



Memorandum

Date: March 2, 2011

To: West Linn Planning Commission

From: Peter Spir, Associate Planner

Subject: Late submittals

The attached e-mails and other correspondence were received by staff in the period just prior to the hearing. The emphasis is upon the appropriate language for conditions of approval relating to traffic.



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209
Telephone (503)731-8200
FAX (503)731-8259

March 3, 2011

City of West Linn
Attention: Peter Spir
22500 Salamo Road, #1000
West Linn, OR 97068

SUBJECT: Conditional Use Permit for Nonconforming Use: CUP 10-05/CR 10-13/Misc 10-28

Dear Peter:

Thank you for sharing the draft, revised condition of approval being considered and shown below. ODOT believes requiring an annual report on employee numbers and shifts is reasonable and not overly burdensome especially for a non-conforming use. Please consider that the 10th Street intersections are currently failing and that rather than recommend denial, we are willing to support the development under this innovative approach. It is our hope that this is a "win/win" for the applicant and community; where the existing building is utilized yet the new trips do not further overwhelm the area intersections and community. This approach also promotes carpooling and other means of travel then single-occupant vehicle travel.

Staff-generated draft, revised condition of approval:

4. Traffic. Traffic from the approved project shall not exceed:
64 trips generated from 7:30 to 8:30 AM; and 10 trips generated from 5:00-6:00 PM.
For three years following the approval of this decision the applicant shall submit evidence to the City and ODOT that the project is in compliance with this condition.

ODOT-recommended condition of approval:

- Traffic. Traffic from the approved project shall not exceed: 64 trips generated from 7:30 to 8:30 AM and 10 trips generated from 5:00-6:00 PM.
- Compliance. The property owner shall provide the City of West Linn Planning Department a Transportation Demand Management (TDM) report. The TDM report shall be submitted by July 1 annually and include the hours of operation, the number of employees by shift with the number of employees who drive alone, carpool, walk, bike or use transit in order to encourage fewer drive-alone trips and to ensure compliance with Condition #4.

The applicant will have the ongoing right to request a change of conditions of approval. Thank you again for the coordination and working with us to help make travel safe and efficient.

Sincerely,

Gail Curtis, AICP, Senior Transportation Planner

C: Marc Butorac, PE, Kittelson and Associates
Avi Tayar, PE, ODOT Region 1 Traffic

Spir, Peter

From: Javoronok, Sara
Sent: Wednesday, March 02, 2011 8:14 AM
To: Spir, Peter; Sonnen, John
Subject: FW: West Linn Call Center
Attachments: PM 10545004 - 10th St -- Willamette Falls Dr.pdf; PM 10545002 - 10th St -- 8th Ave.pdf; AM 10545001 - 10th St -- 8th Ave.pdf; AM 10545003 - 10th St -- Willamette Falls Dr.pdf

For the condition...

Sara Javoronok, Associate Planner
Planning and Building, #1512

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Alex Kiheri [<mailto:akiheri@kittelton.com>]
Sent: Tuesday, March 01, 2011 5:23 PM
To: Le, Khoi
Cc: Pelz, Zach; Javoronok, Sara; Marc Butorac; Mimi.Doukas@cardno.com
Subject: RE: West Linn Call Center

Khoi.

Please see the attached AM and PM traffic counts from 10th Willamette Falls Dr and 10th/8th. The AM peak hour measured that day was from 7:30-8:30 AM and the PM peak was from 5:00-6:00 PM.

Feel free to email me or call me at 866-900-2683 tomorrow if you have any further questions.

Regards
~Alex Kiheri

Kittelton & Associates, Inc.
Transportation Analyst

From: Le, Khoi <kle@westlinnoregon.gov>
To: Marc Butorac
Cc: Pelz, Zach <zpelz@westlinnoregon.gov>; Javoronok, Sara <sjavoronok@westlinnoregon.gov>
Sent: Tue Mar 01 16:24:59 2011
Subject: West Linn Call Center

Marc,

I am looking for the AM Peak Period that you mentioned in your traffic report prepared on December 13, 2010 for Willamette Capital Investment LLC so we can modify COA#4 to indicate the exact period and trip generation restriction. I would appreciate if you can reply to all of us in email asap tomorrow so we can be prepared for the Planning Commission Meeting in the evening.

Thanks,

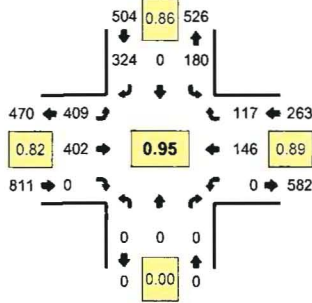
Khoi

Type of peak hour being reported: Intersection Peak

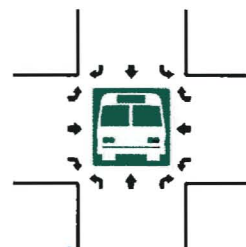
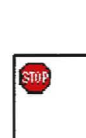
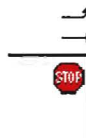
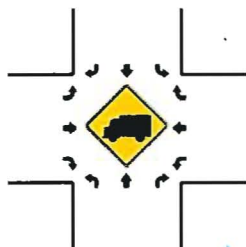
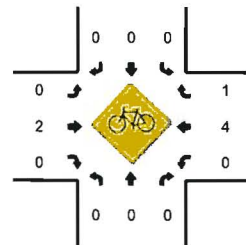
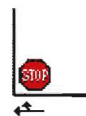
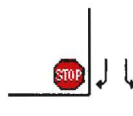
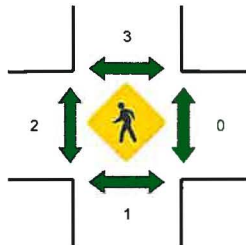
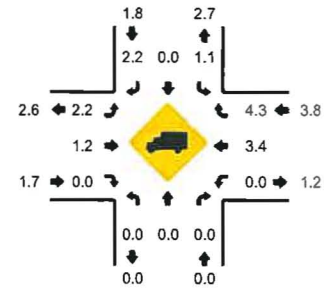
Method for determining peak hour: Total Entering Volume

