

Kelver, Brett

From: Kelver, Brett
Sent: Friday, May 19, 2017 5:20 PM
To: 'Greg Hemer'
Cc: 'aargo23@gmail.com'; 'grau@nwhousing.org'; 'john.henry.burns@gmail.com'; 'kim.travis75@gmail.com'; 'scott.jns@gmail.com'; 'shannahanderson@gmail.com'; Roller, Alex; Eaton, Chuck; Egner, Dennis
Subject: RE: Rusk Rd project questions

Greg,

Thanks for sending your questions. I'll take a shot at answering them this afternoon, knowing that they are the kinds of questions that others on the Commission and in the public will likely want to ask more about at the hearing next week.

- **Roads** = Regarding the church driveway on Rusk Road, we have discussed this further with the County and they are amenable to us requiring the driveway to remain open, as it affects the proposal greatly to have it closed. We'll probably recommend a condition of approval to keep the driveway open and do as much as possible to make it function as a one-way "in" from Rusk Road. Regarding the suggestion to extend the right turn lane northbound on Rusk Road, both ODOT and the County have recommended the extension, and the City will require that, too. The extension will have to meet County standards but should be pretty basic. I hope that answers this question enough for now. I'll aim to address that in my presentation next Tuesday.
- **Traffic** = We'll speak more about the traffic questions at the hearing. Regarding the various questions that have come up with regard to the methodology and assumptions of the traffic study, staff has confirmed with our traffic consultant that the applicant's traffic study is sound. The summertime peak traffic in the park does not significantly conflict with the standard 4pm to 6pm traffic peak window (page 13 of the applicant's traffic study). I think we'll let the applicant's consultant field more of the specific questions that come up, but staff's position is that the traffic study is sound and does not need further revision. The one assumption we caught that needed tweaking was how the length of the right-turn lane on northbound Rusk Road at Highway 224 was measured—when that adjustment is made, that particular leg of the intersection fails, and thus the requirement to extend the right-turn lane there. We can explain more about that at the hearing.
- **Flooding** = The City's requirements are that stormwater runoff cannot be greater after the development than it was before (or even back to the Lewis & Clark standard, as we discussed with the Harmony Road mini-storage project). It's about managing the flow rate, not about drying up the water itself. My understanding is that water will still make its way off the site (or onto other portions of the site, like the open space area), and it won't do that any more quickly or with greater flows than it does now.
- **Affordable homes vs Environmental impacts** = The primary City standards or criteria in play on this question seem to be those for the Planned Development (especially the request for increased density) and those for Natural Resource review. Both are discretionary reviews, and I am not aware of case law that provides any legal precedent for valuing one over the other. For the Planned Development, there are some standards (like, having at least a third of the site as open space), but there are also some areas where it is more of a judgment call about whether the design is outstanding enough to warrant the requested density bump. For Natural Resources, the applicant is supposed to demonstrate that they've looked at a number of practicable alternatives, that theirs is the least impactful one, and that they have minimized and mitigated for impacts. I think it's mostly about trying to find an appropriate-feeling balance between the two goals (providing housing and protecting natural resources).

Thanks again for the questions in advance. Have a good weekend as well, and good luck with all the reading and review!

-Brett Kelter
Associate Planner

From: Greg Hemer [mailto:greghemermilw@gmail.com]
Sent: Friday, May 19, 2017 2:44 PM
To: Kelter, Brett <KelterB@milwaukieoregon.gov>
Subject: Rusk Rd project questions

Happy Friday, I am sure you have your hands full but I have a few questions:

Roads - I am confused about jurisdiction and what standards need to be met. Does the applicant have to comply with the County's request or standard for Rusk Rd or does PC have to put in with Condition of approval?

Traffic- Many public comments have implied that the traffic study was not done during adequate measuring times ie no school or softball. Can the applicant provide a revised traffic study in time for 120 day rule for a new traffic study or can that be conditioned in to determine a more accurate (may not change from current) traffic study to determine the mitigation?

Flooding - maybe a silly question, but doesn't the extra water run off controls of the proposed development reduce the amount of water entering into Mt. Scott Creek ie retention ponds and mitigation area?

Affordable homes vs. Environmental impacts- Is this a feeling determination for PC or is there a City standard or City evaluation, previous case law, or precedent that takes one consideration over another?

Thank you and enjoy your weekend and sunshine

Greg Hemer