



Oregon

Kate Brown, Governor

Exhibit 4.1

Department of Transportation

Region 1 Headquarters
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Portland, Oregon 97209
(503) 731.8200
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October 4, 2019

ODOT #9040

ODOT Response

Project Name: Cedar Hills Shopping Center Redevelopment	Applicant: Pacific Community Design
Jurisdiction: City of Beaverton	
Site Address: 10280 & 10236 SW Park Way, Portland, OR 97225	State Highway: OR 217

The site of this proposed land use action is adjacent to the OR 217 frontage road. ODOT has permitting authority for the frontage road. We have 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.**

COMMENTS/FINDINGS

ODOT has reviewed the TIA for impacts of the proposed development of 509 apartments and 56,388 square feet of commercial space at the Cedar Hills Shopping Center. We have determined that ODOT mobility targets are met for the ramp terminal intersections. It should be noted that the analysis states that the mobility target is .99 v/c when the actual target is .85.

In order to accommodate bicycle and pedestrian use of the OR 217 frontage road, ODOT recommends the applicant be required to construct the following cross section: a 1ft buffer, 12ft shared bike/ped sidewalk, .5ft curb, 1ft shy, 12ft travel lane, 12ft travel lane, 1ft shy, existing .5ft curb and 5.5ft sidewalk to remain. This will require a total right of way need of 45.5ft. We recommend that the city require the necessary right of way donation to ODOT to accommodate this cross section.

All alterations within the State highway right of way are subject to the ODOT Highway Design Manual (HDM) standards. Alterations along the State highway but outside of ODOT right-of-way may also be subject to ODOT review pending its potential impact to safe operation of the highway. If proposed alterations deviate from ODOT standards a Design Exception Request must be prepared by a licensed engineer for review by ODOT Technical Services. Preparation of a Design Exception request does not guarantee its ultimate approval. Until more detailed plans have been reviewed, ODOT cannot make a determination whether design elements will require a Design Exception.

Note: Design Exception Requests may take up to 3 months to process.

All ODOT permits and approvals must reach 100% plans before the District Contact will sign-off on a local jurisdiction building permit, or other necessary requirement prior to construction.

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVALFrontage Improvements and Right of Way

- OR 217 Frontage Rd construct the following cross section: a 1ft buffer, 12ft shared bike/ped sidewalk, .5ft curb, 1ft shy, 12ft travel lane, 12ft travel lane, 1ft shy, existing .5ft curb, and 5.5ft sidewalk to remain. Improvements shall be constructed as necessary to be consistent with local, ODOT and ADA standards.
- OR 217 Frontage Rd: Right of way deeded to ODOT as necessary to accommodate the 45.5ft cross section 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 may take up to **3 months** to transfer ownership of property to ODOT.

Permits and Agreements to Work in State Right of Way

- 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 may take up to **6 months** to process.

- The applicant must obtain an ODOT permit to place trees in the state right of way. Tree spacing and design must be consistent with the ODOT Highway Design Manual section 4.2.6 (http://www.oregon.gov/ODOT/Engineering/Documents_RoadwayEng/HDM_04-Cross-Sections.pdf).

If proposed tree placement deviate from ODOT standards (such as placement in a planter strip), a Design Exception Request for clear zone must be prepared by a licensed engineer for review by ODOT Technical Services. Preparation of a Design Exception request does not guarantee its ultimate approval.

Note: It may take up to **3 months** to process a Design Exception.

- An ODOT Miscellaneous 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.

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

ODOT_R1_DevRev@odot.state.or.us

Development Review Planner: Marah Danielson	503.731.8258, marah.b.danielson@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221 Abraham.tayar@odot.state.or.us
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