



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties

From: City of Beaverton Planning Division

Date: December 17, 2020

Subject: *Notice of Decision for TP2020-0007 DR2020-0102 Cedar Mill Creek Sanitary and Stormwater Mods*

Please find attached the Notice of Decision for **TP2019-0007 and DR2020-0102 Cedar Mill Creek Sanitary and Stormwater Mods**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for TP2019-0007 and DR2020-0102 is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for TP2020-0007 and DR2020-0102 Cedar Mill Creek Sanitary and Stormwater Mods is 4:30 p.m., December 29, 2020.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The City of Beaverton has declared a State of Emergency due to COVID-19 and the Community Development Division is closed to the public until further notice. The Community Development Department is evaluating temporary changes to processes and procedures to respond appropriately to the COVID-19 State of Emergency and is committed to ensuring that the land use review process continues to fulfill the requirements of state and local law while protecting the health and wellbeing of the community. For more information about the case file, please contact Brett Cannon, Assistant Planner, at (503) 350-4038.



NOTICE OF DECISION

DATE: December 17, 2020

TO: Interested Parties

FROM: Brett Cannon, Assistant Planner

PROPOSAL: **Cedar Mill Creek Sanitary and Stormwater Mods
TP2020-0007 DR2020-0102**

LOCATION: The project site is located Washington County Assessor's Tax Map and Lots 1S108BA-100, -200, -300, 1S1080000504, -290, -2500, 1S108BB00900, 1S108AB00-100, -200.

SUMMARY: The applicant, Clean Water Services, request Tree Plan Two and Design Review Two approval to remove and impact up to 285 trees within a Significant Natural Resource Area (SNRA) for the construction of an approximately 4,900-foot sewer trunk and appurtenances. The removal and impacts of the trees will be less than fifty percent of the SNRA. The project scope includes habitat enhancement to the Cedar Mill Creek including replanting of all removed trees, revegetation of native species and excavation of side channels, replacement of existing boardwalks, and other associated improvements. The Tree Plan Two and Design Review Two approvals are required for work within a SNRA and modification in excess of fifteen percent of landscaping on a site.

APPLICANT: Clean Water Services
Attention: Jadene Torrent Stensland, PE
2550 SW Hillsboro Highway
Hillsboro, OR 97123

PROPERTY OWNER: Reser's Fine Foods
15570 SW Jenkins Road
Beaverton, OR 97003

Tualitin Hills Park and Recreation District
15655 SW Millikan Way
Beaverton, OR 97003

