



# CITY OF West Linn

## Memorandum

Date: January 28, 2021

To: West Linn City Council

From: Chris Myers, Associate Planner

Subject: Public Comments Received for AP-21-01

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Dear Mayor Walters and Members of City Council,

The Planning Department has received two letters since the completion of the staff report for AP-21-01. The first letter is from Matt Grady of Gramor Development on behalf of West Linn Shopping Center Associates LLC. The second letter is from Ms. Alice Richmond, West Linn citizen. The letters are attached.

Respectfully,  
Chris Myers



January 26, 2021

**City of West Linn**

Planning and Development  
22500 Salamo Road, #1000  
West Linn, OR 97068

Attention: Darren Wyss, Planning Department  
Mayor Jules Walters

**RE: Bolton Neighborhood Association Appeal AP-21-01 of DR -20-07/VAR-20-02/WAP - 20 - 03 located at 5665 and 5639 Hood Street, West Linn, Oregon; Letter on Behalf of the Applicant Requesting that the City Council Affirm the Planning Commission Decision**

Dear Mayor Walters and Members of the City Council:

West Linn Shopping Center Associates LLC is the owner/operator of the West Linn Central Village Shopping Center, as well as the applicant of the above referenced land use application. The public hearing for the project identified above was held on December 16, 2020 and was unanimously approved by the Planning Commission with the exception of Commissioner Erwin, who abstained. The Commission agreed with the staff report that recommended approval, stating the application has satisfied all the applicable criterion of approval.

The application appealed will be replacing the existing Post Office building with either a similar sized postal building (5,255 sf) or a retail building (6,550 sf) with a shared parking field for the existing Market of Choice. Both building options utilize the same parking configuration. The two options proposed are due to the uncertainty of the Post Office securing a lease in the new space in addition to finding a secondary location to accommodate the service and delivery trucks that deal with sorting and delivery of all the incoming mail. The West Linn Community Development Code (the "CDC") does not prohibit two alternative plans and the applicant provided two alternatives for the Planning Commission's consideration in order to provide the widest possible alternatives for site development.

After reading the Bolton Neighborhood Association (BNA) appeal letter, it was our interpretation that this appeal is not filed to contest the Planning Commission approval or specific conditions of our design review land use application. Instead, BNA appears to have filed this appeal for the available opportunity it provides to gain direct City Council attention in addressing BNA's long-standing effort to improve overall existing circulation and safety issues, now and into the future, within the Bolton Neighborhood and more specifically in the Bolton Village area. This interpretation was confirmed by a discussion I had with Robert McCarthy of the Bolton Neighborhood Association (BNA) on January 18, 2021. I now understand that prior Councils may have ignored requests by the BNA to address the broader transportation system issues raised in this appeal letter.

We offer the following responses to several specific issues raised in the BNA appeal:

### **Need for a Traffic Impact Assessment**

We have no control as an applicant over the Planning Commission's approvals of developments as it relates to a land use application and the applicable criterion of approval. The Design Review, Variance and Water Resources Permit did not require a traffic study, based on City staff's review of Chapter 55.125 and Chapter 85.170 (B) (2). We voluntarily provided a trip generation for this redevelopment project to ensure there was a record of the trips being generated today from the postal building versus the two replacement buildings that would not include the delivery operations portion nor include the associated 19 delivery vehicles. The Trip Generation Memorandum by Kittelson dated June 4, 2020, in the application, contains an informative footnote on page 2 quoted below:

"The Trip Generation Manual, 10th Edition trip rates offer data for a single US Post Office facility. The available data do not differentiate between US Post Office sites with customer service as well as service truck and delivery operations versus sites that only provide customer service. Presumably, a reduction in site trips at the West Linn site could be realized with the planned new building due to the associated relocation of approximately 50 percent of the postal delivery operations off-site (estimated to reduce delivery trips by approximately 18 trips per day related to 9 fewer delivery vehicles each entering and leaving per day) along with elimination of freight service trucks that shift to an alternate location (estimated to reduce delivery trips by approximately 16 trips per day related to 8 fewer trucks each entering and leaving the post office site.)"

### **Application at 1575 Burns Street**

This application on property zoned as Office Business Center (OBC) was not prepared or submitted by the applicant, therefore we have no comments.

