

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Vacating Two
Bicycle/Pedestrian Trail Easements at
10700 SW Allen Boulevard; SV2023-
0001/SV2023-0002

FOR AGENDA OF: 04-04-23 **BILL NO:** _____

CITY MANAGER'S APPROVAL: _____

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 03-14-23

CLEARANCES: City Attorney _____

Finance _____

Planning _____

Public Works _____

PROCEEDING: ORDINANCE
o First Reading

EXHIBITS: 1. Ordinance
• Exhibit A: Legal Description
• Exhibit B: Survey Map
• Exhibit C: Legal Description
• Exhibit D: Survey Map
• Exhibit E: Staff Report dated
March 14, 2023

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
-----------------------------	------------------------	-------------------------------

RECOMMENDED ACTION:

The Mayor reads aloud and verbatim the following regarding the proposed ordinance (Exhibit 1): "On April 18, 2023, during the regularly scheduled City Council meeting, a public hearing will be held regarding An Ordinance Vacating Two Bicycle/Pedestrian Trail Easements at 10700 SW Allen Boulevard; SV2023-0001/SV2023-0002."

FOR MORE INFORMATION:

Contact Lina Smith, Associate Planner at 971-313-4244 or lsmith@beavertonoregon.gov.

Agenda Bill No: _____

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Vacating Two
Bicycle/Pedestrian Trail Easements at
10700 SW Allen Boulevard; SV2023-
0001/SV2023-0002

FOR AGENDA OF: 04-18-23 **BILL NO:** _____

CITY MANAGER’S APPROVAL: _____

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 03-14-23

CLEARANCES: City Attorney _____
Finance _____
Planning _____
Public Works _____

PROCEEDING: ORDINANCE
o Public Hearing

EXHIBITS: 1. Ordinance
• Exhibit A: Legal Description
• Exhibit B: Survey Map
• Exhibit C: Legal Description
• Exhibit D: Survey Map
• Exhibit E: Staff Report dated
March 14, 2023

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
-----------------------------	------------------------	-------------------------------

RECOMMENDED ACTION:

City Council conducts a public hearing regarding the proposed adoption of an ordinance attached as Exhibit 1 to vacate two bicycle/pedestrian trail easements at 10700 SW Allen Boulevard.

At the close of the public hearing, the City Council either: (1) moves to adopt the proposed ordinance and approve applications SV2023-0001 / SV2023-0002, (2) moves to deny applications SV2023-0001 / SV2023-0002, or (3) specifies future actions to be taken regarding the proposed ordinance and applications SV2023-0001 / SV2023-0002.

ISSUE STATEMENT SUMMARY:

The subject site is located at 10700 SW Allen Boulevard on the south side of SW Allen Boulevard and east of Highway 217, specifically identified as Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor’s Map 1S122AA. The proposed ordinance vacates two City of Beaverton bicycle/pedestrian trail easements located in the southwest portion of the subject site. The two trail easements are undeveloped and run east-west, connecting the Fanno Creek Greenway with the Highway 217 right of way. There is no trail connection at Highway 217. The property owner has dedicated a north-south pathway easement in a nearby location that better connects the Fanno Creek Greenway to SW Allen Boulevard. The two east-west easements are therefore no longer needed, and the vacations meet all applicable approval criteria in Sections 40.03.2 and 40.75.15.1.C of the Beaverton Development Code.

Agenda Bill No: _____

HISTORICAL PERSPECTIVE:

On February 16, 2022, the Beaverton Planning Commission approved a hotel and commercial development on the north portion of the subject site (Allen Redevelopment: Hotel and Commercial Development, Case Nos. CU2021-0004 / CU2021-0005 / DR2021-0027 / LD2021-0002 / LO2021-0001 / TP2021-0003). On February 8, 2023, the Planning Commission approved a new 75,100-square-foot Floor & Décor retail building and associated site improvements on the southwest portion of the subject site (DR2022-0078 / PD2022-0006). This agenda bill will refer to the Allen Redevelopment site as “Phase 1” and the Floor & Décor site as “Phase 2,” as shown on Exhibit 1.3 of the March 14, 2023, staff report.

The applicant, Floor & Décor Outlets of America, Inc., proposes to vacate two City of Beaverton bicycle/pedestrian trail easements on the Phase 2 site because they conflict with the location of the new Floor & Decor building and associated site improvements. One easement is approximately 25 feet wide, runs east-west across the Phase 2 site, and conflicts with the location of the Floor & Décor building. The applicant proposes to vacate the portion of this 25-foot-wide easement that is located on the Phase 2 site. The second easement is 12 feet wide, runs along the southern and southeastern boundaries of the Phase 2 site, and conflicts with the location of a new stormwater planter and other landscaping. The applicant proposes to vacate the entire 12-foot-wide easement.

The original recorded documents for the easements state the 25-foot-wide easement was granted as “a public pedestrian and bicycle pathway,” and the 12-foot-wide easement was granted as a “bicycle trail and pedestrian way.” However, the easements are not identified as existing or proposed trails in the Transportation Element of the Beaverton Comprehensive Plan or the Beaverton Transportation System Plan.

As part of the Phase 1 approval, the Planning Commission included a condition for the property owner to dedicate a 16-foot-wide public access easement for a multi-use path along the eastern edge of the subject site, and this future multi-use path will provide a public, north-south bicycle and pedestrian connection from the Fanno Creek Greenway to SW Allen Boulevard. The property owner satisfied the condition of approval and recorded the public access easement with Washington County on February 27, 2023. Accordingly, the two east-west easements are no longer needed, and the proposed vacations meet all applicable approval criteria in Sections 40.03.2 and 40.75.15.1.C of the Beaverton Development Code. At the time of publishing this agenda bill, city staff is currently working with the property owner to determine if the best option is for the property owner to construct the north-south pathway or for the City to construct the pathway as part of a Capital Improvement Project.

Partner agencies such as Metro, Oregon Department of Transportation, Tualatin Hills Park & Recreation District, Tualatin Valley Fire & Rescue, and Washington County have also reviewed the proposal and stated there are no objections to the easement vacations.

COMMUNITY VISION/COUNCIL PRIORITIES/EQUITY & CLIMATE GOALS:

The proposed easement vacations would allow for the development of a new large-format commercial use on the subject site, which is consistent with Beaverton Comprehensive Plan Goal 3.7.2 (Regional Commercial), which states, “Provide suitable locations for commercial uses that serve the broader region and require large sites, significant access and visibility.”

FOR MORE INFORMATION:

Contact Lina Smith, Associate Planner at 971-313-4244 or lsmith@beavertonoregon.gov.

ORDINANCE NO. _____

**AN ORDINANCE VACATING TWO BICYCLE/PEDESTRIAN
TRAIL EASEMENTS AT 10700 SW ALLEN BOULEVARD;
SV2023-0001/SV2023-0002**

WHEREAS, on April 18, 2023, the City Council held a public hearing to consider the vacation of a 12-foot-wide bicycle/pedestrian trail easement and a 25-foot-wide bicycle/pedestrian trail easement, both of which run east-west on property at 10700 SW Allen Boulevard; and

WHEREAS, the property owner has dedicated a 16-foot-wide multi-use pathway easement running north-south at the eastern edge of the subject property that connects the Fanno Creek Trail to SW Allen Boulevard for cyclists and pedestrians; and

WHEREAS, with the dedication of the new 16-foot-wide, north-south pathway, City Council finds that the entire 12-foot-wide trail easement and a portion of the 25-foot-wide trail easement can be vacated in compliance with Beaverton Development Code and ORS 271.080; and

WHEREAS, based on the facts and findings in the Staff Report dated March 14, 2023 (**Exhibit E**), considered and approved by City Council at the public hearing on April 18, 2023, and the record as a whole, the Council finds pursuant to ORS 271.080 and Beaverton Development Code Sections 40.75 that: (1) by publishing notice on February 2, 2023, and February 9, 2023, and posting the site on January 30, 2023, notice was duly given of the public hearing to consider this request; (2) the Council has considered any objections filed with the City over the proposal; and (3) the public interest will not be prejudiced by the vacation of these easements; now, therefore:

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The recitals above are adopted and incorporated as findings in support of this ordinance.

Section 2. That portion of a 25-foot-wide bicycle/pedestrian trail easement, as described in **Exhibit A** and shown on **Exhibit B**, is vacated.

Section 3. That a 12-foot-wide bicycle/pedestrian trail easement, as described in **Exhibit C** and shown on **Exhibit D**, is vacated.

Section 4. This ordinance shall be recorded in the deed records of Washington County, Oregon, together with surveys of the areas vacated. The property owner shall be responsible for all costs of surveying and recording. The property owner shall also provide a copy of the recorded ordinance to the Washington County Surveyor's Office.

Section 5. This ordinance shall become effective thirty (30) days after its adoption by the Council.

First reading the _____ day of _____, 2023.

Public hearing the _____ day of _____, 2023.

Duly passed by the Council the _____ day of _____, 2023.

Signed by the Mayor the _____ day of _____, 2023.

ATTESTED:

SIGNED:

CATHERINE JANSEN, City Recorder

LACEY BEATY, Mayor

CES|NW

EXHIBIT 'A'

Floor and Decor
December 8, 2022

Tax Map 1S122AA
Tax Lot 00200-00400

A VARIABLE WIDTH STRIP OF LAND LOCATED IN THE NORTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON AND BEING A PORTION OF THOSE TRACTS OF LAND DESCRIBED BY DEED IN DOCUMENT NUMBER 2018-042246 AND BEING THE WESTERLY PORTION OF THAT STRIP OF LAND DESCRIBED BY DEED IN DOCUMENT NUMBER 2000-028751, WASHINGTON COUNTY DEED RECORDS: BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS AT THE NORTHEASTERLY RIGHT OF WAY LINE OF BEAVERTON-TIGARD HIGHWAY 217, SAID POINT BEARS NORTH 12°27'54" EAST 2.25 FROM A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "WAKER AND ASSOC INC." THENCE LEAVING SAID NORTHEASTERLY LINE NORTH 23°44'11" EAST 84.38 FEET; THENCE SOUTH 88°47'41" EAST 257.22 FEET; THENCE 42.62 FEET ALONG THE ARC OF A 27.50 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY WITH A CENTRAL ANGLE OF 88°47'41" THE LONG CHORD BEARS SOUTH 44°23'50" EAST 38.48 FEET; THENCE SOUTH 00°00'00" EAST 2.53 FEET; THENCE 18.52 FEET ALONG THE ARC OF A 25.50 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY WITH A CENTRAL ANGLE OF 41°37'24" THE LONG CHORD BEARS SOUTH 69°11'18" EAST 18.12 FEET; THENCE SOUTH 38°03'15" EAST 22.95 FEET; THENCE 30.62 FEET ALONG THE ARC OF A 36.50 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WITH A CENTRAL ANGLE OF 48°04'22" THE LONG CHORD BEARS SOUTH 62°05'26" EAST 29.73 FEET; THENCE SOUTH 86°07'37" EAST 39.25 FEET; THENCE SOUTH 03°52'23" WEST 15.70 FEET; THENCE NORTH 86°07'37" WEST 43.09 FEET; THENCE 43.21 FEET ALONG THE ARC OF A 51.50 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WITH A CENTRAL ANGLE OF 48°04'22" THE LONG CHORD BEARS NORTH 62°05'26" WEST 41.95 FEET; THENCE NORTH 38°03'15" WEST 20.53 FEET; THENCE NORTH 88°59'15" WEST 30.19 FEET; THENCE NORTH 00°00'00" EAST 22.52 FEET; THENCE NORTH 88°47'41" WEST 240.53 FEET; THENCE SOUTH 23°44'11" WEST 87.06 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF BEAVERTON-TIGARD HIGHWAY 217; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 28°29'40" WEST 31.63 FEET TO THE POINT OF BEGINNING.

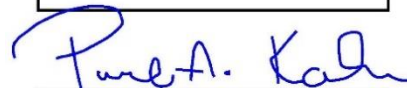
EXCLUDING ANY PORTION FALLING WITHIN THE EXISTING RIGHT OF WAY OF SW BEAVERTON-TIGARD HIGHWAY 217.

EXCLUDING ANY PORTION FALLING WITHIN THE EASEMENT AREA PREVIOUSLY RELEASED BY DEED IN DOCUMENT NUMBER 2002-013469, WASHINGTON COUNTY DEED RECORDS.

THE BASIS OF BEARINGS IS SOUTH 28°29'40" WEST ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF BEAVERTON-TIGARD HIGHWAY 217.

CONTAINING 11,373 SQUARE FEET, MORE OR LESS.
PREPARED BY CESNW, INC.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
MAY 21, 2013 PAUL
ALLEN KOHN
58964PLS

RENEWS: 6/30/23

REGISTERED
PROFESSIONAL
LAND SURVEYOR

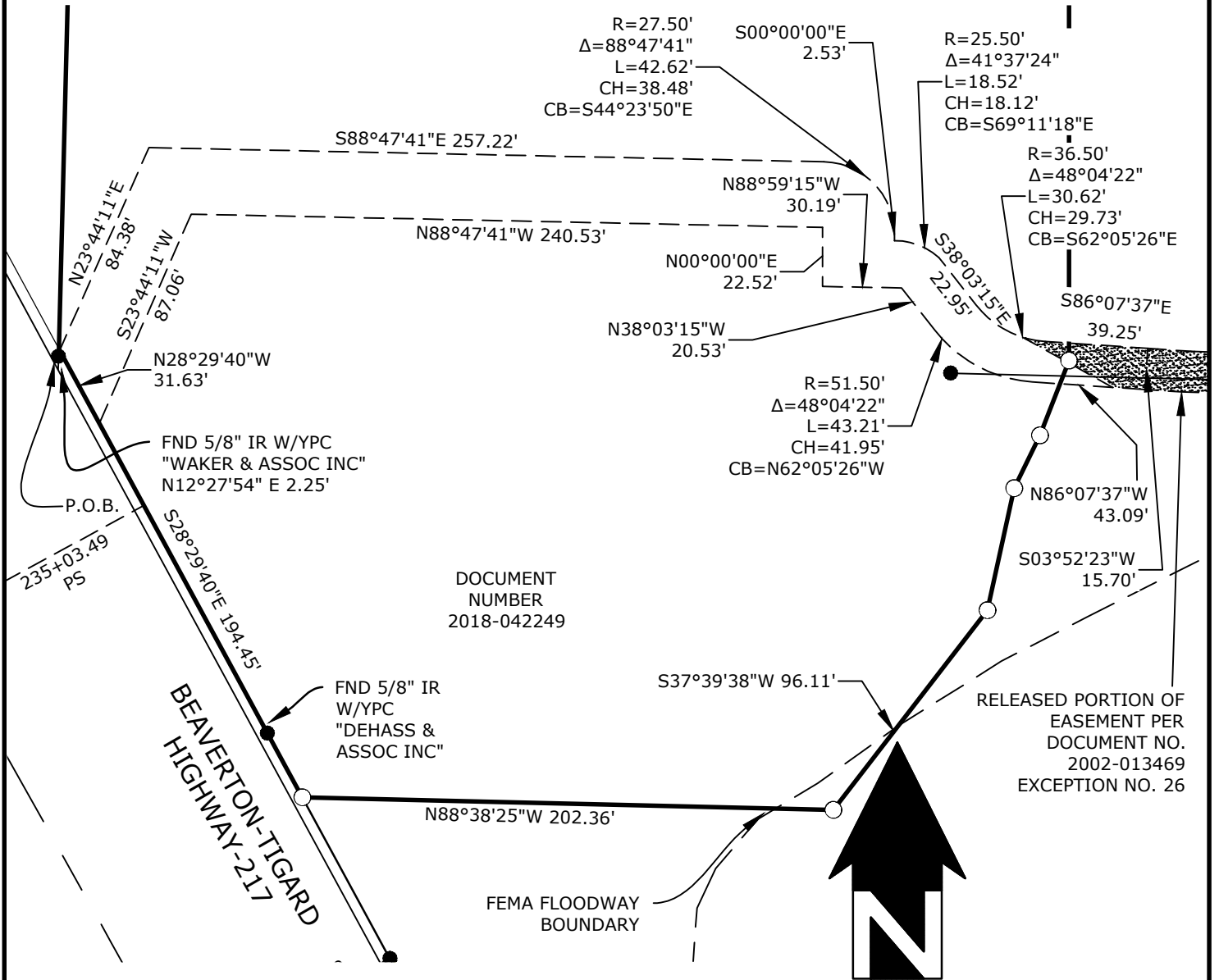
EXHIBIT 'B'

LOCATED IN THE NORTHEAST ONE-QUARTER OF
SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, CITY OF BEAVERTON,
WASHINGTON COUNTY, OREGON

Paul A. Kohn

OREGON
MAY 21, 2013
PAUL ALLEN KOHN
58964PLS

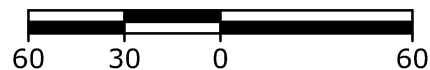
RENEWS: 6/30/23



LEGEND

● = FOUND SURVEY MONUMENT

1 INCH = 60 FEET



CES | NW

13190 SW 68th Parkway, Suite 150
Tigard, Oregon 97223
503.968.6655 www.cesnw.com

EXHIBIT 'B'

DATE
12/07/22
PAGE
2 OF 2

CES|NW

EXHIBIT 'C'

Floor and Decor
December 7, 2022

Tax Map 1S122AA
Tax Lot 00200-00400

A 12.00 FOOT WIDE STRIP OF LAND LOCATED IN THE NORTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON AND BEING A PORTION OF THOSE TRACTS OF LAND DESCRIBED BY DEED IN DOCUMENT NUMBER 2018-042246 AND BEING THAT STRIP OF LAND DESCRIBED BY DEED IN DOCUMENT NUMBER 86-014207, WASHINGTON COUNTY DEED RECORDS :BEING DESCRIBED AS FOLLOWS:

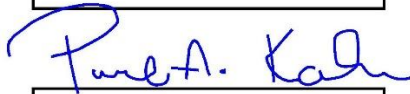
BEGINNING AT A POINT THAT IS SOUTH 01°25'20" WEST 716.38 FEET AND NORTH 88°34'40" WEST 320.69 FEET FROM THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN; THENCE SOUTH 01°23'54" WEST 167.24 FEET; THENCE NORTH 88°36'58" WEST 249.99 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF BEAVERTON-TIGARD HIGHWAY 217; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 28°29'40" WEST 13.84 FEET TO A 5/8" IRON ROD STAMPED "DEHASS AND ASSOC."; THENCE LEAVING SAID NORTHEASTERLY LINE SOUTH 88°36'58" EAST 244.90 FEET; THENCE NORTH 01°23'54" EAST 155.24 FEET; THENCE SOUTH 88°37'18" EAST 12.00 FEET TO THE POINT OF BEGINNING.

EXCLUDING ANY PORTION FALLING WITHIN THE EXISTING RIGHT OF WAY OF SW BEAVERTON-TIGARD HIGHWAY 217.

THE BASIS OF BEARINGS IS SOUTH 01°25'20" WEST ALONG THE EAST LINE OF SECTION 22 PER SURVEY NUMBER 27, 850, WASHINGTON COUNTY SURVEY RECORDS.

CONTAINING 4,904 SQUARE FEET, MORE OR LESS.
PREPARED BY CESNW, INC.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
MAY 21, 2013 PAUL
ALLEN KOHN
58964PLS

RENEWS: 6/30/23

REGISTERED
PROFESSIONAL
LAND SURVEYOR

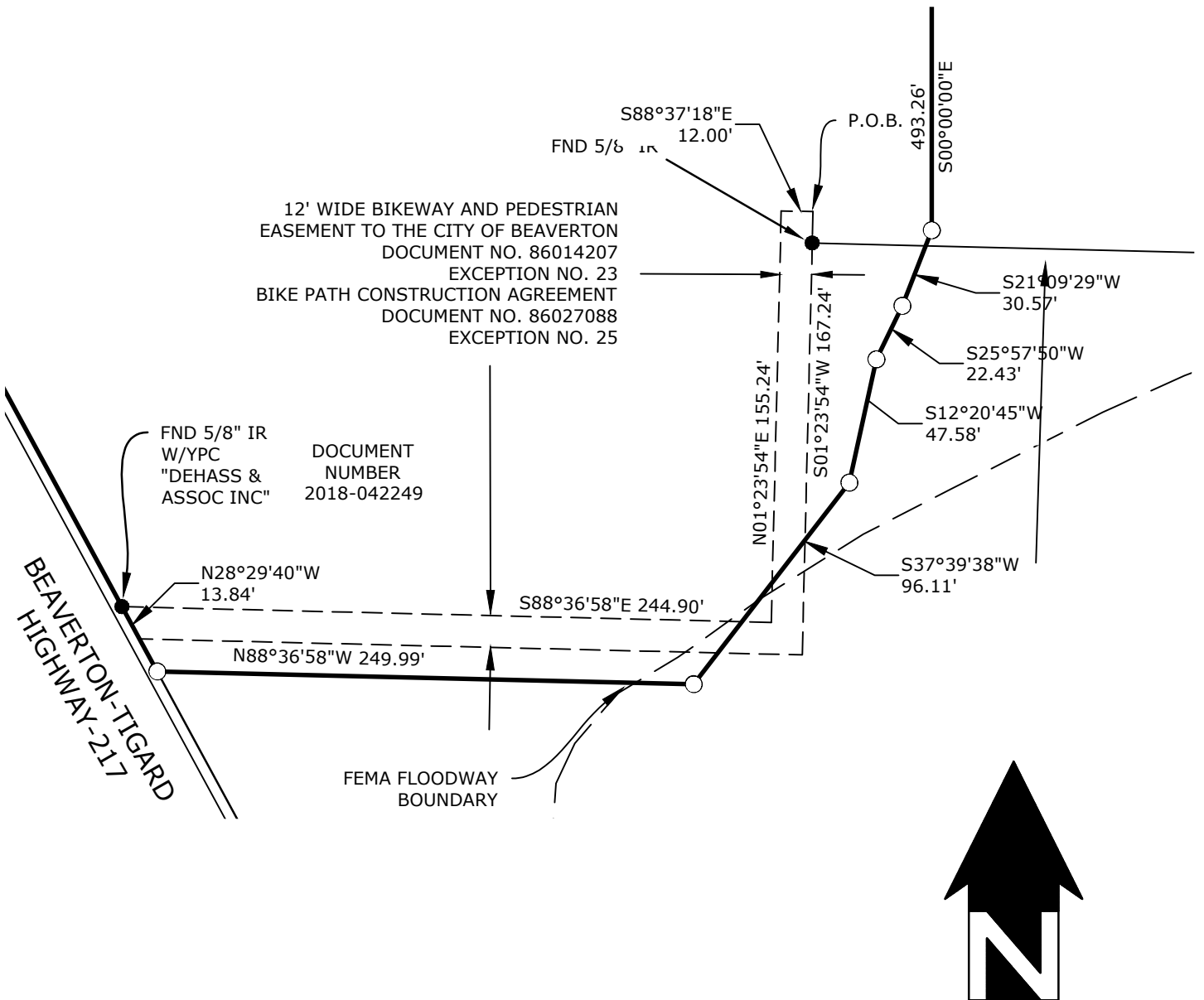
EXHIBIT 'D'

LOCATED IN THE NORTHEAST ONE-QUARTER OF
SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, CITY OF BEAVERTON,
WASHINGTON COUNTY, OREGON

Paul A. Kohn

OREGON
MAY 21, 2013
PAUL ALLEN KOHN
58964PLS

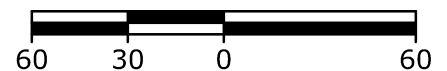
RENEWS: 6/30/23



LEGEND

- = FOUND SURVEY MONUMENT
- = 5/8" IR W/OPC INSCRIBED "CESNW INC."