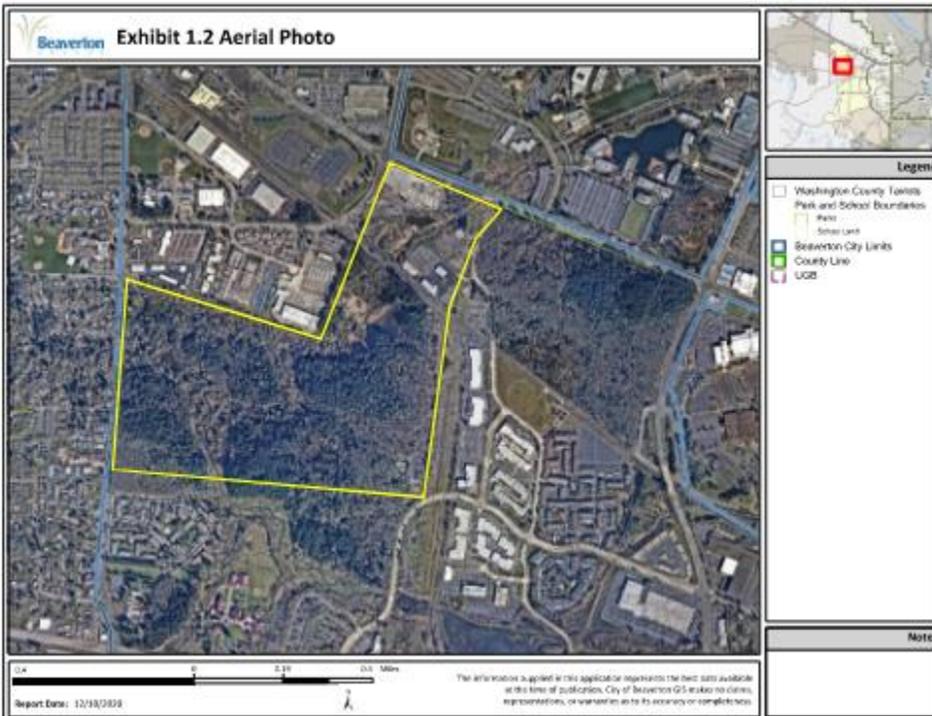
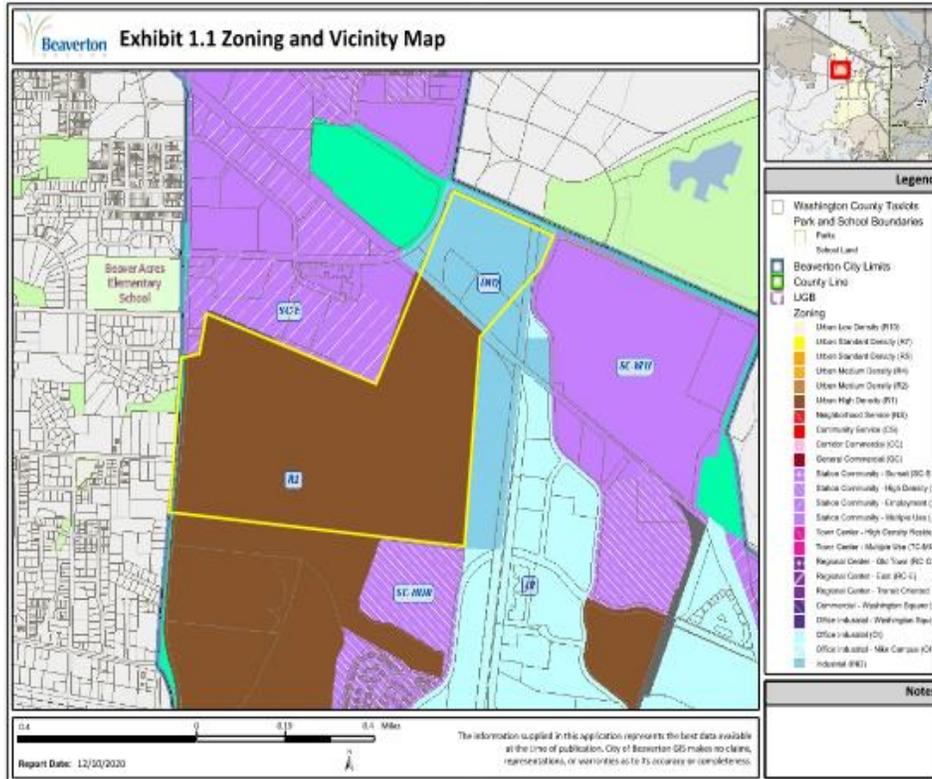
Bonneville Power Administration
PO Box 3621
Portland, OR 97208

Tri-County Metropolitan (Tri-Met)
375 SW 185th Avenue
Beaverton, OR 97003

Portland General Electric
121 SW Salmon Street
Portland, OR 97204

RECOMMENDATION: **APPROVAL of TP2020-0007 and DR2020-0102 Cedar Mill Creek Sanitary and Stormwater Mods, subject to the conditions herein.**

ZONING/VICINITY/AERIAL MAP



BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Application Deemed Complete	Day 120	Day 365*
TP2020-0007	August 31, 2020	November 4, 2020	March 4, 2021	November 4, 2021
DR2020-0102	August 26, 2020	November 4, 2020	March 4, 2021	November 4, 2021

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Residential Urban High Density (R-1) and Industrial (IND)	
Current Development	Nature Park, Utility Transmission Line, Light Rail, Industrial	
Site Size	The subject site is approximately 258 acres.	
NAC	Five Oaks/Triple Creek	
Vicinity Zoning and Land Uses	<p>Zoning: <u>North:</u> Station Community-Mixed Use (SC-MU), Station Community-Employment (SC-E) and Washington County Transit Oriented: Employment (TO:EMP) <u>South:</u> R1 <u>East:</u> Office Industrial <u>West:</u> Washington County: R5, R9, R15 and R24</p>	<p>Uses: <u>North:</u> Commercial/Industrial <u>South:</u> Nature Area/Park <u>East:</u> Office <u>West:</u> Single-Family Residential</p>

Previous Land Use Approvals

Previous approvals at the site include BDR95133 which approved trail and boardwalk designs at the THPRD Nature Park and DR2001-0042 which approved a sewer trunk upgrade at a different location on THPRD Nature Park.

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**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
CEDAR MILL CREEK SANITARY AND STORMWATER MODS
DR2020-00102 / TP2020-0007**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:

- **All twelve (12) criteria are applicable to the Design Review application as submitted.**
- **Facilities Review criteria do not apply to the Tree Removal application.**

A. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes necessary on-site and off-site connections and improvements to public water and public sanitary sewer facilities.

Public Water

The subject site is a park and natural area. As the proposal is a sanitary sewer upgrade and habitat restoration project, no new water service is being proposed, and no additional demand is anticipated.

