disregard all the arguments that ConAm made in their rebuttal.

Thank you for your time.

Neighbors of the Willamette Primary Area  
(list previously submitted)



## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Tuesday, September 08, 2015 5:05 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: ConAm application and lot line adjustment (DR-15-11, LLA-15-01)

For record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Tuesday, 08 Sep 2015, 4:55PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: ConAm application and lot line adjustment (DR-15-11, LLA-15-01)

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Suachcar@aol.com [Suachcar@aol.com]  
**Sent:** Tuesday, September 08, 2015 4:35 PM

**To:** Planning Commission Board

**Subject:** ConAm application and lot line adjustment (DR-15-11, LLA-15-01)

Att. City of West Linn Planning Commission

Lady and Gentlemen :

I have been coming to this Commission's meetings to give my support in opposing this project. I have to confess that after each session, I've felt very bad. It's a feeling of frustration and impotence, especially because my husband and I moved to West Linn just two years ago. But I understand that this is our problem and I also know that we can move on again anytime. Greene Street and all the problems are going to be left behind in our past...

I also imagine that Mr. Parker is going to be happy and relieved to be selling his lot. Builders are going to be in heaven to have won one more battle and have this huge project in their portfolio. That said, with all due respect, I would like to ask – how about the four of you?

You are intelligent people and you know that sooner or later this project is going to bring chaos to this area. By that time you are probably not going to be sitting in these chairs anymore but how about the situation you are going to leave to your colleagues? How are you going to be remembered when your names will be forever linked to the proposal's approval ?

So, before you put your signatures in favor of such absurd project, take your time and reflect if you are going to have peace of mind knowing that it is in your hands to avoid all this convulsion...

Thank you,

Susanne Achcar

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Tuesday, September 08, 2015 4:55 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: Oversized exhibit - SONA NHA and Willamette NHA meeting video

FYI

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Boyd, John [jboyd@westlinnoregon.gov]  
**Received:** Tuesday, 08 Sep 2015, 4:51PM  
**To:** Walvatne, Gary [gwalvatne@comcast.net]; Knight, Jesse [rosecityre@gmail.com]; Griffith, Lorie [tomlorie@centurylink.net]; Schwark, Ryerson [ryersonschwark@gmail.com]  
**CC:** Kerr, Chris [ckerr@westlinnoregon.gov]; Thornton, Megan [MThornton@westlinnoregon.gov]  
**Subject:** Oversized exhibit - SONA NHA and Willamette NHA meeting video

Planning Commissioners  
We have received into the record videos for SONA NHA and Willamette NHA

They are so large that we cannot place them on the web, your Dropbox or on Granicus. The only option is to come to City hall to view the video.

Please feel free to call and schedule a time if you wish to view these videos

Thanks  
John

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Tuesday, September 08, 2015 4:45 PM  
**To:** Shroyer, Shauna; Kerr, Chris; Thornton, Megan  
**Subject:** FW: Written Testimony for PC

FYI

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Tuesday, 08 Sep 2015, 3:36PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: Written Testimony for PC

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Roberta Schwarz [roberta.schwarz@comcast.net]  
**Sent:** Tuesday, September 08, 2015 12:29 PM

**To:** Boyd, John  
**Cc:** Planning Commission Board  
**Subject:** RE: Written Testimony for PC

Hello Mr. Boyd,

I have both videos on two memory sticks with a lot of capacity on them. They are expensive and I would like them back after the PC views them. Is this possible? How do we get them entered into the record? Who do I turn them in to today?

Thanks,  
Roberta

**From:** Boyd, John [mailto:jboyd@westlinnoregon.gov]  
**Sent:** Tuesday, September 8, 2015 11:59 AM  
**To:** 'Roberta Schwarz' <roberta.schwarz@comcast.net>; Schwarz, Ed <ed.schwarz@gmail.com>  
**Subject:** RE: Written Testimony for PC

Hi Roberta and Ed;

I understand you have offered the Planning Commission to view recordings of the SONA and Willamette meetings.

Before acting on this offer (providing electronic recordings of the information to the Planning Commissioners) please be aware the recordings must be entered into the record of DR 15-11/LLA -15-01.

Thank you

John Boyd

**John Boyd**  
*Planning Manager*  
22500 Salamo Rd  
West Linn, Oregon 97068  
[jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone (503) 723-2524



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**From:** Roberta Schwarz [mailto:[roberta.schwarz@comcast.net](mailto:roberta.schwarz@comcast.net)]  
**Sent:** Monday, September 07, 2015 3:22 PM  
**To:** Planning Commission Board  
**Subject:** Written Testimony for PC

Dear Planning Commission,

Please read my attached written testimony on the Con Am proposed 180 apartment building complex. It is based on a viewing of the Con Am meeting with the Savanna Oaks NA. This videotapes of the SONA and the Willamette meetings with the applicant are available if you would like to see them. Please let me know if you would. I have them on two memory sticks which I would like back when you are done viewing them.

Thank you very much,  
Roberta

---

2545 Remington Drive  
West Linn, Oregon  
97068-4165

West Linn Planning Commission:

Please deny the proposed Con AM 180 unit Apartment application scheduled for your decision September 9, 2015.

I would like to amplify the concerns I expressed verbally on September 2, 2015. I testified that eliminating the left turn on Tannler, forcing us to go to Salamo, was highly objectionable. Using the odometer in my car; driving to Tannler, down Tannler to Blankenship and then turning left on Blankenship is .5 mile to the light at 10<sup>th</sup> Street. If I drive to Salamo and down to the traffic signal it is 1.0 mile or twice as far. I live about a tenth of a mile north of Tannler so the driving distance for neighbors driving on Tannler to the light (from the intersection of Remington Drive and Tannler) would be about .4 mile. If they are forced to drive to Salamo and then to the light, the driving distance would be about 1.1 miles – or almost three times as far.

Perhaps .5 or .7 mile additional driving does not seem like a big deal **but that is for every trip**. I frequently go through that intersection two or three times a day on my way to Willamette, Oregon City, or the freeway entrances. That means the proposed change would add hundreds of miles a year for me. I am the only driver in our household but many homes have multiple drivers and would be impacted proportionately. If we add all the neighbors affected, **the increase would easily be tens of thousands of miles a year**. The proposed change is not for a short term construction detour but **would be forever and would become hundreds of thousands of miles**. The additional cost, time required and impact environmentally -just to enhance the profit margin of the developer - requires an application denial.

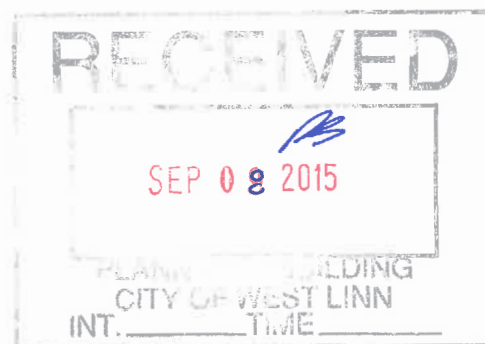
In order for the developer to address this concern (there are several others); the developer needs to add an additional light at Tannler or cut a road through the project for neighbors to exit at the proposed light across from Haggen.

The man that testified immediately after me in support of the project said he owned property in West Linn. He did not say he was a resident. Non-residents would not be impacted on a daily basis and would have a completely different perspective.

Thank you for your consideration.



Alan Hillier  
September 6, 2015



## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 8:39 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: My Comments on DR-15-11/LLA-15-01

Record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Monday, 07 Sep 2015, 8:26PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: My Comments on DR-15-11/LLA-15-01

I am forwarding potential ex-parte correspondence as recommended by the city,  
Russ

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Marilyn Schultz [marilynschultz@earthlink.net]  
**Sent:** Monday, September 07, 2015 8:23 PM  
**To:** Planning Commission Board  
**Subject:** My Comments on DR-15-11/LLA-15-01

September 7, 2015

To: West Linn Planning Commission

From: Marilyn Schultz, 2423 Remington Drive, West Linn, OR 97068

Re: Proposed Con Am property development at Tannler and Blankenship

I have owned and managed residential properties in the Greater Portland area since 1978. Based on that experience, **I believe that the applicant's estimate of 38 school children who would live in the proposed development of 180 apartments is impossibly low.**

Rather than talk about fractions of children and averages, as in the applicant's proposal, let's look at real numbers.

The applicant's proposal describes 61 one-bedroom units, 97 two-bedroom units, and 22 three-bedroom units.

Although the developer apparently would like to assume that the one-bedroom units would not be occupied by any children, that assumption is not realistic. There will be single parents with a child, or even two parents with a child, who, if they so desire, must be permitted to rent one-bedroom units under Oregon's occupancy limit laws.

The Portland area currently is experiencing a tight and expensive rental market, and families are squeezing into smaller units. However, for this example, let's say that no children will live in the 61 one-bedroom apartments.

That leaves 97 two-bedroom units and 22 three-bedroom units, for a total of 119 units that might be rented by families with school-aged children.

If two families with three children, nine families with two children, and 14 families with one child (total 25 families, 38 children) occupy 25 of the multiple bedroom units, that leaves **94 multiple bedroom units with no children.**

**The West Linn schools are an excellent draw for families, and that is the demographic that will be attracted to the proposed development.** Rather than move to the suburbs, childless professionals who can afford higher-end rents will more likely settle in the Lloyd District's new developments, or the Pearl, or South Waterfront, or inner Northeast/Southeast Portland, where they can walk, ride their bikes or take public transportation to get around.