1 INCH = 60 FEET



CES | NW

13190 SW 68th Parkway, Suite 150
Tigard, Oregon 97223
503.968.6655 www.cesnw.com

EXHIBIT 'D'

DATE
12/08/22
PAGE
2 OF 2



CITY OF BEAVERTON
Planning Division
Community Development Department
Tel: 503-526-2420
www.beavertonoregon.gov

STAFF REPORT

Report Date: March 14, 2023

Application/Project Name: Floor & Décor

Application Numbers: SV2023-0001 / SV2023-0002

Proposal: The applicant, Floor & Décor Outlets of America, Inc., requests approval to vacate two City of Beaverton bicycle/pedestrian easements. On February 8, 2023, the Planning Commission approved a new 75,100-square-foot Floor & Décor retail building and associated site improvements on the southwest portion of the subject site. One easement is 25 feet wide and conflicts with the location of the new Floor & Décor building. The applicant proposes to vacate the portion of the 25-foot-wide easement that is located on the Floor & Décor site. The second easement is 12 feet wide and conflicts with the location of a new Low Impact Development Approach (LIDA) flow through planter and other landscaping. The applicant proposes to vacate the entire 12-foot-wide easement.



Proposal Location: The site is located at 10700 SW Allen Boulevard on the south side of SW Allen Boulevard and east of Highway 217, specifically identified as Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA.

Applicant: Floor & Décor Outlets of America, Inc.

Recommendation: APPROVAL of Floor & Décor SV2023-0001 / SV2023-0002.

Hearing Information: 6 p.m. April 18, 2023, at City Hall, 12725 SW Millikan Way

Note: This Public Hearing will be held remotely and can be viewed at the following link:
<https://beavertonoregon.gov/797/Agendas-Minutes>

Contact Information:

City Staff Representative: Lina Smith, Associate Planner
971-313-4244
lsmith@beavertonoregon.gov

Applicant: Floor & Décor Outlets of America, Inc.
Attn: Aaron Douglas
2500 Windy Ridge Pkwy SE
Atlanta, GA 30339

Applicant's Representatives: Centerpoint Integrated Solutions, LLC
Attn: Dustin Scaplo
1626 Cole Blvd, Suite 125
Lakewood, CO 80401

Baysinger Partners Architecture
Attn: Jennifer Rinkus
2410 N Lombard St
Portland, OR 97217

Miller Nash LLP
Attn: Steven Liday
US Bancorp Tower
111 SW Fifth Ave, Suite 2400
Portland, OR 97204

Property Owner: Oregon Worsted Co.
Attn: Howard Dietrich
9701 SE McLoughlin Blvd
Portland, OR 97222

Existing Conditions

Zoning: Community Service (CS)

Site Conditions: The site is currently vacant land containing a flood storage basin and is located next to Fanno Creek.

Site Size: Approximately 17.5 acres

Location: The site is located at 10700 SW Allen Boulevard on the south side of SW Allen Boulevard and east of Highway 217, specifically identified as Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA.

Neighborhood Association Committee: Denney Whitford / Raleigh West NAC

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Industrial (IND)	Warehouse/Industrial Uses
South	CS	Office/Commercial Uses
East:	IND and Residential Mixed A (RMA)	Beaverton School District Bus Storage/Maintenance Facility and Mobile Home Park
West:	CS	Hotel and Highway 217

Application Information

Table 2: Application Summaries

Application	Application Type	Proposal Summary	Approval Criteria Location
SV2023-0001	Street Vacation	Request to vacate a 25-foot-wide City of Beaverton bicycle/pedestrian easement	Development Code Sections 40.03.2 and 40.75.15.1.C
SV2023-0002	Street Vacation	Request to vacate a 12-foot-wide City of Beaverton bicycle/pedestrian easement	Development Code Sections 40.03.2 and 40.75.15.1.C

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day	365-Day
SV2023-0001	January 5, 2023	January 25, 2023	N/A*	N/A*
SV2023-0002	January 5, 2023	January 25, 2023	N/A*	N/A*

* Pursuant to Section 40.75.05 of the Beaverton Development Code (BDC), a Street Vacation is a legislative action which is not subject to the 120 day rule of ORS 227.178.

Summary of Public Comment

Exhibit 2.1 E-mail from Ernie Conway, Co-Chair of the Denney Whitford / Raleigh West NAC requesting a public pathway be provided through the subject site and questioning why the Phase 1 and 2 projects are being processed as separate applications. Staff responded that the property owner was required to dedicate a 16-foot-wide public access easement for a multi-use path along the eastern edge of the subject site as part of the Phase 1 approval, and that there are two separate applicants for the Phase 1 and 2 projects; that is why Phases 1 and 2 were submitted and processed as two separate application packages. Staff also encouraged the NAC to attend the public hearing to provide oral testimony.

Table of Contents

STAFF REPORT..... 1
Attachment A: FACILITIES REVIEW COMMITTEE11
Attachment B: STREET VACATION18

Exhibits

Exhibit 1. Materials submitted by Staff

- Exhibit 1.1 Zoning Map (page 7 of this report)
- Exhibit 1.2 Vicinity Map (page 8 of this report)
- Exhibit 1.3 Phasing Diagram (page 9 of this report)
- Exhibit 1.4 Easements Diagram (page 10 of this report)

Exhibit 2. Public Comment

- Exhibit 2.1 Ernie Conway, Co-Chair of the Denney Whitford / Raleigh West NAC

Exhibit 3. Materials submitted by the Applicant

- Exhibit 3.1 Application Forms
- Exhibit 3.2 Narrative
- Exhibit 3.3 Service Provider Letters
- Exhibit 3.4 Pre-Application Conference Notes
- Exhibit 3.5 Neighborhood Review Meeting Materials
- Exhibit 3.6 Plan Set
- Exhibit 3.7 Bicycle/Pedestrian Easement (1985)
- Exhibit 3.8 Bicycle/Pedestrian Easement (2000)
- Exhibit 3.9 Quitclaim Deed (2002)

Exhibit 4. Agency Comments

- Exhibit 4.1 Oregon Department of Transportation
- Exhibit 4.2 Oregon Department of Transportation, Rail Crossing Program

Exhibit 4.3 Tualatin Hills Park & Recreation District

Exhibit 4.4 Tualatin Valley Fire & Rescue

Exhibit 4.5 Washington County

Exhibit 4.6 Portland General Electric

Exhibit 4.7 Metro

Exhibit 1.1 Zoning Map



Exhibit 1.2 Vicinity Map

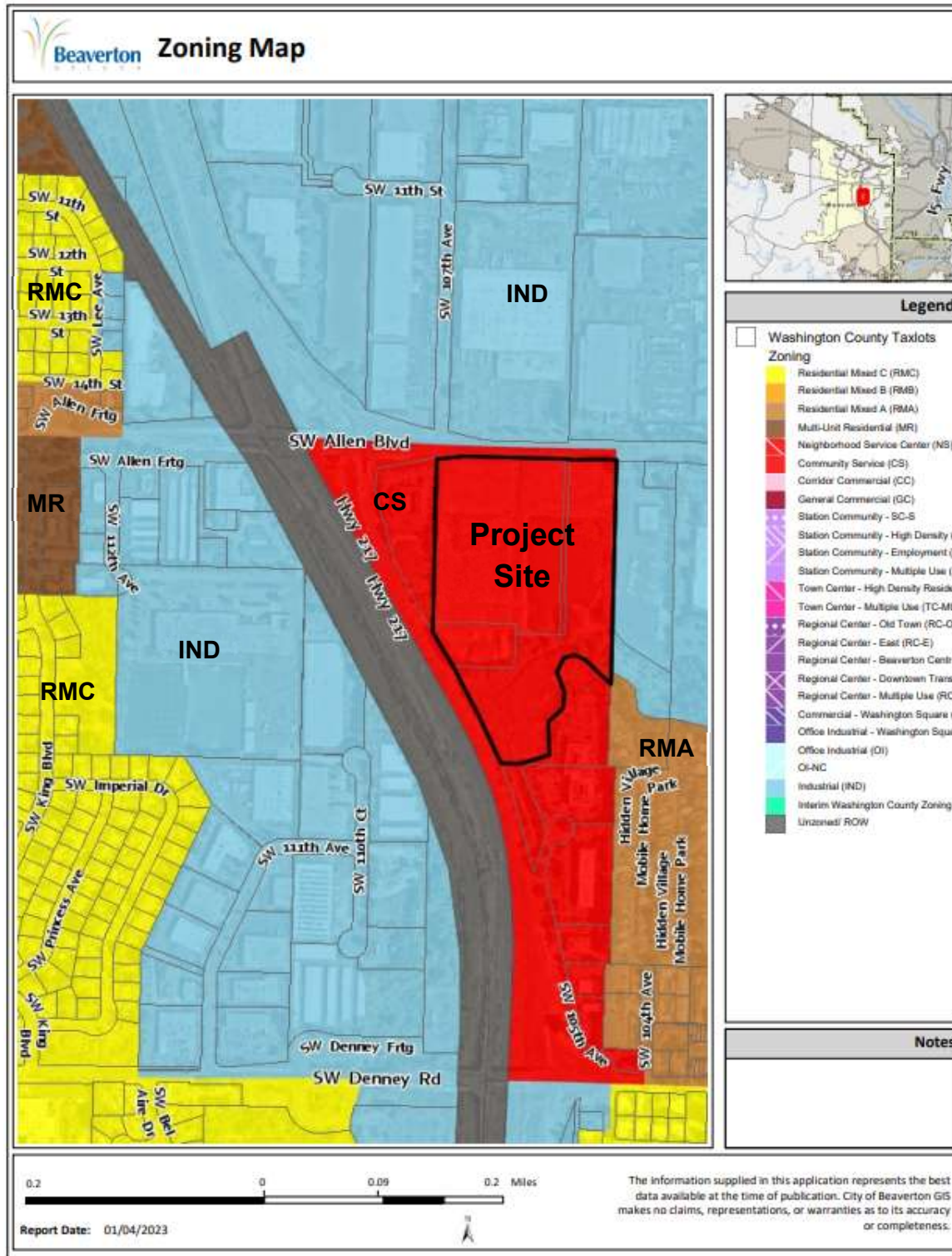
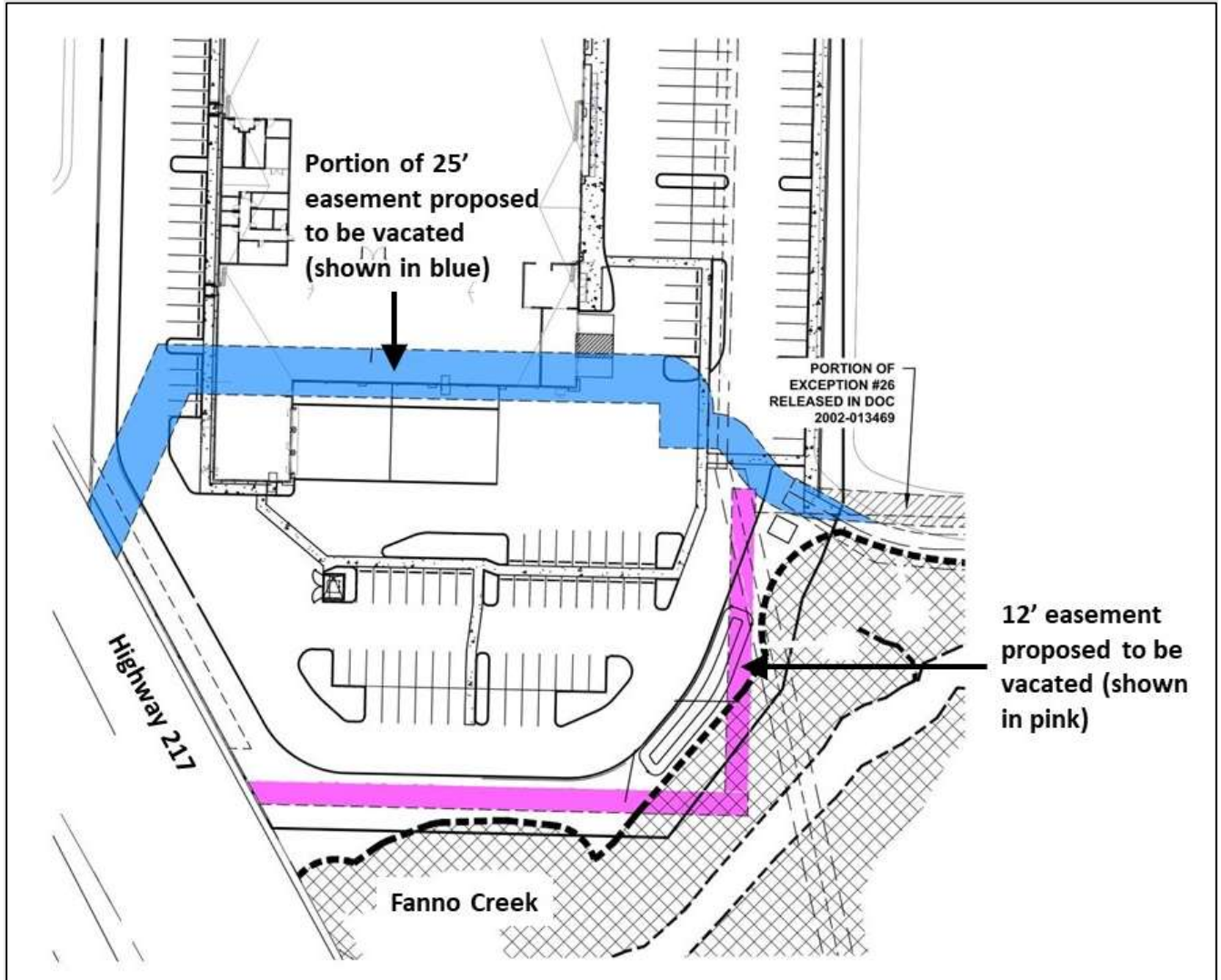


Exhibit 1.3 Phasing Diagram



Exhibit 1.4 Easements Diagram



Attachment A: FACILITIES REVIEW COMMITTEE

TECHNICAL REVIEW AND RECOMMENDATIONS

Application: Floor & Décor

Proposal: The applicant, Floor & Décor Outlets of America, Inc., requests approval to vacate two City of Beaverton bicycle/pedestrian easements. On February 8, 2023, the Planning Commission approved a new 75,100-square-foot Floor & Décor retail building and associated site improvements on the southwest portion of the subject site. One easement is 25 feet wide and conflicts with the location of the new Floor & Décor building. The applicant proposes to vacate the portion of the 25-foot-wide easement that is located on the Floor & Décor site. The second easement is 12 feet wide and conflicts with the location of a new Low Impact Development Approach (LIDA) flow through planter and other landscaping. The applicant proposes to vacate the entire 12-foot-wide easement.

Recommendation: APPROVE SV2023-0001 / SV2023-0002

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 a 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.

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

- All nine (9) criteria are applicable to the Street Vacation applications (SV2023-0001 / SV2023-0002)

Section 40.03.2.A

Approval Criterion: *The transportation facility, as proposed or modified, conforms to the Transportation System Plan.*

FINDING:

The subject site is made up of four tax lots (Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA) located on the south side of SW Allen Boulevard and east of Highway 217. On February 16, 2022, the Beaverton Planning Commission approved a hotel and commercial development on the north portion of the site (Allen Redevelopment: Hotel and Commercial Development, Case Nos. CU2021-

0004 / CU2021-0005 / DR2021-0027 / LD2021-0002 / LO2021-0001 / TP2021-0003). On February 8, 2023, the Planning Commission approved a new 75,100-square-foot Floor & Décor retail building and associated site improvements on the southwest portion of the subject site (DR2022-0078 / PD2022-0006). This report will refer to the Allen Redevelopment site as “Phase 1” and the Floor & Décor site as “Phase 2,” as shown on Exhibit 1.3.

The applicant proposes to vacate two City of Beaverton bicycle/pedestrian easements on the Phase 2 site because they conflict with the location of the new Floor & Décor building and associated site improvements. One easement is approximately 25 feet wide, runs east-west across the Phase 2 site, and conflicts with the location of the Floor & Décor building. The applicant proposes to vacate the portion of this 25-foot-wide easement that is located on the Phase 2 site. The second easement is 12 feet wide, runs along the southern and southeastern boundaries of the Phase 2 site, and conflicts with the location of a new LIDA flow through planter and other landscaping. The applicant proposes to vacate the entire 12-foot-wide easement.

The original recorded documents for the easements state the 25-foot-wide easement was granted as “a public pedestrian and bicycle pathway,” and the 12-foot-wide easement was granted as a “bicycle trail and pedestrian way.” However, the easements are not identified as existing or proposed trails in Chapter 6 (Transportation Element) of the City of Beaverton Comprehensive Plan or in Chapter 3 (Existing Conditions) or Chapter 4 (Future Needs & Improvement Plans) of the Beaverton Transportation System Plan (TSP). Therefore, the proposed vacations will not adversely affect trail connectivity in the City of Beaverton Comprehensive Plan (Transportation Element) or the TSP.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.2.B

Approval Criterion: *There are safe and efficient vehicular and pedestrian circulation patterns within the project boundaries.*

FINDING:

The current proposal is to vacate two City of Beaverton bicycle/pedestrian easements on the Phase 2 site, and no development is proposed with this application. The two easements are undeveloped and run east-west across the Phase 2 site, connecting the Fanno Creek Greenway with Highway 217. There is no trail connection where the easements terminate at Highway 217. The vacation of the two easements meets this criterion because a new trail location will replace the two easements and will provide safe and efficient vehicular and pedestrian circulation patterns.

Development on the property is in two phases. As part of the Phase 1 approval, the Planning Commission required the dedication of a 16-foot-wide public access easement

for a multi-use path along the eastern edge of the subject site, as shown on the applicant's "Future Property Access and Circulation Plan." This future multi-use path will provide a public, north-south bicycle and pedestrian connection from the Fanno Creek Greenway to SW Allen Boulevard. The Oregon Department of Transportation (ODOT) has stated that it prefers the north-south path alignment because it runs parallel to Highway 217 and provides a direct non-motorized public connection from the Fanno Creek Greenway to SW Allen Boulevard. Providing a separate bicycle and pedestrian path reduces potential conflicts with motor vehicles, improving safety for all users. On February 27, 2023, the property owner satisfied Planning Commission's condition of approval and recorded the 16-foot-wide public access easement with Washington County. Accordingly, with this public access easement, the vacation of the easements will result in a safe and efficient pedestrian and vehicular circulation pattern.

Planning Commission also found that both the Phase 1 and 2 proposals demonstrated that there will be safe and efficient vehicular and pedestrian circulation patterns within the project boundaries when approving DR2021-0027 and DR2022-0078. Specifically, all parking lots comply with minimum drive aisle widths and other parking lot design standards in Section 60.30.15 of the Beaverton Development Code (BDC). The parking lots are designed to provide adequate access for emergency vehicles and adequate turning radii for trash and recycling trucks and delivery trucks. Pedestrian walkways are designed to provide safe and efficient internal circulation throughout the Phase 1 and 2 sites, providing connections from building entrances, vehicle parking areas, bicycle parking areas, and trash and recycling areas.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.2.C

Approval Criterion: *The proposed development is consistent with all applicable provisions of CHAPTER 60 (Special Requirements) and all improvements, dedications, or both required by the applicable provisions of CHAPTER 60 (Special Requirements) are in place.*

FINDING:

The Committee 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 (Special Requirements).

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.2.D

Approval Criterion: *Adequate means are provided or proposed to be provided in a satisfactory manner, to ensure continued periodic maintenance and replacement of the following, as*

applicable: drainage facilities, 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.

FINDING:

The proposal is to vacate two City of Beaverton bicycle/pedestrian easements and no new transportation facility is proposed with this application. Therefore, maintenance is not required.

Conclusion: Therefore, the Committee finds the approval criterion is not applicable.

Section 40.03.2.E

Approval Criterion: *The proposed transportation facility connects to the surrounding circulation systems in a safe, efficient, and direct manner.*

FINDING:

The current proposal is to vacate two City of Beaverton bicycle/pedestrian easements on the Phase 2 site and no new transportation facility is proposed with this application. This criterion therefore does not apply. Nevertheless, both the Phase 1 and 2 sites demonstrated to Planning Commission at the time of land use approval that the developments will connect to the surrounding circulation systems in a safe, efficient, and direct manner. Vehicular access will be provided to the site via a new commercial driveway on SW Allen Boulevard. The property owner will construct new public sidewalks along SW Allen Boulevard and a system of internal pedestrian walkways that will connect to the public sidewalks.

Conclusion: Therefore, the Committee finds the approval criterion is not applicable.

Section 40.03.2.F

Approval Criterion: *The proposed transportation facility or modification thereof will provide adequate fire equipment facility access and turnaround area, as well as adequate street lighting for crime and accident prevention as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.*

FINDING:

Tualatin Valley Fire and Rescue (TVF&R) and the City of Beaverton Police Department reviewed the applicant's materials for issues related to fire access, fire turnaround area, and public safety and had no objections to the proposed easement vacations. Additionally, no new transportation facility is proposed with this application; therefore, street lighting is not required.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.2.G

Approval Criterion: *Grading and contouring are the minimum necessary to accommodate the proposed transportation facility, while mitigating adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.*

FINDING:

The proposal is to vacate two City of Beaverton bicycle/pedestrian easements and no grading, contouring, or new development is proposed with this application.

Conclusion: Therefore, the Committee finds the approval criterion is not applicable.

Section 40.03.2.H

Approval Criterion: *Access and facilities for physically handicapped people are maintained and/or incorporated into the subject transportation facility, with particular attention to providing continuous, uninterrupted access routes.*

FINDING:

The proposal is to vacate two City of Beaverton bicycle/pedestrian easements. No new transportation facility or development is proposed with this application; therefore, this criterion is not applicable.

Conclusion: Therefore, the Committee finds the approval criterion is not applicable.