LOCATION: 10th St -- Willamette Falls Dr
CITY/STATE: west linn, OR

QC JOB #: 10545004
DATE: 10/12/2010



Peak-Hour: 5:00 PM -- 6:00 PM
Peak 15-Min: 5:40 PM -- 5:55 PM



5-Min Count Period Beginning At	10th St (Northbound)				10th St (Southbound)				Willamette Falls Dr (Eastbound)				Willamette Falls Dr (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	15	0	23	0	23	19	0	0	0	10	8	0	98	
4:05 PM	0	0	0	0	9	0	21	0	25	16	0	0	0	5	12	0	88	
4:10 PM	0	0	0	0	8	0	17	0	35	19	0	0	0	9	14	0	102	
4:15 PM	0	0	0	0	13	0	23	0	29	32	0	0	0	8	9	0	114	
4:20 PM	0	0	0	0	11	0	16	0	31	19	0	0	0	15	4	0	96	
4:25 PM	0	0	0	0	12	0	20	0	31	24	0	0	0	13	10	0	110	
4:30 PM	0	0	0	0	8	0	18	0	30	17	0	0	0	5	7	0	85	
4:35 PM	0	0	0	0	9	0	24	0	27	35	0	0	0	9	11	0	115	
4:40 PM	0	0	0	0	9	0	13	0	24	22	0	0	0	15	13	0	96	
4:45 PM	0	0	0	0	7	0	31	0	31	25	0	0	0	8	8	0	110	
4:50 PM	0	0	0	0	8	0	33	0	29	32	0	0	0	14	8	0	124	
4:55 PM	0	0	0	0	11	0	30	0	40	25	0	0	0	12	11	0	129	1267
5:00 PM	0	0	0	0	17	0	29	0	34	24	0	0	0	16	14	0	134	1303
5:05 PM	0	0	0	0	10	0	21	0	29	35	0	0	0	9	4	0	108	1323
5:10 PM	0	0	0	0	21	0	31	0	29	28	0	0	0	17	2	0	128	1349
5:15 PM	0	0	0	0	19	0	24	0	31	36	0	0	0	17	12	0	139	1374
5:20 PM	0	0	0	0	11	0	28	0	38	28	0	0	0	8	12	0	125	1403
5:25 PM	0	0	0	0	12	0	29	0	28	25	0	0	0	13	13	0	120	1413
5:30 PM	0	0	0	0	11	0	30	0	33	44	0	0	0	8	9	0	135	1463
5:35 PM	0	0	0	0	10	0	18	0	48	41	0	0	0	10	14	0	141	1489
5:40 PM	0	0	0	0	12	0	24	0	36	47	0	0	0	9	7	0	135	1528
5:45 PM	0	0	0	0	18	0	20	0	37	35	0	0	0	13	9	0	132	1550
5:50 PM	0	0	0	0	26	0	28	0	33	32	0	0	0	18	10	0	147	1573
5:55 PM	0	0	0	0	13	0	42	0	33	27	0	0	0	8	11	0	134	1578
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	0	0	0	0	224	0	288	0	424	456	0	0	0	160	104	0	1656	
Heavy Trucks	0	0	0	0	4	0	16	0	12	4	0	0	0	0	4	0	40	
Pedestrians							8			8							16	
Bicycles	0	0	0	0	0	0	0	0	0	1	0	0	0	2	0	0	3	
Railroad																		
Stopped Buses																		

Comments:

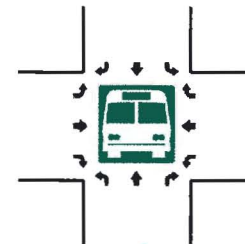
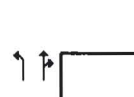
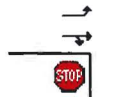
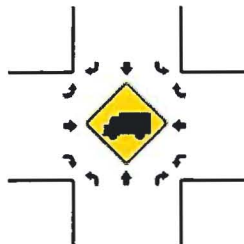
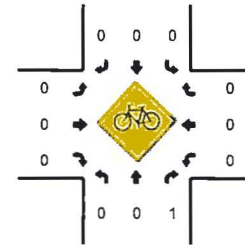
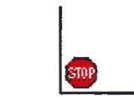
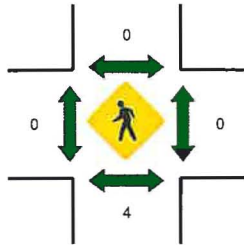
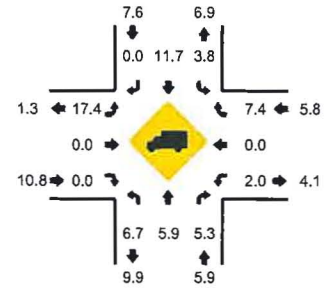
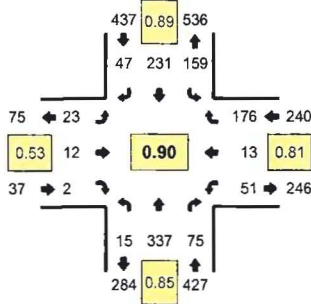
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: 10th St -- 8th Ave
 CITY/STATE: west linn, OR

QC JOB #: 10545001
 DATE: 10/13/2010

Peak-Hour: 7:30 AM -- 8:30 AM
 Peak 15-Min: 7:40 AM -- 7:55 AM



5-Min Count Period Beginning At	10th St (Northbound)				10th St (Southbound)				8th Ave (Eastbound)				8th Ave (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	10	2	0	10	7	1	0	0	0	0	0	2	2	9	0	43	
7:05 AM	0	15	6	0	8	15	2	0	1	1	0	0	1	0	12	0	61	
7:10 AM	1	24	6	0	11	9	2	0	3	1	0	0	4	0	11	0	72	
7:15 AM	2	25	4	0	19	20	2	0	1	0	0	0	2	2	10	0	87	
7:20 AM	1	19	6	0	16	12	3	0	2	1	0	0	3	0	14	0	77	
7:25 AM	0	11	6	0	19	19	2	0	2	0	1	0	5	0	12	0	77	
7:30 AM	1	21	4	0	9	18	7	0	1	0	0	0	6	0	19	0	86	
7:35 AM	0	26	6	0	16	19	7	0	4	0	0	0	2	4	12	0	96	
7:40 AM	1	31	8	0	6	27	6	0	0	0	1	0	7	1	14	0	102	
7:45 AM	1	31	7	0	14	25	3	0	3	2	0	0	5	0	9	0	100	
7:50 AM	0	39	7	0	17	23	4	0	1	1	0	0	4	1	17	0	114	
7:55 AM	2	33	8	0	9	16	5	0	0	1	0	0	5	1	15	0	95	1010
8:00 AM	1	33	6	0	20	19	1	0	0	1	0	0	4	0	15	0	100	1067
8:05 AM	2	26	5	0	15	14	2	0	1	0	0	0	6	1	15	0	87	1093
8:10 AM	2	30	3	0	9	19	3	0	2	3	1	0	2	0	15	0	89	1110
8:15 AM	1	16	8	0	11	20	4	0	5	2	0	0	4	2	8	0	81	1104
8:20 AM	1	30	8	0	16	14	4	0	4	2	0	0	5	2	16	0	102	1129
8:25 AM	3	21	5	0	17	17	1	0	2	0	0	0	1	1	21	0	89	1141
8:30 AM	1	25	7	0	14	14	2	0	0	1	0	0	3	0	15	0	82	1137
8:35 AM	1	30	8	0	17	13	1	0	1	2	0	0	4	1	9	0	87	1128
8:40 AM	1	20	6	0	14	20	4	0	3	1	1	0	7	1	18	0	96	1122
8:45 AM	0	18	5	0	11	22	6	0	1	0	1	0	6	0	19	0	89	1111
8:50 AM	0	22	3	0	18	31	4	0	2	0	0	0	5	0	21	0	106	1103
8:55 AM	0	22	6	0	15	21	8	0	2	1	0	0	2	0	10	0	87	1095
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	8	404	88	0	148	300	52	0	16	12	4	0	64	8	160	0	1264	
Heavy Trucks	0	32	4		12	28	0		4	0	0		4	0	8		92	
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Railroad																		
Stopped Buses																		