**The Con Am proposed development will fill up with families with school-aged children, and that will have a costly impact on the West Linn elementary, middle and high schools that serve this area. Three or four more teachers and classrooms would be needed to accommodate the additional students.**

**More children living in the development would also generate more auto trips than currently anticipated, for there would be trips to school, soccer practice, gymnastics, dance lessons, etc. that are not now being counted.**

**A more realistic count of school-aged children who will be living in the proposed development should be two to three times the number that the applicant is estimating.**

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 4:37 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: Recall: ConAm Project

Record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Monday, 07 Sep 2015, 4:32PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: Recall: ConAm Project

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
Mayor  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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---

From: Roberta Schwarz [roberta.schwarz@comcast.net]

Sent: Monday, September 07, 2015 3:52 PM  
To: Robinson Foster  
Cc: Planning Commission Board  
Subject: Recall: ConAm Project

Roberta Schwarz would like to recall the message, "ConAm Project".

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 4:37 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: ConAm Project  
**Attachments:** conamrebuttal.docx

Record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Monday, 07 Sep 2015, 4:32PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: ConAm Project

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

Russell Axelrod  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Roberta Schwarz [roberta.schwarz@comcast.net]  
**Sent:** Monday, September 07, 2015 3:49 PM  
**To:** Robinson Foster  
**Cc:** Planning Commission Board  
**Subject:** FW: ConAm Project

Hello Robinson,

Here is the written testimony for you to read and reword to make it your own. Then you can send it to the into the planning commissioners at [ima\\_planningcommission@westlinnoregon.gov](mailto:ima_planningcommission@westlinnoregon.gov).

Thank you,  
Roberta

**From:** Roberta Schwarz [mailto:roberta.schwarz@comcast.net]  
**Sent:** Sunday, September 6, 2015 5:28 PM  
**To:** Leslie Foster <leslie\_foster@comcast.net>  
**Subject:** FW: ConAm Project

Hi Leslie,

Would you be willing to slightly reword the attached testimony and send it in before the 12 noon deadline on the 9<sup>th</sup> (Wednesday)? Please let me know as soon as possible.

Thanks so much,  
Roberta

**From:** Info [mailto:info@nlwl.org]  
**Sent:** Sunday, September 6, 2015 5:08 PM  
**To:** [roberta.schwarz@comcast.net](mailto:roberta.schwarz@comcast.net)  
**Subject:** FW: ConAm Project

Do you have anyone who can submit this testimony in reworded form?

**From:** WLFM [mailto:westlinnfm@gmail.com]  
**Sent:** Sunday, September 06, 2015 1:36 PM  
**To:** [info@nlwl.org](mailto:info@nlwl.org)  
**Subject:** ConAm Project

I'm hoping that you can get your group of people to submit the following, reworded of course, as testimony. I think we have a very solid reading of the code here in regards to Chapter 80 of the CDC The more it can be entered in as testimony bu various people, the more ConAm can't ignore the facts.

Thanks  
Willamette Primary Neighbors

Dear Planning Commission:

We previously wrote you in regards to this proposal. We have read the attorney's rebuttal and we don't feel that many of our concerns were addressed in the rebuttal. Perhaps because they have no answer to these concerns. Regardless, this is our rebuttal to ConAm's rebuttal.

Executive Summary:

- Garages are for residential use and thus do not meet the "Only Above" criteria of the code.
- If the proposed commercial floor is the first story, why are building heights measured from "above grade" and not from the first floor? It is a basement when it suits ConAm in regards to building height, but not a basement when referring to commercial space.
- OBC Zone does indeed specifically state that the "purpose statement" can be used as approval criteria per 21.020(A). 21.020(A) states that any use that is not an "**outright**" use is subject to Chapter 80 of the CDC. Mixed use is a "prescribed" use, not an "outright" use thus can be subject to Chapter 80. Chapter 80.050(B) specifically states that an approval standard shall be based on whether or not the use is consistent with the "intent and purpose" of the zone.
- 80.050(A) and (C) are also not met with this application. 80.50(C) states "The use is similar to and of the same general type as the uses listed in the zone". All uses are business/commercial in the zone. No residential use outside the mixed use criteria are listed. Thus, this application is not similar to or the same general type as the zone.
- ORS197.303 cannot be applied to this application. The Secretary of State says that implementation of ORS197.303 through ORS197.307 shall subscribe to the following definitions: "Buildable Land" means **residentially designated** land" and this parcel is not in the buildable land inventory per the City of West Linn.
- The rebuttal also references ORS 197.296 but this statute states that the city will determine the "housing capacity of buildable lands". Again, since this parcel is not on the city inventory list of "buildable land" for housing, it does not meet the "needed housing" requirement. There has been no determination that housing of any kind is "needed" on this parcel. Since the application doesn't meet the Design Review II criteria without the waiver via ORS197.303, and since ORS197.303 should not apply to this parcel, the requirements have not been met and thus the application must be denied.

Responses to ConAm:

ConAm still has not answered the question why the garages should not be considered part of the multi-family usage. The code clearly says "above the first floor" The garages are for the use of residents, not the businesses, so they are part of the multi-family units. The garages are on the first floor, so this project clearly does not meet this code.

The rebuttal tip-toes this issue. They state: "ground floor commercial **uses** in each building". They don't say that the "first floor" is commercial because they know this is not true. They say ground floor "uses" as a way of tricking you to believe this meets the code. It does not. "ONLY ABOVE" is what the code states. Having a small commercial use in the corner

of each building with residential garages on the rest of the floor does not meet the "ONLY ABOVE" criteria.

The rebuttal argues that the first level is a "story" for the purposes of the "commercial" portion, yet when they refer to the building height in their application, the height is taken from the "above grade" portion of the building. So they want us to tell us it is not a basement when we talk about the commercial portion, but they do want us to see it as a basement when they measure the total height of the building so they can get 4 stories in. Again, they try to bend the code to their needs.

They do the same thing when they try to tell us that this is a "mixed use" project. They claim that the 1% commercial usage is "mixed use" but then want to use residential codes and policies so they don't have to do things that the "mixed use" zone requires. Again, bending code to what fits their needs only with no consistency.

Quoting ConAm's rebuttal directly "most land use regulations purpose statements are phrased as a general expression of goals and objectives". But then ConAm goes on to say: "There are two exceptions to this general rule. First, the text of the purpose statement itself may elevate the purpose statement beyond simply being descriptive or aspirational in nature". While the first half of the purpose statement could be regarded as "general", the last sentence is pretty clear: "This zone is intended to implement the policies and criteria set forth in the Comprehensive Plan." Since this is a commercially zoned property, the part of the Comprehensive Plan that should be considered is the Commercial part of the plan, not the Residential part of the plan as ConAm would again try to get us to believe in their application. ConAm also conveniently likes to ignore the city's definition of "mixed use" in the Comprehensive Plan.

ConAm then cites the second exception to the "general rule". "The approval criteria for the particular application may require compliance with the purpose statement or may incorporate the purpose statement as a mandatory approval criterion".

The OBC Zone states:

"A. A use permitted outright, CDC [21.030](#), is a use that requires no approval under the provisions of this code. **If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter [80](#) CDC.**"

The multiple family units is a "prescribed use", not an "outright" use. Thus, per the zoning code, Chapter 80 of the CDC can be applied to this use. Chapter 80 of the CDC states:

#### **80.050 APPROVAL STANDARDS**

Approval or denial of an unlisted use application by the Commission shall be based on findings that:

- A. The use is consistent with the Comprehensive Plan;
- B. The use is consistent with the intent and purpose of the applicable zone;**
- C. The use is similar to and of the same general type as the uses listed in the zone;
- D. The use has similar intensity, density, and off-site impacts as the uses listed in the zone; and



E. The use has similar impacts on the community facilities as the listed use. (Ord. 1339, 1993)

So similar to the LUBA cases ConAm cites, our code does indeed state that the "purpose" statement can be used as a criteria for approval in this case. Since ConAm is applying under 21.050 "prescribed conditions" and not 21.030 "permitted uses", it is an unlisted use. The code is clear in this case. Only uses under 21.030 require no approval. All other uses, including prescribed and conditional uses, are not listed as "**permitted outright**" uses, thus fall under "unlisted" uses and can be held to the provisions of Chapter 80 of the CDC. Just like ConAm tried to convince us that the purpose statement is not relevant even though it is listed there in the code, the "residential as a mixed use" is not exempt from Chapter 80 even though it is in the code page because it doesn't reside in the section 21.030. Since 21.020(B) states "all conditions must be satisfied", Chapter 80 should be considered applicable conditions and we don't feel any of 80.050 is being met.

The rebuttal points to the WNA and TBNP comprehensive plans but again does not address how this project meets the West Linn Comprehensive plan for Commercial Zones or Economic Development because it doesn't. Thus, 80.050(A) is not met.

The use is not consistent with the INTENT of the zone, thus this application does not meet 80.050(B). Since all the permitted outright uses are for business and commercial use, it is clear that the "intent" of the zone is for commercial, not residential uses.

No residential uses are listed in the zone aside from the one mixed use reference. Again, since all of the other possible uses are commercial or business related, not residential, ConAm's proposed use is not in ANY WAY similar to or the same general type as listed in the zone. Thus this application also fails 80.050(C).

Since this application fails 80.050(A)(B) and (C), (D) and (E) are moot points, though arguments could be made that this application fails (D) and (E) as well.