Section 40.03.2.I

Approval Criterion: *The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code.*

FINDING:

The applicant submitted applications for the proposed easement vacations on January 5, 2023. The applicant included all the required submittal elements as specified in Section 50.25.1 and the applications were deemed complete on January 25, 2023.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Code Conformance Analysis

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.	The proposal is to vacate two existing easements. No new development or redevelopment is proposed.	N/A
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 in the floodplain; however, no new development or redevelopment is proposed.	N/A
Development Code Section 60.11			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	No food carts or food cart pods are proposed.	N/A
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 credits are requested.	N/A
Development Code Section 60.15			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property, and within 25 feet of a Significant Tree or Grove.	No grading or contouring is proposed.	N/A
Development Code Section 60.20			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	N/A
Development Code Section 60.25			
Off-Street Loading Requirements	Off-Street Loading Requirements	No off-street loading spaces required for these easement vacations.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30			
Off-Street Parking Requirements	Vehicle and bicycle parking requirements.	No vehicle or bicycle parking required for these easement vacations.	N/A
Development Code Section 60.33			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
Development Code Section 60.35			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	N/A
Development Code Section 60.40			
Sign Regulations	Requirements for signs.	No signs are proposed.	N/A
Development Code Section 60.50			
Special Use Regulations	Requirements for Accessory Dwelling Units, Accessory Uses and Structures, and Fences.	No Accessory Dwelling Units, Accessory Uses or Structures, or Fences are proposed.	N/A
Development Code Section 60.55			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Property owner dedicated a 16-foot-wide public access easement for future multi-use path along eastern edge of property.	YES
Development Code Section 60.60			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	No new development, redevelopment, or tree removal proposed.	N/A
Development Code Section 60.65			
Utility Undergrounding	Requirements for placing overhead utilities underground.	No new development or redevelopment proposed.	N/A
Development Code Section 60.67			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	Significant Natural Resources exist on site; however, no new development or redevelopment is proposed.	N/A
Development Code Section 60.70			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	N/A

Attachment B: STREET VACATION

ANALYSIS AND FINDINGS FOR STREET VACATION APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **SV2023-0001 / SV2023-0002**.

Section 40.03.2 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 40.03.2.A-I

FINDING:

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-I, and therefore meets the criterion for approval.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criteria.

Section 40.75.05 Purpose:

The purpose of Street Vacation is to recognize that changes to the City's existing street system are occasionally required. Therefore, the following application has been established to allow limited changes to the City's existing street system without adversely affecting safe and efficient circulation throughout the City. A Street Vacation is a legislative action which is not subject to the 120 day rule of ORS 227.178. This Section is carried out by the approval criteria listed herein.

City Council Standards for Approval:

Section 40.75.15.1 of the Development Code provides standards to govern the decisions of City Council as they evaluate and render decisions on Street Vacation applications. City Council will determine whether the application as presented, meets the Street Vacation approval criteria. City Council may choose to adopt, not adopt, or modify the Committee's findings. In this portion of the staff report, staff evaluates the application in accordance with the Street Vacation approval criteria.

To approve a Street Vacation 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:

Section 40.75.15.1.C.1

The proposal satisfies the threshold requirements for a Street Vacation application.

FINDING:

An application for Street Vacation shall be required when the following threshold applies:

1. *Abandonment or otherwise vacation of an existing public transportation right-of-way or public easement that is within the City of Beaverton.*

The applicant is proposing to vacate two public easements that are located within the City of Beaverton. Accordingly, this proposal meets the Street Vacation application threshold.

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

Section 40.75.15.1.C.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 Street Vacation application fees.

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

Section 40.75.15.1.C.3

The proposed Street Vacation meets the eligibility provisions of ORS 271.080.

FINDING:

ORS 271.080(1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

The applicant requests to vacate two City of Beaverton bicycle/pedestrian easements. The applicant submitted signed Street Vacation applications for this request, along with surveys and legal descriptions of the easements to be vacated. Accordingly, staff finds the proposal meets the requirements of ORS 271.080(1).

ORS 271.080 (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected

thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

ORS 271.080 (2) is specific to vacations of streets. The applicant's proposal is to vacate two bicycle/pedestrian easements and no vacations of streets are proposed. Therefore, the requirements of ORS 271.080 (2) do not apply to this proposal.

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

Section 40.75.15.1.C.4

The proposed Street Vacation will not adversely impact street connectivity as identified in the Transportation Element of the Comprehensive Plan.

FINDING:

Staff refers to the findings in approval criteria 40.03.2.A and 40.03.2.B in Attachment A of this staff report, which details how the proposed easement vacations will not adversely impact pedestrian or street connectivity and how the proposal complies with Chapter 6 (Transportation Element) of the City of Beaverton Comprehensive Plan and the TSP.

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

Section 40.75.15.1.C.5

The proposed Street Vacation will not adversely impact police, fire, and emergency service in the area.

FINDING:

TVF&R and the City of Beaverton Police Department reviewed the applicant's materials and had no objections to the proposal. Accordingly, staff finds the proposal will not adversely impact police, fire, and emergency service in the area.

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

Section 40.75.15.1.C.6

That the vacation of the street will not hinder accessibility to any above ground or underground public facilities.

FINDING:

The easements proposed for removal do not provide access to any existing public facilities. There are existing sanitary sewer and water easements in the southern portion of the Phase 2 site. These existing utility easements, and access to the utilities within the easements, will not be impacted by the proposed bicycle/pedestrian easement vacations. Additionally, Planning Commission included conditions for Floor & Décor to record public easements over new utilities installed on the Phase 2 site, where applicable, as part of the DR2022-0078 approval. Therefore, the proposed bicycle/pedestrian easement vacations will not hinder accessibility to any above ground or underground public facilities.

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

Section 40.75.15.1.C.7

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 submitted applications for the proposed easement vacations on January 5, 2023, and the applications were deemed complete on January 25, 2023. No other applications are required of the applicant at this stage of City review.

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

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of SV2023-0001 / SV2023-0002.

From: e-citizen consistency.net <e-citizen@consistency.net>
Sent: Tuesday, February 28, 2023 11:25 AM
To: Lina Smith
Cc: Lani Parr; Aaron Harris; Miles Glowacki; Brittany Gada; Stephanie Lonsdale; Steven Regner
Subject: [EXTERNAL] Re: SV2023-0001 & TP2022-0011

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hi Lina,
Thank you for the information and including Brittany. This will really help when the questions come up in our next NAC meeting.

Best wishes,
Ernie

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Tuesday, February 28, 2023 8:54 AM
To: e-citizen consistency.net <e-citizen@consistency.net>
Cc: Lani Parr <lparr@beavertonoregon.gov>; Aaron Harris <aharris@beavertonoregon.gov>; Miles Glowacki <mglowacki@beavertonoregon.gov>; Brittany Gada <bgada@beavertonoregon.gov>; Stephanie Lonsdale <slonsdale@beavertonoregon.gov>; Steven Regner <sregner@beavertonoregon.gov>
Subject: RE: SV2023-0001 & TP2022-0011

Hi Ernie,

The conditions of approval for Phase 1 require that the public access easement for the north-south multi-use path area be recorded prior to site development permit issuance and that all site improvements be done prior to final occupancy of the first building on the Phase 1 site, which will likely be the hotel building. Because these conditions are specific to the Phase 1 approval, I'm copying Brittany on this e-mail, since she was the project planner for Phase 1.

I'm also copying Stephanie on here to help answer your questions about the PGE Tree Removal case.

Thank you,

Lina Smith
Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!
Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](https://buildinginbeaverton.org)** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

From: e-citizen consistency.net <e-citizen@consistency.net>
Sent: Monday, February 27, 2023 7:48 PM
To: Lina Smith <lsmith@beavertonoregon.gov>; slonesdale@beavertonoregon.gov
Cc: Lani Parr <lparr@beavertonoregon.gov>; Aaron Harris <aharris@beavertonoregon.gov>; Miles Glowacki <mglowacki@beavertonoregon.gov>
Subject: [EXTERNAL] Re: SV2023-0001 & TP2022-0011

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hello Lina & Stephanie

I hope all is well with you and yours. Now that the planning commission has approved the Floror & Decor plan, when will the new public walkway be completed and how can the NAC get updates on when it will be done? The path along the East should be completed before any construction begins as it is apparent now that Fanno Creek trail users are crossing over to Allen along the center of the property so if construction begins, users will need to cross through the construction area unless the public access is completed.

Also, regarding the removal of a significant tree grove in our NAC, how will we be notified when the new plantings are completed? Do we know how many trees will be replanted and tracked in order to offset the greenhouse emissions from the loss of a significant grove? I'm asking since the goal of no minimum offstreet parking has a hearing in an effort to reduce greenhouse gases, then we must have plans to ensure cutting down trees will be replanted.

I had inquired before, but want to make sure I understand how Aaron will find out when he shares at our NAC meeting.

How does the city hold the developer accountable in these situations and what is the penalty for any delays?

Thank you for all your help and work.
Ernie.

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Wednesday, February 8, 2023 11:50 AM
To: e-citizen consistency.net <e-citizen@consistency.net>
Cc: Jana Fox <jfox@beavertonoregon.gov>; Lani Parr <lparr@beavertonoregon.gov>; Miles Glowacki <mglowacki@beavertonoregon.gov>; Steven Regner <sregner@beavertonoregon.gov>
Subject: RE: SV2023-0001

Hi Ernie,

Thank you for your e-mail. The green lines on the site plan I sent over (attached again, for reference) represent pedestrian circulation and are meant to show how on-site pedestrian walkways will connect to the existing portion of the Fanno Creek Trail (to the south) and Allen Boulevard (to the north).

If the NAC would like to voice public comments about the construction of the north-south path, you are welcome to do so at tonight's Planning Commission hearing for the Floor & Décor Design Review or the April 18 City Council hearing regarding the Floor & Décor Easement Vacations.

You can find information on how to join tonight's Planning Commission hearing here:

<https://beavertonoregon.gov/913/Agendas-Minutes>

You can find information about joining the April 18 City Council hearing here:

<https://beavertonoregon.gov/797/Agendas-Minutes>. You can also contact the City Recorder's Office for questions about attending City Council meetings: 503-526-2222 or cityrecorder@beavertonoregon.gov.

Thank you and feel free to reach out if you have further questions.

Lina Smith

Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](https://buildinginbeaverton.org)** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

From: e-citizen consistency.net <e-citizen@consistency.net>
Sent: Tuesday, February 7, 2023 8:53 PM
To: Lina Smith <lsmith@beavertonoregon.gov>
Subject: [EXTERNAL] Re: SV2023-0001

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hello Lina,

Thank you for this part. In all of the NAC meetings it was not clear why there is so much confusion and overlap and delays. I know the land was replatted into one Tax lot, but not that there were two developers in two phases.

that said, I have concerns. What is the green line on the map and is that an easement for pedestrians? We were told during one meeting that there would be a dedicated path (RED) but also a secondary ability to cross should someone be heading over 217 at Allen.

Also, who does the NAC need to immediately address in order to reaffirm our belief that the developer is removing existing paths and should therefore be building the new connector and doing so ASAP!!!!!! Why would they not building the path and if they do not, who is funding what amounts to a brand new path built by the city because a developer wants to remove the existing one (albiet not in the best of shape but it does exist) so they can develop the entire area? If the path is part of the CIP, there would be doubts it will never get built, given all the current priorities. If you need examples of when DW/RW NAC was told that a project was finalized and approved years ago and it will be started ... in the near future-ish, let me know.

The developers want to put in gas station next to a wetlands, stores, buildings (at one point a golf course, a Holiday Inn (which later was going to be just an express)) the entire area has gone through several iterations and planners each of whom have intended to pave the entire property. Were it not for the DEQ overflow pond requirement, I'm sure the large tree and that area would be paved over too.

By all means please let me know who we need to alert about this because the NAC was told a path would go in and be one of the first things the developers did due to safety, support, and caring about the community they are paving.

Thank you and have a great day,
Ernie

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Tuesday, February 7, 2023 10:35 AM
To: e-citizen consistency.net <e-citizen@consistency.net>
Subject: RE: SV2023-0001

Hi Ernie,

Thank you for your e-mail. For clarity, I've attached a phasing diagram to this e-mail, which shows the Allen Redevelopment site labeled as "Phase 1" and the Floor & Décor site labeled as "Phase 2." The easements that are proposed to be vacated run east-west across the Phase 2 site (shown in pink and blue on the attached site plan) and terminate at Highway 217. We've received preliminary feedback from city staff and other agencies like ODOT that the preferred alignment for the Fanno Creek trail connection is a north-south connection (shown in red in the attached site plan) that runs along the eastern edge of the flood basin and connects the trail to Allen Boulevard. City Council is the decision-making authority for the easement vacations and staff will recommend that the easements not be vacated until the property owner dedicates the red area as a public access easement for a future multi-use path. Planning Commission also required this dedication as a condition of the Phase 1 approval. City staff is currently working with the property owner to determine if the best option is for the property owner to construct the path or for the City to construct the path as part of a Capital Improvement Project.

Regarding the different applications: There are 2 different applicants for Phase 1 and Phase 2; this is why they were submitted and processed as 2 separate application packages. The Phase 2 applicant also submitted their Design Review application package before the easement vacation package; this is why they are being processed separately as well.

Here's a link to all the applicant's materials for the easement vacations: <https://studio.bluebeam.com/share/zq5v94>

Thank you and feel free to reach out if you have further questions.

Lina Smith

Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](http://Home-CIVICS(buildinginbeaverton.org))** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

From: e-citizen consistency.net <e-citizen@consistency.net>
Sent: Sunday, February 5, 2023 8:41 PM
To: Lina Smith <lsmith@beavertonoregon.gov>
Subject: [EXTERNAL] SV2023-0001

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hello Lina,

I hope you are good and all is well. I'm wondering how we confirm, assure, and mandate that Floor and Decor will build a new public access path, if this vacate item allows them to remove two easements? They are already building so close to the edge of the wetlands, now they are vacating ped/cyclist walking paths.

How do we know a new path will be built? There seem to be a lot of changes to this property. If I read the story in the Beaverton Times correctly, the new gas station next to the wetlands here is about the same distance as the station in WashCo where the Mad Greek Deli was. with all the changes, I just want to understand why "the conflict with the location a a new retail building and improvements which are bring reviewed under a separate application"

Why does this property have so many updates and changes in separate changes? The neighborhood would really like to see the public path paved and opened because it is supposed to be on the other side of the swail and has no barring on their construction at all.

Could you please help us understand?

thank you for all your help,
Ernie

Received
Planning Division
01/05/2023



CITY OF BEAVERTON
Community Development
Department
Planning Division
12725 SW Millikan Way
PO Box 4755
Beaverton, OR. 97076
Tel: (503) 526-2420
Fax: (503) 526-2550
BeavertonOregon.gov

OFFICE USE ONLY	
FILE #:	SV2023-0001
FILE NAME:	Floor & Decor Easement Vacation
TYPE:	Type 3
FEE PAID:	
SUBMITTED:	01/05/2023
LAND USE DESIG:	CS
RECEIVED BY:	SO
CHECK/CASH:	
LWI DESIG:	
NAC:	Denny Whitford/ Raleigh West

STREET VACATION APPLICATION

APPLICANT: Use mailing address for meeting notification. Check box if Primary Contact

COMPANY: Floor & Decor Outlets of America, Inc

ADDRESS: 2500 Windy Ridge Parkway, SE

(CITY, STATE, ZIP) Atlanta, GA

PHONE: 918.261.0898 FAX: _____ E-MAIL: aaron.douglas@flooranddecor.com

SIGNATURE: CONTACT: Aaron Douglas
(Original Signature Required)

APPLICANT'S REPRESENTATIVE: Check box if Primary Contact

COMPANY: Centerpoint Integrated Solutions, LLC - Dustin Scaplo

ADDRESS: 1626 Cole Boulevard Suite 125

(CITY, STATE, ZIP) Lakewood

PHONE: 719.671.6486 FAX: _____ E-MAIL: dscaplo@centerpoint-is.com

SIGNATURE: CONTACT: Dustin Scaplo
(Original Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed. Check box if Primary Contact

COMPANY: Oregon Worsted Company

ADDRESS: 9701 SE McLoughlin Blvd

(CITY, STATE, ZIP) Milwaukie, OR 97222

PHONE: 503.975.3578 FAX: _____ E-MAIL: millendstr@aol.com

SIGNATURE: CONTACT: Howard Dietrich II

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: 10700 SW Allen Blvd

ASSESSOR'S MAP & TAX LOT #	LOT SIZE	ZONING DISTRICT
1S122AA00200	5.28 AC	CS
_____	_____	_____
_____	_____	_____

PRE-APPLICATION DATE: 2022.11.16

STREET VACATION SUBMITTAL CHECKLIST

Revised 01/2016

WRITTEN STATEMENT REQUIREMENTS

- A. APPLICATION FORM.** Provide one (1) **completed** application form with original signature(s).
- *Have you submitted for a permit from another division?*
- B. CHECKLIST.** Provide one (1) **completed** copy of this three (3) page checklist.
- C. WRITTEN STATEMENT.** Submit **one (1) copy** of a detailed description of the proposed street vacation including the location of the proposed street vacation, the total lineal feet and total square footage area of the proposed street design modification, the applicable street design standard proposed for modification, and the street design standard modification proposal:
In the written statement, please:
- Provide individual findings specifically addressing how and why the proposal satisfies each of the criterions specified in Section 40.75.15.1.C.1-7 of the *Development Code* (ORD 2050), attached. Section 40.75.15.1.C.3 requires that the proposed street vacation meet the eligibility requirement of Oregon Revised Statutes (ORS) 271.080, which reads as follows:
- ORS 271.080 Vacation in incorporated cities; petition; consent of property owners.** (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefore setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation. (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2](**REPRINTED FROM THE OREGON REVISED STATUTES WEB PAGE**)
- For conformity to ORS 271.080, as stated above, written evidence of consent of the owners of all abutting property as defined by ORS 271.080 and of not less than two-thirds in area of the real property affected thereby.
- Address all Facilities Review Technical Criteria from Section 40.03 of the City's *Development Code* (ORD 2050).

- D. **FEES**, as established by the City Council. Make checks payable to the City of Beaverton.
- E. **CLEAN WATER SERVICES (CWS) DOCUMENTATION**. Pursuant to Section 50.25.1.F of the City's *Development Code* requires that all development proposals provide written documentation from Clean Water Services (formerly Unified Sewerage Agency) stating that water quality will not be adversely affected by the subject proposal. Therefore, the City recommends that you contact CWS in order to obtain the required documentation. For more information, please contact Lindsey Obermiller, Environmental Plan Reviewer, at (503) 681-3653 or Obermiller@CleanWaterServices.org
- F. **PRE-APPLICATION CONFERENCE NOTES**. *(REQUIRED FOR TYPE 2, 3, & 4 APPLICATIONS ONLY)*
Provide a copy of the pre-application conference summary as required by the City's *Development Code Section 50.25.1.E*. The Pre-Application Conference must be held within the one (1) year prior to the submission date of the proposed project application.
- G. **NEIGHBORHOOD REVIEW MEETING**. *(REQUIRED FOR TYPE 3 APPLICATIONS ONLY)*
Provide the following information as required by the City's *Development Code Section 50.30*. The Neighborhood Review Meeting must be held within the six (6) months prior to the submission date of the proposed project application.
- 1. A copy of the meeting notice mailed to surrounding property owners and the NAC Representative
 - 2. A copy of the mailing list used to mail out the meeting notice.
 - 3. A written statement representative of the on-site posting notice.
 - 4. Affidavits of mailing and posting
 - 5. Representative copies of written materials and plans presented at the Neighborhood Review Meeting.
 - 6. Meeting minutes that include date, time and location, as well as, oral and written comments received.
 - 7. Meeting sign-in sheet that includes names and address of attendees.
 - 8. Documentation verifying that the meeting minutes and sign-in sheets have been provided to the NAC representative.
- H. **OTHER REQUIREMENTS**. Provide documentation showing that the project proposed is permitted by, or satisfies the requirements of, other agencies and/or jurisdictions OR submit a schedule that details the forecasted submission and approval timelines for permits/applications to the respective agencies and/or jurisdictions.

PLANS & GRAPHIC REQUIREMENTS

All plans, except architectural elevations, shall be presented at a minimum of 1" = 20' engineering scale and on a maximum sheet size of 24" x 36". Architectural elevations may be presented at an architectural scale. **A total of three (3) copies of each plan shall be submitted, unless otherwise noted.**

Each of the following plans and drawings shall be submitted on **separate sheets**. If the size of the project requires the use of match line sets, each set of match line sets must include a sheet (at a scale to fit a 24" x 36" sheet) depicting the entire site, including match lines, as a cover sheet.

Include all of the following information:

- A. EXISTING CONDITIONS PLAN:**
- 1. North arrow, scale and date of plan.
 - 2. Vicinity map.
 - 3. The existing street section.
 - 4. Points of existing access, driveways, and on-street parking areas.
 - 5. Existing right-of-way and improvements including but not limited to street section, curb, gutter, sidewalk, planter strip, travel lanes, turn lanes, and bicycle lanes.
 - 6. Dimension from centerline to edge of existing right-of-way.
 - 7. Existing topographical information, showing 2 ft. contours.
 - 8. Surrounding development and conditions within 100 ft. of the street on all sides such as zoning, land uses, and buildings.
 - 9. Location of existing public and private utilities, easements, and 100-year floodplain.
 - 10. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Tree within 100 ft. of the street on all sides.
 - 11. Sensitive areas, as defined by Clean Water Services (CWS) standards.
 - 12. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*
- B. DIMENSIONED SITE PLAN:**
- 1. North arrow, scale and date of plan.
 - 2. The street proposed for vacation including right-of-way, dimension from centerline to edge of right-of-way, intersections, driveways, dedications and improvements including but not limited to street section, curb, gutter, sidewalk, planter strip, travel lanes, turn lanes, and bicycle lanes.
 - 3. Surrounding development and conditions including zoning designation, land uses and buildings of land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.
 - 4. Location of storm water quality/detention facilities.
 - 5. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Tree within 100 ft. of the street on all sides.
 - 6. Sensitive areas, as defined by CWS standards.
 - 7. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*

Note: Complete sets of plans reduced to 8 ½"x11" (11"x17" are not acceptable) will be required at the time the application is deemed complete.

I have provided all the items required by this three (3) page submittal checklist. I understand that any missing information, omissions or both may result in the application being deemed incomplete, which may lengthen the time required to process the application.

Print Name

Signature

Telephone Number

Date



STREET VACATION / TYPE 3 - APPROVAL CRITERIA

PURSUANT TO SECTION 50.25.1.B OF THE DEVELOPMENT CODE, A WRITTEN STATEMENT ADDRESSING THE APPROVAL CRITERIA FOR AN APPLICATION MUST BE SUBMITTED IN ORDER FOR AN APPLICATION TO BE DEEMED COMPLETE. STATEMENTS SUCH AS “NOT APPLICABLE” OR “THE PROPOSAL WILL COMPLY WITH APPLICABLE DEVELOPMENT REGULATIONS” ARE NOT SATISFACTORY. THE WRITTEN STATEMENT MUST ADDRESS EACH CRITERION AND MUST SPECIFY IN DETAIL HOW EACH WILL BE COMPLIED WITH.