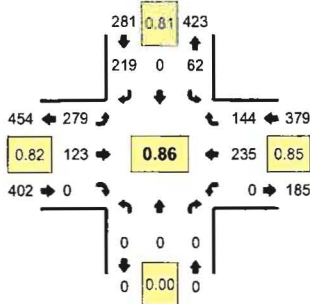
Comments:

Type of peak hour being reported: Intersection Peak

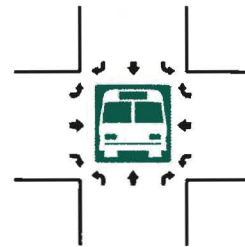
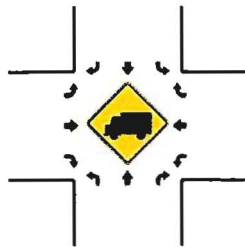
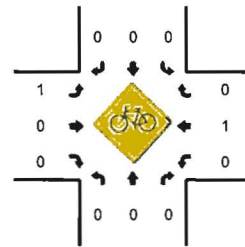
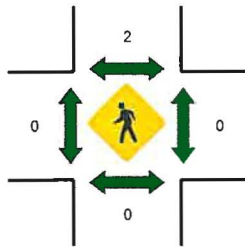
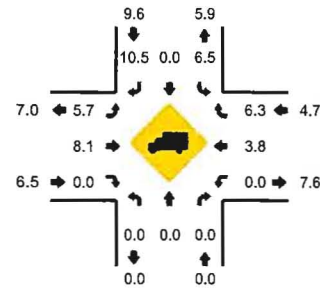
Method for determining peak hour: Total Entering Volume

LOCATION: 10th St -- Willamette Falls Dr
 CITY/STATE: west linn, OR

QC JOB #: 10545003
 DATE: 10/12/2010



Peak-Hour: 7:30 AM -- 8:30 AM
 Peak 15-Min: 7:40 AM -- 7:55 AM



5-Min Count Period Beginning At	10th St (Northbound)				10th St (Southbound)				Willamette Falls Dr (Eastbound)				Willamette Falls Dr (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	0	0	0	1	0	9	0	7	5	0	0	0	16	4	0	42	
7:05 AM	0	0	0	0	2	0	13	0	12	3	0	0	0	7	9	0	46	
7:10 AM	0	0	0	0	2	0	11	0	16	5	0	0	0	10	18	0	62	
7:15 AM	0	0	0	0	4	0	16	0	19	4	0	0	0	15	12	0	70	
7:20 AM	0	0	0	0	3	0	13	0	14	3	0	0	0	20	11	0	64	
7:25 AM	0	0	0	0	6	0	19	0	11	5	0	0	0	17	8	0	66	
7:30 AM	0	0	0	0	4	0	21	0	19	8	0	0	0	24	6	0	82	
7:35 AM	0	0	0	0	4	0	17	0	24	10	0	0	0	27	9	0	91	
7:40 AM	0	0	0	0	5	0	26	0	30	14	0	0	0	14	9	0	98	
7:45 AM	0	0	0	0	5	0	29	0	27	3	0	0	0	18	12	0	94	
7:50 AM	0	0	0	0	5	0	20	0	36	13	0	0	0	33	11	0	118	
7:55 AM	0	0	0	0	2	0	17	0	26	13	0	0	0	22	16	0	96	929
8:00 AM	0	0	0	0	7	0	18	0	22	7	0	0	0	14	17	0	85	972
8:05 AM	0	0	0	0	7	0	13	0	15	9	0	0	0	14	19	0	77	1003
8:10 AM	0	0	0	0	10	0	12	0	21	15	0	0	0	16	13	0	87	1028
8:15 AM	0	0	0	0	8	0	16	0	16	18	0	0	0	25	7	0	90	1048
8:20 AM	0	0	0	0	2	0	17	0	21	8	0	0	0	11	17	0	76	1060
8:25 AM	0	0	0	0	3	0	13	0	22	5	0	0	0	17	8	0	68	1062
8:30 AM	0	0	0	0	5	0	14	0	19	5	0	0	0	19	15	0	77	1057
8:35 AM	0	0	0	0	3	0	13	0	23	12	0	0	0	14	14	0	79	1045
8:40 AM	0	0	0	0	5	0	23	0	22	5	0	0	0	22	7	0	84	1031
8:45 AM	0	0	0	0	3	0	23	0	15	5	0	0	0	14	8	0	68	1005
8:50 AM	0	0	0	0	6	0	27	0	17	5	0	0	0	11	8	0	74	961
8:55 AM	0	0	0	0	2	0	24	0	19	5	0	0	0	15	9	0	74	939
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	0	0	0	0	60	0	300	0	372	120	0	0	0	260	128	0	1240	
Heavy Trucks	0	0	0	0	8	0	24	0	12	4	0	0	0	4	20	0	72	
Pedestrians																	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
Railroad																	0	
Stopped Buses																	0	

Comments:

Spir, Peter

From: Sonnen, John
Sent: Tuesday, March 01, 2011 4:41 PM
To: Spir, Peter
Subject: FW: West Linn - Revised Traffic Conditions

John Sonnen, Planning Director
Planning and Building, #1524

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Le, Khoi
Sent: Tuesday, March 01, 2011 11:58 AM
To: Sonnen, John; Pelz, Zach; Javoronok, Sara
Subject: FW: West Linn - Revised Traffic Conditions

Please see ODOT response below.

Khoi Le, Public Improvement Program Manager
Public Works, #1517

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: CURTIS Gail E [mailto:Gail.E.CURTIS@odot.state.or.us]
Sent: Tuesday, March 01, 2011 11:53 AM
To: Le, Khoi
Subject: RE: West Linn - Revised Traffic Conditions

The administrative portion of the city land use code may address your question. You may want to check with Peter or your city attorney. Assuming you have a provision in your code that addresses non-compliance, the final findings should include those or consider adding a clause that uses the code language. If no code language exists, consider adding: "Failure to demonstrate compliance with the conditions of approval will result in loss of the land use approval and the building occupancy permit being revoked." You of course, should confirm that a building occupancy permit is required. It likely is due to change of use but check. You may want to also add: "The applicant has the opportunity to request a change in conditions of approval at any time with a land use application and fee payment."