They also continue to try to force ORS197.307(4) on us but conveniently continue to overlook the fact that the Secretary of State in their definition of ORS197.307 states that "needed land" is "residentially designated" land and again this parcel is not on the current list of "residentially designated" land per the city of West Linn. Thus, ORS197.307 should not apply.

#### **660-008-0000**

##### **Purpose**

(1) The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs. This division is intended to provide standards for compliance with Goal 10 "Housing" and to implement ORS 197.303 through 197.307.

#### **660-008-0005**

##### **Definitions**

For the purpose of this division, the definitions in ORS 197.015, 197.295, and 197.303 shall apply. In addition, the following definitions shall apply:

(2) "Buildable Land" means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and

necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

The rebuttal references ORS 197.296(4)(a)(C) but ORS 197.296(4)(a) refers to subsection (3)(a) of this section. (3)(a) states:

In performing the duties under subsection (2) of this section, a local government shall:

- (a) **Inventory** the supply of buildable lands within the urban growth boundary and determine the **housing capacity of the buildable lands**; and
- (b) Conduct an analysis of housing need by type and density range, in accordance with ORS [197.303 \(Needed housing defined\)](#) and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

Again, this parcel has residential mixed use as a **prescribed** condition, not outright, so we can find no study or report that catalogs this parcel in the residential buildable lands inventory. Thus, housing capacity for this land has not been determined. The parcel is listed in the EOA as a commercial parcel that can meet the city's need for COMMERCIAL land for the Chapter 9 of the state's economic development policy goals. But since it has not been cataloged as residential, no "housing capacity" has been set for it, and thus, this parcel does not meet any of the ORS definitions of "needed housing". Thus, all the Design Review II criteria should apply to this application and cannot be waived under ORS 197.303. Since the application doesn't meet the Design Review II criteria without the waiver under ORS 197.303, this application should be denied.

For all the foregoing reasons, the Planning Commission should deny this application and disregard all the arguments that ConAm made in their rebuttal.

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 4:36 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: Written Testimony for PC  
**Attachments:** Written Testimony for PC.pdf

Record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Monday, 07 Sep 2015, 4:31PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: Written Testimony for PC

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
Mayor  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
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Phone(503) 657-0331



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**From:** Roberta Schwarz [roberta.schwarz@comcast.net]  
**Sent:** Monday, September 07, 2015 3:21 PM  
**To:** Planning Commission Board  
**Subject:** Written Testimony for PC

Dear Planning Commission,

Please read my attached written testimony on the Con Am proposed 180 apartment building complex. It is based on a viewing of the Con Am meeting with the Savanna Oaks NA. This videotapes of the SONA and the Willamette meetings with the applicant are available if you would like to see them. Please let me know if you would. I have them on two memory sticks which I would like back when you are done viewing them.

Thank you very much,  
Roberta

Dear Planning Commissioners,

September 7, 2015

Something you usually don't usually get to see as part of your deliberations is the actual videotape from NA meetings. These meetings are required of the applicant at the neighborhoods bordering the development which will be impacted. We have those videotapes which we taped. We have viewed them and recorded the relevant times when the applicant has said something you might want to hear. Please email me if you would like to hear the videotapes from the Savanna Oaks NA or the Willamette NA meetings and we will make them available to you. Also please note that even though the applicant's attorney, Mr. Robinson, wrote you an email that this Con Am 180 apartment isn't in our Savanna Oaks neighborhood and that our NA Plan shouldn't be relevant, the code says differently when it requires this applicant to present to our NA as well as Willamette's. And the geography says it all when you look and see the streets that will be most adversely affected are in the Savanna Oaks NA as well as the Willamette NA.

Here are some relevant quotations from the NA tapes and where on the video you can hear them:

From the Savanna Oaks NA Meeting tape:

**# 1 Parking:** 1 On the parking issue it is a material misrepresentation when at 1:00 into the third tape of that meeting Mr. Morgan representing ConAm states there will be parking along the driveways and in the garages under the buildings as well. Then at 14:29 on the same video states "we are not required to address overflow parking". In actuality they plan to have twenty spaces on Tannler Rd (it reality it will be many times that number of cars parked there) and did not tell the citizens this information at this required NA meeting.

**#2 Height of buildings:** Mr. Robinson has argued that this structure is three stories high. On the third video at 1:52 Mr. Morgan admits that it is "four levels"

**#3 Quality of Con Am's existing properties:** When I testified in front of you at the last PC meeting on September 2<sup>nd</sup> that I had researched one of Con Am's properties in Oceanside (Country Club Apartments) that is low income (as are tens of thousands of the Con Am properties, as it turns out) Mr. Robinson tried to shut down my testimony. He was not allowed to do so. As per reviews online, that property has had issues with fleas, dog feces, cockroaches, gangs, theft, lack of parking, and lack of maintenance among other issues. This is quite different than what the citizens were told in the SONA meeting. At 15:28 in the second video we were told by Mr. Morgan "All of our projects are very high quality". At 5:02 in the third video he stated "We put a lot of pride into our developments and our properties". When I called the Oceanside Police Department about the County Club Apartments I was told that in the past year there have been two assaults, 1 stolen vehicle, and numerous calls for disturbances including noise, music, domestic violence, and family disturbance. Call yourselves and ask the Crime and Prevention specialist who is named Van Sickle. This is information on one of the Con Am apartment complexes. We were told that they had buildings in Oceanside at 12:57 in the first videotape. So that is where I looked. At 15:28 Mr. Morgan stated that "All of our projects are very high quality". You be the judge of that statement, PC members. Or better yet ask West Linn Police Department Officers what they believe will happen if this 180 apartment unit complex is built here.

**#4 On the "no left turn"** it is a material misrepresentation that when asked specifically about the no left turn possibility by a worried resident at 7:34 into the second video Mr. Morgan said "We know how

valuable that is to the community so we are going to do everything we can..."to keep the left turn. They did not do so. There are other options available where the option of making a left turn off of Tannler is not taken away.

**#5 On the keeping of the upper area as retained open space** at 5:50 in the second video Mr. Morgan said that this area with beautiful significant trees would still "be retained as open space". But now it is being disclosed that it might stay private and not be true open space. This is another material misrepresentation.

**#6 On the requirement for the applicants to come to the bordering NA Meetings with the relevant information needed by the citizens to be educated about proposed applications in their neighborhoods.** At :35 into the second video we were told by Mr. Morgan that "We don't even have a draft of the (TIA) report yet." If they had told the citizens then about the no left turn "pork chop" even more citizens would have come to the first PC Hearing. But we were left uninformed about a very crucial part of the traffic "mitigation".

Do the right thing, look at the videotapes of what the people were told and then deny this application. Please email me if you would like to see the tapes.

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 4:36 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: Con Am Proposal at Corner of Blankenship and Tannler Drive

Record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: Con Am Proposal at Corner of Blankenship and Tannler Drive

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
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West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Holden [elkiehfuss@hotmail.com]  
**Sent:** Monday, September 07, 2015 12:17 PM  
**To:** Planning Commission Board  
**Subject:** Con Am Proposal at Corner of Blankenship and Tannler Drive

September 7, 2015

Planning Commission Members:

We are writing to request the denial of the proposed apartment complex at the corner of Blankenship and Tannler Dr. We have attended the meetings where Con Am has demonstrated their intentions for the area. At no time have they addressed the change in traffic patterns until this last minute proposal. The changes they are requesting in order to accommodate 180 units are ridiculous and at a huge inconvenience for most of the citizens of West Linn. These proposals will put more traffic on Salamo Road as citizens will now need to use Greene, Remington and Bland, none of which are designated as collector streets, when they can no longer turn left from Tannler Drive to gain access to I-205 both North and South. The two left turn lanes proposal for the bottom of Salamo is unworkable. With the additional vehicle and pedestrian traffic brought about by the proposed apartments, there will now be even more congestion in this already overburdened area.

Why is it necessary for the citizens of West Linn to bail out the owner of this lot who made a bad investment?

Sincerely,

Charles and Elizabeth Holden  
3489 Vista Ridge Dr.  
West Linn, OR 97068



## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 4:35 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: 180 unit apartment

Record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: 180 unit apartment

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Heidi Carr [heidicarr@icloud.com]  
**Sent:** Monday, September 07, 2015 11:00 AM  
**To:** Planning Commission Board  
**Subject:** 180 unit apartment

Dear West Linn Planning Commission,

I know you have already received many emails regarding the 180 unit apartment proposal, and I also would strongly encourage you to please deny the proposed Con Am 180 unit apartment application and lot line adjustment (DR-15-11, LLA-15-01), which is now before you. I am not an anti growth person, this is just not the type of growth I want to see. Considering the multiple complaints that have already been brought forth, it is very clear that the individuals that put forth the proposal do not care about our community.

Please do what is right for our community and deny the proposed Con Am 180 unit apartment application.

Thank you,

Heidi Carr

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 4:37 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: Please deny the proposed Con Am 180 unit apartment applications and lot line adjustment

Record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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**Received:** Monday, 07 Sep 2015, 4:30PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: Please deny the proposed Con Am 180 unit apartment applications and lot line adjustment

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Leanne Elaine Schrotzberger (lefrank) [lefrank@cisco.com]

**Sent:** Monday, September 07, 2015 10:33 AM

**To:** Planning Commission Board

**Subject:** Please deny the proposed Con Am 180 unit apartment applications and lot line adjustment

Dear West Linn Planning Commission,

Please deny the proposed Con Am 180 unit apartment application and lot line adjustment (DR- 15-11, LLA-15-01), which is now before you. On Wednesday September 9<sup>th</sup>, 2015 you will be making a decision that will affect West Linn citizens throughout the city in a permanent way. It will be a precedent setting decision so you need to proceed with all of the facts at hand. The reasons for you to deny are many and varied and will be addressed below. The citizens who you have heard testify and who have given written testimony have done their homework. The citizens have even hired their own attorney and traffic engineer who you have also heard testify. The neighbors filled the rooms and even brought their own extra chairs to the two locations in which the hearings were held. The reasons to deny are as follows:

#1 This application is a second camouflaged attempt at the applicant's unsuccessful and withdrawn application for rezoning. It is by no means an "Office Business Center" under CDC Chapter 21.