An applicant for Street Vacation shall address compliance with all of the following Approval Criteria as specified in 40.75.15.1.C.1-7 of the Development Code:

- 1. The proposal satisfies the threshold requirements for a Street Vacation application.
- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
- 3. The proposed Street Vacation meets the eligibility provisions of ORS 271.080.
- 4. The proposed Street Vacation will not adversely impact street connectivity as identified in the Transportation Element of the Comprehensive Plan.
- 5. The proposed Street Vacation will not adversely impact police, fire, and emergency service in the area.
- 6. That the vacation of the street will not hinder accessibility to any above ground or underground public facilities.
- 7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Received
Planning Division
01/05/2023



CITY OF BEAVERTON
Community Development
Department
Planning Division
12725 SW Millikan Way
PO Box 4755
Beaverton, OR. 97076
Tel: (503) 526-2420
Fax: (503) 526-2550
BeavertonOregon.gov

OFFICE USE ONLY

FILE #: SV2023-0002

FILE NAME: Floor & Decor Easement Vacation

TYPE: Type 3 **RECEIVED BY:** SO

FEE PAID: _____ **CHECK/CASH:** _____

SUBMITTED: 01/05/2023 **LWI DESIG:** _____

LAND USE DESIG: CS **NAC:** Denny Whitford/
Raleigh West

STREET VACATION APPLICATION

APPLICANT: Use mailing address for meeting notification. Check box if Primary Contact

COMPANY: Floor & Decor Outlets of America, Inc

ADDRESS: 2500 Windy Ridge Parkway, SE

(CITY, STATE, ZIP) Atlanta, GA

PHONE: 918.261.0898 **FAX:** _____ **E-MAIL:** aaron.douglas@flooranddecor.com

SIGNATURE:  **CONTACT:** Aaron Douglas

(Original Signature Required)


APPLICANT'S REPRESENTATIVE: Check box if Primary Contact

COMPANY: Centerpoint Integrated Solutions, LLC - Dustin Scaplo

ADDRESS: 1626 Cole Boulevard Suite 125

(CITY, STATE, ZIP) Lakewood

PHONE: 719.671.6486 **FAX:** _____ **E-MAIL:** dscaplo@centerpoint-is.com

SIGNATURE:  **CONTACT:** Dustin Scaplo

(Original Signature Required)

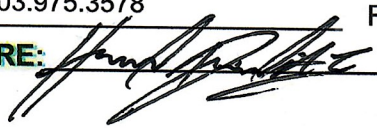

PROPERTY OWNER(S): Attach separate sheet if needed. Check box if Primary Contact

COMPANY: Oregon Worsted Company

ADDRESS: 9701 SE McLoughlin Blvd

(CITY, STATE, ZIP) Milwaukie, OR 97222

PHONE: 503.975.3578 **FAX:** _____ **E-MAIL:** millendstr@aol.com

SIGNATURE:  **CONTACT:** Howard Dietrich 

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: 10700 SW Allen Blvd

ASSESSOR'S MAP & TAX LOT #	LOT SIZE	ZONING DISTRICT
1S122AA00200	5.28 AC	CS
_____	_____	_____
_____	_____	_____

PRE-APPLICATION DATE: 2022.11.16

STREET VACATION SUBMITTAL CHECKLIST

Revised 01/2016

WRITTEN STATEMENT REQUIREMENTS

- A. APPLICATION FORM.** Provide one (1) **completed** application form with original signature(s).
- *Have you submitted for a permit from another division?*
- B. CHECKLIST.** Provide one (1) **completed** copy of this three (3) page checklist.
- C. WRITTEN STATEMENT.** Submit **one (1) copy** of a detailed description of the proposed street vacation including the location of the proposed street vacation, the total lineal feet and total square footage area of the proposed street design modification, the applicable street design standard proposed for modification, and the street design standard modification proposal:
In the written statement, please:
- Provide individual findings specifically addressing how and why the proposal satisfies each of the criterions specified in Section 40.75.15.1.C.1-7 of the *Development Code* (ORD 2050), attached. Section 40.75.15.1.C.3 requires that the proposed street vacation meet the eligibility requirement of Oregon Revised Statutes (ORS) 271.080, which reads as follows:
- ORS 271.080 Vacation in incorporated cities; petition; consent of property owners.** (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefore setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation. (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2](**REPRINTED FROM THE OREGON REVISED STATUTES WEB PAGE**)
- For conformity to ORS 271.080, as stated above, written evidence of consent of the owners of all abutting property as defined by ORS 271.080 and of not less than two-thirds in area of the real property affected thereby.
- Address all Facilities Review Technical Criteria from Section 40.03 of the City's *Development Code* (ORD 2050).

- D. FEES**, as established by the City Council. Make checks payable to the City of Beaverton.
- E. CLEAN WATER SERVICES (CWS) DOCUMENTATION.** Pursuant to Section 50.25.1.F of the City's *Development Code* requires that all development proposals provide written documentation from Clean Water Services (formerly Unified Sewerage Agency) stating that water quality will not be adversely affected by the subject proposal. Therefore, the City recommends that you contact CWS in order to obtain the required documentation. For more information, please contact Lindsey Obermiller, Environmental Plan Reviewer, at (503) 681-3653 or Obermiller@CleanWaterServices.org
- F. PRE-APPLICATION CONFERENCE NOTES. (REQUIRED FOR TYPE 2, 3, & 4 APPLICATIONS ONLY)**
Provide a copy of the pre-application conference summary as required by the City's *Development Code Section 50.25.1.E*. The Pre-Application Conference must be held within the one (1) year prior to the submission date of the proposed project application.
- G. NEIGHBORHOOD REVIEW MEETING. (REQUIRED FOR TYPE 3 APPLICATIONS ONLY)**
Provide the following information as required by the City's *Development Code Section 50.30*. The Neighborhood Review Meeting must be held within the six (6) months prior to the submission date of the proposed project application.
- 1. A copy of the meeting notice mailed to surrounding property owners and the NAC Representative
 - 2. A copy of the mailing list used to mail out the meeting notice.
 - 3. A written statement representative of the on-site posting notice.
 - 4. Affidavits of mailing and posting
 - 5. Representative copies of written materials and plans presented at the Neighborhood Review Meeting.
 - 6. Meeting minutes that include date, time and location, as well as, oral and written comments received.
 - 7. Meeting sign-in sheet that includes names and address of attendees.
 - 8. Documentation verifying that the meeting minutes and sign-in sheets have been provided to the NAC representative.
- H. OTHER REQUIREMENTS.** Provide documentation showing that the project proposed is permitted by, or satisfies the requirements of, other agencies and/or jurisdictions OR submit a schedule that details the forecasted submission and approval timelines for permits/applications to the respective agencies and/or jurisdictions.

PLANS & GRAPHIC REQUIREMENTS

All plans, except architectural elevations, shall be presented at a minimum of 1" = 20' engineering scale and on a maximum sheet size of 24" x 36". Architectural elevations may be presented at an architectural scale. **A total of three (3) copies of each plan shall be submitted, unless otherwise noted.**

Each of the following plans and drawings shall be submitted on **separate sheets**. If the size of the project requires the use of match line sets, each set of match line sets must include a sheet (at a scale to fit a 24" x 36" sheet) depicting the entire site, including match lines, as a cover sheet.

Include all of the following information:

- A. EXISTING CONDITIONS PLAN:**
- 1. North arrow, scale and date of plan.
 - 2. Vicinity map.
 - 3. The existing street section.
 - 4. Points of existing access, driveways, and on-street parking areas.
 - 5. Existing right-of-way and improvements including but not limited to street section, curb, gutter, sidewalk, planter strip, travel lanes, turn lanes, and bicycle lanes.
 - 6. Dimension from centerline to edge of existing right-of-way.
 - 7. Existing topographical information, showing 2 ft. contours.
 - 8. Surrounding development and conditions within 100 ft. of the street on all sides such as zoning, land uses, and buildings.
 - 9. Location of existing public and private utilities, easements, and 100-year floodplain.
 - 10. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Tree within 100 ft. of the street on all sides.
 - 11. Sensitive areas, as defined by Clean Water Services (CWS) standards.
 - 12. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*
- B. DIMENSIONED SITE PLAN:**
- 1. North arrow, scale and date of plan.
 - 2. The street proposed for vacation including right-of-way, dimension from centerline to edge of right-of-way, intersections, driveways, dedications and improvements including but not limited to street section, curb, gutter, sidewalk, planter strip, travel lanes, turn lanes, and bicycle lanes.
 - 3. Surrounding development and conditions including zoning designation, land uses and buildings of land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.
 - 4. Location of storm water quality/detention facilities.
 - 5. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Tree within 100 ft. of the street on all sides.
 - 6. Sensitive areas, as defined by CWS standards.
 - 7. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*

Note: Complete sets of plans reduced to 8 ½"x11" (11"x17" are not acceptable) will be required at the time the application is deemed complete.

I have provided all the items required by this three (3) page submittal checklist. I understand that any missing information, omissions or both may result in the application being deemed incomplete, which may lengthen the time required to process the application.

Print Name _____

Signature _____

Telephone Number _____
Date _____



STREET VACATION / TYPE 3 - APPROVAL CRITERIA

PURSUANT TO SECTION 50.25.1.B OF THE DEVELOPMENT CODE, A WRITTEN STATEMENT ADDRESSING THE APPROVAL CRITERIA FOR AN APPLICATION MUST BE SUBMITTED IN ORDER FOR AN APPLICATION TO BE DEEMED COMPLETE. STATEMENTS SUCH AS “NOT APPLICABLE” OR “THE PROPOSAL WILL COMPLY WITH APPLICABLE DEVELOPMENT REGULATIONS” ARE NOT SATISFACTORY. THE WRITTEN STATEMENT MUST ADDRESS EACH CRITERION AND MUST SPECIFY IN DETAIL HOW EACH WILL BE COMPLIED WITH.

An applicant for Street Vacation shall address compliance with all of the following Approval Criteria as specified in 40.75.15.1.C.1-7 of the Development Code:

- 1. The proposal satisfies the threshold requirements for a Street Vacation application.
- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
- 3. The proposed Street Vacation meets the eligibility provisions of ORS 271.080.
- 4. The proposed Street Vacation will not adversely impact street connectivity as identified in the Transportation Element of the Comprehensive Plan.
- 5. The proposed Street Vacation will not adversely impact police, fire, and emergency service in the area.
- 6. That the vacation of the street will not hinder accessibility to any above ground or underground public facilities.
- 7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.



Vacation Application Submittal

Type III – Easement Vacation (1985 recording)
Type III – Easement Vacation (2002 recording)

For Floor & Décor Outlets of America, Inc.

Parcels 1S122AA00100, 200, 400 and 500
10700 SW Allen Boulevard

Submitted to:

City of Beaverton
Community Development Department
Planning Division
12725 SW Millikan Way
Beaverton, OR 97005

Table of Contents

I. Exhibits 3

II. Contact Information for Applicant and Property Owner **Error! Bookmark not defined.**

III. Property Information..... 5

IV. Previous Land Use History 5

V. Proposed Application Summary 6

I. Exhibits

Application Materials

1. Street Vacation Application 1 (for easement recorded April 7, 1985, as Fee No. 86017207)
2. Street Vacation Application 2 (for western section of easement recorded April 10, 2000, as Fee No. 2000-028775)
3. Written Statement
4. Service Provider Letter, Letter of Consistency – Clean Water Services
5. Service Provider Letter, original – Clean Water Services
6. Service Provider Letter (email) – Fire
7. Service Provider Letter, original - Fire
8. Tualatin Hills Parks and Recreation Department Letter
9. Pre-Application Conference Meeting Summary Notes
10. Neighborhood Meeting Materials
11. City Planner, Lina Smith, Email chain: 11/22/2022 and 11/16/2022

Plans

12. Site Plan
13. Existing Conditions Plan
14. Tree Inventory
15. Easement Location Site Plan
16. Future Property Access and Circulation Plan
17. Topographical Map
18. ALTA Land Title Survey
19. Surrounding Development and Zoning Map

Real Estate Documents

20. Legal description and survey for easement to be vacated (recorded April 7, 1985, as Fee No. 86017207)
21. Legal description and survey for western section of easement to be vacated (recorded April 10, 2000, as Fee No. 2000-028775)
22. "Bikeway Easement," recorded April 7, 1985, as Fee No. 86017207.
23. "Public Pedestrian and Bicycle Pathway Easement," recorded April 10, 2000, as Fee No. 2000-028775
24. Quitclaim Deed-Statutory Form, recorded February 4, 2002 as Fee No. 2002-013469.

II. Contact Information for Applicant and Property Owner

Applicant: Floor & Décor Outlets of America, Inc.
2500 Windy Ridge Parkway, SE
Atlanta, GA 30339
Contact: Aaron Douglas
918.264.0898 (phone)
Aaron.douglas@flooranddecor.com

Applicant Representative: Centerpoint Integrated Solutions, LLC
1626 Cole Boulevard Suite 125
Lakewood, CO 80401
Contact: Dustin Scaplo
719.671.6486 (phone)
dscaplo@centerpoint-is.com

Planner: Baysinger Partners Architecture
2410 N. Lombard St
Portland, OR 97217
Contact: Jennifer L. Rinkus
503.546.1623 (direct)
jenniferr@baysingerpartners.com

Legal Counsel: Miller Nash, LLP
111 SW Fifth Ave, Ste 3400
Portland, OR 97204
Contact: Steven Liday
503.205.2362 (direct)
503.739.2535 (cell)
steven.liday@millernash.com

Property Owner: Oregon Worsted Co
9701 SE McLoughlin Blvd
Portland, OR 97222
Contact: Howard Dietrich
503.975.3578 (phone)
millendstr@aol.com

III. Property Information

Site Address: 10700 SW Allen Blvd.

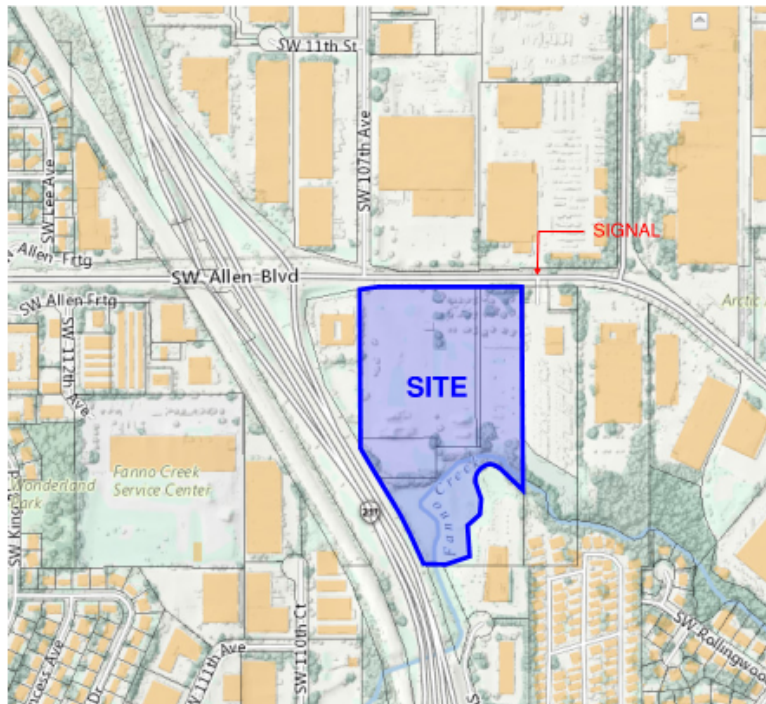
Location: South of SW Allen Blvd, east of the SW 107th intersection, west of the bus barn/Pacific Lumber signal

Tax Map and Lots: 1S122AA00100
1S122AA00200
1S122AA00400
1S122AA00500

Zoning: Community Service (CS)

Comp Plan: Regional Commercial (RC)

Property Size: Approximately 17.43 acres



IV. Previous Land Use History

On February 16, 2022, the City’s Planning Commission approved the development of the north portion of the property with a hotel, two commercial buildings, and fuel center, as set out in detail in applications CU2021-0004 (permit hotel in CS zone), CU2021-0005 (permit extended hours of fuel center), DR2021-0027 (design review for new hotel and other commercial buildings), LO2021-0001 (loading determination to reduce number of required loading berths), TP2021-0003 (tree plan proposing removal significant and SNRA trees), and LD2021-0002 (replat to consolidate four tax lots).

In June 2022, Floor & Decor Outlets of America, Inc., submitted applications to the City for the development of a 75,100-square-foot retail building on the southwest portion of the Property. The development applications (DR2022-0078 and PD2022-0006) were deemed complete on December 14, 2022, and are currently under review.

A grading permit was previously obtained by the property owner for land disturbance activity on the property, including the construction of a flood storage basin. All other land use history for the property is related to a hotel structure that has since been demolished.

V. Proposed Project Summary

Floor & Decor Outlets of America, Inc., petitions the City of Beaverton for vacation of two unused pedestrian/bicycle path easement sections that are located within the property described above. The easements do not appear in a plat, but were conveyed to the City via deed on November 11, 1985, and December 15, 1999. The easements have not been improved or opened to the public since conveyed and do not connect to other paths/easements to the west or north.

Applicant seeks to vacate the easements because they are within the footprint of a proposed retail store that is currently under review in a separate application. The Applications do not propose physical development or request any other land use approval.



Written Statement

Applications for Vacation of Easements at
10700 SW Allen Blvd
Floor & Decor Outlets of America, Inc.

A. Introduction

Floor & Decor Outlets of America, Inc. (“Applicant”) submits two applications to the City of Beaverton for vacation of two unused pedestrian/bicycle path easements¹ (the “Applications”) that are located within the large commercial property at 10700 SW Allen Boulevard² (the “Property”). Applicant seeks to vacate the easements because they are within the footprint of a proposed retail store that is currently under review in a separate application. The vacation Applications do not propose physical development or request any other land use approval.

The easements at issue were conveyed to the City in 1985 and 1999, but have not been improved or opened to the public since that time. The easements do not connect to other paths/easements to the west or north but terminate at the edge of Highway 217. While the Property is currently vacant, two commercial developments have recently been proposed (one approved) for the north and southwest sections of the Property. Once the projects are complete, there will be multiple pedestrian pathways throughout the Property, including two paths connecting SW Allen Boulevard with the Fanno Creek Regional Trail (the “Fanno Trail”).

For these reasons, City staff, the Tualatin Hills Park & Recreation District (THPRD), Tualatin Valley Fire & Rescue (TVF&R), and the Oregon Department of Transportation (ODOT) have stated that they have no objection to the vacation of the easements.

As set out below, the Applications satisfy all approval criteria and should be approved.

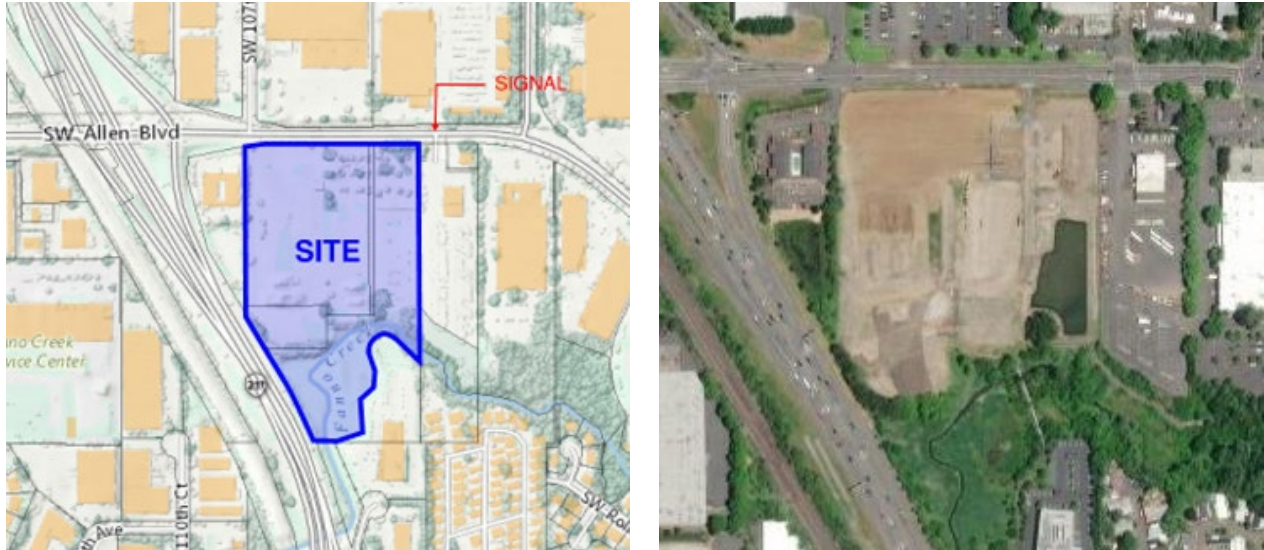
B. Overview of Property and Easements

The Property is located along Highway 217, on the south side of SW Allen Boulevard. It is approximately 17.43 acres and zoned Community Service (CS). Fanno Creek and the Fanno Trail cross the southern portion of the Property, entering from the south, turning east, and then exiting at the southeast corner.

¹ One application requests vacation of only a portion of an easement. For simplicity, this section to be vacated is referred to in this narrative as an individual easement.

² Tax-map lot nos. 1S122AA00100, 200, 400, and 500.

Figure 1: Property Location and Satellite Imagery³



The Applications propose vacation of two easements in the southwest portion of the Property where Applicant has proposed construction of a new retail building (the “Site”). The first easement at issue, highlighted in magenta below, was conveyed to the City on November 11, 1985, and allows the City to construct a “bicycle trail and pedestrian way” (the “1985 Easement”).⁴ The second easement area to be vacated, highlighted in blue, is the western section of the easement dated December 15, 1999, that grants the City the right to construct a “public pedestrian and bicycle pathway.”⁵ This part of the 1999 easement was severed from the remainder by a quitclaim deed dated January 24, 2002, as part of a relocation of the easement area.⁶ For simplicity, this western section to be vacated is referred to in this narrative as a separate easement (the “1999 Easement”).⁷

³ Map and satellite imagery from City of Beaverton GIS Online, Beaverton Search, <https://beaverton.maps.arcgis.com/apps/Viewer/index.html?appid=b9f67c5b83494d9fa0ed412c385eb852> (“Beaverton GIS”).

