

PC-5 PUBLIC COMMENTS ADDENDUM

This addendum contains public and ODOT comments received between 1 p.m. April 6, 2016 and 9 a.m. April 18, 2016. Any subsequent comments will be distributed to the Planning Commission as another addendum at the April 20, 2016 public hearing.



Oregon

Kate Brown, Governor

Department of Transportation

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

DATE: April 6, 2016

ODOT #6712

ODOT Response

Project Name: Upper Midhill Drive Subdivision-Chene Blanc	Applicant: Ryan Zygar
Jurisdiction: City of West Linn	Jurisdiction Case #: SUB-15-03 and WAP-16-03
Site Address: 18000 Upper Midhill Drive, West Linn, OR	Legal Description: 02S 01E 13CA Tax Lot(s): 00200
State Highway: OR 43	Mileposts: 7.78 to 8.0

The site of this proposed land use action is in the vicinity of HIGHWAY 3/ ROUTE 43/WILLAMETTE DRIVE. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

- Curb, sidewalk, bikeways and road widening shall be constructed as necessary to be consistent with the local Transportation System Plan and ODOT/ADA standards.
- Right of way deeded to ODOT as necessary to accommodate the planned cross section identified in the local Transportation System Plan shall be provided. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT should provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department.

Note: It takes up to **3 months** to transfer ownership of property to ODOT.

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

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

- Illumination within the ODOT right of way must be in accordance with AASHTO illumination standards and the ODOT Lighting Policy and Guidelines, which states that local jurisdictions must enter into an intergovernmental agreement (IGA) with ODOT

wherein the local jurisdiction is responsible for installation, maintenance, operation, and energy costs.

- An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

Proposed Access to State Highway:

- Site access to the state highway is regulated by OAR 734.51. Until ODOT has completed the approach permit review, we cannot make a determination on the number, location or design of the proposed approach(es) to the highway.

Signs:

- Off-premise signs require a permit through the ODOT Outdoor Advertising Sign program (ORS 377.725). To determine whether or not a sign will be on or off premise contact Jill Hendrickson (ODOT Right-of-Way 503.986.3635).
- Private signs are not permitted in the state highway right of way (ORS 377.700-377.840).

Noise Advisory:

- The applicant is advised that a residential development on the proposed site may be exposed to traffic noise levels that exceed federal noise guidelines. Builders should take appropriate measures to mitigate this impact. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place.

Comments:

ODOT reviewed the traffic impact study (TIA) dated January 29, 2016 submitted by Kittelson & Associates, Inc. (KIA). As indicated in the TIA, all the study intersections operate acceptably during the weekday AM and PM peak hours with the exception of the Willamette Drive (OR 43) and Arbor Drive intersection. The same intersection experiences the highest number of crashes during the five year study related to left-turn movements from Arbor Drive.

To mitigate the impact of the development, the TIA findings propose the construction of a north bound left-turn lane at the OR 43 and Arbor Drive intersection. The conceptual mitigation project is illustrated in Figure 9 of the report. The report findings indicate that the volume to capacity ratio (v/c) and delays significantly improve once the project is in place.

The mitigated northbound left-turn lane operates with a v/c ratio below 0.99 during the AM peak hour and above 0.99 during the PM peak hour while level-of-service (LOS) is F; the mitigated northbound left-turn lane that includes a two-stage left turn from Arbor Drive operates with v/c ratio below 0.99 during both the AM and PM peak hours and LOS of D or better during the AM and PM peak hours.

ODOT supports the proposed mitigation concept to address the ODOT mobility standard. Once the project is detailed, ODOT, as a condition of approval, requires that elements of the project adhere to ODOT's Highway Design Manual. The mitigated concept as proposed does not meet ODOT's Highway Design Manual; the three lane section will have to extend from the proposed northbound Arbor Drive to the existing southbound left-turn lane at Shady Hollow Way, creating a continuous two-way left turn-lane that includes bike and sidewalk along this section of the highway.

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

ODOT Region 1 Planning
 Development Review
 123 NW Flanders St
 Portland, OR 97209
Region1_DEVREV_Applications@odot.state.or.us

Development Review Planner: Elise Scolnick	503.731.8234, P.Elise.SCOLNICK@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221 abraham.TAYAR@odot.state.or.us
District Contact: Loretta Kieffer	971. 673-6228 Loretta.L.KIEFFER@odot.state.or.us

Spir, Peter

From: Janet Brumbaugh <janetbrumbaugh@comcast.net>
Sent: Wednesday, April 06, 2016 4:40 PM
To: Spir, Peter
Subject: Planning commission

To the Planning Commission,

I want to register my concern for the development that is planned for Robinwood at the end of Upper Midhill Drive, on two counts traffic and lot size.