#2 As sheet A1.0 at page 17 of 36 of the PDF of the applicants' August 5, 2015 Plan Set Resubmittal illustrates, tiny useless "commercial spaces" which are only 1.4% of the structures are set amidst 146 parking spaces for residential units. In size, they resemble ice machine rooms one finds on every floor of most motels. The first floor is almost entirely devoted to enclosed parking spaces allotted to and part and parcel of the upstairs residential units thus and it is evident that the proposal violates the requirements of CDC 21.050.

#3 CDC 21.050 (2) allows the following uses in this zone "Multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure". In point of fact the multi-family units (1) include and fully dominate the first floor of each apartment building and (2) are not to be constructed or used in conjunction with anything that could be termed "commercial development". As a result you must deny this application.

#4 CDC 21.010 This application defeats the purpose of this OBC Zoning District.

"The purpose of this zone is to provide for groups of businesses and offices in centers, to accommodate the location of intermediate uses between residential district and areas of more intense development, to provide opportunities for employment and for business and professional services in close proximity to residential neighborhoods and major transportation facilities and to expand the City's economic potential...." In fact at both the Willamette NA and the Savanna Oaks NA meetings the Con Am representatives stated that these commercial spaces do not ever have to be leased for a single day in order for them to be able to build the apartments. Also, this development is not located near a major transportation facility.

#5 The applicant has made the argument that the application must be approved under the "needed housing" language of ORS 197.307. But the city's standards are clear and objective and compel denial of this application.

#6 CDC 55.100 B (6) (I) requires that at least a four foot wide pedestrian accessway be maintained pursuant to CDC 53. This is not the case under Proposed Finding 27 which stated that the above standard is subjective. This requirement is absolutely objective and the applicant must prove compliance with it.

#7 CDC 55.100 B (7)(b) plainly requires multi-family projects "to keep the parking at the side or rear of the building or behind the building line of the structure as it would appear from the right-of-way inside the multi-family project" not indoors in garages. This is a clear and objective requirement and is in direct opposition to Proposed Finding 29 which states the opposite.

#8 CDC 55.100 (J) required that tenants be provided with measures for "crime prevention and safety/defensible space". Eight specific requirements are spelled out clearly and objectively. Proposed Finding 57 states the opposite. The applicant must comply with it and show proof of compliance.

#9 Perhaps the most significant aspect of this application – and the one which would cause the greatest adverse impact on the surrounding community – is the proposed alteration of traffic patterns by the installation of a median (pork chop) and elimination of the left hand turn from Tannler onto Blankenship. The result would be to divert traffic flows onto nearby residential streets creating congestion and major safety issues. This change in existing traffic patterns was not disclosed at the neighborhood meetings conducted by the applicant and the

community had no opportunity to present input on this issue. This in turn defeats the purpose of the neighborhood contact as set out in CDC 99.038 (A). As the applicant did not discuss the above change with the neighborhood, the applicant did not have the benefit of hearing the concerns which have arisen at the public hearing stage and has failed to “take reasonable concerns and recommendations of the neighborhood into consideration when preparing” its application. This has in turn prejudiced the substantial rights of the affected neighbors to timely participation in the application process. This application must be denied as incomplete. This summary provides the Planning Commission with the many reasons, based on code, that the applicant has not met its burden of proof. This application and lot line adjustment must be denied.

Thank you.

LeAnne Schrotzberger  
2652 Lancaster Street  
West Linn, OR 97068



**LeAnne Schrotzberger**  
Employee Communications Manager  
Global Corporate Communications  
lefrank@cisco.com  
Phone: +1 408 853 4336  
Mobile: 1 503 201 4783

Cisco.com



**Think before you print.**

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## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 4:32 PM  
**To:** Shroyer, Shauna  
**Subject:** FW:  
**Attachments:** Misrepresentations to NA and PC for 9-2-15 PC Meeting.pdf

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Monday, 07 Sep 2015, 4:29PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW:

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Ed Schwarz [ed.schwarz@gmail.com]  
**Sent:** Monday, September 07, 2015 10:23 AM  
**To:** Planning Commission Board  
**Cc:** Boyd, John  
**Subject:**

Members of the Planning Commission,

At the 9/2/15 Planning Commission meeting I testified before you regarding three issues. A copy of my testimony is attached.

In this email, I would specifically like to address the first item from my testimony.

When addressing the require applicant meeting with affected Neighborhood Associations, CDC 99.038.E.6 states,

*“In the event that it is discovered by staff that the aforementioned procedures of this section were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the project at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with this section. (Ord. 1425, 1998; Ord. 1474, 2001; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 23, 2013; Ord. 1635 § 37, 2014)”*

At the July 7, 2015 meeting with the Savanna Oaks NA Rob Morgan from ConAm was asked repeatedly about the possibility of there being no left turn allowed from Tannler onto Blankenship. He stated that the Traffic Impact Analysis (TIA) was not yet complete but would be submitted to the city as part of the application. SONA members present at that meeting relied on the TIA, as submitted, as being what was represented by Mr. Morgan at the neighborhood meeting. As submitted, the July 10, 2015 TIA called for restriping Tannler Drive to two lanes – a left turn and a right turn lane. **No mention was made in the TIA of no left turn from Tannler onto Blankenship.** This meeting was videotaped and is available for review by the Planning Commission.

Similarly, no mention of a TIA update was included in the “updated and resubmitted” application narrative dated August 5, 2015.

On August 26, 2015 SONA members attending the Planning Commission meeting were shocked to learn that the latest TIA (dated 8/25/15) included several substantial revisions to the traffic mitigation plan including a no left turn from Tannler onto Blankenship, a new intersection configuration at Salamo/10th Street/Blankenship and a traffic light at the Haggen entrance to the project.

The addition at this late date of the no left turn from Tannler, intersection revisions at 10th Street and a signal light at the Haggen’s market entrance are **material changes** of the application as originally proposed at the Savanna Oaks NA meeting. No mention of these traffic mitigations was made at that meeting. **Thus these changes violate CDC 99.038.E.6 and the application should now be deemed incomplete.**

Similarly, at the July 7, 2015 SONA meeting the commercial space in the development was estimated at 3500 sq. ft. but is now given as 1973 sq. ft. This is a decrease of 43.6%. Again, this is a significant change and represents a **material misrepresentation** by the applicant at the NA meeting. This, too, violates CDC 99.038.E.6.

When I presented the above testimony at the 9/2/15 Planning Commission meeting city attorney Megan Thornton indicated that the application had already been deemed complete by city staff. However, **I can find nothing in our codes or procedures which would stop the Planning Commission from changing the status of the application from complete to incomplete and returning it to the applicant for further revision. No timeline is given in our code as to when the misrepresentation must be discovered.**

I hope that you will discuss these issues during your deliberations at the upcoming Planning Commission meeting on 9/9/15 and find that, indeed, the applicant has violated CDC 99.038.E.6 and that the application is now incomplete and must be sent back to the applicant.

Thank you for your consideration.

Regards,  
Ed Schwarz  
West Linn



Good evening Commissioners,

My name is Ed Schwarz and I live in West Linn.

First, per ORS 197.763(6)(a), I request that the record of this meeting be kept open for an additional 14 days to allow for the presentation additional written evidence, arguments or testimony.

Now I would like to address three reasons why this application should be denied or at least be deemed incomplete.

First, during the ConAm presentation to the Savanna Oaks Neighborhood Association (SONA), Rob Morgan of ConAm was repeatedly asked about traffic concerns and especially the ability to retain the left turn from Tannler onto Blankenship. Mr. Morgan stated that their Traffic Impact Analysis (TIA) was not yet complete but would be available once it was submitted to the city. He did show a map of the property which included the intersection of Tannler and Blankenship. This map indicated that left turns would be allowed from Tannler – no Tannler left turn restriction was indicated on the map.

The NA meeting was video and audio taped and I can make it available to anyone from the city or Planning Commission who would like to confirm my statements.

When the TIA was eventually submitted by ConAm it suggested mitigating the Tannler intersection by striping Tannler with separate left-turn and right-turn lanes. No mention was made of no left turn from Tannler. The Neighborhood Association relied on this TIA in formulating its concerns about the development.

So it came as a shock to those of us from SONA when at last Wednesday's Planning Commission meeting the no left turn from Tannler was suddenly presented as the mitigation for the Tannler intersection. In addition, also introduced were the changes to the 10th Street intersection and the traffic light at Haggens'. None of these items had been mentioned before.

I believe that this amounts to a material change in this application from what was presented at our NA meeting. CDC 99.038.E.6 states that if a material misrepresentation of the project was made at the NA meeting then the

application shall be deemed incomplete. I believe that these issues certainly rise to the level of a material misrepresentation and thus the application should be deemed incomplete and returned to the applicant.