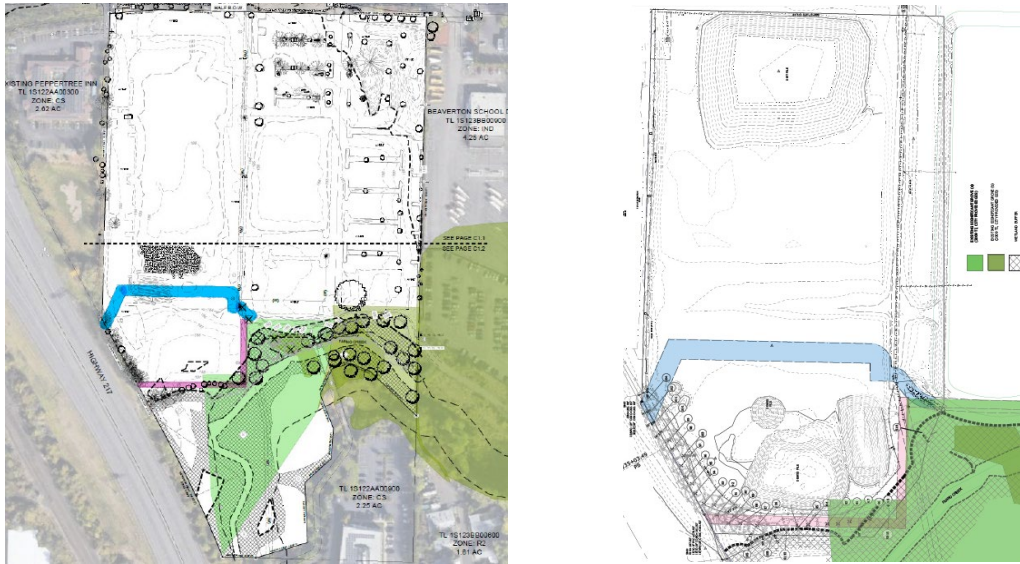
⁴ “Bikeway Easement,” recorded April 7, 1985, as Fee No. 86017207. Applications Ex. 22.

⁵ “Public Pedestrian and Bicycle Pathway Easement,” recorded April 10, 2000, as Fee No. 2000-028775. Applications Ex. 23.

⁶ Quitclaim Deed-Statutory Form, recorded February 4, 2022-013469. Applications Ex. 24.

⁷ The 1985 Easement and the 1999 Easement are collectively referred to as the “Easements.”

Figure 2: Map of Easement Locations⁸



Given their proximity to the Fanno Creek Greenway, these easements may have been acquired by the City in connection with development of the Fanno Trail. Their intended purpose, however, is unclear because there are no connecting paths/easements to the west or north. Instead, as shown in the plans above and images below, both Easements terminate at the Property's boundary along Highway 217.

Figure 3: Termination of Easements at Highway 217⁹

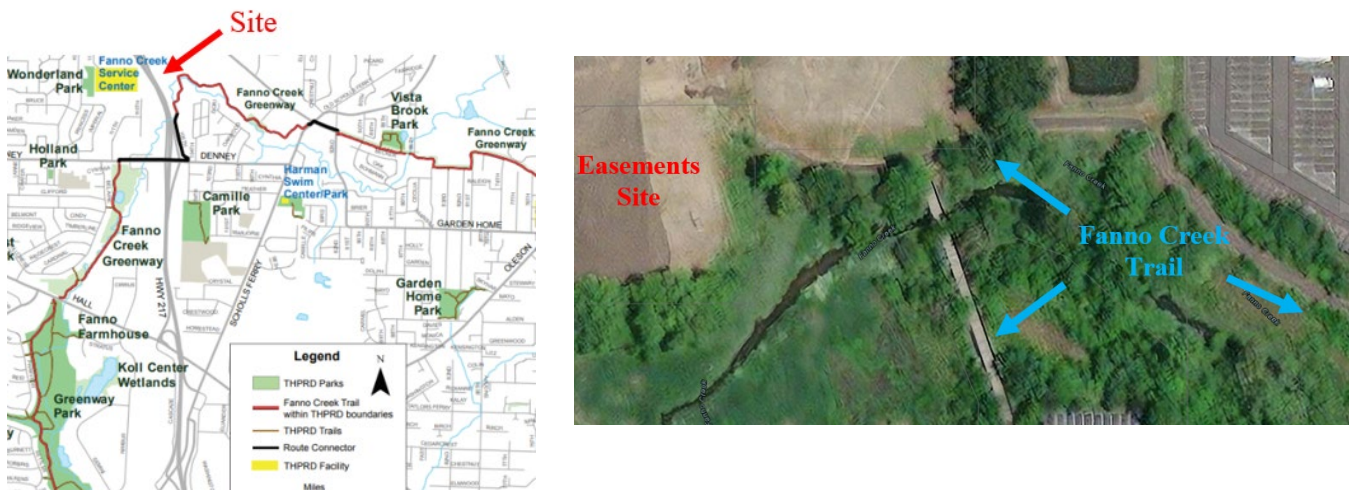


⁸ Image on left from Overall Existing Conditions Plan prepared by DOWL submitted with Phase 1 development applications, DR2021-0027, et al., as Ex. 24; easement highlights added to illustration. Image on right from Tree Inventory plan, Applications Ex. 14.

⁹ Image on left from Beaverton GIS; image on right from Google Earth at https://earth.google.com/web/@45.474554,-122.78718237,53.08110536a,378.34262577d,35y,-157.26233826h,59.5331917t,0.00049712r?utm_source=earth7&utm_campaign=vine&hl=en.

Whatever their original purpose, the Easements were not incorporated into the Fanno Trail. Rather, the Fanno Trail runs north to the southeast of the Site and then turns due east away from the Easements.

Figure 4: Location of the Easements Relative to Fanno Creek Regional Trail¹⁰



It is likely that the Easements were not incorporated into the Fanno Trail or otherwise used by the City because of their undesirable location (i.e., their close proximity to Highway 217) and the lack of connecting paths/easements to the west and north. Moreover, even if other easements existed to build a path north along Highway 217, such a path would end only a few hundred feet to the north at the juncture of SW Allen Boulevard and the Highway 217 off/on ramps. At this location there are only limited sidewalks and no crosswalk for pedestrians to cross SW Allen Boulevard for more than 1,000 feet in either direction.

C. Proposed Development of the Property

Except for a floodwater storage basin, the property is undeveloped. The Property's owner and Applicant, however, have recently submitted separate proposals to the City for two distinct developments.

In March 2021, the owner of the Property, Oregon Worsted Co., submitted an application set proposing the development of a hotel, two commercial buildings, and fuel center on the northern section of the Property along SW Allen Boulevard ("Phase 1").¹¹ The applications were deemed

¹⁰ Image on left from brochure published by THPRD's Trails Advisory Committee, accessed at <http://cdn1.thprd.org/pdfs2/document46.pdf>; satellite imagery on left from Beaverton GIS.

¹¹ The submission was composed of applications CU2021-0004 (permit hotel in CS zone), CU2021-0005 (permit extended hours of fuel center), DR2021-0027 (design review for new hotel and other commercial buildings), LO2021-0001 (loading determination to reduce number of required loading berths), TP2021-0003 (tree plan

complete in August 2021 and approved by the planning commission on February 16, 2022. Relevant here, the City imposed a condition of approval requiring the owner to grant the City a pedestrian access easement along the eastern boundary of the Property.¹²

In June 2022, Applicant submitted applications to the City for the development of a 75,100-square-foot retail building on the southwest portion of the Property (“Phase 2”). The applications¹³ were deemed complete on December 14, 2022, and are currently under review.

Similar to Phase 1, the Phase 2 plans propose a pedestrian path running north/south in the center of the Property. Thus, once the projects are complete, there will be two paths connecting SW Allen Boulevard with the Fanno Trail. Moreover, both developments will include pedestrian and bicycle pathways throughout the Property. Accordingly, the Easements are unnecessary and have no foreseeable use.

Figure 5: Illustration of New Paths Connecting Fanno Greenway and SW Allen Boulevard¹⁴



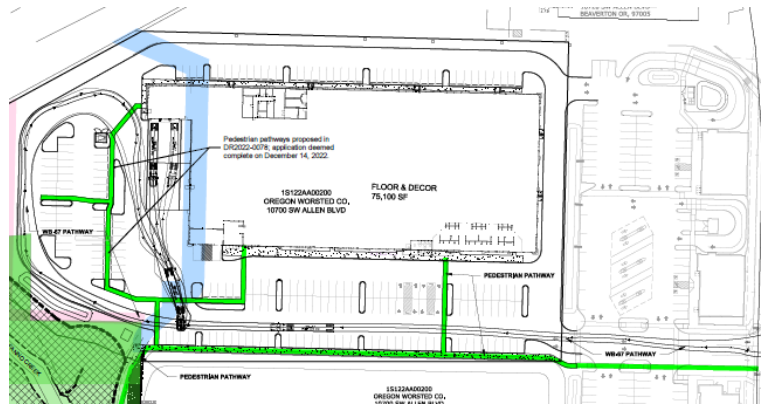
proposing removal of significant and SNRA trees), LD2021-0002 (replat to consolidate four tax lots), and supporting materials.

¹² Order No. 2876 by the Planning Commission of the City of Beaverton, conditionally approving DR2021-0027; Condition of Approval 41 (“Submit a recorded easement for the public path. A 16-foot public access easement shall be granted to the City and recorded along the eastern property line of the subject site for the public pedestrian pathway.”).

¹³ Application nos. DR2022-0078 and PD2022-0006.

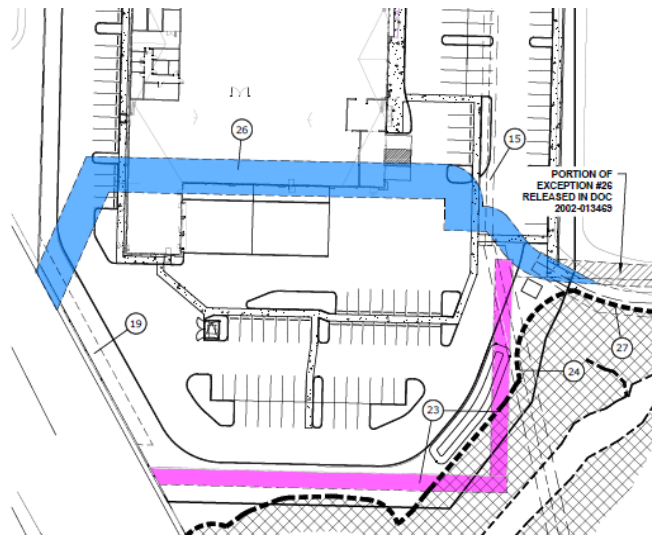
¹⁴ Satellite imagery from Google Earth, https://earth.google.com/web/@45.47426575,-122.78790995,51.94543061a,1240.36517593d,35y,138.68412826h,61.11133564t,0.00049226r?utm_source=earth7&utm_campaign=vine&hl=en.

Figure 6: Pedestrian Paths Proposed for Phase 2 Development¹⁵



The unused, unnecessary Easements, however, conflict with Applicant’s proposed Phase 2 development of the Site. As shown below, the 1999 Easement is located within the footprint of the proposed retail building, and the proposed landscaping and stormwater facilities are within the 1985 Easement area.

Figure 7: Location of Easements Relative to Phase 2 Development¹⁶



Accordingly, Applicant petitions the City for the vacation of the Easements as shown and described in detail in the plans, surveys, and legal descriptions submitted in support of the

¹⁵ Image from Future Property Access and Circulation Plan, Applications Ex. 16.

¹⁶ Image from Site Plan Easement Location, Applications Ex. 15.

Applications.¹⁷ City staff¹⁸ and representatives of THPRD,¹⁹ TVF&R,²⁰ and ODOT²¹ have informed Applicant in writing that they have no objection to the vacation of the Easements.

D. Satisfaction of Approval Criteria

Applicant's request to vacate the Easements is subject to the approval criteria in BDC Section 40.75 (Street Vacation) and Section 40.03 (Facilities Review Committee). Staff requested in the Pre-Application Conference Meeting Summary Notes that Applicant also address Section 60.55 (Transportation Facilities). As set out below, the Applications satisfy all applicable approval criteria.

1. Section 40.75 (Street Vacation)

A street vacation application is required for “[a]lteration to the City’s existing streets that involve the vacation of public rights-of-way * * *.” BDC 40.75.15(10). City staff has concluded that the Easements fall within the scope of Section 40.75 and thus their release requires approval of a vacation pursuant to this section.²² The Applications satisfy all approval criteria therein:

40.75.15(1)(C) Approval Criteria

In order to approve a Street Vacation application, the City Council 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 Street Vacation application.

Response: The threshold requirements for a street vacation are set forth in BDC 40.75.15(1)(A), which states that a vacation application is required for “[a]bandonment or otherwise vacation of an existing public transportation right-of-way or public easement that is within the City of Beaverton.” Although the Easements have never been used or opened to the public, City staff has determined that they constitute “public easements” and thus fall within this subsection.

¹⁷ It must be noted, however, that while the vacation Applications arise out of the Phase 2 development proposal, the Phase 2 applications are not at issue.

¹⁸ Applications Exs. 9, 11.

¹⁹ Applications Ex. 8.

²⁰ Applications Exs. 6, 7.

²¹ Applications Ex. 9.

²² Prior to filing the Applications for street vacation, Applicant contended that release of the property rights in the Easements did not require a vacation because they had not been created through a plat, improved, or otherwise opened to the public. While Applicant files the Applications in deference to staff's determination that approval of street vacations is required, it does not waive the right to assert this position in future appeals or other proceedings.

The Applications propose the vacation and corresponding release of the Easements. Accordingly, the threshold is met and this criterion is satisfied.

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

Response: All fees will be paid as required. This criterion will therefore be met.

3. The proposed Street Vacation meets the eligibility provisions of ORS 271.080.

Response: ORS 271.080(1) provides that a petition to vacate a street or other public place must include “a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.” This information has been provided in the written statement above, and in the plans, surveys, and other exhibits submitted with the Applications. This requirement is met.

The first part of ORS 271.080(2) states that the petition must show that all abutting property owners consent to the vacation. This criterion is met because the Easements are entirely within the Property and the owner has signed the Applications. Subsection 2 also provides that the petition must show the consent of owners of at least two-thirds of the property “affected” by the vacation, which is defined as land lying between the street to be vacated and the parallel street, so long as within 200 feet, as well as property lying 400 feet past the terminus of the street vacated. As set out in the Pre-Application Conference Meeting Summary Notes,²³ the Beaverton City Attorney’s office determined that this section applies only to streets, and thus does not apply to the vacation of the bicycle/pedestrian path Easements. Even if this requirement did apply, however, more than two-thirds of the “affected property” is within the Property, and almost all the other land “affected” by the vacation is within the Highway 217 right-of-way.

Accordingly, the proposed vacation of the Easements meets the eligibility provisions of ORS 271.080 and this approval criterion is satisfied.

4. The proposed Street Vacation will not adversely impact street connectivity as identified in the Transportation Element of the Comprehensive Plan.

Response: The Easements have not been improved, opened to the public, or otherwise used by the City despite being granted 37 and 23 years ago, respectively. They are not connected to or located near a public street. Neither the Local Street Connectivity Map (Figure 6.18) of Chapter 6 of the City of Beaverton Comprehensive Plan (Transportation Element) nor the

²³ Pre-Application Conference Meeting Summary Notes, Applications Ex. 9, at 6, and November 16, 2022, email from Robin McIntyre to Lina Smith and Steven Liday attached thereto.

Adopted Functional Classification Map²⁴ of the Beaverton Transportation System Plan (TSP) show the Easements or identify a need for a future public pedestrian or bicycle connection in the area. Given their location, lack of connection to other easements to the north, as well as the availability of other pedestrian paths/easements located on the Property, the Easements have no foreseeable use. The City's release and vacation of the Easements will have no impact on street connectivity.

5. The proposed Street Vacation will not adversely impact police, fire, and emergency service in the area.

Response: The Easements have not been improved or opened to the public. Their vacation will not impact access to or utilities for the Property, and thus will have no impact on police, fire, and emergency services in the area. In an email dated November 29, 2022, the deputy fire marshal of TVF&R confirmed that the proposed vacations will not impact fire and emergency service in the area.²⁵

6. That the vacation of the street will not hinder accessibility to any above ground or underground public facilities.

Response: The Easements are solely for the construction of pedestrian/bicycle paths and do not concern the provision of public facilities. Rather, there is a separate nearby waterline easement, which will not be affected by vacation of the Easements. In fact, the Easements could interfere with the construction of new above ground public facilities in the easement areas and thus their vacation would improve, not hinder, access to public facilities. This criterion is satisfied.

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

Response: Although the need for the vacation of the Easements arises out of Applicant's proposal to build a retail store on the Site, the Applications are distinct from and do not depend on the City's review/decision of the land use applications for that project (DR2022-0078). All documents required for the Applications have been submitted and no other application is required.

2. Section 40.03 (Facilities Review Committee)

Applications for street vacations are subject to review by the Facilities Review Committee for conformance with the criteria in BDC 40.03(2). As set forth below, each criterion is met for both Applications.

²⁴ <https://www.arcgis.com/home/item.html?id=7480302c7b6b4de5b2a972b0adaba373>.

²⁵ Applications Exs. 7, 8.

40.03(2). Public Transportation Facility Improvements or Modifications, including Street Vacations

A. The transportation facility, as proposed or modified, conforms to the Transportation System Plan.

Response: Neither of the unimproved Easements constitute a transportation facility, which is defined under the City’s development code and state law as “physical facility that moves or assists in the movement of people or goods[.]” BDC ch 90 (Transportation Facilities); ORS 197.798(1); OAR 660-012-0005(46). The Applications do not propose to modify any other transportation facility, and the vacation of the Easements will have no effect on existing or proposed transportation facilities. Accordingly, this criterion does not apply. And even if the criterion did apply, the vacation of the Easements would not violate any standard in the City’s TSP, and thus the criterion is satisfied.

B. There are safe and efficient vehicular and pedestrian circulation patterns within the project boundaries.

Response: The Applications are for the vacation of two unimproved easements and do not propose any physical development. Although the need for the vacations arises out of Applicant’s retail store proposal, the applications for that project are separate and subject to their own independent facilities review. Accordingly, this criterion does not apply. Even if the criterion did apply, and the development of the Site proposed in application DR2022-0078 was relevant, the project design for the Phase 2 development provides for safe and efficient vehicular and pedestrian circulation patterns.

C. The proposed development is consistent with all applicable provisions of CHAPTER 60 (Special Requirements) and all improvements, dedications, or both required by the applicable provisions of CHAPTER 60 (Special Requirements) are in place.

Response: The Applications are for vacation/release of the unimproved Easements and do not propose any physical development or modifications to other development (existing, approved, or proposed). The Applications are not part of and are reviewed independently from the Phase 1 development approved in DR2021-0027 and Phase 2 development proposed in DR2022-0078. Even if those other applications were relevant here, the improvements proposed therein meet all applicable provisions of Chapter 60. To the extent this criterion applies, it is met.

D. Adequate means are provided or proposed to be provided in a satisfactory manner, to ensure continued periodic maintenance and replacement of the following, as applicable: drainage facilities, 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.

Response: The Applications do not propose any physical development, and the vacation of the Easements will have no impact on existing, approved, or proposed structures/facilities, including those approved in DR2021-0027 and proposed in DR2022-0078. Moreover, the Easements have never been improved, opened to the public, or otherwise used by the City. Thus, the proposed vacations will only effect the release of property rights, which will actually allow for the future provision and better maintenance of facilities in and near the Easement areas. To the extent this criterion applies, it is satisfied.

E. The proposed transportation facility connects to the surrounding circulation systems in a safe, efficient, and direct manner.

Response: The Easements do not constitute transportation facilities, and the Applications do not propose the construction of new facilities or changes to existing facilities. This criterion does not apply, and even if did, it is satisfied.

F. The proposed transportation facility or modification thereof will provide adequate fire equipment facility access and turnaround area, as well as adequate street lighting for crime and accident prevention as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

Response: The Easements are not transportation facilities, and the Applications do not propose the construction of new facilities or changes to existing facilities. Vacation of the Easements will not impact access of fire equipment to the property, lighting of the Site, or the existence of hazardous conditions. This criterion is inapplicable or satisfied.

G. Grading and contouring are the minimum necessary to accommodate the proposed transportation facility, while mitigating adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Response: The Applications do not propose grading or other physical work on the Site. This criterion does not apply or is satisfied because the absence of grading is the “minimum necessary.”

H. Access and facilities for physically handicapped people are maintained and/or incorporated into the subject transportation facility, with particular attention to providing continuous, uninterrupted access routes.

Response: The Easements are not transportation facilities and the Applications do not propose any development or alterations to the Site. This criterion does not apply.

1. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code.

Response: All required materials have been provided.

3. Section 60.55 (Transportation Facilities)

The Pre-Application Report states that this written statement should address the requirements in Section 60.55, which concerns “design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the City of Beaverton.” BDC 60.55.05. The criteria in Section 60.55 do not appear applicable to the Applications, however, because the unimproved Easements are not streets, transportation facilities, or pedestrian/bicycle connections, and no physical development is proposed in the Applications. Nevertheless, to the extent any subsections apply, those criteria are satisfied, as set out below:

60.55.10. General Provisions

1. All public and private transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies. [ORD 4782; April 2020]

Response: The Easements are not transportation facilities, and the Applications do not propose physical development. Moreover the Easements do not abut or impact a transportation facility under the jurisdiction of another governmental agency. Accordingly, this criterion does not apply. But even if the criterion did apply, the vacation/release of the unimproved and unnecessary Easements will have no impact on any transportation facility, and no other permit is required to vacate the Easements. Thus, to the extent this criterion applies, it is met.

2. In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in rough proportion to the identified impacts of the development. [ORD 4103; May 2000]

Response: The Applications do not propose physical development; only the vacation of the unimproved Easements. Even if the release of easement rights constituted development, the vacation of the Easements will have no impacts on traffic capacity/safety or the need for public services. This criterion is inapplicable, and even if it did apply, it is satisfied.

3. For applications that meet the threshold criteria of section 60.55.15. (Traffic Management Plan) or of section 60.55.20. (Traffic Impact Analysis), these analyses or limited elements thereof may be required.

Response: The Applications do not propose development, and the vacation of the Easements will not generate any vehicle trips or otherwise impact the public transportation system. Accordingly, the threshold criteria of BDC 60.55.15 (Traffic Management Plan) and BDC 60.55.20 (Traffic Impact Analysis) are not met, and this criterion does not apply.

Subsections 4 to 7:

Response: BDC 60.55.10(4) to (7) do not contain approval criteria but set forth the standards for review of certain transportation facilities.

60.55.15. Traffic Management Plan.

Where development will add 20 or more trips in any hour on a residential street, a Traffic Management Plan acceptable to the City Engineer shall be submitted in order to complete the application. * * *

Response: The Applications do not propose development, and the vacation of the Easements will not generate any vehicle trips. This criterion is inapplicable.

60.55.20. Traffic Impact Analysis.

For each development proposal that exceeds the Analysis Threshold of 60.55.20.2, the application for land use or design review approval shall include a Traffic Impact Analysis as required by this code. * * *

Response: The Applications do not propose development, and the vacation of the Easements will not generate any vehicle trips. This criterion is inapplicable.

60.55.25. Street and Bicycle and Pedestrian Connection Requirements

1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.

Response: The undeveloped, unopened Easements are not streets, pedestrian/bicycle connections, or other transportation facilities. Accordingly, this criterion does not apply. Even if the criterion did apply, the proposed vacation of the Easements will have no impact on the circulation and access to the Property because they have never been improved or used by the City and there will be two other pedestrian paths bisecting the Property, connecting Allen Boulevard to the Fanno Trail. In essence, the vacations will merely be a release of property rights that no public body or City staff has expressed opposition to.