I think the traffic implications haven't been looked at carefully enough and the hardship it will create within our neighborhood. I recommend that there be another independent traffic analysis before any building occurs (perhaps a firm that is approved by the neighborhood as well as the developers) and one that would address mine and our neighbor's concerns for the potential traffic's impact on our community.

I was also dismayed to hear that some of the lots will be smaller than the surrounding neighborhood. That smaller size would compromise the design and intent of the current lot sizes surrounding the proposed development site.

Based on both traffic concerns and lot sizes, I think it would be prudent to reevaluate, reconsider and redesign (lot sizes) before any building in that area is approved.

Thank you,

Janet Brumbaugh

2220 College Hill Place
West Linn, OR
503-697-7992

Spir, Peter

From: Scarlett <scarlettisred@gmail.com>
Sent: Wednesday, April 06, 2016 12:59 PM
To: Spir, Peter
Subject: Planning Commission

Hello Peter,

Thank you kindly for taking the time to present our neighborhood's concerns to the planning commission. I have never written a letter like this before, so I will try to be concise.

My husband, our two small children, and myself, reside at 18040 Upper Midhill Dr, directly adjacent to the 6 acres of land in question. Our home, as well as the rest of the neighborhood, is zoned R10. The idea that the land-locked property next to our home is zoned R4, and therefore would allow double the amount of homes as the rest of the neighborhood, is a major concern for us. Our neighborhood, with its lack of stop light access to 43, narrow roads off of 43, lack of sidewalks off of 43, lack of sidewalks by Midhill Park, multiple school bus stops, and large amounts of pedestrian foot traffic -a great deal of which are children and elderly neighbors, cannot safely and efficiently support the addition of 34 homes.

My family and I love living in West Linn, and we adore our quiet, safe, neighborhood. We can walk our dogs, allow our children to ride their bikes, and push our baby strollers to the park without concern of heavy traffic or dangerous conditions. We implore the planning commission to kindly consider the effects that the improper zoning of this land, and such a large development will have on our quality of life, and the safety of our children and families.

Thank you so much for your time.

Scarlett Harris
18040 Upper Midhill Dr
West Linn, OR 97068
310-956-0277

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Spir, Peter

From: Maureen Krinsky <maureen.krinsky@comcast.net>
Sent: Wednesday, April 06, 2016 5:37 PM
To: Spir, Peter
Subject: Development Proposal

Dear Mr. Spir,

I am a resident of the Marylhurst HOA and currently reside at 17555 Brookhurst Drive.

I am writing this email to express my opposition to the new development planned in West Linn adjacent to our homes in Marylhurst. We already have inadequate roads to accommodate the traffic on Hwy 43 and this development will only add to that congestion. I am also concerned that the proposed development is of much greater density and not in keeping with the surrounding homes in the area.

The removal of the trees for this project shall surely have an impact and with so many being removed, the shade they provide will also be gone further disrupting the environment in the area.

Respectfully,

Maureen Krinsky

April 6, 2016

To Whom It May Concern,

My wife and I moved our family to the Robinwood neighborhood last Fall, in late September. Having lived in North Portland for some time, we were enamored by the serene and friendly nature of West Linn—something that was lacking in spades in our former neighborhood.

Moving in, however, we knew that there was a possibility of a new development springing up at the north end of Upper Midhill Dr. We remain on the side of opposition of this development, for the following reasons:

1. It would increase traffic, immensely. We live on the corner of Upper Midhill Dr. and College Hill Place, an intersection where the current residents already drive like people without concern for children or commuters (such as myself) who walk to the bus stop daily. By allowing the development of the land due north of our residence, the City of West Linn is complicit in encouraging approximately 300 additional daily car trips through the intersection adjacent to our home.

If the manner in which the traffic that will flow through this intersection is to be modeled in any way after the current behavior of the people who live in the nearby homes, our intersection will become outright dangerous. I would have a hard time feeling that my young children are safe in an otherwise safe neighborhood with that amount of traffic.

2. Traffic Woes, Part II. There are currently no planned or proposed traffic changes (of which the citizens have been made aware) to the intersection of Arbor Drive and Highway 43. With the significant increase in daily commuters brought into our community by the planned development, making the commute North from Arbor Drive will be impacted such that it will drive traffic south along Upper Midhill Drive to Marylhurst Drive. This, at first, sounds innocuous. It is not. There is a park along this route, which means increased traffic of daily commuters who are likely disgruntled by their additional commute driving past a public park where families walk, and children play, *every day*.

Even if the increased traffic at the corner on which our house sits were negligible, I'd still be short on conscience were I to give a thumbs up to this development, if only at the expense of this additional concern. However, this is not the only remaining concern of the citizenry.

3. The character of our neighborhood is at stake. There is no section of our neighborhood—west, east, north, or south—that matches the planned development's nature. If permitted, this new development will mar the otherwise spacious and consistent nature of our neighborhood, making a section of North West Linn look just like every other pop-up development across the Portland Metro area.