I hope this helps.

Gail Curtis, Senior Planner, AICP, ODOT Region 1 123 NW Flanders Street Portland OR 97209-4012
Phone: 503-731-8206 FAX: 503-731-8259 gail.e.curtis@odot.state.or.us <http://www.oregon.gov/ODOT/>

“When a community takes the time to get to know itself, it gains a sense of identity and purpose that informs decisions about the future.”
Lyman Orton, owner of the Vermont Country Store,
and Chairman of the Orton Family Foundation.

From: Le, Khoi [mailto:kle@westlinnoregon.gov]
Sent: Tuesday, March 01, 2011 11:30 AM
To: CURTIS Gail E
Subject: RE: West Linn - Revised Traffic Conditions

Gail,

I just thought about the condition that regards to the monitoring of number of employees and trip generation and it occurs to me that if we go ahead with the implementation of this condition, how are we going to enforce this condition? What type of enforcement actions that we will impose on the property owner if they have more employees?

Who will be the jurisdiction that will continue to monitor and enforce the conditions. I don't want to speak for Planning Department in regarding to the CDC languages but I don't believe that they have any languages indicating they can reverse the approval of this application if they would violate a condition of approval 3 years from now.

Please provide me with your inputs on the subject.

Thanks,

Khoi

 Khoi Q. Le, PE
kle@westlinnoregon.gov
Public Improvement Program Manager
22500 Salamo Rd.
West Linn, OR, 97068
P: (503) 722-5517
F: (503) 656-4106
Web: westlinnoregon.gov

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: CURTIS Gail E [mailto:Gail.E.CURTIS@odot.state.or.us]
Sent: Monday, February 28, 2011 1:14 PM
To: Marc Butorac; Mimi Doukas
Cc: Le, Khoi; Spir, Peter
Subject: FW: West Linn - Revised Traffic Conditions

Hi Mimi and Marc,

Note I am suggesting the added language shown underlined below to add the "why" or goal of the TDM report.

Please know that your client has the right to request a change in condition at any point in time. It is more appropriate to have a formal action to drop or modify a condition of approval vs. staff dropping it in the future. I don't believe the West Linn code allows staff to make these kind of administrative decisions.

Gail Curtis, Senior Planner, AICP, ODOT Region 1 123 NW Flanders Street Portland OR 97209-4012
Phone: 503-731-8206 FAX: 503-731-8259 gail.e.curtis@odot.state.or.us <http://www.oregon.gov/ODOT/>

From: CURTIS Gail E
Sent: Monday, February 28, 2011 11:39 AM
To: 'Le, Khoi'; Spir, Peter
Cc: TAYAR Abraham * Avi
Subject: RE: West Linn - Revised Traffic Conditions

Hi Khoi and Peter,

I sent our response letter last Friday to the Peter Spir. Here it is in case you did not yet get a copy forwarded from Peter. We support the idea of the land use process being used to determine whether the condition should continue to apply. We also think it is appropriate for the local government to impose and track the mitigation vs. ODOT. A slight improvement to the ODOT recommended condition would be to add the goal so that the intent of the condition is stated in the condition. See underlined portion below. I believe this approach will give the property owners/applicant the flexibility to increase the shifts and number of employees while ensuring the traffic impacts are minimized. Please add this correspondence to the record.

- Shift changes shall occur outside of the 5PM-6PM peak traffic period for all site workers with the exception of up to ten workers.
- The property owner shall provide the City of West Linn Planning Department a Transportation Demand Management (TDM) report. The TDM report shall be submitted by July 1 annually and include the hours of operation, the number of employees by shift with the number of employees who drive alone, carpool, walk, bike or use transit in order to demonstrate that no more than 40 drive-alone workers are on the site at anytime.

This email follows my phone message to Khoi. Please feel free to call me to discuss further. Thank you for the coordination.

Gail Curtis, Senior Planner, AICP, ODOT Region 1

123 NW Flanders Street Portland OR 97209-4012
Phone: 503-731-8206 FAX: 503-731-8259 gail.e.curtis@odot.state.or.us <http://www.oregon.gov/ODOT/>

Spir, Peter

From: Le, Khoi
Sent: Monday, February 28, 2011 9:21 AM
To: Sonya.b.Kazen@odot.state.or.us; 'CURTIS Gail E'
Cc: Spir, Peter
Subject: FW: West Linn - Revised Traffic Conditions
Attachments: Revised Conditions.docx; Clean Revisions.docx

Gail and Sonya,

Attached is the letter response to the City of West Linn conditions of approval #4 and #5 in regarding to the Call Center located at the property 2015 Willamette Falls Drive. Can you please review and let us know your input on whether or not ODOT will support the changes on COA #4 and #5. Can you please response to us as soon as possible so we can be prepared for Wednesday night Planning Commission.

Thanks,

Khoi

Khoi Le, Public Improvement Program Manager
Public Works, #1517

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Spir, Peter
Sent: Friday, February 25, 2011 9:34 AM
To: Le, Khoi; Wright, Dennis
Cc: Sonnen, John
Subject: FW: West Linn - Revised Traffic Conditions

Here are some proposed traffic related revisions to the call center conditions of approval as recommended by Kittelson. I do not see them as substantive changes and propose that we distribute them to PC at the hearing. Does Engineering agree with these changes?
Peter

Peter Spir, Associate Planner
Planning and Building, #1539

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Mimi Doukas [<mailto:Mimi.Doukas@cardno.com>]
Sent: Friday, February 25, 2011 9:25 AM
To: Spir, Peter
Subject: FW: West Linn - Revised Traffic Conditions

Peter – here is the memo.

Mimi Doukas, AICP, RLA
Principal, Director of Planning and Landscape Architecture

Cardno WRG
503 419 2500

From: Alex Kiheri [<mailto:akiheri@kittelson.com>]
Sent: Friday, February 25, 2011 9:03 AM
To: phanlin@msn.com; Mimi Doukas
Cc: Marc Butorac
Subject: West Linn - Revised Traffic Conditions

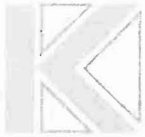
Pat and Mimi,

Marc and I have reviewed the traffic conditions of approval listed in the staff report and came up with the following revisions. Please review the document and provide your thoughts/comments. I have also included a clean copy of the revisions for easy reading.

If everything looks good we will go ahead and get this in front of the City and ODOT.

Regards
~Alex Kiheri

Kittelson & Associates, Inc.
Transportation Analyst
(503) 535-7431



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 503.228.5230 503.273.8169

January 19, 2011

Project #: 11027.0

Mr Peter Spir
City of West Linn
22500 Salamo Rd Ste 1000
West Linn OR 97068

RE: Willamette Christian Church Tenant Improvement – Transportation Conditions

Dear Mr. Spir,

Kittelison & Associates, Inc. (KAI) has received and reviewed the February, 2011 Staff Report regarding the conditional use permit for the vacant building located at 2015 Eighth Avenue West Linn, Oregon. Based on this review the following revisions to the transportation related conditions of approval are recommended in order clarify and align them with the submitted December 13th, 2010 *Transportation Assessment Letter* prepared by KAI. The Staff Report's conditions of approval are shown with the revised version and justification below it.