Public Sanitary Sewer

The proposed project is a sanitary sewer upgrade to approximately 4,900 feet of an existing Clean Water Services sanitary sewer trunk line. The existing 36-inch diameter concrete trunk will be nearing capacity-deficiency by 2025, as shown by master planning and hydraulic modeling efforts. The proposed sanitary sewer trunk will be 48 inches in diameter, constructed of fiberglass reinforced polymer (FRP) pipe, helping to significantly delay the need to improve the portion of the trunk line north of SW Jenkins Road in the near future.

Stormwater

Stormwater is provided by the City of Beaverton. The development proposes to replace an existing 36-inch concrete sanitary sewer trunk with a 48-inch FRP pipe. As part of the project significant habitat and stream channel improvements are proposed as well. The applicant states that the new sewer trunk and habitat enhancements will increase the capacity of the regional stormwater management system, supporting future development in the City of Beaverton and Washington County. Additionally, a Clean Water Services (CWS) Service Provider Letter has been provided by the applicant demonstrating compliance with regional stormwater management policies, subject to the conditions of approval in the letter.

Transportation

The proposed sanitary sewer trunk and stream enhancements includes maintenance of existing boardwalks in the nature park. No new trips are expected to be created by the applicant's proposal. Existing connections to the transportation network will remain.

Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). By meeting the conditions of approval, the proposal will meet TVF&R requirements which will be verified at the time of Site Development Permit issuance.

Therefore, the Committee finds that the proposal meets the criterion.

B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five years of occupancy.

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant's plans and materials were forwarded to City Transportation staff and City Police Department.

The site is a Tualatin Hills Park and Recreation District (THPRD) facility that provides park services.

The City of Beaverton Police will continue serve the development site.

Tri-Met will continue to serve the development site. The site is most directly served by the 57-bus line on SW Tualatin Valley Highway and the Merlo Road/SW158th MAX Tri-Met Station.

Pedestrian access into the park will be remain at all existing locations, from SW Millikan Way and SW 170 Avenue.

Therefore, the Committee finds that the proposal meets the criterion.

C. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject proposal.

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Residential-Urban High Density District (R-1) and Industrial (IND) zones as applicable to the above-mentioned criteria. As demonstrated in the chart, the development proposal meets all applicable standards.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Regulations) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Regulations), are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above-mentioned criteria.

Section 60.55.25 Street and Bicycle and Pedestrian Connection Requirements

The development proposes to replace an existing 36-inch concrete sanitary sewer trunk with a 48-inch FRP pipe. As part of the project significant habitat and stream channel improvements the project will replace existing boardwalks in the area of the proposed trunk line improvement. The applicant's plans show that the development will remain accessible by foot and by bicycle from existing locations, from SW Millikan Way and SW 170 Avenue, as required.

60.60 Trees and Vegetation Requirements

The applicant's plans show 285 Significant Grove Trees to be removed to accommodate the installation of the sanitary sewer trunk. The project is subject to a Tree Plan Two application, as it qualifies under Section 40.90.15.2.A.3: "Commercial, Residential, or Industrial zoning district: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.." The Facilities Review doesn't apply to Tree Plan Two

application; however, the committee recommends standard conditions of approval for tree protection fencing during construction for any nearby tree not identified for removal.

60.67 Significant Natural Resources

The applicant is proposing to remove trees and enhance a stream corridor in a Significant Natural Resource Area. The Facilities Review committee recommends a condition of approval requiring that the applicant obtain all necessary permits from state and federal agencies for work within a jurisdictional wetland.

Additionally, as this project would affect the floodway, the Facilities Review committee recommends a condition of approval requiring the applicant submit to FEMA a Conditional Letter of Map Revision for the Cedar Mill Creek Floodplain adjustments.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to maintenance by the City or other public agency.***

The applicant's narrative states that CWS will access the site using existing trails to provide maintenance within the sanitary sewer trunks easement. Tualatin Hills Parks and Recreation District (THPRD) will provide continued maintenance of the park's facilities, including trails and recreational facilities. Both CWS and THPRD will monitor the planted vegetation to ensure continued health of the stream enhancement areas. The proposal, as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

Therefore, the Committee finds that the proposal meets the criterion.