Second, the above mentioned changes to traffic mitigation along with other material changes to the application such as building height and the amount of commercial space (which has dropped from 3500 square feet as was presented in the SONA meeting to 1973 square feet now) render the application materially changed from what was originally submitted to the city. In this case, the Planning Commission can find that the application does not meet our CDC and should be denied.

Third, at last week's Planning Commission meeting Mr. Robinson, representing ConAm, stated that the application had received an approval from the fire department, TVF&R. He referred to an email from TVF&R. In actuality, the email from TVF&R was dated July 30 and was based upon an earlier version of the project. TVF&R had not yet given their opinion of the latest version of the project. Their opinion letter eventually came out two days after the Planning Commission meeting where Mr. Robinson stated that the project had their approval. I believe that Mr. Robinson knew this to be the case yet he led you to believe that TVF&R had signed off on the latest version of the project. This is a grave misrepresentation of the facts of the project. It leads me to wonder what else might not be exactly the truth in the submittals from the applicant. I believe that this misrepresentation is enough for you to deny this application.

For the reasons stated above I ask you to find that this application is incomplete or to deny this application outright.

Thank you for your time.

Ed Schwarz  
West Linn

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 4:28 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: 180 apartment units

FYI

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Monday, 07 Sep 2015, 4:27PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: 180 apartment units

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** manfred1936@comcast.net [manfred1936@comcast.net]  
**Sent:** Sunday, September 06, 2015 7:30 PM  
**To:** Planning Commission Board  
**Subject:** 180 apartment units

To: City of West Linn  
From: Manfred Bialas  
3059 Sunbreak LN, West Linn

Dear Sir/Madam,

I am sure the Commission is not seriously considering such high density housing at the intersection of Tannler and Blankenship. It requires no great intellect to conclude that the traffic situation would become intolerable from the standpoint of movement and noise. Besides, please remember that the length of engine idle time, which would necessarily ensue in the area, would produce an enormous amount of pollution.

I beg you to disallow this development, no matter what data the owners of the land produce to show the undertaking in a positive light. They have simply one aim: to make money, no matter at whose expense, and to hell with the neighborhood.

Best Regards,

Manfred Bialas

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Monday, September 07, 2015 4:28 PM  
**To:** Shroyer, Shauna  
**Subject:** FW: My Comments on DR-15-11/LLA-15-01

Fyi

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Monday, 07 Sep 2015, 4:26PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** FW: My Comments on DR-15-11/LLA-15-01

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
*Mayor*  
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West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
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Phone(503) 657-0331



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---

**From:** link2sonny@aol.com [link2sonny@aol.com]  
**Sent:** Sunday, September 06, 2015 2:26 PM

**To:** Planning Commission Board  
**Subject:** My Comments on DR-15-11/LLA-15-01

To : The West Linn Planning Commission  
From : Henry Achcar Jr. at Greene St

Lady and Gentlemen,

Just as we owners at Greene St, we suppose that you live in a nice location, with a blend of seniors, middle aged and young families, in one of the many friendly neighborhoods in West Linn.

Just as we did, we suppose that when you purchased your home you obviously considered the property itself but you also valued its setting, the street, the traffic flow and consequent noise and pollution, issues of utmost importance for your safety and that of your children, grandchildren and elderly.

Just as most of us, we suppose that you probably purchased it with a mortgage component and most certainly have invested in improvements, aiming both your usufruct and the property's valuation.

You did it with care. You did it with love. These parameters all count when you take decisions about your home, your family's most important asset.

Now, please reflect on how the traffic mitigation that have been proposed on the intersection of Tannler and Blankenship will affect our Greene St and the 35 families that live here.

One of the widest if not the widest residential artery in the City (that should have deserved islands since its development) and currently already having a strong traffic flow, our street will certainly be the natural option for cars that will come down on Tannler and that will not be able to turn left on Blankenship towards 10th St and Hw 205 . By the same token, all residents from the new development, will quite sure prefer to take Greene St to go north or south on Salamo.

In addition, Greene St x Salamo Rd is also one of the most dangerous intersections due to the very short distance from the last curve down the latter, and where cars (reality shows) usually speed at 45-50 mph.

All the above will totally transform our street's characteristics and turn its residents lives into a living hell...

Last but not least, nobody in his/her normal sanity can deny the fact that our properties' market valuations will take a huge hit thus substantially reducing our equities and asset values, precisely when we are all just recovering from the 2008 financial and real estate recession's losses. Most of us can't afford them ...

As the traffic engineer hired by our NA stated on his conclusions :

*" Perhaps the most significant aspect of this application – and the one which would cause the greatest adverse impact on the surrounding community – is the proposed alteration of traffic patterns by the installation of a median (pork chop) and elimination of the left hand turn from Tannler onto Blankenship. The result would be to divert traffic flows onto nearby residential streets creating congestion and major safety issues. This change in existing traffic patterns was not disclosed at the neighborhood meetings conducted by the applicant and the community had no opportunity to present input on this issue. This in turn defeats the purpose of the neighborhood contact as set out in CDC 99.038 (A). As the applicant did not discuss the above change with the neighborhood, the applicant did not have the benefit of hearing the concerns which have arisen at the public hearing stage and has failed to "take reasonable concerns and recommendations of the neighborhood into consideration when preparing" its application. This has in turn prejudiced the substantial rights of the affected neighbors to timely participation in the application process. This application must be denied as incomplete."*

**PLEASE, do not approve such traffic mitigation !**

Finally, I strongly oppose the Con Am 180 unit apartment application and lot line adjustment (DR-15-11, LLA-15-01). On Wednesday September 9th, 2015 you will be making a decision that will affect West Linn citizens throughout the city in a permanent way. It will be a precedent setting decision so you need to proceed with all of the facts at hand. The reasons for you to deny are many and varied and will be addressed below. The citizens who you have heard testify and who have given written testimony have done their homework. The citizens have even hired their own attorney and traffic engineer who you have also heard testify. The neighbors filled the City Hall's rooms.

The reasons to deny are as follows:

**#1** This application is a second camouflaged attempt at the applicant's unsuccessful and withdrawn application for rezoning. It is by no means an "Office Business Center" under CDC Chapter 21.

**#2** As sheet A1.0 at page 17 of 36 of the PDF of the applicants' August 5, 2015 Plan Set Resubmittal illustrates, tiny useless "commercial spaces" which are only 1.4% of the structures are set amidst 146 parking spaces for residential units. In size, they resemble ice machine rooms one finds on every floor of most motels. The first floor is almost entirely devoted to enclosed parking spaces allotted to and part and parcel of the upstairs residential units thus it is evident that the proposal violates the requirements of CDC 21.050.

**#3** CDC 21.050 (2) allows the following uses in this zone "Multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure". In point of fact the multi-family units (a) include and fully dominate the first floor of each apartment building and (b) are not to be constructed or used in conjunction with anything that could be termed "commercial development". As a result you must deny this application.

**#4** CDC 21.010 This application defeats the purpose of this OBC Zoning District.

"The purpose of this zone is to provide for groups of businesses and offices in centers, to accommodate the location of intermediate uses between residential district and areas of more intense development, to provide opportunities for employment and for business and professional services in close proximity to residential neighborhoods and major transportation facilities and to expand the City's economic potential..."

In fact at both the Willamette NA and the Savanna Oaks NA meetings the Con Am representatives stated that these commercial spaces do not ever have to be leased for a single day in order for them to be able to build the apartments. Also, this development is not located near a major transportation facility.

**#5** The applicant has made the argument that the application must be approved under the "needed housing" language of ORS 197.307. But the city's standards are clear and objective and compel denial of this application.

**#6** CDC 55.100 B (6) (I) requires that at least a four foot wide pedestrian accessway be maintained pursuant to CDC 53. This is not the case under Proposed Finding 27 which stated that the above standard is subjective. This requirement is absolutely objective and the applicant must prove compliance with it.

**#7** CDC 55.100 B (7)(b) plainly requires multi-family projects "to keep the parking at the side or rear of the building or behind the building line of the structure as it would appear from the right-of-way inside the multi-family project" not indoors in garages. This is a clear and objective requirement and is in direct opposition to Proposed Finding 29 which states the opposite.

**#8** CDC 55.100 (J) required that tenants be provided with measures for "crime prevention and safety/defensible space". Eight specific requirements are spelled out clearly and objectively. Proposed Finding 57 states the opposite. The applicant must comply with it and show proof of compliance.

The above summary provides this Planning Commission with the many reasons, based on code, that the applicant has not met its burden of proof. This application and lot line adjustment must be denied.

Thank you,

Henry Achcar Jr.  
2243 Greene St

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Saturday, September 05, 2015 5:39 PM  
**To:** Shroyer, Shauna  
**Cc:** Thornton, Megan; Kerr, Chris  
**Subject:** FW: Fwd: West Linn Planning Commission letter  
**Attachments:** West Linn Planning Commission letter.docx; ATT00001.htm

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Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Saturday, 05 Sep 2015, 5:30PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** Fwd: West Linn Planning Commission letter

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

Sent from my iPad

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331





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Begin forwarded message:

**From:** Mary Ritzmann <[maryritz@spiretech.com](mailto:maryritz@spiretech.com)>  
**Date:** September 5, 2015 at 5:29:46 PM PDT  
**To:** <[ima\\_planningcommission@westlinnoregon.gov](mailto:ima_planningcommission@westlinnoregon.gov)>  
**Subject:** West Linn Planning Commission letter

Dear Planning Commission:

I have attached written testimony regarding the proposed Con Am development at the corner of Blankenship and Tannler roads, in which I request that you deny the application for building and lot line adjustment.