Condition #4 Traffic Study

The applicant shall provide ODOT with a Transportation Demand Management strategy; including an annual report to ODOT stating the current hours of operation, number of employees, shift scheduling and other trip generation characteristics. This information will be used to demonstrate whether or not the proposed use's traffic counts are greater than the traffic generated by the previous church use particularly during AM and PM peak periods.

Revised Condition

The Applicant shall provide ODOT with a Transportation Demand Management strategy. This management strategy shall include an annual report to ODOT documenting compliance with the approved management strategy. ~~stating the current hours of operation, number of employees, shift scheduling and other trip generation characteristics.~~ This annual report information will be used to demonstrate whether or not the proposed use's traffic impact ~~counts are~~ is greater than the traffic impact of ~~generated by~~ the previous church use ~~particularly~~ during the AM and PM peak periods.

If the proposed use's traffic impact is found to be greater than the previous use; Applicant shall revise the Transportation Demand Management strategy to further mitigate its impacts. If after three years of documented compliance the use's traffic impact is shown to be less than or equal to the previous use, the applicant shall no longer be required to submit yearly reports; however, they shall still conform to the Transportation Demand Management strategy.

Justification

This revision will align the condition with the previously outlined transportation demand management strategy from the December 13th, 2010 *Transportation Assessment Letter*. Additionally, it includes a stipulation which will allow for revision of the transportation demand management strategy in the case that further mitigation is required. Finally, it places a 3 year sunset to minimize administrative efforts and cost for the City, ODOT, and the developer.

Condition #5 Traffic

Shift changes and breaks shall occur outside to the 5PM-6PM peak traffic.

Revised Condition

Shift changes and breaks shall occur outside to the 5PM-6PM peak traffic period for customer service focused employees. Management and staff not focused on customer support (approximately 10) will not be restricted in their arrivals or departures.

Justification

As documented in the December 13th, 2010 *Transportation Assessment Letter*, approximately 10 staff members will need the flexibility to come and go from the site at will. These staff members include managers, business support and financial service employees who are tasked with the difficult nature of managing a large group of employees across multiple shifts. As shown in the previous assessment, allowing for these exempt employees will not prohibit the site from operating at the same peak hour impact level of previous tenant.

Conclusion

The above revised conditions of approval will work to ensure that the site can be successfully operated while also maintaining the site's a.m. and p.m. peak hour traffic impacts to that of the previous church use. A clean copy of these proposed conditions is attached to this document for easy reference.

We trust that this letter proposes satisfactory revisions to the transportation related conditions of approval for this development. If you have any questions or comments regarding these revisions please do not hesitate to contact us at (503) 228-5230,

Sincerely,
KITTELSON & ASSOCIATES, INC.



Alex Kiheri
Transportation Analyst



Marc Butorac, P.E., P.T.O.E.
Principal Engineer

Cc: Ms. Gail Curtis, Oregon Department of Transportation
Pat Hanlin, Willamette Capital Investments
Mimi Doukas, Cardno WRG

Condition #4 Traffic Study

Applicant shall provide ODOT with a Transportation Demand Management strategy. This management strategy shall include an annual report to ODOT documenting compliance with the approved management strategy. This annual report will be used to demonstrate whether or not the proposed use's traffic impact is greater than the traffic impact of the previous church use during the AM and PM peak periods.

If the proposed use's traffic impact is found to be greater than the previous use; Applicant shall revise the Transportation Demand Management strategy to further mitigate its impacts. If after three years of documented compliance the use's traffic impact is shown to be less than or equal to the previous use, the applicant shall no longer be required to submit yearly reports; however, they shall still conform to the Transportation Demand Management strategy.

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Spir, Peter

From: Laura Horsey [laura.horsey@gmail.com]
Sent: Sunday, February 27, 2011 5:23 PM
To: Spir, Peter
Cc: Sonnen, John; Zak, Teresa
Subject: Requests re March 2 Hearing

Hello Mr. Spir:

In prep for the hearing on CUP-10-5/DR-10-13/MISC-10-28 on Wednesday I have some requests of staff. Please copy other commissioners (or not) as needed to comply with the recently changed public meeting best practices.

1. Approval Criteria noted on page 1 does not include Chapter 59 Willamette Neighborhood Mixed Use Transitional Zone yet the executive summary (paragraph 2) references it, specifically referring to "professional and administrative services" which is CDC 59.060 16. Please clarify. If the Chapter 59 applies perhaps then other provisions should be evaluated -- e.g. the sign language and others.

2. The analysis relies heavily on the current operations of the anticipated tenant. What extent of change in operations, employees or tenants would require new CUP application? Assume none required for moderate expansion of operating hours or employees, but what about 24 hour call center and say 80 employees? Assume not for any future tenant fitting the classification of "professional and administrative services" but would a new CUP be required for other similar but separately classified uses such as #18 financial, insurance and real estate services? I would like to see an analysis which covers the range of all uses for which no new CUP would be required, that is, the class of use up for approval, not limited to this tenant's current operations.

3. Please prepare language for a possible additional condition of approval (COA) to include landscaping (planting) of the current bark dust area to reduce non-compliance. See Finding No. 13.

4. What use would be made of the traffic study in proposed COA #4? What would the city do with it? How will the city monitor compliance? Perhaps the intent/language of the traffic study reference to it (p 110) could be included in the COA #4 language.

5. The Oct. 6, 2010 memo from Zach Pelz references a March 4, 2010 pre-app meeting. Can staff supply these meetings notes? I prefer to see pre-app meeting notes included in our packet. There is also a reference to a Sept. 1, 2010 meeting. If notes from that meeting are available it would be desirable to have those as well.

Thank you very much.
Best regards, Laura

Laura Horsey
laura.horsey@gmail.com
503.381.3265 cell



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209
Telephone (503)731-8200
FAX (503)731-8259

February 25, 2011

City of West Linn
Attention: Peter Spir
22500 Salamo Road, #1000
West Linn, OR 97068

SUBJECT: Conditional Use Permit for Nonconforming Use: CUP 10-05/CR 10-13/Misc 10-28

Dear Peter:

As you know ODOT owns and operates I-205 and the 10th Street corridor is within the Interchange Influence Area. In order for the proposed land use to not exceed the applicable mobility standard of .99 along 10th Street¹, ODOT is agreeable to the applicant mitigating the traffic impacts by limiting work shift hours. We support conditions of approval to limit all but ten employees to work shifts outside of the 5:00 to 6:00 pm peak travel hour provided an annual report is submitted to the City of West Linn demonstrating no more than 40 drive-alone workers are on the site at anytime. Specifically, we recommend the following language.