2. The Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future potential street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel. For properties within the South Cooper Mountain Community Plan area, Figure 10: Community Plan Street Framework and Figure 11: Community Plan Bicycle & Pedestrian Framework of the South Cooper Mountain Community Plan shall be used to identify functional classifications of streets, future streets, bicycle, and pedestrian connections. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. Trails identified in Figure 11: Community Plan Bicycle & Pedestrian Framework shall be designed to meet applicable Tualatin Hills Parks & Recreation (THPRD) District trail design standards, unless otherwise approved by THPRD. Deviations from Figure 10: Community Street Framework or Figure 11: Community Plan Bicycle & Pedestrian Framework shall be reviewed through the Planned Unit Development application.

Response: This criterion does not apply because the Applications do not propose development to the Property, and the undeveloped Easements are not transportation facilities. To the extent the criterion does apply, it is satisfied. The proposed vacation of the Easements will have no impact on street connectivity or the surrounding transportation system because they have never been improved or used by the City and there will be two other pedestrian paths bisecting the Property, connecting Allen Boulevard to the Fanno Trail. Moreover, the Easements could not currently be used to connect the Fanno Trail with another property or street because there are no adjacent paths or easements to the north or west. Rather, the Easements terminate at the border of the Property and Highway 217.

3. Where a future street or bicycle and pedestrian connection location is not identified in the Comprehensive Plan Transportation Element, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.

Response: This criterion does not apply because the Applications do not propose development to the Property. Even if the criterion does apply, it is satisfied. There is no need to improve the Easements as new bicycle or pedestrian connections because they there will be two other

pedestrian paths bisecting the Property, connecting Allen Boulevard to the Fanno Trail. Moreover, the Easements could not currently be used to connect the Fanno Trail with another property or street because there are no adjacent paths or easements to the north or west. Rather, the Easements terminate at the border of the Property and Highway 217.

4. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.

Response: This criterion does not apply because the Applications do not propose the construction or alteration of street, bicycle, or pedestrian connections. To the extent the criterion does apply, it is satisfied. Upon completion of development of the Property—not proposed or at issue in the Applications—there will be two other pedestrian paths bisecting the Property, connecting Allen Boulevard to the Fanno Trail. Moreover, the Easements could not currently be used to connect the Fanno Trail with another property or street because there are no adjacent paths or easements to the north or west. Rather, the Easements terminate at the border of the Property and Highway 217.

5. Whenever existing streets and bicycle and pedestrian connections adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.

Response: This criterion does not apply because the Applications do not propose the construction or alteration of street, bicycle, or pedestrian connections, or any other development. Even if the criterion did apply, it is satisfied. Upon completion of development of the Property—not proposed or at issue in the Applications—there will be two pedestrian paths connecting SW Allen Boulevard to the Fanno Trail that have adequate width. In fact, both have been required by the City for the development proposed in other applications.

6. Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.

Response: This criterion does not apply because the Applications do not propose the construction or alteration of street, bicycle, or pedestrian connections, or any other development. Even if the criterion did apply, it is satisfied. Upon completion of development of the Property—not proposed or at issue in the Applications—there will be two other pedestrian paths connecting SW Allen Boulevard to the Fanno Trail. The City pedestrian access easement along the eastern boundary of the site that the City required as a condition of approval for the Phase 1 development will intersect with a traffic-control intersection.

7. Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.

Response: This criterion does not apply because the Applications propose only the vacation of two undeveloped, unneeded Easements. The Applications do not propose the construction or alteration of street, bicycle, or pedestrian connections, or any other development. Even if the criterion did apply, it is satisfied. Upon completion of development of the Property—not proposed or at issue in the Applications—there will be two other pedestrian paths on the Property that connect the on-site circulation with the adjacent Fanno Trail and SW Allen Boulevard.

8. To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.

Response: This provision does not contain an approval criterion. Even if it did, it is not applicable to the Applications because they do not propose physical development.

9. Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street connections are not possible due to the conditions described in Section 60.55.25.14. * * *

Response: This criterion does not apply because the Applications propose only the vacation of two undeveloped, unneeded Easements. The Applications do not propose the construction or alteration of accessways or any other development.

10. Pedestrian Circulation.

Response: This subsection does not apply because it governs only physical development such as proposals for single-detached dwellings and middle housing.

11. Pedestrian Connections at Major Transit Stops. Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures: * * *

Response: This criterion does not apply because the Applications do not propose physical development; only the vacation of two undeveloped Easements.

12. Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: * * *

Response: This criterion does not apply because the Applications do not propose the construction or alteration of a bicycle or pedestrian connection. Even if the criterion did apply, it is satisfied. Upon completion of development of the Property—not proposed or at issue in the Applications—there will be two pedestrian paths on the Property that connect the on-site circulation with the adjacent Fanno Trail and SW Allen Boulevard. These pathways have been designed to meet City specifications.

13. New construction of bicycle and pedestrian connections along residential rear lot lines is discouraged unless no comparable substitute alignment is possible in the effort to connect common trip origins and destinations or existing segment links.

Response: This criterion does not apply because the Applications propose only the vacation of two undeveloped, unneeded Easements. Even if the criterion did apply, it is satisfied. The Applications do not propose the construction of a bicycle/pedestrian connection along residential lot lines.

14. Street and Bicycle and Pedestrian Connection Hindrances. Street, bicycle, and/or pedestrian connections are not required where one or more of the following conditions exist: * * *

Response: This provision does not contain an approval criterion. Even if it did, it is not applicable to the Applications because they do not propose physical development.

60.55.30. Minimum Street Widths.

Response: This criterion is inapplicable because the Applications do not propose the construction or alteration of a street.

60.55.35. Access Standards.

Response: This criterion is inapplicable because the Applications do not propose the construction or alteration of access to the Property.

60.55.40. Transit Facilities.

Response: This criterion is inapplicable because the Applications do not propose the construction or alteration of a transit facility.

E. Conclusion

The Applications propose the vacation of two unimproved, unopened Easements that have no foreseeable use. The Easements are not adjacent to other paths/easements to the west or north but terminate at the edge of Highway 217. Moreover, upon completion of development of the Property—not proposed or at issue in the Applications—there will be multiple pedestrian paths located throughout the Property, including two connecting the Fanno Trail and SW Allen Boulevard. For these reasons, City staff, THPRD, TVF&R, and ODOT have stated that they have no objection to the vacation of the Easements.

As set out above, the Applications satisfy all approval criteria and should be approved.

Received
Planning Division
01/05/2023



January 03, 2023

BAYSINGER PARTNERS ARCHITECTURE
1006 SE GRAND AVE #300
PORTLAND OR 97214

Re: Allen Boulevard Hotel & Commercial Development with easement vacation and detailed southwestern site plan | CWS File No. 21-000268 (Tax map 1S122AA Tax lot 00100, 00500, 00400, 00200)

Clean Water Services has reviewed the Service Provider Letter (SPL) issued on May 28, 2021, for file 21-000268. District staff has evaluated the SPL conditions and project plans for two easement vacations, and detailed site plan information, and found them to be in compliance with Resolution and Order 19-5 (R&O 19-5), as amended by Resolution and Order 19-22 (R&O 19-22). This approval does not include any changes or modifications to the encroachment, enhancement, or mitigation of Vegetated Corridor required as outlined in the SPL.

Please attach this letter to the existing SPL, to demonstrate compliance with the current SPL and R&O 19-5, as amended by R&O 19-22.

Sincerely,

A handwritten signature in cursive script that reads "Lindsey Obermiller".

Lindsey Obermiller
Environmental Plan Review

Attachments (2)

COLOR COPY

CWS FILE NO. 21-000268
Approved
Clean Water Services
FOR ENVIRONMENTAL REVIEW
By LO Date 01/03/2023
SPL ATTACHMENT 1 OF 2

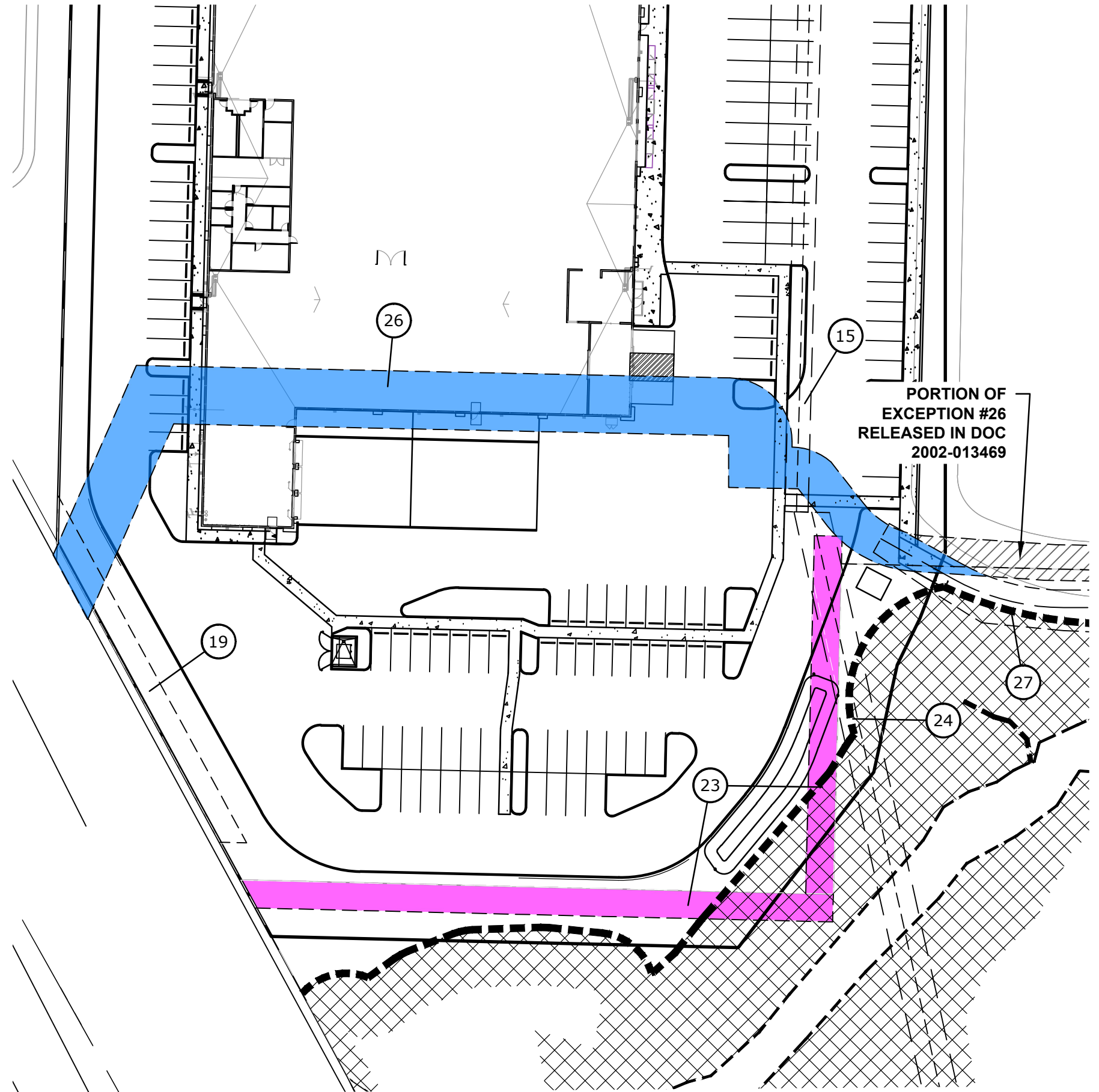
SPECIAL EXCEPTIONS PER PRELIMINARY TITLE REPORT
FILE NUMBER(NCS-1088300-CHAR)

- 15. AN EASEMENT FOR WATER LINES, MAINS AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED JULY 5, 1973 AS VOLUME 933, PAGE 0756 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BEAVERTON
AFFECTS: A 10 FOOT STRIP IN PARCEL II

NOTE: A PORTION OF SAID EASEMENT WAS RELEASED BY INSTRUMENT RECORDED APRIL 7, 1986 AS FEE NO. 86014212.
- 19. AN EASEMENT FOR SANITARY SEWER LINES, MAINS AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 13, 1978 AS FEE NO. 78054458 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON
AFFECTS: A STRIP OF LAND IN THE SOUTHWESTERLY PORTION OF PARCEL II
- 23. AN EASEMENT FOR A BICYCLE TRAIL AND PEDESTRIAN WAY AND INCIDENTAL PURPOSES, RECORDED APRIL 7, 1986 AS FEE NO. 86014207 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BEAVERTON
AFFECTS: PARCEL II
- 24. AN EASEMENT FOR WATER LINES, MAINS, AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED APRIL 7, 1986 AS FEE NO. 86014208 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON
AFFECTS: A 15 FOOT STRIP IN PARCEL II
- 26. AN EASEMENT FOR PUBLIC PEDESTRIAN AND BICYCLE PATHWAY EASEMENT AND INCIDENTAL PURPOSES, RECORDED APRIL 10, 2000 AS FEE NO. 2000-028775 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON
AFFECTS: AS DESCRIBED THEREIN

A PORTION OF SAID EASEMENT WAS RELEASED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED FEBRUARY 4, 2002 AS FEE NO. 2002 013469.
- 27. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
RECORDING INFORMATION: FEBRUARY 4, 2002 AS FEE NO. 2002-013467
IN FAVOR OF: CITY OF BEAVERTON
PUBLIC PEDESTRIAN AND BICYCLE PATHWAY

SAID EASEMENT WAS ALSO RECORDED MARCH 1, 2002 AS FEE NO. 2002 024661.



PLOTTED: 12/8/2022 1:44 PM

FLOOR & DECOR BEAVERTON
CASE FILE NO. XX-XX
CENTERPOINT INTEGRATED SOLUTIONS
1626 COLE BLVD. STE 125
LAKEWOOD, CO 80401
XXXX

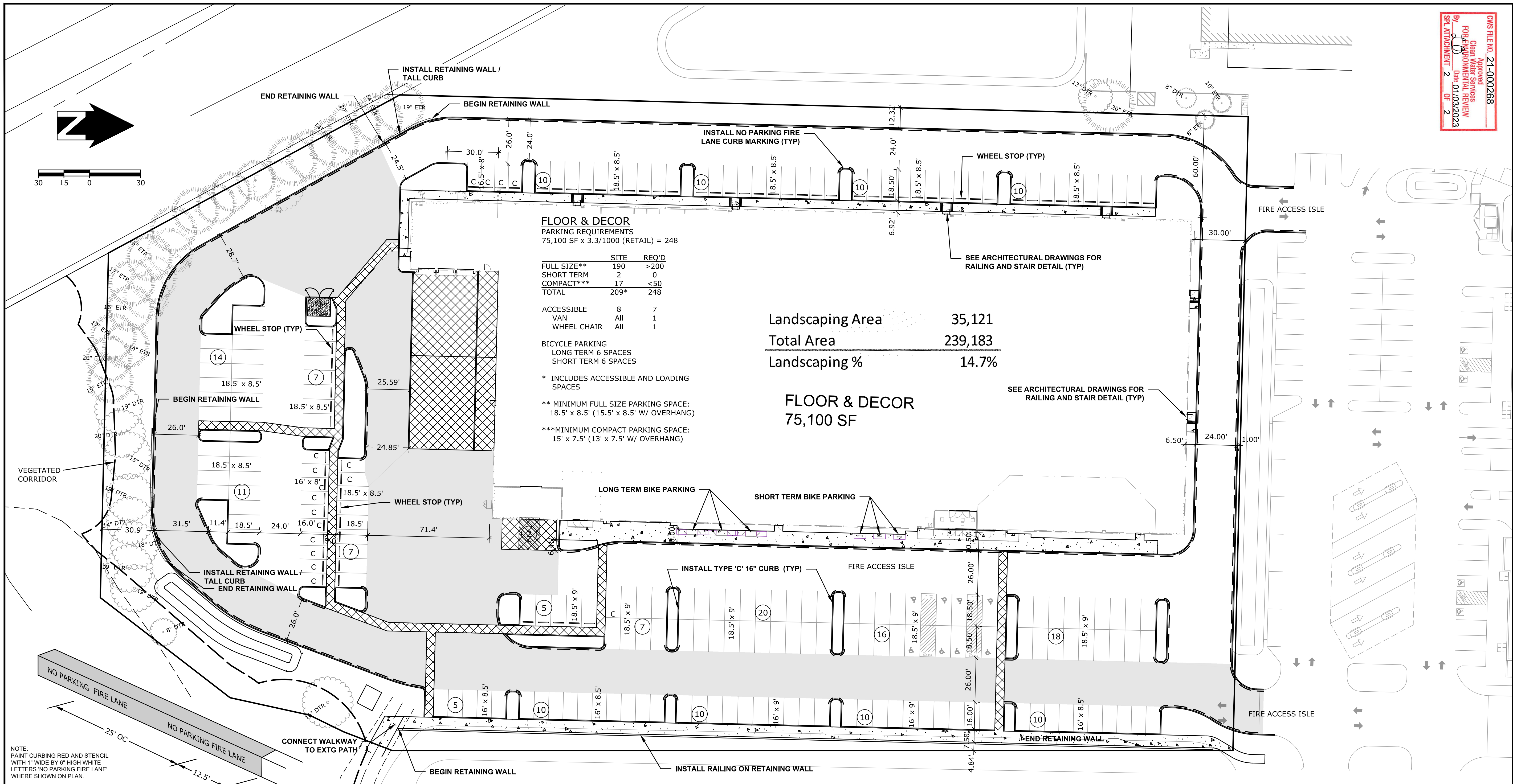
CES | NW
13190 SW 68th Parkway, Suite 150
Tigard, Oregon 97223
503.968.6655 www.cesnw.com

PROJECT NO.:	XXX	DATE:	11/18/22	REVISIONS
DESIGNED BY:	ARW	DRAWN BY:	ARW	

SITE PLAN
EASEMENT LOCATION

1
OF
1

3730 EASEMENT VACATION.DWG



FLOOR & DECOR
PARKING REQUIREMENTS
75,100 SF x 3.3/1000 (RETAIL) = 248

	SITE	REQ'D
FULL SIZE**	190	>200
SHORT TERM	2	0
COMPACT***	17	<50
TOTAL	209*	248

Landscaping Area 35,121
Total Area 239,183
Landscaping % 14.7%

FLOOR & DECOR
75,100 SF

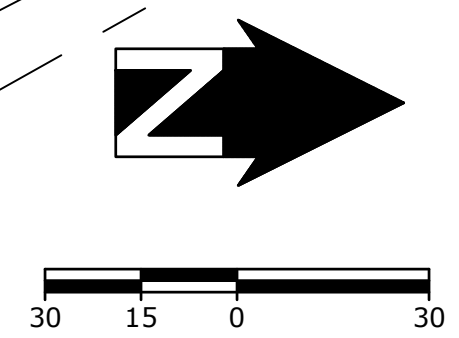
ACCESSIBLE 8 7
VAN All 1
WHEEL CHAIR All 1

BICYCLE PARKING
LONG TERM 6 SPACES
SHORT TERM 6 SPACES

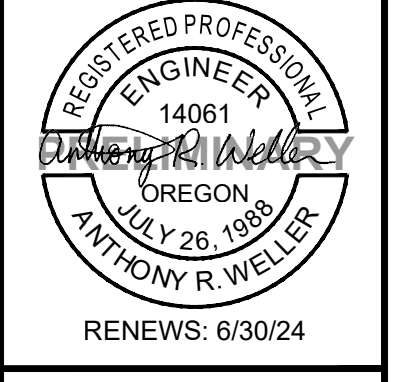
* INCLUDES ACCESSIBLE AND LOADING SPACES

** MINIMUM FULL SIZE PARKING SPACE:
18.5' x 8.5' (15.5' x 8.5' W/ OVERHANG)

*** MINIMUM COMPACT PARKING SPACE:
15' x 7.5' (13' x 7.5' W/ OVERHANG)



CNS FILE NO: 21-000268
Approved
Open
FOR FURTHER DEVELOPMENTAL REVIEW
Date: 07/03/2023
SPL DOCUMENT 2 OF 2



FLOOR & DECOR

CES NW
13190 SW 68th Parkway, Suite 150
Tigard, Oregon 97223
503.968.6655 www.cesnw.com

REVISIONS

DATE: 10/21/2022
DRAWN BY: ANW
PROJECT NO.:
DESIGNED BY:
SHEET

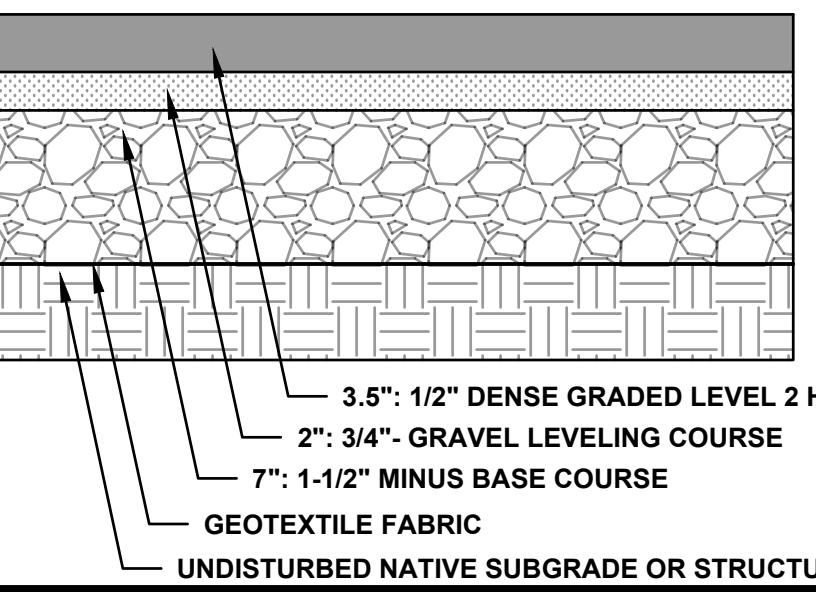
C3.0

OF 19

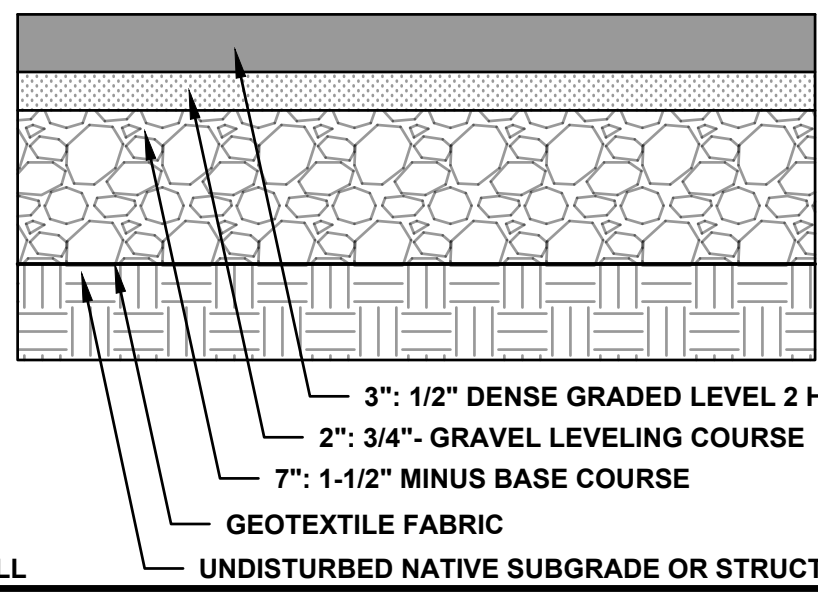
NO PARKING FIRE LANE CURB MARKING

- HEAVY DUTY HMAC PAVEMENT
- LIGHT DUTY HMAC PAVEMENT
- HEAVY DUTY PCC PAVEMENT
- TRASH RECEPTACLE PAD
- LIGHT DUTY PCC PAVEMENT