Thank you for your consideration.  
Mary Ritzmann

Dear West Linn Planning Commission:

Please deny the proposed Con Am mixed-use application and lot line adjustment (DR-15-11, LLA-15-01, which is before you.

I purchased a condominium last year on Summerlinn Drive. I have attended two neighborhood meetings and two city public hearings, and I would like to give you some reasons why the proposed Con Am development does not resolve issues about how it will benefit and improve its own neighborhood.

### 1. Does the developer show good faith intent to provide business opportunity?

**CDC 21.010 PURPOSE.** The purpose of this zone is to provide for groups of business and offices in centers, to accommodate the location of intermediate uses between residential districts and areas of more intense development, to provide **opportunities for employment** and for **business and professional services in close proximity to residential neighborhoods** and major transportation facilities, to **expand the City's economic potential**, to provide a range of compatible and supportive uses, and to locate office employment where it can support other commercial uses. The trade area will vary and may extend outside the community. This zone is intended to implement the policies and criteria set forth in the Comprehensive Plan. (highlights are mine)

- I used Google to find business uses of 300-square-foot areas. One site said a “one-two chair hair salon—or massage salon—may be able to start with 300-500 square feet.”
- Another site said small business needs parking, daily foot traffic and car traffic and **the possibility of expansion**. Are these needs met by the proposed development?
- Several times, the developer suggested child care as a small business that could utilize 300 square feet. But is that actually viable? CDC 21 lists “family day care” as a permitted use, while “children’s day care center” needs additional approval under the requirements of CDC 60, “Conditional Uses.”

**CDC 21.030 PERMITTED USES.** The following uses are permitted outright in this zone: 5. Family day care.

**CDC 21.060 CONDITIONAL USES.** The following uses are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Use: 1. Children’s day care center.

What is the difference between “family day care” and “children’s day care center”? If a new business tenant wishes to run a Children’s day care center, would the proposed development have met the following requirements?

**CDC 60.080 SITE PLAN AND MAP.** 6. The existing and proposed dimensions of:

- a. The entrances and exits to the site;
- b.. The parking and circulation areas;
- c. Loading and service areas for waste disposal, loading and delivery;
- d. Pedestrian and bicycle circulation area;
- e. On-site outdoor recreation spaces and common areas; and
- f. Above-ground utilities.

## 2. Does the developer show good faith intent to meet high-rent residential expectations?

### CDC 55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

I trust you to determine whether the developer meets these requirements. I rented an apartment for over 20 years in Seattle, WA, and Lake Oswego, OR, and here are some of the factors I look for in an apartment dwelling:

1. Sufficient parking. CDC 46.090. A. 1. c. requires “1.5 off-street spaces for each dwelling unit.” I worked long hours before I retired and didn’t always find a parking space when I came home at night.
2. Car access. The steepness of the driveways would be a worry for driving in the winter. Apartment managers are not required to clear the internal driveways and roads of ice and snow.
3. Parking and garage access. What is the angle of approach for the parking spaces and the garages? Are the spaces and garages wide enough that you can open a car door and put in groceries or a child’s car seat?
4. Truck, emergency vehicle and school bus access. CDC 46.080 Is there room for a moving truck? Are there several loading/unloading spaces throughout the complex? Apartment complexes have a lot of tenant turnover and deliveries of furniture and Amazon purchases.
5. Lighting for parking areas. Lighting gives the highest safety protection at night.
6. Garbage and recycling areas. Are there sufficient garbage and recycling bins, and do tenants have easy access to them? Is there room for the pick-up trucks? At my prior apartment, the garbage was always over-flowing, and the recycle truck had to back out through the parking lot and driveway.
7. Public transportation. I rode public buses in both Seattle and Lake Oswego and appreciate that TriMet has a bus stop on Blankenship. But I think most tenants will use cars to commute or to reach the Oregon City Transit Center, because the 154 bus schedule is not adequate, looping only every hour & 10 minutes. To work in downtown Portland by connecting with the 35 Macadam/Greeley bus:
  - a. You must catch the 6:33 am bus 154 to get downtown before 8 a.m. (Next bus is not until 7:10 a.m.)
  - b. If you leave work at 5 p.m., you would not be home before 7 p.m.
  - c. You can’t work later than 5:30 p.m. in downtown Portland, because the last bus 154 leaves the Oregon City transit center at 6:46 p.m.
8. Personal storage. Are there storage units on each balcony or in each garage or somewhere in each building?

## 3. Does the developer show good faith intent to resolve traffic issues?

**CDC 48.010. PURPOSE.** The purpose of this chapter is to ensure that **efficient, safe, and well-directed** vehicular, bicycle, and pedestrian access, **circulation, and egress** are designed into development proposals. (highlights are mine.)

The first issue is Tannler Street.

- The development is located on the south side of a steep hill that has access to I-205 **via only two roads coming off the hill:** Tannler and Salamo. There is no easy way to reach Hwy 43, the I-205 access 2.5 miles to the east. There is no easy way to reach Stafford Road, the I-205 access 3 miles to the west. Yet the developer proposes that one of the hillside roads **be closed for access to I-205 not only for current residents, but for all prospective residential and business tenants.**
- Does the developer expect that delivery trucks, garbage trucks, USPS and FedEx trucks, moving trucks, etc. all be directed onto neighborhood roads in order to reach I-205?

The second issue is the proposed stop-light on Blankenship.

- Why build a stop light at the proposed south exit that will require a queue in the Haggen parking lot backing to their store entrance?
- The north/south lanes for the stop light will require an additional lane and signal for their left turn lane. Otherwise, everyone wanting to turn left from the development will have to wait until all cars from Haggen have gone through the light.
- Another problem with the exit on Blankenship from the development is that the south-bound tenants will need to cross over the lane of north-bound traffic visiting the businesses to the west.

**CDC 48.010. PURPOSE .** Proper implementation of access management techniques **should guarantee reduced congestion, reduced accident rates, less need for roadway widening,**. . . (highlights are mine)

- The two roads coming off the hill for access to I-205 are single lanes. Widening Salamo would create congestion, because the lanes would have to merge at the bottom of the hill. **Yet the developer wants to do just that: widen Salamo to allow two left turn lanes, so that three lanes can merge into two on the approach to I-205 and even cause lane-crossing to reach I-205 south.**

The developer needs to present more creative solutions to the traffic issues.

- Why not utilize Summerlinn Drive to the west by extending the private road on the business property to the west, so that it serves the new development?
- If everyone must turn right at Tannler, can the grassy triangle at Blankenship and Deboc Road be re-configured into a traffic circle so drivers can turn around and get back to I-205?

The applicant for the development of the ConAm property falls short of the intent and requirements for the proposed development.

Please deny the application for building and for the lot line adjustment.

Thank you.  
Mary Ritzmann

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Saturday, September 05, 2015 5:40 PM  
**To:** Shroyer, Shauna  
**Cc:** Thornton, Megan; Kerr, Chris  
**Subject:** FW: Fwd: Written Testimony about ConAm 180 Unit Apartment Complex

Add to record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Saturday, 05 Sep 2015, 5:27PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** Fwd: Written Testimony about ConAm 180 Unit Apartment Complex

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

Sent from my iPad

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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Begin forwarded message:

**From:** Rebecca Adams <[radams014@gmail.com](mailto:radams014@gmail.com)>  
**Date:** September 5, 2015 at 2:33:06 PM PDT  
**To:** <[ima\\_planningcommission@westlinnoregon.gov](mailto:ima_planningcommission@westlinnoregon.gov)>, <[citymanager@westlinnoregon.gov](mailto:citymanager@westlinnoregon.gov)>  
**Subject:** **Written Testimony about ConAm 180 Unit Apartment Complex**

Dear Planning Commissioners and the City Staffer who receive this email,

**This letter is to be added to written testimony regarding ConAm Apartment Complex Proposal at Tannler and Blankenship. But it is also to be forwarded immediately to Planning Commission member so they have time to consider its contents well before the meeting.** To the city staffer who is screening this email account, please notify me as soon as you have forwarded this email which is being sent in on 9/5/15. Delayed forwarding of messages to City Council and the Planning Commission has been a counterproductive undemocratic practice in the past that must stop.

Commissioners, please do not fall for the linguistic trickery of Con Am's legal staff. Their argument makes a mockery of our entire zoning system, and if accepted will set a destructive precedent for our whole zoning structure, not just our OBC land base. But look close, they have given you a perfect simple reason to send this back to the Neighborhood Associations.

What we call things matters. The "Office Business Center, OBC" zone name is not arbitrary, it is part of our code and defines the very idea of the zone. If the name of this zone is not abundantly and obviously clear, our code writers have provided you with an entire paragraph describing the purpose of the zone at 21.010.

If that purpose is not abundantly and obviously clear, the code writers have gone on to define the what's allowed and how this whole OBC area is to work. Residential use is a small subordinate use allowed in a very defined way so as to not subvert the purpose of the zone. These ComAm lawyers, are playing a little game with the language by inflating a tolerated conjunctional use from 21.050 into a de facto massive zone change. But you know and I know and the lawyers know this is not a residential zone and no amount of trickery will ever make it so.

Now, these folks have also drastically altered the transportation portion of the plan in a way so substantial and so destructive to the neighbors that you have a perfectly clear-cut reason to send this proposal straight back to the Neighborhood Associations under CDC 99.038. In fact, the new proposal now impacts no less than three Neighborhood Associations substantially: Willamette, Savanna Oaks, and now due to the funneling of Tannler's traffic onto Salamo, Barrington Heights.