Recommended Conditions of Approval

- Shift changes shall occur outside of the 5PM-6PM peak traffic period for all site workers with the exception of up to ten workers.
- The property owner shall provide the City of West Linn Planning Department a Transportation Demand Management (TDM) report. The TDM report shall be submitted by July 1 annually and include the hours of operation, the number of employees by shift with the number of employees who drive alone, carpool, walk, bike or use transit.

The applicant will have the ongoing right to request a change of conditions of approval. This may be appropriate in the future and should be determined through the city's land use process. We hope this innovative approach helps reduce your community's congestion while allowing the former church building to be utilized. If you or the applicants have any questions regarding the above comments, I can be reached at 503.731.8206.

Sincerely,

Gail Curtis, AICP, Senior Transportation Planner

C: Avi Tayar, PE, ODOT Region 1 Traffic
Steve Schalk, ODOT District 2A

¹ The applicable ODOT .99 volume to capacity mobility standard is set forth by the Oregon Highway Plan, Table 7.

Spir, Peter

From: Mimi Doukas [Mimi.Doukas@cardno.com]
Sent: Friday, February 25, 2011 9:25 AM
To: Spir, Peter
Subject: FW: West Linn - Revised Traffic Conditions
Attachments: Revised Conditions.docx; Clean Revisions.docx

Peter – here is the memo.

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Cardno WRG

503 419 2500

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Cc: Marc Butorac
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If everything looks good we will go ahead and get this in front of the City and ODOT.

Regards
~Alex Kiheri

Kittelson & Associates, Inc.
Transportation Analyst
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610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

January 19, 2011

Project #: 11027.0

Mr Peter Spir
City of West Linn
22500 Salamo Rd Ste 1000
West Linn OR 97068

RE: Willamette Christian Church Tenant Improvement – Transportation Conditions

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Revised Condition

~~The applicant shall~~ *The Applicant shall provide ODOT with a Transportation Demand Management strategy. This management strategy shall includeing an annual report to ODOT documenting compliance with the approved management strategy. stating the current hours of operation, number of employees, shift scheduling and other trip generation characteristics. This annual report information will be used to demonstrate whether or not the proposed use's traffic impact counts are is greater than the traffic impact of generated by the previous church use particularly during the AM and PM peak periods.*

If the proposed use's traffic impact is found to be greater than the previous use; Applicant shall revise the Transportation Demand Management strategy to further mitigate its impacts. If after three years of documented compliance the use's traffic impact is shown to be less than or equal to the previous use, the applicant shall no longer be required to submit yearly reports; however, they shall still conform to the Transportation Demand Management strategy.

Justification

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Condition #5 Traffic

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Revised Condition

*Shift changes and breaks shall occur outside to the 5PM-6PM peak traffic period **for customer service focused employees. Management and staff not focused on customer support (approximately 10) will not be restricted in their arrivals or departures.***

Justification

As documented in the December 13th, 2010 *Transportation Assessment Letter*, approximately 10 staff members will need the flexibility to come and go from the site at will. These staff members include managers, business support and financial service employees who are tasked with the difficult nature of managing a large group of employees across multiple shifts. As shown in the previous assessment, allowing for these exempt employees will not prohibit the site from operating at the same peak hour impact level of previous tenant.

Conclusion

The above revised conditions of approval will work to ensure that the site can be successfully operated while also maintaining the site's a.m. and p.m. peak hour traffic impacts to that of the previous church use. A clean copy of these proposed conditions is attached to this document for easy reference.

We trust that this letter proposes satisfactory revisions to the transportation related conditions of approval for this development. If you have any questions or comments regarding these revisions please do not hesitate to contact us at (503) 228-5230,

Sincerely,
KITTELSON & ASSOCIATES, INC.



Alex Kiheri
Transportation Analyst



Marc Butorac, P.E., P.T.O.E.
Principal Engineer

Cc: Ms. Gail Curtis, Oregon Department of Transportation
Pat Hanlin, Willamette Capital Investments
Mimi Doukas, Cardno WRG

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Condition #5 Traffic

Shift changes and breaks shall occur outside to the 5PM-6PM peak traffic period for customer service focused employees. Management and staff not focused on customer support (approximately 10) will not be restricted in their arrivals or departures.



Memorandum

Date: October 1, 2010

To: Mimi Doukas, AICP, RLA, CardnoWRG
Patrick Hanlin and Tim Tofte, Willamette Capital Investments

From: Zach Pelz, AICP, City of West Linn

Subject: Change of Occupancy at 2014 Willamette Falls Drive

This memo is an update to the pre-application notes from March 4, 2010, regarding a proposed zone change at 2014 Willamette Falls Drive.

Background

Since the applicant's pre-application conference on March 4, 2010, Willamette Capital Investments has elected to modify their original request to include only a change in occupancy for the existing structure at 2014 Willamette Falls Drive. A zone change is no longer requested. Additionally, the applicant proposes no change to the exterior of the existing structure and asserts that the new use will not generate a net increase in vehicle trips from the previous use.

The Planning Department has determined that sufficient information was discussed during the applicant's pre-application conference and a subsequent meeting on September 1, 2010 (with the applicant, their consultant and traffic consultant, the Oregon Department of Transportation and the City of West Linn) to provide an understanding of the standards applicable to the applicant's request.

Based on the items discussed in these meetings, staff believes the applicant will be required to obtain Conditional Use (CDC Chapter 60), Class I Design Review (CDC Chapter 55) and Non-conforming Structure (CDC Chapter 66) permits in the Willamette Neighborhood Mixed Use Transitional Zone (CDC Chapter 59) and the Willamette Falls Drive Commercial Overlay Zone (CDC Chapter 58). This analysis is based on the applicant's assertion that an anticipated online veterinary support center will require no modifications to the exterior of the building and that the site will generate no net increase in vehicle trips from the previous use.

Process

The applicant's current proposal to change the use of this structure from a religious institution to professional and administrative services will require approval of a Conditional Use, Class I Design Review and Non-conforming Structure permit.

Professional and administrative services are listed as conditional uses in Section 59.060 of the Willamette Neighborhood Mixed Use Transitional Zone. Per Section 59.090, the appropriate lot size and dimensional standards for conditional uses in this zone shall be determined by the appropriate approval authority at the time of consideration per Section 60.070(1) and (2). Section 59.100 lists additional standards applicable to development proposals in the Mixed Use Transitional zone. These standards include CDC Chapters:

- 42, Clear Vision;
- 44, Fences and Screening of Outdoor Storage;
- 48, Access, Egress and Circulation;
- 55, Design Review; and,
- 54, Landscaping.