My understanding from talking with citizens of West Linn, and neighborhood association leaders was that West Linn was not Portland, a fact which appeals to my family and neighbors greatly. It is a quiet community where we can raise our children in healthy

schools, with healthy streets. To build up with the density this new development ensures, we are setting a dangerous precedent that would allow the city of West Linn to transform in the same way as inner Portland has.

4. Unending construction. Perhaps hyperbolic, perhaps not. If the current owner of the land is under no contract to sell to developers, with no guarantee of price point, we are in trouble. Once construction begins, it can be halted, at any point, by a simple disagreement over price, home size, lot size, et cetera. This could conceivably perpetuate construction, or partial construction, for years.

Disruption to our neighborhood for that amount of time, for the addition of what, 34 homes? We would rather pack more people into our neighborhood with an ill-planned development for the sake of increased citizenry than consider the quality of life of the citizens who already live here, and pay taxes here?

5. In the end, West Linn will become Portland. If we accept this artifice of progress into our community, we will only succeed in giving up what it means to be West Linn. In our short time in this community, my family and I have seen something we never imagined—we have been met on the street by our neighbors, greeted, accepted, and involved in the goings-on of our neighbors and community.

In our first week of living here, we were healthily discussing local politics with citizens running for office, an experience that in six years in our former Portland neighborhood had not experienced once. West Linn is a good place. It is a special place. Will we allow it to bleed out into the surrounding area as another adjunct to the urban growth boundary?

I say no. I hope you say no as well, because what makes this community, this city special is its character, size, and pace. If we give that up, we give up West Linn.

I hope that this letter is received in good faith, and that my comments are taken with the level of respect due any citizen of West Linn. My family and I have fallen in love with this place, and we want to see it remain what it is for some time to come.

Sincerely,

Keith Hamilton

Spir, Peter

From: MC <aya.toujou@hotmail.com>
Sent: Friday, April 08, 2016 3:28 PM
To: Spir, Peter
Subject: 34-Lot Subdivision at 18000 Upper Midhill Drive

Dear Mr. Spir,

My name is Michael Chan from 17598 Brookhurst Drive. I am writing to you to express my concern over the planned 34-lot subdivision at 18000 Upper Midhill Drive.

Thirty four lots in that open area is much too dense. My understanding is that there will be 2 lots behind my property, and my property is not that wide. In reviewing the lot maps of my neighborhood and along Upper Midhill and College View Drives, such high density is not in line with the rest of the neighborhoods. It will be very much like the new construction now underway along Shady Hollow Way across from Burgerville which I find extremely ugly and disruptive to the feel of that area. I still miss the wonderful trees which used to line Highway 43 in that area. I have enjoyed the Lake Oswego and West Linn areas for the more open, less crowded feeling both cities provide. I believe that these high density lots appearing in the Portland Metropolitan area are destroying the livability of our wonderful cities.

I am also concerned about the potential increased traffic that would be emptying onto Highway 43, especially going north. Highway 43 in that area is already quite bad during rush hour, and I have seen many near accidents as cars try to turn left from Arbor Drive to go north on Highway 43. This subdivision will only exacerbate matters in the future.

While I know this is impossible, I have always hoped that West Linn could use that land for a city park as the trees in that area are quite beautiful. There used to be more before some were cut down several years ago. My more well informed neighbors tell me that there are some very rare trees on that land. It would be a shame if they were sacrificed for this subdivision.

Sincerely,
Michael Chan

Spir, Peter

From: Susan Rim <cjsmrim@gmail.com>
Sent: Sunday, April 10, 2016 3:50 PM
To: Spir, Peter
Subject: Upper Midhill Estates Proposed Development

Dear Mr. Spir,

I am writing to you to today in regards to the proposed development referred to as the Upper Midhill Estates Development. My concerns are that based upon the developers proposal, the number of homes being built would not suit the existing neighborhood. It is clear from the map, that there are a number of homes that would be significantly smaller than the surrounding area, thus resulting in decreased home values which would then continue to extend past the adjacent properties to the outlying areas as well.

The other concern is that the timeline for completion of this project is proposed to be over a 2 and 1/2 year period as the developer plans to sell off the smaller lots to various builders. The lack of concern for the surrounding area/neighborhoods is astounding and raises much concern for all those involved.

Finally, based upon the current proposal, a street and pedestrian walkway would be built just behind the Woodhurst Place property lines. Again, the lack of consideration for the existing homes in the area is astounding as this would increase both automotive and pedestrian traffic to the backyards of many homes and be an intrusion upon their privacy as well.

Please reconsider the acceptance of this proposed development as it is currently written.

Thank you for your consideration,
Charles and Susan Rim