To not send this proposal back to the Neighborhood Associations, will set another problematic precedent whereby the pieces of future development impacts that are obligate to go to the Neighborhood Associations will be likely to be strategically held back until the Planning Commission hearing phase by well lawyered developers. Do we really want to open up our land-use process to this kind of precedent? Your job is hard enough already. Why make it exponentially worse? How about right now we stick to our codes and processes as written and as intended. How about right now we ply the reasonable path? Because it is the right thing to do, and because we want a clear, functioning, intact zoning structure in the future.

Thank you for your service to the community and for careful consideration of this letter,

Rebecca Adams  
1941 Buck Street  
West Linn, Oregon  
97068

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Saturday, September 05, 2015 5:41 PM  
**To:** Shroyer, Shauna  
**Cc:** Thornton, Megan; Kerr, Chris  
**Subject:** FW: Fwd: Con-Am 180 unit apartment complex

Add to record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Saturday, 05 Sep 2015, 5:24PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** Fwd: Con-Am 180 unit apartment complex

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Russ

Sent from my iPad

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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Begin forwarded message:

**From:** Tamara Vanderpool <[tamvan@msn.com](mailto:tamvan@msn.com)>  
**Date:** September 5, 2015 at 10:45:14 AM PDT  
**To:** "[ima\\_planningcommission@westlinnoregon.gov](mailto:ima_planningcommission@westlinnoregon.gov)"  
<[ima\\_planningcommission@westlinnoregon.gov](mailto:ima_planningcommission@westlinnoregon.gov)>  
**Subject:** Con-Am 180 unit apartment complex

Dear West Linn Planning Commission,

We live at 2595 Remington Drive, West Linn, OR and we are writing to ask that you deny the application for the 180 unit apartment complex off Tannler Drive. In summary the proposal violates zoning codes and provides no viable plan for the substantial traffic impact on the surrounding residential neighborhoods. In fact we believe this would have an impact rippling throughout other adjacent areas of West Linn.

Having attended the neighborhood meeting where Con-Am outlined their proposal, we are offended by the applicants obvious camouflaged attempt to circumvent West Linn's zoning laws. The applicant's project is in no way an "Office Business Center" under CDC Chapter 21.

As sheet A1.0 at page 17 of 36 of the PDF of the applicant's' August 5, 2015 Plan Set Resubmittal illustrates, tiny useless "commercial spaces" which are only 1.4% of the structures are set amidst 146 parking spaces for residential units. In size, they resemble ice machine rooms one finds on every floor of most motels. The first floor is almost entirely devoted to enclosed parking spaces allotted to and part and parcel of the upstairs residential units thus and it is evident that the proposal violates the requirements of CDC 21.050.

CDC 21.050 (2) allows the following uses in this zone "Multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure". In point of fact the multi-family units (1) include and fully dominate the first floor of each apartment building and (2) are not to be constructed or used in conjunction with anything that could be termed "commercial development". As a result you must deny this application.

As a basic responsibility for your position and duty, you must listen to the chorus of voices of all the citizens of West Linn who in unison believe this project will be a detriment to the livability of our town. Our street, Remington Drive, is a fairly narrow windy street which, if the Con-Am project was approved, would be turned into a thoroughfare shortcut (in effect a new arterial) to Salamo if the left turn off Tannler is eliminated. Remington Drive was not designed as an arterial and it would be extremely dangerous for the existing neighborhood children playing and riding bikes on our street to have the traffic diverted. We have only two road choices to get off the hill to I-205 and Salamo is already at capacity with backups halfway up the hill in the morning and evening rush hours. On weekends it is just as busy at various times. The proposed left turn restriction from Tannler would make our morning commute more difficult and congested. Again, we ask you to listen and heed our concerns and deny this application.

Sincerely,

Tamara and Mark Vanderpool  
2595 Remington Drive  
West Linn, OR 97068

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Saturday, September 05, 2015 5:41 PM  
**To:** Shroyer, Shauna  
**Cc:** Thornton, Megan; Kerr, Chris  
**Subject:** FW: Fwd: West Linn Planning Commission letter  
**Attachments:** West Linn Planning Commission letter.pdf; ATT00001.htm

Add to record

Sent from my mobile device  
John J. Boyd AICP  
Planning Manager  
(503)656-4211

John Boyd, Planning Manager  
Planning, #1524



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

**From:** Axelrod, Russell [raxelrod@westlinnoregon.gov]  
**Received:** Saturday, 05 Sep 2015, 5:22PM  
**To:** Thornton, Megan [MThornton@westlinnoregon.gov]; Boyd, John [jboyd@westlinnoregon.gov]  
**Subject:** Fwd: West Linn Planning Commission letter

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Russ

Sent from my iPad

Russell Axelrod  
Mayor  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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Begin forwarded message:

**From:** Roberta Schwarz <[roberta.schwarz@comcast.net](mailto:roberta.schwarz@comcast.net)>  
**Date:** September 5, 2015 at 8:10:39 AM PDT  
**To:** <[ima\\_planningcommission@westlinnoregon.gov](mailto:ima_planningcommission@westlinnoregon.gov)>  
**Subject:** West Linn Planning Commission letter

Dear City Council,

Please read my attached written testimony on the Con Am proposed apartment application. It is a summary and provides multiple reasons why the application should be denied.

Thank you,  
Roberta

Dear West Linn Planning Commission,

Please deny the proposed Con Am 180 unit apartment application and lot line adjustment (DR-15-11, LLA-15-01), which is now before you. On Wednesday September 9<sup>th</sup>, 2015 you will be making a decision that will affect West Linn citizens throughout the city in a permanent way. It will be a precedent setting decision so you need to proceed with all of the facts at hand. The reasons for you to deny are many and varied and will be addressed below. The citizens who you have heard testify and who have given written testimony have done their homework. The citizens have even hired their own attorney and traffic engineer who you have also heard testify. The neighbors filled the rooms and even brought their own extra chairs to the two locations in which the hearings were held. The reasons to deny are as follows:

#1 This application is a second camouflaged attempt at the applicant's unsuccessful and withdrawn application for rezoning. It is by no means an "Office Business Center" under CDC Chapter 21.

#2 As sheet A1.0 at page 17 of 36 of the PDF of the applicants' August 5, 2015 Plan Set Resubmittal illustrates, tiny useless "commercial spaces" which are only 1.4% of the structures are set amidst 146 parking spaces for residential units. In size, they resemble ice machine rooms one finds on every floor of most motels. The first floor is almost entirely devoted to enclosed parking spaces allotted to and part and parcel of the upstairs residential units thus and it is evident that the proposal violates the requirements of CDC 21.050.

#3 CDC 21.050 (2) allows the following uses in this zone "Multiple-family units, as a mixed use in conjunction with commercial development, only above the first floor of the structure". In point of fact the multi-family units (1) include and fully dominate the first floor of each apartment building and (2) are not to be constructed or used in conjunction with anything that could be termed "commercial development". As a result you must deny this application.

#4 CDC 21.010 This application defeats the purpose of this OBC Zoning District. "The purpose of this zone is to provide for groups of businesses and offices in centers, to accommodate the location of intermediate uses between residential district and areas of more intense development, to provide opportunities for employment and for business and professional services in close proximity to residential neighborhoods and major transportation facilities and to expand the City's economic potential..." In fact at both the Willamette NA and the Savanna Oaks NA meetings the Con Am representatives stated that these commercial spaces do not ever have to be leased for a single day in order for them to be able to build the apartments. Also, this development is not located near a major transportation facility.

#5 The applicant has made the argument that the application must be approved under the "needed housing" language of ORS 197.307. But the city's standards are clear and objective and compel denial of this application.

#6 CDC 55.100 B (6) (I) requires that at least a four foot wide pedestrian accessway be maintained pursuant to CDC 53. This is not the case under Proposed Finding 27 which stated

that the above standard is subjective. This requirement is absolutely objective and the applicant must prove compliance with it.

#7 CDC 55.100 B (7)(b) plainly requires multi-family projects “to keep the parking at the side or rear of the building or behind the building line of the structure as it would appear from the right-of-way inside the multi-family project” not indoors in garages. This is a clear and objective requirement and is in direct opposition to Proposed Finding 29 which states the opposite.

#8 CDC 55.100 (J) required that tenants be provided with measures for “crime prevention and safety/defensible space”. Eight specific requirements are spelled out clearly and objectively. Proposed Finding 57 states the opposite. The applicant must comply with it and show proof of compliance.

#9 Perhaps the most significant aspect of this application – and the one which would cause the greatest adverse impact on the surrounding community – is the proposed alteration of traffic patterns by the installation of a median (pork chop) and elimination of the left hand turn from Tannler onto Blankenship. The result would be to divert traffic flows onto nearby residential streets creating congestion and major safety issues. This change in existing traffic patterns was not disclosed at the neighborhood meetings conducted by the applicant and the community had no opportunity to present input on this issue. This in turn defeats the purpose of the neighborhood contact as set out in CDC 99.038 (A). As the applicant did not discuss the above change with the neighborhood, the applicant did not have the benefit of hearing the concerns which have arisen at the public hearing stage and has failed to “take reasonable concerns and recommendations of the neighborhood into consideration when preparing” its application. This has in turn prejudiced the substantial rights of the affected neighbors to timely participation in the application process. This application must be denied as incomplete.

This summary provides the Planning Commission with the many reasons, based on code, that the applicant has not met its burden of proof. This application and lot line adjustment must be denied.