This property is also located within the Willamette Falls Drive Commercial District Overlay Zone. The standards in this chapter do not apply as no modification to the exterior of the existing building is proposed. New CDC language expected to take effect on October 13, 2010, will grant review authority to the Historic Review Board for all exterior manifestations of a development proposal. As approved, this new CDC language would allow the HRB to make a recommendation to the Planning Commission on the applicant's proposal.

As it pertains to this request, an application for a conditional use must include the following materials per Subsections 60.060(B-F):

- Pre-application conference (completed)
- Meeting with the appropriate neighborhood association per Section 99.038
- Completed application form and narrative responses to the criteria listed in Section 60.070
- Site plan
- Names and addresses of all record property owners within 300' of the project site; and,
- The appropriate deposit fee (Class I Design Review (\$850) + Conditional Use (\$3,650) + Non-Conforming Structure (\$1,200) = \$5,700).

Applicable structural-related standards in the Willamette Neighborhood Mixed-use Transitional Zone may be found in CDC Chapter 55.100(B)(6). The existing structure is currently non-conforming to Subsection 55.100(B)(6)(b) which requires contextual design treatments; structures must be compatible with existing structures on-site and on adjoining sites and must respect and incorporate prominent architectural styles, building lines, roof forms, rhythm of windows, scale and massing, and materials and colors of surrounding buildings. The existing structure is also non-conforming to many of the standards of the Willamette Falls Drive Commercial District Overlay zone.

CDC Section 66.050 states that a non-conforming structure may be maintained although it does not conform to the provisions of the applicable zone, subject to the provisions of Sections 66.060 through 66.100.

- Section 66.060 requires that changes of use for non-conforming structures address the off-street parking and access criteria in CDC Chapters 46 and 48, respectively. Properties in the Willamette Falls Drive Commercial District Overlay are however, exempt from the off-street parking requirements in Chapter 46. The applicant's narrative must respond to Subsection 48.020(D); if the new use will result in increasing the requirements of Chapter 48, the standards of Chapter 48 will apply.
- 66.080(B)(1) states, where the enlargement [/alteration] in and of itself, meets all provisions of this code, the enlargement [/alteration] will be approved. This exception does not preclude design review.

A Class I Design Review is required for proposals to revise circulation (55.020(10)) or, revise points of ingress/egress to a site (11). The approval standards listed in 55.090(A)(1) and (2) do not apply as the site is substantially developed with no remaining natural physical features that would be impacted and no exterior architectural changes are proposed. The applicant would be required to

satisfy 55.090(B), which states that an application may only be approved where adequate public facilities are available.

The CDC defines Adequate Public Facilities as:

Public facilities that must be adequate for an application for new construction, remodeling, or replacement of an existing structure, to be approved are transportation, water, sewer, and storm sewer facilities. To be adequate, on-site and adjacent facilities must meet City standards, and off-site facilities must have sufficient capacity to 1) meet all existing demands, 2) satisfy the projected demands from projects with existing land use approvals, plus the additional demand created by the application, and 3) remain compliant with all applicable standards. (ORD. 1544)

For purposes of evaluating discretionary permits in situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard, and an improvement project is not programmed, the approval criteria shall be that the development avoids further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.

Discussions with ODOT and City Engineering on September 1, 2010, indicate the following additional items should be addressed in the applicant's submittal:

- The City will require a traffic impact analysis if ODOT determines that operational or safety concerns warrant such an analysis. ODOT has stated that operational concerns can only be avoided through demonstration of a net-zero trip generation. Sufficient documentation is needed to support trip generation based in the administrative church activities approximately 12 months ago;
- The applicant shall be required to provide the crash history for the past 3 years at both the 8th Avenue/10th Street and 10th Street/Willamette Falls Drive intersections;
- TDM measures are encouraged where shift changes occur off-peak;
- ODOT is in support of a left turn only egress onto 8th Avenue;
- The City and ODOT support relocating the 8th Avenue access further west of the intersection of 8th Avenue and 10th Street;
- ODOT requests that the applicant document existing traffic conditions. The study conducted for the Willamette Marketplace is out-of-date;
- ODOT has expressed a desire for a condition of approval which requires the applicant to submit annual reports detailing the site's hours of operation, number of employees, shift scheduling, and other relevant trip generation characteristics.

The applicant's proposal will be heard by the West Linn Planning Commission in the manner prescribed for consolidated hearings under CDC Section 99.070. The proposal is exempt from the requirements for a separate hearing with the West Linn/Clackamas County Historic Review Board (as established in CDC Section 55.030(E)) as the subsequent design review will not involve a "building" but will consider only whether adequate public facilities are available.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Please also note that these notes have a limited (18 month) shelf life and as new codes are introduced the ability to develop per these provisions may no longer be possible.

Spir, Peter

From: Spir, Peter
Sent: Friday, February 25, 2011 8:18 AM
To: Holmes, Gail
Cc: Planning Commission Board; Sonnen, John
Subject: Call Center CUP-10-05

Gail

I have some responses to your earlier inquiries:

I have a few clarifications and I wasn't sure to email you or Peter Spir:

1. Is there a "Full Size" copy of the Proposed Site Plan C-100? If so I would like to pick up a copy at City Hall. I have only two full sized copies. I can send you one unless you wanted to pick it up today. It is at a bigger scale but it does not communicate much more than the fact that the site changes are rather modest.

2. Sidewalk plan, is this only referring to the sidewalk on 8th Avenue and does the full size of C-100 show this more clearly than what I received in my packet?

The proposed conditions call for a sidewalk panel by panel inspection by the Engineering Department who will tell the applicant which ones to replace. I suspect these sidewalk panels will be limited to one section on Willamette Falls Drive and another section on Eighth Avenue. Neither of these sections are depicted on C-100 since it is city staff who will decide which sections are okay and which are not. These improvements are only justified by the requirement that the building come into compliance with ADA standards.

3. The HRB questioned if the project could include a new paint on church building, I didn't see this in the staff report so is this out of scope or could a use this as a condition of approval? I would like to have a copy of the HRB minutes to verify the request.

I do not see any statutory authority to require businesses engaged in a simple "change of use" to re-paint the building. The existing color is compatible with the color schemes nearby. If this was a new commercial or office building being built from the ground up there would be a full range of conditions, as you propose, that could legitimately be imposed on the applicant.

But the fact that this is a simple "change of use" makes the imposition of COAs a lot more challenging.

If a similar change of use were to occur anywhere else in the city, such as one benign business or activity replacing another with no change to the building elevation or footprint, there would be no involvement by the Planning Commission (no hearing) and very little involvement by staff other than perhaps a new sign permit. It is only because this church property was included in the mixed use/transitional zone, some would argue wrongly, that we find ourselves having to deal with what would otherwise be a routine ministerial process. The COAs should reflect that fact.

I noticed there was to be 6 parking spaces not required, could an electric car recharge station be part of the condition of approval or is this out of scope?