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.***

As noted above in response to criteria B and D, the vehicular and pedestrian circulation patterns within the boundaries of the site are safe and efficient for the operation of the proposed development. The development proposes to replace an existing 36-inch concrete sanitary sewer trunk with a 48-inch FRP pipe. As part of the project significant habitat and stream channel improvements the project will replace existing boardwalks in the area of the proposed trunk line improvement. The boardwalks are considered part of the transportation facility on the site. The

proposal includes eight-foot and five-foot wide boardwalks that are below the City's Engineering Design Manual minimum standard of 10 feet. The proposal will need to show this minimum width requirement is met or submit for a design exception. The exception will need to provide the specific reasoning for this exception and show a minimum clearance width of the boardwalk of either five or eight feet depending on the width of the path to which it connects.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

As noted above in response to criteria B and D, the vehicular and pedestrian circulation patterns within the boundaries of the site are safe and efficient for the operation of the proposed development. Additionally, the applicant states the site is not open to vehicular traffic other than infrequent maintenance vehicle trips along existing trails. Proposed maintenance access points at SW 170th Avenue, SW Merlo Road and SW 153rd Drive require coordination with Washington County and the City of Beaverton to ensure vehicular and pedestrian systems function properly during construction and maintenance periods. The Facilities Review committee recommends a condition of approval requiring the applicant submit and obtain all required permits from Washington County when working on roadways under their jurisdiction.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

Proposed structures are limited to replacing boardwalks crossing the wetlands areas and Cedar Mill Creek along numerous trails within the nature park and the installation of the proposed sanitary sewer trunk line. The existing boardwalks were approved by BDR95133 at a width of 8-feet in some areas and five feet at others. The proposed boardwalks are designed with decking materials to increase the traction pedestrian users, meet or exceed the approved width of 8-feet, and minimize the impact on the wetlands with minimal alterations to the existing paths. The boardwalks are considered part of the transportation facility on the site, which are below the City's Engineering Design Manual minimum standard of 10 feet. The proposal will need to show this minimum width requirement is met or submit for a design exception. The exception will need to provide the specific reasoning for this exception and show a minimum clearance width of the boardwalk of either five or eight feet depending on the width of the path to which it connects.

The proposed sanitary sewer trunk is designed in accordance with CWS and City of Beaverton Engineering Design Manual Standards.

The Committee concludes that, subject to meeting the conditions of approval the site can be designed in accordance with City codes and standards and provide adequate fire protection.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from hazardous conditions due to inadequate, substandard or ill-designed development.

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development. The existing walkways and drive aisles have been designed to meet the applicable Engineering Design Standards.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

The development proposes to replace an existing sewer trunk line, replace existing boardwalks and provide riparian enhancement to the Cedar Mill Creek stream channel through the project site. The applicant states that the new sewer trunk line has been designed with floodplain enhancements that attenuate flows. The stream enhancement measures will return the project site to existing contours and drainage patterns, with exception of the proposed side channels. The proposed enhancements to the stream channel will include removal of invasive vegetation, to be replaced woody debris and native vegetation. To ensure compliance with erosion control measure the committee proposes a condition of approval to provide a completed 1200-C Permit prior to issuance of the Site Development Permit.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, the sidewalks and proposed boardwalks internal to the development appear to meet applicable accessibility requirements and through the site development and building permitting reviews will be thoroughly evaluated. Therefore, the Committee finds that by meeting the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.25.10 and the criterion will be met.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion for approval.

L. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

The applicant submitted the applications on August 25, 2020. The application was deemed complete on November 4, 2020. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds the proposal meets the criterion for approval.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
R1 High Density Residential (R1) and Industrial (IND) Zoning
District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20. Land Uses – R1			
Use, Permitted	Public Sewer and Water and Utility Transmission Lines	The applicant proposes to replace a sanitary sewer trunk line that includes the following: removal of 285 trees, stream enhancement activities and replacement of existing boardwalks in the THPRD Nature Park.	YES
Development Code Section 20.05.15. Site Development Standards – R1			
Land Area Minimum	1,000 Square Feet	Approximately 253.68 acres	YES
Lot Dimensions Minimum	None	Width: Approx. 270 feet Depth: Approx. 3,200 feet	YES
Yard Setbacks Minimum	Front: 10 feet Side: 0, 5, 10 feet Rear: 15 feet	Front: N/A Side: N/A Rear: N/A	YES
Building Height Maximum	60'	Bridge is approximately 3 feet above finished grade.	YES
Development Code Section 20.05.20. Land Uses – Industrial			
Use	Public Building and Uses	Pursuant to section 60.50.25.8 Utilities: <i>“The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of any electrical, gas, steam, potable and non-potable water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be Permitted in any district.”</i>	YES

Development Code Section 20.05.15. Site Development Standards – Industrial			
Land Area Minimum	None	Approximately 253.68 acres	YES
Lot Dimensions Minimum	None	Width: Approx. 270 feet Depth: Approx. 3,200 feet	YES
Yard Setbacks Minimum	Front: 35 feet Side: 10 feet Rear: None Any yard abutting residential zone: 75 feet	Front: N/A Side: N/A Rear: N/A	YES
Building Height Maximum	45 feet	Bridge is approximately 3 feet above finished grade.	YES