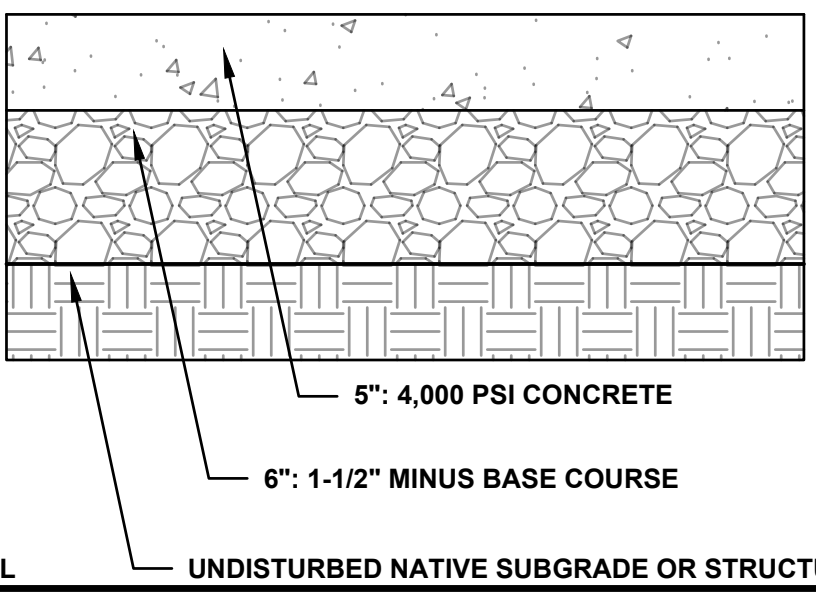
HEAVY DUTY HMAC PAVEMENT



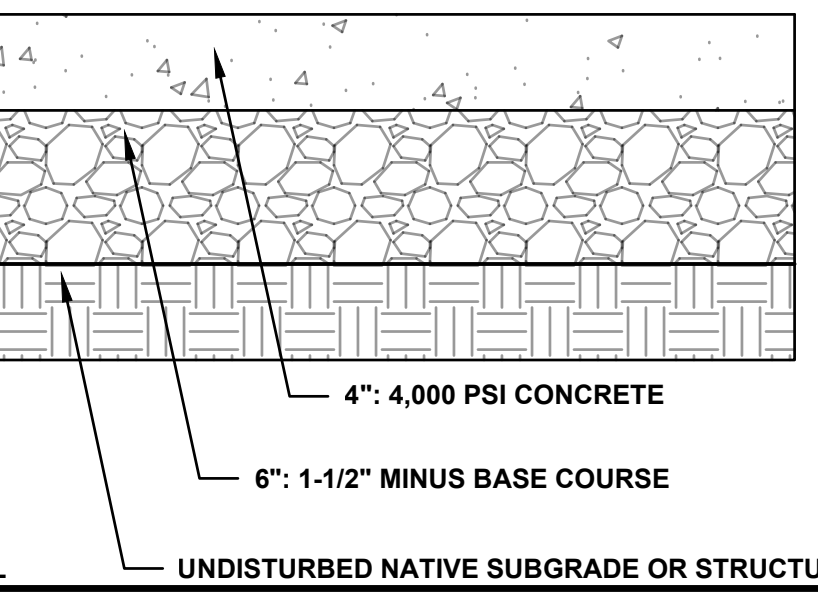
LIGHT DUTY HMAC PAVEMENT



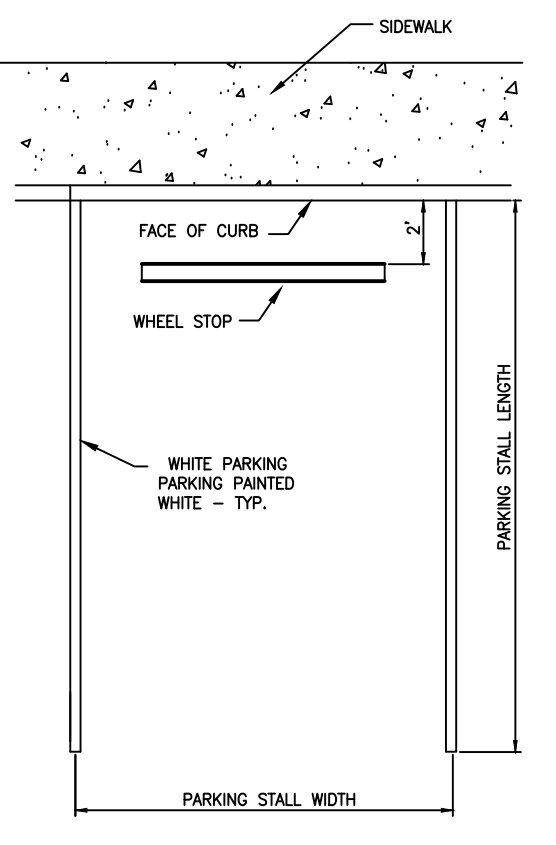
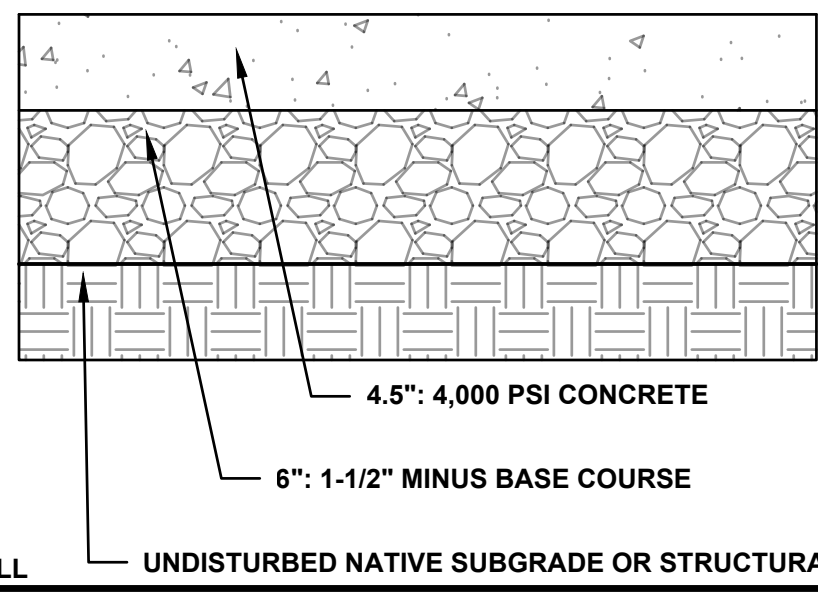
HEAVY DUTY PCC PAVEMENT



TRASH RECEPTACLE PAD



LIGHT DUTY PCC PAVEMENT



TYPICAL PARKING STALL & PRECAST WHEEL STOP
NTS

NOTES:
INSTALL WITH 12" GROUND SPIKES (AC INSTALLATION)

PLOTTED: 12/6/2022 1:36 PM

3730 SHEET 3 - SITE PLAN.DWG

Received
Planning Division
01/05/2023



June 1, 2022

KELTON MCCOY
CENTERPOINT INTEGRATED
1626 COLE BLVD
LAKEWOOD CO 80204

Re: 10700 SW Allen Blvd. CWS file 19-001462 (Tax map 1S122AA Tax lot 00100, 00500, 00400, 00200)

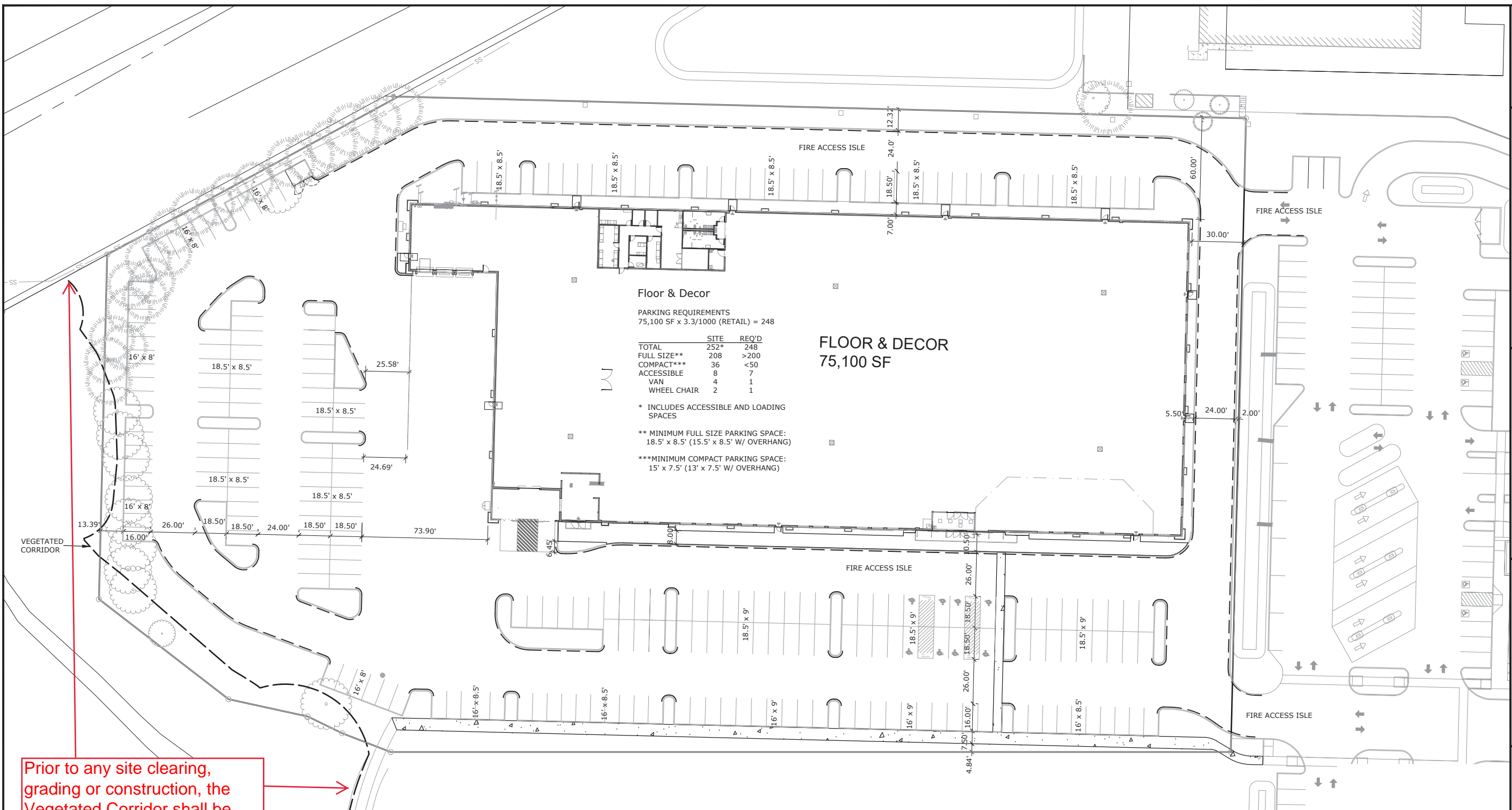
Clean Water Services has reviewed the Service Provider Letter issued on August 20, 20019 for file 19-001462. District staff has evaluated the Service Provider Letter conditions and project plans and found them to be in compliance with Resolution and Order 19-5 (R&O 19-5), as amended by Resolution and Order 19-22 (R&O 19-22). Please attach this letter to the existing Service Provider Letter for all applications made after November 2019, to demonstrate compliance with R&O 19-5, as amended by R&O 19-22.

Sincerely,

Stacy Benjamin

Stacy Benjamin
Environmental Plan Review

Attachment (1)



Prior to any site clearing, grading or construction, the Vegetated Corridor shall be surveyed, staked and temporarily fenced. During construction the Vegetated Corridor shall remain fenced and undisturbed.

Letter of Consistency

CWS FILE NO. 19-001462
Approved
Clean Water Services
FOR ENVIRONMENTAL REVIEW
By SNB Date 6/1/2022
SPL ATTACHMENT 1 OF 1



Landscaping Area	36,229
Total Area	239,183
Landscaping %	15.1%

Jennifer Rinkus

From: Foster, Jeremy L. <Jeremy.Foster@tvfr.com>
Sent: Tuesday, November 29, 2022 12:02 PM
To: Jennifer Rinkus
Subject: RE: Online Form Submittal: Service provider permit for Beaverton

Hello Jennifer- I have reviewed your proposal and the easement vacation doesn't alter fire department access or water supplies. Therefore, no SPP is required from TVF&R. Please forward this to COB with your land use information. Let me know if you have any questions.

Thank you,

Jeremy Foster | Deputy Fire Marshal

Tualatin Valley Fire & Rescue

Direct: 503-259-1414

www.tvfr.com

From: Foster, Jeremy L.
Sent: Friday, November 25, 2022 11:04 AM
To: jenniferr@baysingerpartners.com
Subject: RE: Online Form Submittal: Service provider permit for Beaverton

Good afternoon Jennifer- Can you give me a call on this? I am not sure what this is.

Thank you,

Jeremy Foster | Deputy Fire Marshal

Tualatin Valley Fire & Rescue

Direct: 503-259-1414

www.tvfr.com

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, November 22, 2022 1:01 PM
To: peter.scott@tvfr.com; Ernst, Brian C. <Brian.Ernst@tvfr.com>; Hart, Andrea L. <Andrea.Hart@tvfr.com>; Foster, Jeremy L. <Jeremy.Foster@tvfr.com>; Weisgerber, Gregory A. <Gregory.Weisgerber@tvfr.com>
Subject: Online Form Submittal: Service provider permit for Beaverton

The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe

Service provider permit for Beaverton

Instructions

1. Complete & submit the [TVF&R Permit Application](#)
2. Complete & submit the [Fire Department Access and Water Supply Permit Checklist](#)
3. Attach one plan sheet, labeled FS-1, that clearly shows all access and water supply requirements of the Fire Department Access and Water Supply Permit Checklist. If more plan sheets are necessary, label them FS-2, FS-3, etc. Please keep plan sheets to a minimum.

Once approved, an electronically stamped plan will be returned to you. The approved plan and permit application will then need to be submitted with your land use application to the [city of Beaverton Planning Department](#) . If you have further questions, please contact Jeremy Foster at 503-259-1414 or Brian Ernst at 503-259-1422.

Name	Jennifer Rinkus
Email	jenniferr@baysingerpartners.com
City	Beaverton
1) Submit Permit Application	TVFR Universal Permit Application 6 30 20_202106251628544789.docx
2) Submit Permit Checklist	Project Permit Checklist_202110061807527657.pdf
3) Submit Plan Sheet (s)	3730 Easement Vacation-Exhibit.pdf
4) Additional Documentation (Optional)	7-10700 SW Allen-Fire Service Provider Letter.pdf
5) Additional Documentation (Optional)	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

**FIRE CODE / LAND USE / BUILDING REVIEW
APPLICATION**

**Received
Planning Division
01/05/2023**



North Operating Center
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

South Operating Center
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577

REV 6-30-20

Project Information

Applicant Name: Parker Lange
Address: 1626 Cole Blvd. Lakewood CO, 80401
Phone: 406-595-4560
Email: plange@centerpoint-is.com
Site Address: 10700 SW Allen Blvd. Beaverton, OR 97005
City: Beaverton
Map & Tax Lot #: 1S122AA00200
Business Name: Floor & Decor Outlets of America, INC
Land Use/Building Jurisdiction: M
Land Use/ Building Permit # TBD

Choose from: **Beaverton**, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

Project Description

Construction of new 75,100 sqft retail building with associated parking and site improvements. Total lot area is approximately 5.28 acres

Permit/Review Type (check one):

Land Use / Building Review - Service Provider Permit

- Emergency Radio Responder Coverage Install/Test
- LPG Tank (Greater than 2,000 gallons)
- Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
 - * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- Explosives Blasting (Blasting plan is required)
- Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- Temporary Haunted House or similar
- OLCC Cannabis Extraction License Review
- Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

For Fire Marshal's Office Use Only

TVFR Permit # 2022-0073
Permit Type: SPP-COB
Submittal Date: 5/17/2022
Assigned To: OFM FOSTER
Due Date: 6/23/2022
Fees Due: 0
Fees Paid: 0

**Approval/Inspection Conditions
(For Fire Marshal's Office Use Only)**

This section is for application approval only

Jeremy Foster 6/23/22
Fire Marshal or Designee Date

Conditions:

MERRC fees must be paid to TVFR prior to building permit issuance.

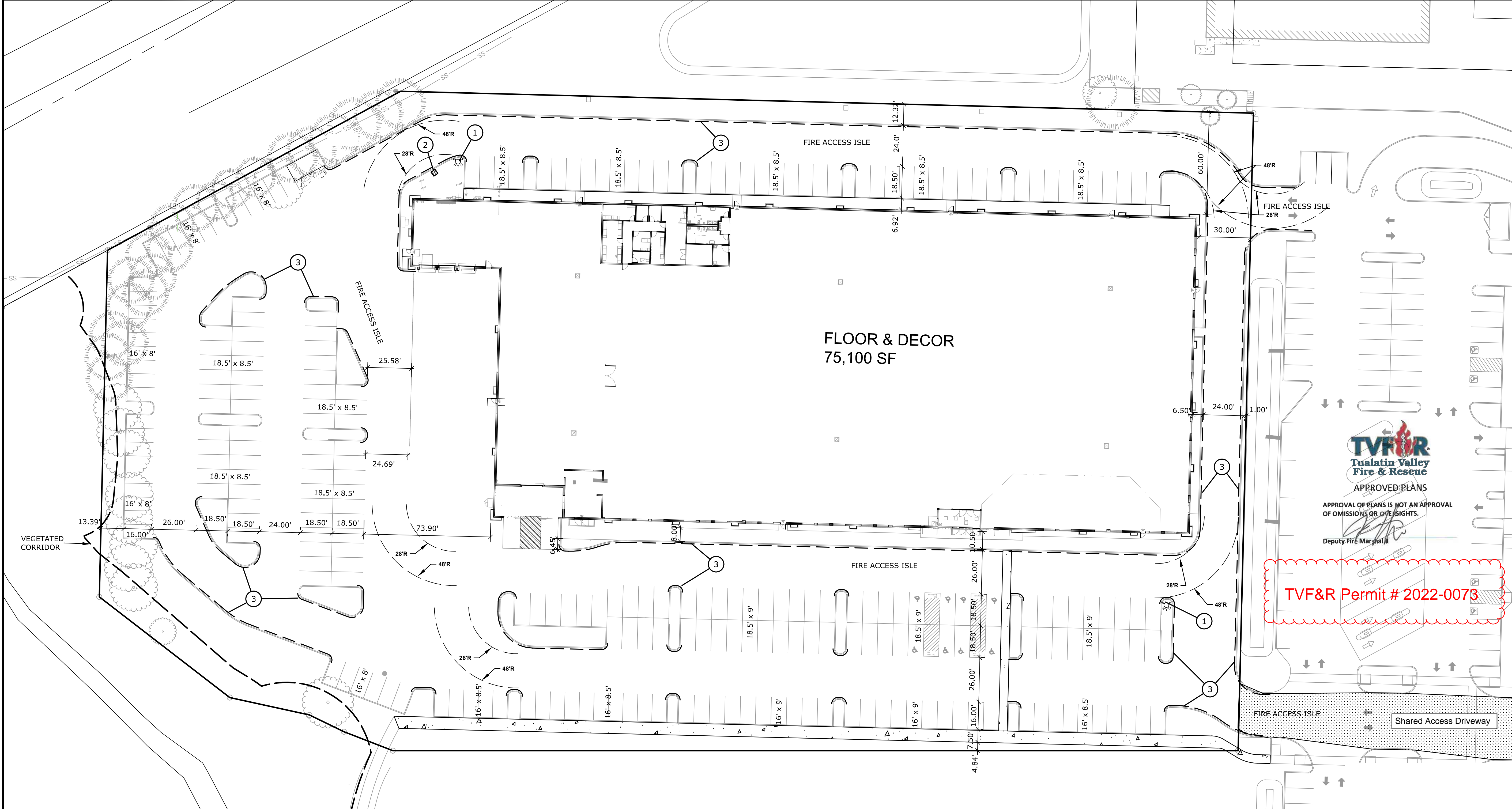
See Attached Conditions: Yes No

Site Inspection Required: Yes No

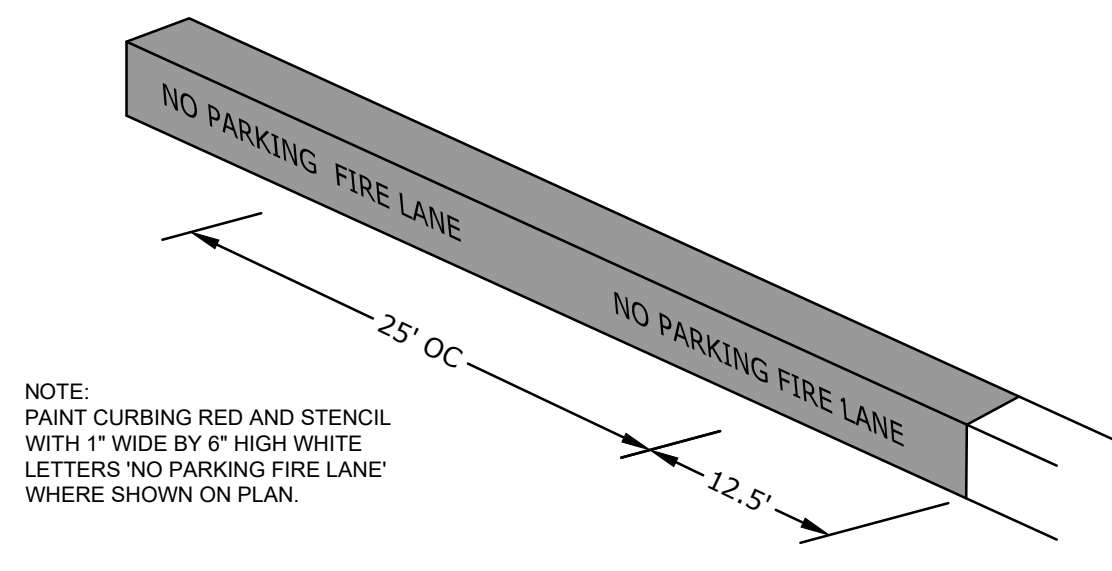
This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID _____ Date _____



PROPERTY ACCESS NOTE:
SHARED ACCESS DRIVE AISLE (AS SHOWN) FROM ALLEN BOULEVARD FOR FIRE ACCESS. FIRE LANES ARE CONTIGUOUS WITH ADJACENT USES ALONG ALLEN BOULEVARD



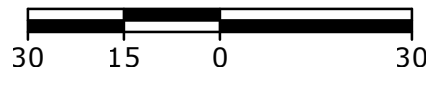
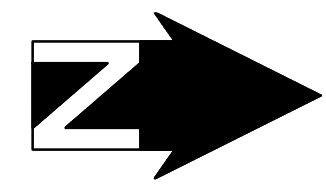
NO PARKING FIRE LANE CURB MARKING

Note: A final Inspection from TVF&R is required for this project.