There needs to be a clear nexus or relationship between the impacts generated by the use and the ability of the condition you propose to mitigate or address those impacts.

Since trip generation will be less with the call center and there is no code requirement for recharging stations, the proposed COA, although well intentioned, would not stand up to a challenge.

I do not see how we could legitimately compel the applicant to provide that amenity.

Also, business cards, was that a reasonable request? Do the Planning Commissioners have a mail box or email at City Hall?

When I went to the Metro 101 meeting I picked up free CD's of the power point for that evening and have enough for all of our Planning Commissioners and a copy for city council.

Please let me know.

Gail Holmes

WL Planning Commissioner

See you next Wednesday

Peter

Meeting Notes

September 1, 2010

Property Information:

Address: 2014 Willamette Falls Drive

Owner: Willamette Capital Investments

Zoning: Ch. 59 Mixed-use; Willamette Falls Drive Commercial Historic Overlay

Site size: 0.94 Acres

Employees: 50 total/14 per shift (3 shifts)

Hours of Operation: 24 hours

Staff Notes

In attendance:

- Marc Butorac, Alex Kiheri – Kittelson and Associates, Inc.
- Mimi Doukas – CardnoWRG
- Gail Curtis, Avi Tayar – ODOT
- Dennis Wright, Zach Pelz – City of West Linn

Background

- **Adequate Public Facilities.** Public facilities that must be adequate for an application for new construction, remodeling, or replacement of an existing structure, to be approved are transportation, water, sewer, and storm sewer facilities. To be adequate, on-site and adjacent facilities must meet City standards, and off-site facilities must have sufficient capacity to 1) meet all existing demands, 2) satisfy the projected demands from projects with existing land use approvals, plus the additional demand created by the application, and 3) remain compliant with all applicable standards. (ORD. 1544)
- For purposes of evaluating discretionary permits in situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard, and an improvement project is not programmed, the approval criteria shall be that the development avoids further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.
- New tenant is interested in site since property owner's previous discussion with ODOT and City

- This tenant would allow the property owner to keep the site in use until a more permanent use of the site is established – tenant that is capable of redeveloping site in conformance with area zoning
- Current proposed tenant would use site for online veterinary support center which will house approximately 50 total employees over three shifts during a 24 hour period. Approximately 14 workers will be onsite at any one time.
- The land owner's traffic consultant is confident they can provide a net-zero trip generation solution using transportation demand management strategies.
- Applicant would like to move into space by January 2011.

City Traffic Impact Analysis Required

- In this case will apply if ODOT determines operational or safety concerns warrant a TIA per 85.170.B.2.C.a.2.
- Land owner believes that low number of employees and shift scheduling does not warrant TIA.
- ODOT supports left turn egress only from existing driveway on 8th Avenue.
- ODOT believes the property owner should be required to document existing conditions and should not rely upon the Willamette Marketplace Study conducted 6-7 years ago. According to ODOT, a traffic analysis will provide a better idea of the required contribution toward mitigation.
- The Church was last in operation approximately 14 months ago, primarily as an administrative services use. According to City staff, it has been years since the church held a worship service.
- Kittelson will document the traffic impact to evaluate the impact from the proposed trip generation compared with the pre-existing trip generation.
- ODOT would like conditions of approval for a Transportation Demand Management strategy; possibly one that includes annual reports to ODOT stating the current hours of operation, employees and other trip generation characteristics.
- ODOT will require net-zero analysis in place of full TIA.

Applicable Sections of the West Linn Community Development Code

Chapter 2: Definitions

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

59: Willamette Neighborhood Mixed-use Transitional Zone

59.060 Conditional Uses – *subject to the provisions of CDC Ch. 60*

5. Religious Institutions

16. Professional and Administrative Services

58: Willamette Falls Drive Commercial District Design Standards

58.030 Applicability

A. all new commercial construction, restorations and remodels are subject to the standards contained in this chapter

*Remodeling (*from ch. 2*): The alteration of the physical condition of more than 50 percent of the floor area of an existing structure. Remodeling does not include normal maintenance or repair.

*Restoration: exterior changes including painting.

58.060 Review Body

A. Restorations/remodels shall be reviewed by the Historic Review Board in the manner prescribed for Design Review

58.090 Standards

C.1. Dimensional Standards apply to new construction and remodels

A. Front setback: 0-feet; building may not be setback from the property line

B. Side and street side: 0-foot; building may not be setback from the property line

*current structure is non-conforming to the current design standards of Chapter 58 – Willamette Falls Drive Commercial Design Standards

66: Non-conforming Structures

66.060 Discontinuance or change of conforming use in a non-conforming structure: *“Should the owner or occupant discontinue or change the use of a non-conforming structure, it shall be unlawful and a violation of this code to begin or maintain such altered use until the off-street parking spaces and loading area requirements of chapter 46, and access requirements of chapter 48 are met, or until the appropriate approval authority under Ch. 99 has approved the change.”*

60: Conditional Uses

60.050.B. change in conditional use plan requires a new application

60.070. B. enlargement or alteration to a conditional use is subject to CDC Ch. 55

60.070.C.6 ROW dedication per TSP may be required

C.7 Intersection improvements per TSP may be required

46: Off-street Parking Requirements

46.140 Exemptions to Off-street Parking Requirements: *“to facilitate the design requirements of Ch. 58, properties in the Willamette Falls Drive Commercial District Overlay Zone, located between 10th and 16th streets, shall be exempt from the requirements for off-street parking as identified in the chapter. Any off-street parking spaces shall be designed and installed per the dimensional standards of this code.”*

55: Design Review

55.030 Administration and Approval Process

E. Design Review of Single-family detached dwellings in the historic district, landmark structures, and buildings in the Willamette Falls Drive Overlay Zone shall be reviewed by the West Linn/Clackamas County Historic Review board per CDC Ch. 99.

85.170.B.2.C When Traffic Impact Analysis is Required. A traffic impact analysis may be required when the following conditions apply:

- a. the development application involves one or more of the following:
 - (2) Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway.

Projects from 2008 TSP:

Pedestrian: sidewalks along 10th Street from SB 205 to 8th Street (medium priority)

Bicycle: bike lanes from Salamo to Willamette Falls Drive on 10th Street (low priority)

Vehicle:

- #7: Widen 10th Street to 5 lane cross-section – 205 to 8th Ct.
- #8: Add through lands on 10th Street for 2 lanes in each direction. Prohibit NB left turn movement and replace left turn lane with pedestrian island
- #10: Upgrade traffic control at Willamette Falls Drive/10th Street to signal or roundabout
- #11: Right in/Right out access at time of 8th Ct. extension
- #13: Extend 8th Ct. to Willamette Falls Dr.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Please also note that these notes have a limited shelf life and as new codes are introduced the ability to develop per these provisions may no longer be possible.