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Design Review standards will be reviewed in the Design Review portion of the staff report.	See DR2020-0102 Findings
Development Code Section 60.07			
Drive-Up window facilities	Requirements for drive-up, drive-through and drive-in facilities.	No drive-up window facilities are proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is located within a floodplain. The Facilities Review Committee recommends conditions of approval requiring a drainage analysis identifying affected tributaries, a zero-rise floodplain modification, and a Conditional Letter of Map Revision application for the creek floodplain modifications.	YES w/ COA
Development Code Section 60.12			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development Practices proposed.	N/A

Development Code Section 60.25 – Off Street Loading			
Loading Facilities	No Loading Berths Required	The applicant proposes no loading berths and none are required.	N/A
Development Code Section 60.30 – Off-Street Parking			
<u>Off-street motor vehicle parking</u> Parking Zone A&B	Total Required: 0 Spaces	<u>Vehicle Parking</u> No new off-street vehicular parking is required. The existing parking spaces at the nature park welcome center will not be impacted by the proposed development.	YES
<u>Required Bicycle Parking</u>	Short Term Total: 0 Spaces Long Term Total: 0 Spaces	<u>Bicycle Parking</u> No new bike parking is required. The existing short-term bicycle parking spaces at the nature park welcome center will remain.	
Compact Spaces	Twenty percent of required spaces may be compact.	No compact spaces are proposed.	
Development Code Section 60.55 - Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes - with COA
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	285 trees are proposed for removal. The committee recommends a condition of approval requiring protection of trees that are potentially impacted by site improvements but not identified for removal.	Yes - with COA
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	To ensure the proposal meets requirements of this section, staff recommends a condition requiring undergrounding of any utilities affected by the trunk line replacement.	Yes - with COA

**DR2020-0102 CEDAR MILL CREEK SANITARY AND STORMWATER MODS
ANALYSIS AND FINDINGS FOR DESIGN REVIEW TWO**

Section 40.03.1 Facilities Review Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:

Facilities Review Approval Criteria Section 40.03.1.A-L

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

Therefore, the Committee finds that the proposal meets the criteria.

Section 40.20.05. Design Review Applications; Purpose

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by ensuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development.

Section 40.20.15.2.C Approval Criteria

In order to approve a Design Review Two application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Design Review Two application.**

FINDING:

The applicant proposes to install a new sewer trunk line spanning approximately 4,900 square feet. The project scope includes the removal of 285 trees from SNRA1, SNRA2, and G38. Furthermore, the applicant proposes to enhance the wetland habitat of the project site by removing invasive flora species and re-introducing species endemic to the Cedar Mill Creek stream channel and proposes other associated site improvements. This request meets threshold number six for a Type Two Design Review identified in Beaverton Development Code (BDC) section 40.20.15.2.A

- 6. Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area with the exception for an increase in landscape art of up to 25 percent.*

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision-making authority have been submitted.***

FINDING:

The applicant paid the required associated fee for a Design Review Two application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

FINDING:

The application was submitted the on August 26, 2020 and deemed complete on November 4, 2020. In the review of the materials during the application review, staff finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, staff finds that the proposal meets the criterion for approval.

- 4. The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).***

FINDING:

Staff cites the findings in the Design Review Standard Analysis chart at the end of this section which evaluate the project in response to applicable Code standards of Sections 60.05.15 through 60.05.30 (Design Standards). In part, the chart provides a summary response to design review standards determined to be applicable in the subject case. The applicant's plans and materials show compliance with these standards. Certain conditions of approval are proposed to ensure the plan is constructed consistent with these standards.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

- 5. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Standards if any of the following conditions exist:***

FINDING:

Staff cites the Design Review Standard Analysis chart which evaluates the proposal's

compliance with Design Review Standards The applicant's plans and materials show compliance with these standards. Certain conditions of approval are proposed to ensure the plan is constructed consistent with these standards.

Therefore, staff finds the proposal meets the criterion for approval.

- 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

FINDING:

The applicant has submitted this Design Review Type Two application for this project. No other applications are required of the applicant for this stage of City approvals.

Therefore, staff finds the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **DR2020-0102 (Cedar Mill Creek Sanitary and Stormwater Mods)**, subject to the conditions below (Attachment D).

Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Minimum Landscaping		
<p>60.05.25.5.A.1</p> <p>Minimum landscape 15%</p>	<p>The applicant states the project site is a nature park and commercial area. The project doesn't propose to remove any landscaping. All existing landscaping that is modified or removed as part of the installation of the sewer trunk line will be replaced.</p>	YES
<p>60.05.25.5.B</p> <p>Planting Requirements</p>	<p>The applicant states the landscaping used to meet buffering and screening requirements and the proposed onsite water filtration system will meet the 15% landscape requirements. The proposed landscaping as seen on sheet 11 of the proposed plans indicate compliance with planting requirements of 60.05.25.5.B</p>	YES

Section 60.67 Significant Natural Resources

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Significant Natural Resources		
<p>60.67.05</p> <p>Local Wetland Inventory</p>	<p>The applicant states the project site is identified in the City of Beaverton Comprehensive Plan as a Local Wetland. The applicant has provided documentation of a joint permit with the Oregon Department of State Lands and the Army Corps of Engineers.</p>	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<p>60.67.10</p> <p>Significant Riparian Corridors</p>	<p>The applicant states the project site is identified in the City of Beaverton's Comprehensive Plan, Habitat Benefit Areas Map. The project is to replace a sewer trunk line, meeting the standards identified in Chapter 50 of the Beaverton Development Code. All required permits and submittals have been provided by the applicant.</p>	<p>Yes</p>

DECISION

Based on the facts and findings presented, staff issues an **APPROVAL** of **DR2020-0102 Cedar Mill Creek Sanitary and Stormwater Mods**, subject to the applicable conditions identified in Attachment D.

**TP2020-0007 CEDAR MILL CREEK SANITARY AND STORMWATER MODS
ANALYSIS AND FINDINGS FOR TREE PLAN TWO**

Section 40.90.05 Tree Plan Applications; Purpose

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)), and Community Trees thus helping to preserve and enhance the sustainability of the City's urban forest. This Section is carried out by the approval criteria listed herein and implements the SNRA, Significant Grove, Significant Individual Tree, and Historic Tree designations as noted or mapped in Comprehensive Plan Volume III.

Section 40.90.15.2.C Approval Criteria

In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Tree Plan Two application.**

FINDING:

The applicant's proposal includes the upgrading of approximately 4,900 feet of existing sewer trunk and stream and wetland enhancements in areas within the THPRD Nature Park. As part of the project the applicant proposes the removal of 285 significant trees within the THPRD Nature Park. The nature park is identified as Significant Natural Resource Area 1 (SNRA1) and Significant Grove-38 (G38) in the Beaverton Comprehensive Plan, Volume III: Statewide Planning Goal Resource Five Inventory. The applicant's proposal to remove trees within an SNRA and Significant Grove triggers Threshold 3 for a Tree Plan Two application which reads:

Commercial, Residential, or Industrial zoning district: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.

Therefore, staff find that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.**

The applicant has paid the required application fee for a Tree Plan Two application.

Therefore, staff find that the proposal meets the criterion for approval.

- 3. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.**

The applicant proposes tree removal for the purposes of a sewer trunk upgrade and wetland enhancement. The removal of the trees isn't necessary to observe good forestry standards and recognized by the ANSI and ISA, however, the applicant states a Clean Water Service (CWS) Arborist will oversee tree removal activities to ensure ANSI and ISA standards are satisfied during the removal phase.

Therefore, staff find that the proposal meets the criterion for approval.

- 4. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.**

The applicant proposes to remove 285 trees in order to replace an existing sewer trunk line. The applicant states the criterion is not applicable to the proposal. Staff agrees that the criterion is not applicable and cites the findings for criterion number six.

Therefore, staff find that the criterion for approval does not apply.

- 5. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.**

The applicant proposes to remove 285 trees in order to replace an existing sewer trunk line. The applicant states that the tree removal is not intended to remove trees because they have become a nuisance. Staff agrees that the criterion is not applicable and cites the findings for criterion number six.

Therefore, staff find that the criterion for approval does not apply.

- 6. If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.**

The applicant states the removal of 285 trees within the significant grove and SNRA is necessary to accomplish public purposes. The proposed installation of the 48-inch sewer trunk line is required because modeling of the current trunk line indicates it may be capacity deficient by 2025. By installing the new trunk line, the upstream (north of Jenkins Road) portion of the trunk will continue to function as designed, even during storm events, and delay the need for improvements north of Jenkins in the near future.

Public comment was received voicing concern about the projects impact to the diverse fauna which inhabit the nature park, how the applicant proposes to minimize those impacts and if there has been consultation with the Oregon Department of Fish and Wildlife.

The applicant states many designs of the sewer trunk location were analyzed to ensure minimal impact on the riparian habitat. When finalizing the location of the proposed sewer trunk line the applicant conducted public outreach, site assessment identifying high value and degraded resources, and construction phasing to minimize work during winter months. Ultimately, the proposed alignment following the existing trunk line was proposed as it reduces the impact/removal of old growth trees, is concentrated to areas overrun with invasive species and degraded habitat to allow for riparian habitat enhancement activities and minimizes disruptions to the operations of the THPRD Nature Park. Staff proposes a condition that the applicant acquire any permits as needed from the Oregon Division of State Land and United States Army Corps of Engineers for work within the wetland.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

7. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles.