Thank you.  
Roberta Schwarz

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Thursday, September 03, 2015 10:32 AM  
**To:** Shroyer, Shauna  
**Subject:** FW: MNA Resolutions made Aug. 25  
**Attachments:** MNA\_minutes\_2015\_August\_25.docx; MNA\_Resolution\_Arch\_Bridge\_2015\_08\_25.pdf; MNA\_Resolution\_Goal\_9\_Project\_PLN-15-01.pdf; MNA\_Resolution\_Tannler\_DR\_Project\_DR-15-11.pdf

John Boyd, Planning Manager  
Planning, #1524



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**From:** Axelrod, Russell  
**Sent:** Thursday, September 03, 2015 10:15 AM  
**To:** Thornton, Megan; Boyd, John  
**Subject:** FW: MNA Resolutions made Aug. 25

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

Russell Axelrod  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Hall, Lori  
**Sent:** Thursday, September 03, 2015 9:59 AM  
**To:** City Council  
**Subject:** FW: MNA Resolutions made Aug. 25

**From:** [teric518@comcast.net](mailto:teric518@comcast.net) [mailto:[teric518@comcast.net](mailto:teric518@comcast.net)]  
**Sent:** Wednesday, September 02, 2015 10:55 PM  
**To:** Hall, Lori <[LHALL@westlinnoregon.gov](mailto:LHALL@westlinnoregon.gov)>  
**Subject:** Fwd: MNA Resolutions made Aug. 25

Dear Lori,  
Here are the August 25, 2015 minutes for MNA plus three resolutions passed at that meeting.  
Thank you,  
Teri Cummings  
MNA Secretary

---

**From:** "Karie Oakes" <[kariookee@aol.com](mailto:kariookee@aol.com)>  
**To:** [teric518@comcast.net](mailto:teric518@comcast.net)  
**Cc:** [kariookee@aol.com](mailto:kariookee@aol.com)  
**Sent:** Tuesday, September 1, 2015 10:54:05 AM  
**Subject:** MNA Resolutions made Aug. 25

Teri,

See attached three resolutions to include with the minutes.

Thanks,

Karie



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## RESOLUTION

### A RESOLUTION OF THE MARYLHURST NEIGHBORHOOD ASSOCIATION REGARDING WEST LINN PLANNING PROJECT DR-15-11 FOR 2444, 2422 & 2410 TANNER DR CLASS II DESIGN REVIEW AND LOT LINE ADJUSTMENT

To the West Linn City Council and West Linn Planning Commission:

The Marylhurst Neighborhood Association respectfully represents as follows:

**WHEREAS** development of mid to high density apartment units near the intersection of Tanner Drive and Blankenship Road is likely to have significant impacts on the surrounding community; and,

**WHEREAS** this mostly four story apartment development is out of character with not only the surrounding neighborhoods but with all of West Linn; and

**WHEREAS** potential stresses on local infrastructure and public services are issues of concern for Marylhurst residents and businesses; and,

**WHEREAS** the Marylhurst Neighborhood Association would like to emphasize that there are only two I-205 on-ramps and off-ramps in West Linn proper and that it has been publically stated that ODOT will not allow mitigation with either a light or a roundabout at the above intersection because of its proximity to an on-ramp and off-ramp; and,

**WHEREAS** the Tanner property represents one of the last remaining undeveloped OBC zones in the City, which demands that any application to the property be treated with deep consideration; and,

**WHEREAS** 80 new homes have either been approved or are in the planning process for Weatherhill Road and Bland Circle and will use the same streets and intersection listed above; and

**WHEREAS** CDC 55.030(c)(1) requires the Planning Commission to consider criteria set forth in CDC 99.110 in addition to the conditions in CDC 55 when considering Class II Design Reviews; and CDC 99.110 provides for consideration of “applicable standards of any provision” of the Community Development Code; and,

**WHEREAS** Community Development Code 21.010 describes the purpose of the Office Business Center zone currently existing on the Tanner property as to contribute to the commercial spaces in West Linn; and,

**WHEREAS** it is the sense of the Marylhurst Neighborhood Association that the plan for the Tanner development presented to the Association drastically emphasizes residential development to the detriment of commercial uses and to the intent of the OBC zone as described in the CDC; and,

**WHEREAS** it is the sense of the Marylhurst Neighborhood Association that imposing a transparently residential development into an OBC zone contrary to the stated intent of the zone sets a dangerous and careless precedent with regard to future applications; and,

**WHEREAS** it is the sense of the Marylhurst Neighborhood Association that a prudent decision by either the Planning Commission or the City Council will consider the long-term best interest of the entire City rather than the short-term most marketable use of a single property;

**NOW, THEREFORE, MARYLHURST NEIGHBORHOOD ASSOCIATION RESOLVES:**

**SECTION 1.** That it is the position of the Marylhurst Neighborhood Association that the proposed development engenders a number of unanswered questions regarding traffic, safety, and water management; and,

**SECTION 2.** That the Marylhurst Neighborhood Association finds that the proposal is not compatible with the Marylhurst Neighborhood Association's Neighborhood Plan and,

**SECTION 3.** That the Marylhurst Neighborhood Association finds that the proposed design is not compatible with the stated purpose of the Office Business Center zone described in CDC 21.010, and urges the Planning Commission and the City Council to deny the Class II Design Review application and lot line adjustment; and,

**SECTION 4.** A copy of this resolution shall be delivered to the West Linn City Council, the West Linn Planning Commission, and be recorded in the minutes of the Marylhurst Neighborhood Association.

**PASSED AND APPROVED THIS 25<sup>th</sup> DAY OF AUGUST, 2015 BY THE MAJORITY OF MEMBERS PRESENT CONSTITUTING A QUORUM AND VOTING ON THIS RESOLUTION AT THE MEETING. VOTE: 6 IN FAVOR, 0 OPPOSED, 0 ABSTAINED.**



Karie Oakes

President

Marylhurst Neighborhood Association



## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Thursday, September 03, 2015 8:43 AM  
**To:** Shroyer, Shauna  
**Subject:** FW: Additional letter to the Planning Commission

John Boyd, Planning Manager  
Planning, #1524



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**From:** Roberta Schwarz [mailto:roberta.schwarz@comcast.net]  
**Sent:** Thursday, September 03, 2015 6:48 AM  
**To:** Boyd, John  
**Cc:** Schwarz, Ed; KleinmanJL@aol.com  
**Subject:** Additional letter to the Planning Commission

Hello Planning Commissioners,

Additional reasons why the Robinwood Resolution was valid:

If you look at the RNA minutes, it clearly shows that SONA resolutions (which presumably included the Con Am resolution) were added to New Business and some of the SONA resolutions were to be considered at the next RNA meeting, however, the "time is of the essence" vote was taken and approved for a vote on the Con Am resolution at the meeting on 08/11/15.

Additionally, the "draft agenda" states that I will "Present" 192 Apartments at Tanner (sic) and Blackenship (sic). Although they got the street names wrong, the agenda clearly shows that I intended to present something to the RNA membership regarding the Con Am application, so there was adequate notice that something would be presented to the membership on that application. No member of RNA raised an issue of lack notice.

Therefore there are 7 Neighborhood Associations that passed resolutions in opposition to the Con Am 180 apartment unit proposed application. That is compelling information.

Thank you,  
Roberta

## Shroyer, Shauna

---

**From:** Boyd, John  
**Sent:** Thursday, September 03, 2015 8:43 AM  
**To:** Shroyer, Shauna  
**Subject:** FW: Class II Design Review Tannler & Blankenship 180 unit apartment complex  
**Attachments:** Comments forTannlerBlankenship 180 unit apartment complex.doc

John Boyd, Planning Manager  
Planning, #1524



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**From:** Axelrod, Russell  
**Sent:** Wednesday, September 02, 2015 11:15 PM  
**To:** Thornton, Megan; Boyd, John  
**Subject:** FW: Class II Design Review Tannler & Blankenship 180 unit apartment complex

I am forwarding potential ex-parte correspondence as recommended by the city.  
Russ

**Russell Axelrod**  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 657-0331



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**From:** Patrick McGuire [patnorthwest@outlook.com]  
**Sent:** Wednesday, September 02, 2015 11:06 PM  
**To:** CWL Planning Commission  
**Subject:** re: Class II Design Review Tannler & Blankenship 180 unit apartment complex

Please submit these attached comments into the record for the Class II Design Review Tannler & Blankenship

Sincerely,

Patrick McGuire  
1841 Barnes Circle  
West Linn, OR 97068

September 2, 2015

Planning Department  
City of West Linn  
22500 Salamo Road #1000  
West Linn, OR 97068

Dear Planning Department:

I am a long time resident of this city and am writing to express my concern and opposition to the proposed 180 apartments. As your mission reads: *The Planning Department's mission is to ensure a safe, functional, and aesthetically-pleasing built environment while preserving and enhancing community character, historic elements, and environmentally sensitive areas.* A three and four story apartment complex of seven buildings that will be visible from the surrounding neighborhoods is not aesthetically pleasing nor will it enhance community character.

As the Planning Commission one of your primary concerns as stated in your Long Range Planning statement is *ensure quality service to the public in response to the continuing growth and concerns of the community in planning issues.* As you have heard from the voice of the people and myself, we are not in favor of this development for the many reasons that were brought forth in the testimonies given in the meetings of both oral and written.

Sincerely,

Patrick McGuire  
1841 Barnes Circle  
West Linn, OR 97068