

**Exhibits submitted at Planning Commission hearing
on April 20, 2016 for SUB-15-03**

(Photographs are copies of oversized exhibits
on file at Planning Department)

Exhibit
@ hanna

Subj: **34 lot subdivision on Upper Midhill Drive**
Date: 4/19/2016 9:01:40 P.M. Pacific Daylight Time
From: linda.hanna@comcast.net
To: stowell5050@aol.com

We have been residents of West Linn on lower Arbor Drive since 1984. During the past 30 years there has been increasing traffic congestion on Highway 43 at our intersection. Adding 34 more homes in an already congested area seems like a large problem. We agree that a left turn lane going southbound is needed, but, we also feel that the increase in people turning left going northbound will be a problem.

In Lake Oswego the street was widened by Marylhurst College and there is always a bottleneck when the traffic goes from four lanes to two. When a car stops to make a left turn onto lower Arbor coming from Lake Oswego, there will be even more slow moving traffic during the evening commute. We understand that street improvements are expensive but necessary to prevent more danger to bikers and drivers. Many cars try to pass in the bike lane due to the frustrations of getting through this bottleneck and to their West Linn homes.

Please consider requiring four lanes through the north and southbound lanes of Highway 43. Thank you.

Linda and Taylor Hanna
2631 Arbor Drive
West Linn, Or

Sent from Linda=

The following script is to be used to present two exhibits to the West Linn Planning Commission Hearing on the 20th of April 2016

By: Peter Lang, 7312 College View Dr. West Linn 97068

Tonight I am presenting the commissioners with two exhibits.

Exhibit One is a binder containing the West Linn Planning Department's staff report, portions of the Community Development Code (CDC), and some supporting documentation on the proposed 18000 Upper Midhill project. It is fact rich, and for the most part well done while in a few places stretches a reasonable person's credulity.

Exhibit two is a poster bearing the image First Student school bus on Upper Midhill illustrating the hazards citizens are exposed to twelve or fourteen times a day during which school busses negotiate this stretch of road.

The point: **The FACTS as contained in exhibit One fail to tell the whole story!**

How safe would you feel walking on one side or the other of this street, as the bus is passing through? Would you feel comfortable turning your back on the bus?

How comfortable would you feel sending your children or grandchildren off to meet the bus knowing they will have to negotiate this street when the bus is likely to be passing through?

Regardless of what the **FACTS** are, the residents of this neighborhood submit that it would be irresponsible, even negligent, for the City of West Linn to approve this project before the issue illustrated here and the even more serious safety issue at the intersection of Highway 43 and Arbor Drive have been corrected.

Ladies and gentlemen this isn't about the facts... it is about how safe and comfortable the citizens of West Linn feel in their own neighborhood. Let's do this right. Let's fix it before you build it.

Exhibit
C
Chang

Planning Commission Members

A little history of the land under discussion. I served on the council in the mid 80's when we were doing the zoning. We were required by LCDC to place various zoning through out the city. At the time it seemed logical.

When Collage Hills was plotted it called for three street connection to the future development in Lake Oswego. When those plans were developed and went before LO council LO Planning Commission at that time called for at least one should be connected. Those living in Collage Hill's at that time opposed all connections. LO council over road the recommendation of their planners.

At that time I testified in support of their planners because I could see the problems with traffic this would cause.

I have lived on Maria Ct. and Arbor Dr. for 42 Years. I could not even guess how many accident have happened at 43 and Arbor Dr. It was just last week there was another rear end collision on 42. Many years ago while my wife was turning from 43 east on to Arbor Dr. when another driver was three cars back and pulled into the bike lane and crashed in to our car as she was turning. People continue to pass in the bike lane. I can't tell you how many time, when walking, I have been in danger.

For many years there has been recommend to do something about this intersection and to date nothing. I was shown to need changes in the new TSP, but it was left the list do do something about it. How much longer must we wait. To the north of us at Marlhurst they got their first light when a Nun was killed crossing. It was two lane at that time.

I fully support ODATS requirement to improve 43 south of Arbor Dr. However we need to complete the project and carry the change to LO It is about 750 ft to the wider section in Lo. We need the refuge lane from theirs to Arbor Dr. This will make it safer for all.

You are aware a new law requires driver to stop for pedestrians. LOL LOL. My health does not

allows me to run across 43. Many times I put up my hand to get some one to stop. There are times even at the fully signed cross walk at Glenmorie in LO on 43. I have talked to the traffic commit y about a marked cross walk at Arbor and 43 to no avail. I Have talked to ODOT, But hey figure they must spend lots of money because they want flashing light and more. So I continue to put up with the danger to myself to walk.

Robert Stowell 2606 Maria Ct West Linn 636-3915

*Exhibit
C map*

To: Peter Spir, Associate Planner, City of West Linn Planning Commission
Re: Public Hearing File No. sub-15-03 and WAP-16-03

April 20, 2016

My name is Bob Jordan. My wife, Terry, and I own our home at 2461 Marylhaven Place, Lake Oswego. Our home is adjacent to the proposed Upper Midhill development separated only by a 30-foot swath of land called Tract D, owned by the Marylhurst Homeowner's Association (MHOA).