The applicant proposes to remove 285 trees in order to replace an existing sewer trunk and enhance the adjacent wetland areas. The applicant states that the tree removal is not intended to eliminate conflicts with structures or vehicles. While there is enhancement of the riparian area within the SNRA and Tree Grove as a result of the project, the primary reason for the tree removal is to install the new sewer trunk line. Therefore, staff agrees that the criterion is not applicable and cites the findings for criterion number six.

Therefore, staff find that the criterion for approval does not apply.

8. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.

The applicant states that proposed tree removal plan will not reverse the designation of SNRA1, SNRA2, or G38 as identified in Volume III Habitat Benefit Areas Map of the Beaverton Comprehensive Plan. The tree removal for the proposed trunk line roughly follows the proposed path of the existing trunk line, which was installed in 1975. By proposing this alignment, impacts on the most sensitive areas of the SNRA will be avoided, as well as removal of old growth trees. While the applicant hasn't met the fifty percent threshold of tree removal on site to require a tree mitigation plan, the applicant proposes to replace all the trees planned for removal, extricate additional invasive species in the project area and replant the riparian habitat with species endemic to the Cedar Mill Creek stream channel.

Therefore, staff find that the proposal meets the criterion for approval.

9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of wind throw.

The applicant states the project area is in a lowland valley with minimal wind throw affects. The applicant's arborist and City of Beaverton Arborist agree that the remaining trees in the grove and SNRA will not pose a safety hazard because of windthrow. Additionally, the applicant states the projects arborist will be on-site to approve and monitor Best Management Practices when project work may encroach upon root zones of trees that haven't been removed.

Therefore, staff find that the proposal meets the criterion for approval.

10. The proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources).

Staff cites the Code Conformance Analysis chart at the end of this section, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As conditioned the proposal will meet the applicable requirements in Chapter 60.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

11. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

The applicant states grading and contouring of the project area will be temporary during installation of the new sewer trunk line. When a portion of the trunk line is installed, contours will be restored to pre-existing conditions. Minimal grading and contouring changes are proposed within the project area to aid in habitat mitigation and wetland

enhancement. Standard conditions have been incorporated into the proposal to ensure impacts associated with ground disturbance are reviewed with the Site Development Permit.

Therefore, staff find that the proposal meets the criterion for approval.

12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.

The submitted tree plan proposal contained all applicable submittal requirements necessary to be deemed complete.

Therefore, staff find that the proposal meets the criterion for approval.

13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

A Design Review Two application has been submitted by the applicant which shall be processed concurrently with the Tree Plan Two application. The applicant states any additional documents or applications required by the City will be submitted when requested.

Therefore, staff find that the proposal meets the criterion for approval.

Chapter 60 Trees and Vegetation & Significant Natural Resources Standards Code Conformance Analysis

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
60.60.15 Pruning, Removal, and Preservation Standards			
60.60.15.1.A-B	Pruning standards for Protected and Landscape Trees.	No pruning of a Protected Tree is proposed for this project.	N/A
60.60.15.2.	Removal and Preservation Standards for Protected Trees	The applicant is proposing to remove 285 trees within a Significant Grove and Significant Natural Resource Area, no mitigation is required since less than 50% of the trees within the SNRA and Significant Grove are to be removed. However, protection measures have been conditioned with this proposal to ensure trees not proposed for removal within the SNRA and G38 are protected during development activities.	Yes, with Conditions of Approval
60.60.20 Tree Protection Standards During Development			
60.60.20.1.A-B	Trees shall be protected during construction and activity within the protected root zone shall be limited.	The applicant has submitted a tree protection plan created by a certified arborist. Activity within the protected root zone shall not be permitted without additional approval.	Yes, with Conditions of Approval
60.60.25 Mitigation Requirements			
60.60.25.	Mitigation Standards	The removal of 285 trees from the significant grove and SNRA doesn't require a tree mitigation plan, as the total DBH of the proposed trees for removal is less than 50% of the total trees on site (60.60.25.2.B.). However, the applicant's plans and narrative propose to replant all trees that are removed for the installation of the sewer trunk line, along with additional wetland habitat restoration. Because these trees aren't required to be planted a mitigation tract is not proposed for this project.	N/A

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **TP2020-0007 (Cedar Mill Creek Sanitary and Stormwater Mods)**, subject to the conditions below (Attachment D).