### **Proposal of a Street and Traffic Plan in the Bolton Neighborhood**

The applicant would like to participate in such a planning effort when it is initiated by the City. We believe such a study should include trip counts on surrounding roads and the key intersections along Highway 43 at Burns Street and Hood Street. The appellants identify additional properties that when developed need to be part of an overall plan. The applicant does not support adding a condition of approval to the current land use application that requires conducting this circulation study or any associated physical improvements that may be identified from such a study. Furthermore, we find there is no nexus of the postal replacement project for a requirement to build a street along the east property line, through another sloped property (not in the applicant's ownership) and which would be located within the Water Resources Area buffer zone, to provide a future connection to a 4-way intersection at Burns and Cascade Streets.

### **Deficiencies of Hood Street Gradients**

The observations made are ones that the City should investigate and address in the requested plan. Oregon Department of Transportation should be included in the planning efforts

to gain support for re-timing the Hood Street/ Hwy. 43 signal and the installation of a new signal at Burns Street/ Hwy. 43.

### **Community Development Code (CDC) Chapter 99.110**

First, the letter cites CDC 99.110.B.2, which is an approval standard but it is not so much a substantive approval standard as a requirement that the City Council consider such testimony. However, the testimony must relate to a substantive approval standard contained in subsection C cited below:

“In all cases, the decision shall include a statement in a form which includes findings as to whether or not the application meets the approval criteria of the applicable Community Development Code sections.”

Second, the letter does not otherwise cite a relevant substantive approval standard.

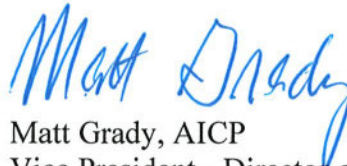
Third, the subject application is defined as a “limited land use” application under Oregon Revised Statutes (ORS) 197.015(12) because it requests design review approval for a use permitted outright on property within the Urban Growth Boundary (UGB). ORS 197.195(1) provides that limited land use applications are subject only to approval criteria in a city’s land use regulations, including properly incorporated Comprehensive Plan policies. *Paterson v City of Bend* (Oregon Court of Appeals)(2005) and *Oster v City of Silverton* (LUBA)(2018). We don’t see any issues in the letter that relate to relevant Community Development Code standards.

### **Consider the Bolton Neighborhood Plan**

The Bolton Neighborhood Plan adopted by Ordinance No. 1536 on April 10, 2006 supplements the goals and policies of the West Linn Comprehensive Plan. The application was not subject to addressing the goals and policies of the Comprehensive Plan or the Bolton Neighborhood plan as demonstrated in CDC Chapter 55, Design Review.

We conclude that the application meets all the applicable criterion of approval and that the staff recommendation and Planning Commission’s decision for approval is valid. We ask you to deny the appeal and affirm the Planning Commission’s decision. In addition, we desire your support to address the BNA request to carry out a circulation plan with implementing measures, that do not require additional conditions of approval for the current application in any manner.

Sincerely,  
**Gramor Development, Inc.,**  
On Behalf of West Linn Shopping Center Associates LLC



Matt Grady, AICP  
Vice President - Director of Development

cc: Ken Sandblast/ West Lake Consultants  
Michael G. Robinson/Schwabe Williamson & Wyatt  
19767 172 Suite 100 | Tualatin, Oregon 97062 | 503.245.1976 | [gramor.com](http://gramor.com)

This plot where a post office stand since 2005 is a commodity which belongs to our federal u.s. government. only, the land which this building operates belongs to a private corporation, which was built in 2005, when federal post Master from D.C. chose to lease it for its convenience uses, then.

16 years latter the last leases reached terms and at the same time other world necessities advance their technologies communication/services and "pony express" becomes once again a thing of the past. letters, packages and other amenities (post office boxes) no longer hold their needs because they are replaced by: E Mail / faxes / tweeters / etc. — packages are delivered by our services or Amazon and others facilities — this also includes banking programs. All businesses (offices - shops - stores -) and from home are connected and done by internet which (also) is provided by several services. All these current and future ways of life style cause the last 20 years progress a faded era. consequently post office building are replaced by much contemporary tech. system.

that said - a question Bolton N.A. manifests, today, for their change of sentiment, when in 2005 they were objecting the whole of Central Village facilities, my point is that even then they like (now) present commodities, which is here anyway.

Thank you for stating my view: let's the site corporation owner bring forward a solution necessary to ease parking and the businesses in this site.

Alice Richmond  
3939 Parker Rd.

503 723 0101  
January