Although we will miss the natural land and all it has to offer, we understand why it should be subject to development, in the same way our own parcel of land was developed. However, the land is uphill of our property, and there are water runoff issues (possible litigation) pending against the MHOA, City of Lake Oswego, and the residents along Woodhurst. The current water runoff plan does not account for the natural flow of water onto the subdivision from uphill property, but maintains and relies on the diversion of that water onto Tract D, and eventually our property. No plan is made for handling the natural water runoff from uphill sources, and by doing so this plan locks in and facilitates the rerouting and accumulation of water directly onto our property.

If this property is developed without those issues being resolved, then it is likely that the City of West Linn and the current property owner will also become part of the litigation. While the file reflects that water runoff information was shared with the city of Lake Oswego, it does not reflect a discussion or consideration of the water runoff issues between the two cities. In fact, the file reflects no consideration of the water runoff from Woodhurst from uphill sources at all, but relies on continuing the unlawful practice of diverting its natural flow around the proposed development onto our property.

See Preliminary Stormwater Report, beginning on page 158 of the applicant's submission. We have not consented to such diversion, and to our knowledge the HOA has never consented to such diversion. As a result of the omission, the proposed development does not consider all rain water, is not designed for stormwater runoff, and the sizing of the water quality/quantity facilities is inadequate. See page 178/313 to see the false analysis of water flow, as the water flow above the property is actually directed to Tract D and onto our property. This is easier visualized on the map on the Lake Oswego site.

Our interest in commenting about the proposed development is three-fold:

- 1) First, this proposed Upper Midhill Development is on land that is already the site of unresolved water issues. Water runoff is currently being diverted to and through our yard by several sources, including: the City of Lake Oswego, the Marylhurst HOA, and the Homeowner's Association, and private property owners, which belongs to the residents of Woodhurst. This water diversion is causing water damage to our property and has led to a claim against the City of Lake Oswego and the MHOA, which may end up in litigation. We are concerned that the construction of 34 residences, without resolving the water problems, but in fact exacerbating the issues, will further aggravate the current water flow issues to our detriment. Such action will certainly further facilitate and lock in the re-routed water onto our property, rather than handling it through the new development.

Until such time as the water issues are resolved, and the Midhill property takes responsibility for all uphill water onto its property, the Midhill property should not be allowed to proceed to development. The property is not suitable for development of any kind based on the water runoff studies, and avoidance of any responsibility for uphill water runoff, which are reflected in the submission. West Linn, as well as the property owner, have a legal obligation to account for the uphill water runoff, and simply relying on an illegal

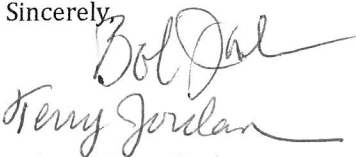
existing diversion is not acceptable. All of the water being diverted must be accounted for through the development, which includes the water being diverted into the holding pond and redirected onto our property.

The staff report, page 18-19 fails to recognize the water runoff issues, and in fact supports the water that would otherwise be on the property by diversion to Tract D. The applicant's submittal of the study by 3J Consulting also accepts and incorporates the uphill diversion, without explanation. See the discussion on drainage and slope impacts, beginning on page 13, with emphasis on pages 22, grading, 24, stormwater, 25 wetland and natural drainage, all of which address Chapters 32 and 33 of CDC. Significant off-site improvements may be required to address these issues, and certainly cooperation between the cities to address the current situation will be required. The supplemental submission also addresses storm water and storm water facilities, but does not address the issue of facilitating and locking in the diversion of water that would naturally flow onto the site onto Tract D and our property. Again, the provisions refer to CDC Chapter 32. Generally, the failures to address the storm water runoff issues appear to be in CDC Chapters 14, 85 and 32.

- 2) The existing healthy trees provide a naturally aesthetic barrier between our home and the current undeveloped land. We expect that the proposed development will not remove any trees in a manner that will adversely affect our privacy. Given the water runoff issues, we question whether or not there are 62 non-significant trees. Staff report, page 20 et seq, does not discuss the impact of tree removal on water runoff, or fully address the application to our property.
- 3) A technical note, we could not find in the file any notice to our HOA, perhaps because we are in a different city. Failure to formally notice the HOA is a material defect in notice, as it does not effect notice that is critical to this process, especially in light of the diversion of water onto the HOA property, Tract D, and facilitating and locking in that unlawful diversion when it should be a primary issue in this development. In fact, given the complete failure to address the water runoff issues, such notice deprives the HOA of its opportunity to respond, and will in effect include the city and the property in further litigation.

Thank you for your kind consideration.

Sincerely,

Handwritten signatures of Bob and Terry Jordan in cursive script.

Bob and Terry Jordan
2461 Marylhaven Place
Lake Oswego, OR 97034

cc: Attorney Bob Blackmore, Innova Legal Advisors



View of Hwy 43 from Arbor Drive,
Five Accidents/Traffic Complaints in
past 3 weeks alone!

5/23/2011
K. W. W. W. W. W.
Marylhurst



Upper Midhill Drive,
Alternative Route to Stop Light at
Marylhurst/Hwy 43?



A yellow school bus is seen driving on a paved road through a dense forest. The bus is in the center of the frame, moving away from the viewer. The road is flanked by tall trees and lush greenery. Sunlight filters through the canopy, creating dappled shadows on the pavement. A small white label is visible in the upper right corner of the photo area.