CONDITIONS OF APPROVAL
Cedar Mill Creek Sanitary and Stormwater Mods

DR2020-0102

1. In accordance with Section 50.90.1 of the Development Code, a Tree Plan Two and Design Review Two approval shall expire after two years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (Planning Division/BC)
2. All activity shall be carried out in accordance with the site plan on file at City Hall, as approved by the Director. (Planning Division/BC)
3. Applicant shall Obtain Tree Plan Two approval for the proposal as identified in the project plans. (Planning / BDC)

A. Prior to issuance of the site development permit, the applicant shall:

4. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div. / TDM)
5. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div. / TDM)
6. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div. / TDM)
7. Have the applicant for the subject property guarantee all public improvements, site grading, storm water management facilities, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div. / TDM)
8. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the County right of way. (Site Development Div. / TDM)
9. Submit a geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. It shall be

prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules of the Oregon Department of Environmental Quality (DEQ). (Site Development Div. / TDM)

10. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers for work within or affecting a jurisdictional wetland. (Site Development Div. / TDM)
11. Submit a copy of issued permits or other approvals needed from the Clean Water Services (CWS) District for storm system connections and concurrence from the District per their IGA with Washington County for Cedar Mill Creek/North Johnson Creek corridor restoration and enhancement; as part of City plan review process. Any construction affecting CWS owned and maintained sanitary-sewer main (21 inches in diameter or larger) will require a separate permit. (Site Development Div. / TDM)
12. Submit a completed 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the standard plan format per requirements for sites 5 acres or larger adopted by DEQ and Clean Water Services. (Site Development Div. / TDM)
13. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment; and as approved by the District per their IGA with Washington County for Cedar Mill Creek/North Johnson Creek corridor restoration and enhancement. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / TDM)
14. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. In addition, the analysis shall delineate any mapped FEMA floodplains and flood ways. The site plans shall clearly show the 100-year flood limits on each plan that contains elevation information. (Site Development Div. / TDM)
15. Provide an engineering analysis of the grading and construction work proposed within the 100-year floodplain as necessary to allow for a public notice to be published in a local newspaper by the City Engineer for the proposed floodplain modifications. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code, including a no rise analysis; and Clean Water Services Design & Construction standards as they refer to the 100-year floodplain, prior to this notice being sent. The public notice and a 10-day appeal period shall occur after final approval of the site

development permit plans by the City Engineer and Planning Director. (Site Development Div./JY)

16. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div. / TDM)
17. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed. (Site Development Div. / TDM)
18. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div. / TDM)
19. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div. / TDM)
20. Provide plans for the placement of underground utility lines along street frontages and within the site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div. / TDM)
21. Submit to the City a copy an approval letter from Trimet and BPA for the improvements being proposed. (Site Development Div. / TDM)
22. Submit vegetated corridor mitigation planting plan to meet the requirements listed in the CWS's Service Provider Letter (File No. 19-000968). (Site Development Div. / TDM)
23. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation Rail Division for work within 500 feet of the rail crossing area. (Site Development Div. / TDM)
24. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div. / TDM)
25. Submit revised site plans demonstrating that the relocated boardwalks are a minimum of 10-feet wide per Engineering Design Manual Standard Drawing 700. (BDC 40.03.1.D and F, BDC 60.55.10.1, and EDM Section 320) or submit

a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Public Works Director prior to release of the security. (Site Development Div. / TDM)

TP2020-0007

1. In accordance with Section 50.90.1 of the Development Code, a Tree Plan Two and Design Review Two approval shall expire after two years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (Planning Division/BC)
2. All activity shall be carried out in accordance with the site plan on file at City Hall, as approved by the Director. (Planning Division/BDC)
3. Applicant shall obtain Design Review Two approval for the proposal as identified in the project plans. (Planning / BDC)

From: JCS <jcschuster@gmail.com>
Sent: Sunday, November 22, 2020 3:04 PM
To: Brett Cannon
Subject: Comments on TP2020-0007/DR2020-0102-Cedar Mill Creek Sanitary and Stormwater Mods

Dear Mr. Cannon,

I am writing to voice my concern about Clean Water Services' proposal to remove up to 285 trees from an area that includes the Tualatin Hills Nature Park. I live directly adjacent to this area and frequently see federally and state-protected bird species, including bald eagles, osprey, Barred Owls, and other raptors, along with Great Blue Herons, Belted Kingfishers, a variety of ducks and songbirds, to name but just a few, that breed, live and hunt in this area. I do not see any discussion in the Type 2 Notice of Development Proposal about the measures that have been taken to ensure that these animals will not be negatively impacted by this project. Have all required permits been acquired? Has Oregon Department of Fish and Wildlife been consulted?

The animals are already squeezed out of their habitat and this nature reserve provides them with much-needed space to feed, breed, and live. I ask that this not be disturbed unnecessarily and not without ensuring that they are protected to the greatest extent possible.

Thank you for your time,

Jeanette Schuster
3615 SW Innovation Ct.

Beaverton, OR 97003