FLOW DATA:

FIRE FLOW TESTING IS IN PROGRESS AND WILL BE PROVIDED WITH BUILDING PERMIT APPLICATION. THE MINIMUM FIRE FLOW REQUIRED IS 1,500 GPM @ 20 PSI

PRESSURE	PSI
FLOW	GPM



FIRE PROTECTION NOTES:

- ① PROPOSED FIRE HYDRANT LOCATION.
 - ② PROPOSED FIRE DEPARTMENT CONNECTION (FDC).
 - ③ INSTALL PAINTED FIRE LANE CURB PER DETAIL HEREON
- A. ALL FIRE ACCESS ISLES TO BE DESIGNED TO SUPPORT FIRE TRUCK LOADING. ACCESS TO BE CAPABLE OF SUPPORTING 12,500 LBS OF POINT LOAD AND 75,000 LBS GW.
- B. EMERGENCY RESPONDER RADIO COVERAGE WILL BE MITIGATED BY TVF&R'S MERRC PROGRAM FOR THE BUILDING. PAYMENT WILL BE MADE DIRECTLY TO TVF&R PRIOR TO BUILDING PERMIT ISSUANCE.
- C. BUILDING TO BE PROVIDED WITH KNOX BOX ACCESS AS REQUIRED.

TVF&R
Tualatin Valley
Fire & Rescue
APPROVED PLANS
APPROVAL OF PLANS IS NOT AN APPROVAL
OF OMISSIONS OR OVERSIGHTS.
Deputy Fire Marshal

TVF&R Permit # 2022-0073

FINISH LEGEND

	THIN BRICK VENEER - FELDHAUS 700
	E.I.F.S.: HIGH REFLECTIVE WHITE (SANDBLEBBLE FINE FINISH)
	E.I.F.S.: AMAZING GRAY (SANDBLEBBLE FINE FINISH)
	E.I.F.S.: URBANE BRONZE (SANDBLEBBLE FINE FINISH)
	E.I.F.S.: URBANE BRONZE (LYMESTONE FINISH)
	PAINT: HIGH REFLECTIVE WHITE
	PAINT: AMAZING GRAY
	PAINT: URBANE BRONZE
	PAINT: REAL RED

VERSION INDEX

REV #	F&D	ARCH	REQ'D	NARRATIVE	C.D.	REV
1				ISSUE ELEV 01 ROO		
2				UPDATE ALL ELEVATIONS TO MEET CITY DESIGN STANDARD; UPDATED DIMENSIONS AND OVERALL SQUARE FOOTAGE		
3				SHIFTED PROTOTYPE ENTRY TO THE NORTH; UPDATED GLAZING ON EAST AND NORTH ELEVATIONS; UPDATED DOOR LOCATIONS; UPDATED DOCK DOORS		
4				ADDED DOOR ON NORTH ELEVATION; SHIFTED DOOR LOCATION ON NORTH AND WEST ELEVATION		



2710 Sutton Blvd.
St. Louis, MO 63143
www.adg-stl.com
P: 314.644.1234
F: 314.644.4373

OWNER
FLOOR DECOR

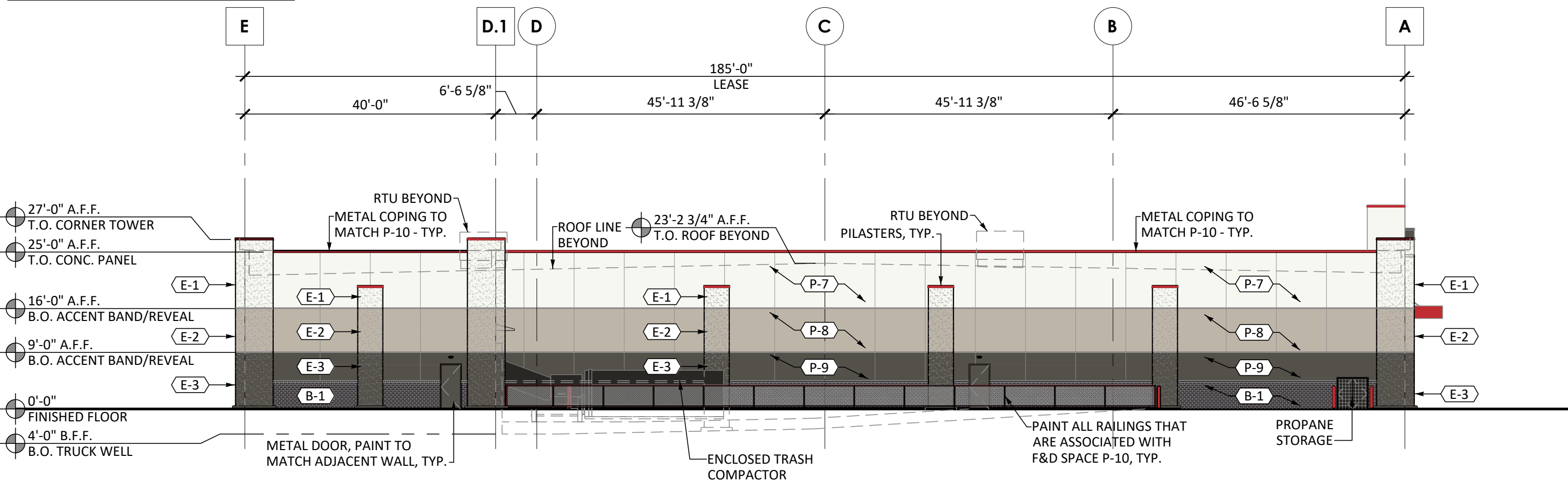
2500 WINDY RIDGE PARKWAY, SE
ATLANTA, GA 30339

PHONE: (404) 471-1634

PROJECT

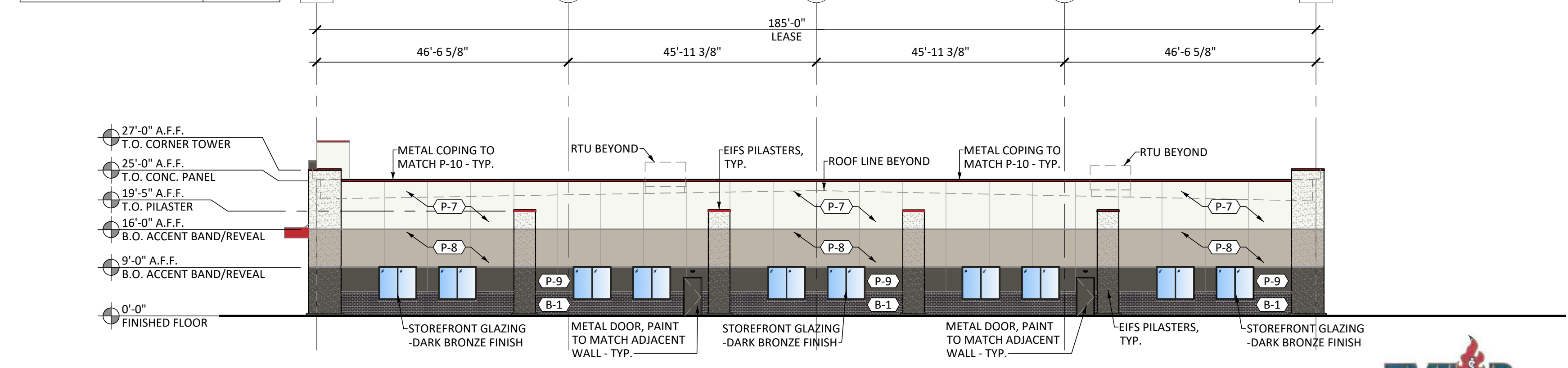
FLOOR DECOR
STORE #100
BEAVERTON, OREGON

DESIGN STANDARD REQUIREMENTS	
TOTAL ELEVATION SQ. FT.	4,673 SQ. FT.
PROPOSED ARCH FEATURE SQ. FT.	1,483 SQ. FT.
TOTAL ARCH FEATURE PERCENTAGE	31.74%



4 LEFT ELEVATION
SCALE: 1/16" = 1'-0"

DESIGN STANDARD REQUIREMENTS	
TOTAL ELEVATION SQ. FT.	4,671 SQ. FT.
PROPOSED ARCH FEATURE SQ. FT.	1,587 SQ. FT.
TOTAL ARCH FEATURE PERCENTAGE	36.12%
TOTAL GROUND FLOOR ELEV (GFE)	1,291 SQ. FT.
PROPOSED GFE GLAZING	432 SQ. FT.
TOTAL GFE PERCENTAGE	33.46%



3 RIGHT ELEVATION
SCALE: 1/16" = 1'-0"

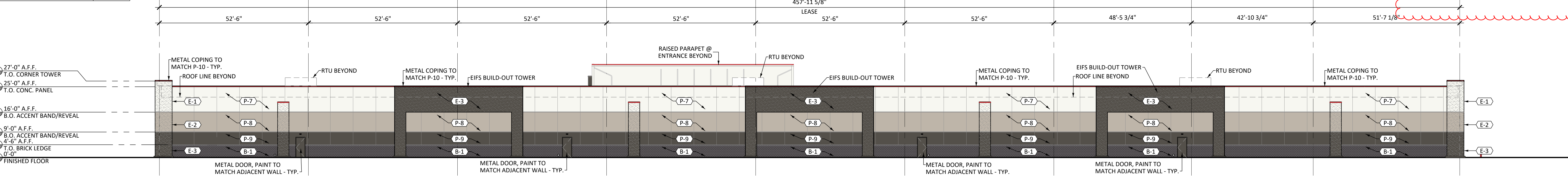


APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR DEFICIENCIES.
Deputy Fire Marshal

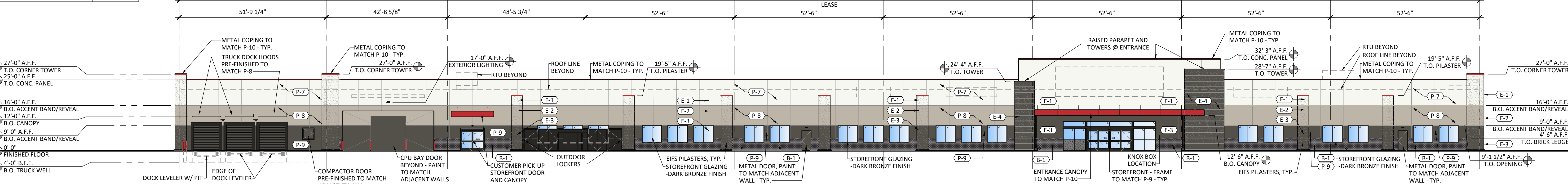
TVFR Permit # 2022-0073

DESIGN STANDARD REQUIREMENTS	
TOTAL ELEVATION SQ. FT.	11,565 SQ. FT.
PROPOSED ARCH FEATURE SQ. FT.	4,120 SQ. FT.
TOTAL ARCH FEATURE PERCENTAGE	35.62%



2 REAR ELEVATION
SCALE: 1/16" = 1'-0"

DESIGN STANDARD REQUIREMENTS	
TOTAL ELEVATION SQ. FT.	12,083 SQ. FT.
PROPOSED ARCH FEATURE SQ. FT.	3,860 SQ. FT.
TOTAL ARCH FEATURE PERCENTAGE	30.29%
TOTAL GROUND FLOOR ELEV (GFE)	3,206 SQ. FT.
PROPOSED GFE GLAZING	1,136 SQ. FT.
TOTAL GFE PERCENTAGE	35.40%



1 FRONT ELEVATION
SCALE: 1/16" = 1'-0"

10700 SW ALLEN BLVD
BEAVERTON, OR 97076

ISSUE DATE: 02/04/2022
STORE NUMBER: T.B.D.
AREA: 77,218 SF
JOB NUMBER: 2021.0315.00
PROTOTYPE: 2022 Q1

ISSUE	DATE
ELEV 01 R01	02/04/2022
ELEV 01 R01	04/08/2022
ELEV 01 R02	05/06/2022

SHEET
EXTERIOR ELEVATIONS

DRAWN: KLS
CHECKED: AIB

FS-2

VERSION INDEX

REV #	INITIATED BY	F&D	ARCH	CODE REQ'D	NARRATIVE	C.D. REV
1		●	●	●	ISSUE SHELL 01 ROD	△
2		●	●	●	UPDATE OVERALL SQUARE FOOTAGES AND DIMENSIONS; REVISIONS TO EXTERIOR ELEVATIONS TO MEET CITY DESIGN STANDARDS; RELOCATION OF RECYCLING BIN ENCLOSURE	△
3		●	●	●	SHIFTED VESTIBULE PER STORE PLANNING; UPDATED GLAZING/CALCULATIONS AND EXTERIOR DOORS ON EAST AND NORTH ELEVATIONS; UPDATED DIMENSIONS AND EGRESS DOORS; UPDATED LOADING DOCK DOORS TO 9'-0" WIDE ADDED ADDITIONAL DOOR AND SHIFTED DOOR LOCATIONS ON NORTH ELEVATION; SHIFTED DOOR AND ROOF DRAIN IN NORTHWEST CORNER PER STORE PLANNING; UPDATED DIMENSIONS	△

EGRESS REQUIRED

SPACE	OCCUPANT LOAD	MEANS OF EGRESS CAPACITY FACTOR	CAPACITY REQUIRED
OVERALL	1,076	0.20	215.12
SALES & OFFICE	1,036	0.20	207.11
STOCK ROOM	41	0.20	8.01

DOOR	OVERALL	SALES & OFFICE	STOCK ROOM
101A	177.50	177.50	
102B	34.00	34.00	
102D	34.00	34.00	
102F	34.00	34.00	
102G	34.00	34.00	
103A	34.00		34.0
103F	34.00		34.0
104A	98.00	98.00	98.0
CAPACITY PROVIDED:	479.50	411.50	166.0

NOTES:
 A. MINIMUM NUMBER OF EXITS REQUIRED: 4
 B. EGRESS DOORS SHALL BE READILY OPENABLE FROM EGRESS SIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT
 C. OFFICE EGRESS PROVIDED VIA SALES

ROOM SQUARE FOOTAGES

NUMBER	NAME	NET SQ FT	PROTOTYPE	CHANGE
101	VESTIBULE	248	246	101%
102	SALES	59,786	61,536	97%
103	STOCKROOM	11,838	12,651	94%
104	CPU	589	589	100%
104A	CPU BAY	706	624	113%
105	MEN'S	218	218	100%
106	WOMEN'S	218	218	100%
107	JANITOR ROOM	109	109	100%
108	CORRIDOR 1	53	54	99%
109	BREAK ROOM	620	620	100%
110	TRAINING OFFICE	285	285	100%
111	CORRIDOR 2	243	243	100%
112	CEM	111	111	100%
113	CASH ROOM	149	149	100%
114	SIGN ROOM	63	63	100%
115	DATA ROOM	69	69	101%
116	ASSISTANT MANAGER	171	171	100%
117	STORAGE	63	63	100%
119	DESIGN CENTER	3,003	3,003	100%

PLUMBING FIXTURES

NUMBER OF OCCUPANTS	TOTAL		MALE		FEMALE	
	REQUIRE	PROVIDED	REQUIRE	PROVIDED	REQUIRE	PROVIDED
1 DRINKING FOUNTAIN PER 1,000 PEOPLE	2	2	1	1	1	1
1 WATER CLOSET PER 500 PEOPLE	2	2	2	2	2	2
1 LAVATORY PER 750 PEOPLE	1	1	1	1	2	2

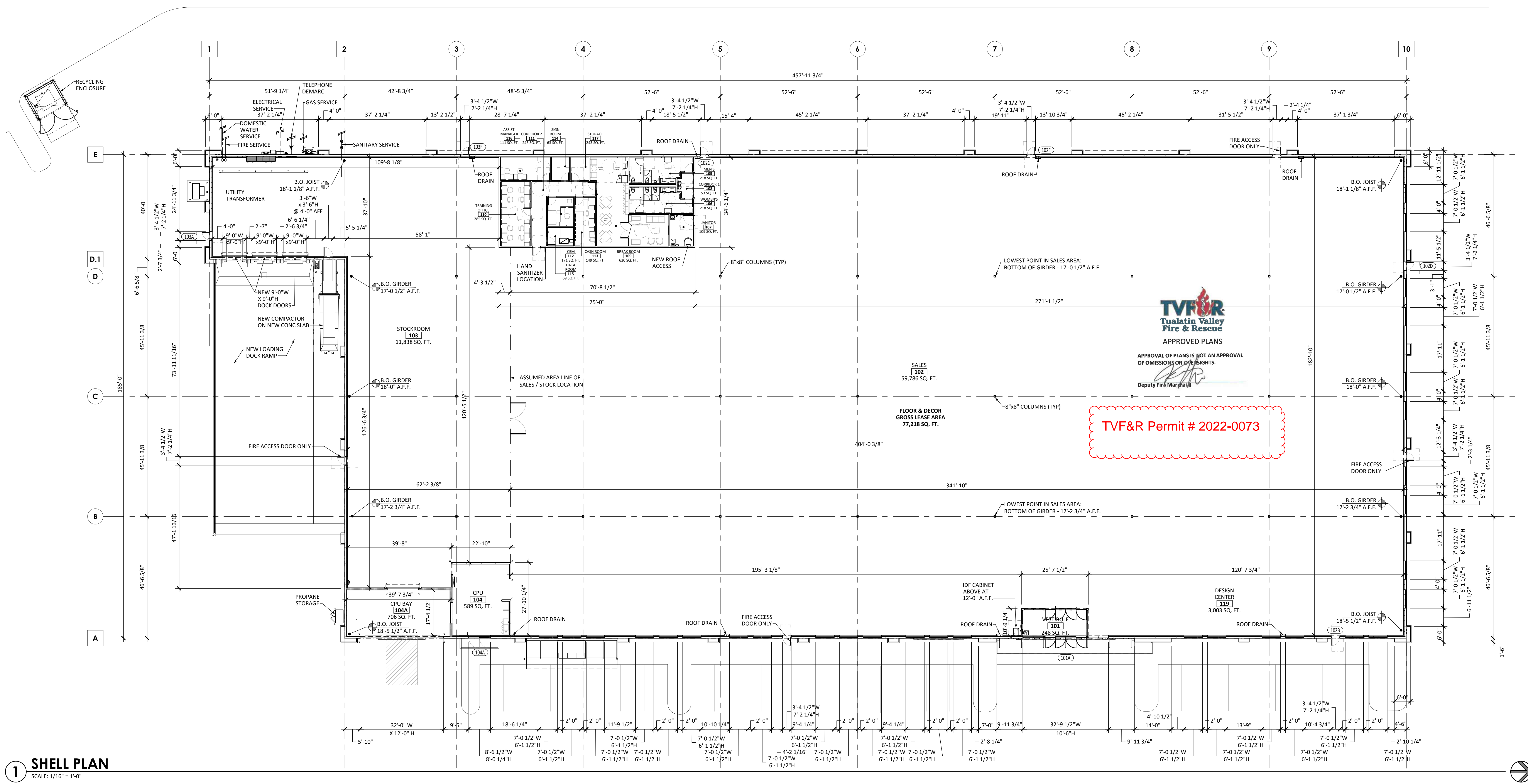
PROJECT SUMMARY

TOTAL AREAS	AREA	APPLICABLE CODE
GROSS F&D LEASE	77,218 SQ. FT.	BASED ON 2015 OREGON STRUCTURAL SPECIALTY CODE W/ OREGON 2021 CHAP 1 AMMENDMENTS
GROSS N.I.C.	0 SQ. FT.	ADOPTED BY THE CITY OF BEAVERTON, OR
GROSS BUILDING	77,218 SQ. FT.	SEISMIC RACKING REQUIREMENT:

OCCUPANT LOAD

FUNCTION OF SPACE	AREA	OCCUPANT LOAD FACTOR	OCCUPANT LOAD
MERCANTILE (SALES)	61,099	60	1,019
STORAGE, STOCK, SHIPPING, MECHANICAL / ELECTRICAL	12,020	300	41
BUSINESS (OFFICE AREA)	2,581	150	18
GROSS FLOOR AREA:	75,700	TOTAL OCCUPANT LOAD:	1,076

NOTES:
 A. GROSS LEASE AREA OF BUILDING IS TO OUTSIDE FACE OF EXTERIOR WALLS.
 B. EGRESS SQUARE FEET IS CALCULATED PER SECTION 202 DEFINITIONS GROSS FLOOR AREA, FOR INTERIOR GROSS SQUARE FEET (INSIDE FACE OF EXTERIOR WALLS)



1 SHELL PLAN
 SCALE: 1/16" = 1'-0"



November 29, 2022

CenterPoint Integrated Solutions, LLC
Attn: Dustin Scaplo
1626 Cole Boulevard, Suite 125
Lakewood, CO 80401

Subject: Pre-Application Summary Notes for Floor & Décor Easement Vacation (PA2022-0047)

Dear Dustin Scaplo,

Thank you for attending the Pre-Application Conference held on November 16, 2022. We are pleased to provide you with the following notes prepared in response to your proposal.

Comments prepared by staff are reflective of the proposal considered at the Pre-App. A copy of your proposal was also sent to other members of staff who did not attend the Pre-App. Please feel free to contact anyone who provided comments. Contact names, telephone number and e-mail addresses are listed herein.

Following every Pre-App, staff understands that there may be changes to the plan or use considered. If these changes effectively re-design the site plan or involve a change to a use not discussed, please be advised that such change could require different land use application(s) than were identified by staff at the Pre-App. It's also possible that different issues or concerns may arise from such change. In these cases, we highly encourage applicants to request a second Pre-App for staff to consider the change and provide revised comments accordingly.

In part, the Pre-App is intended to assist you in preparing plans and materials for staff to determine your application(s) to be "complete" as described in Section 50.25 of the City Development Code. For your application(s) to be deemed complete on the first review, you must provide everything required as identified on the Application Checklist(s) (provided at the Pre-App) in addition to any materials or special studies identified in the summary notes hereto. If you have questions as to the applicability of any item on the checklist(s) or within this summary, please contact me directly.

On behalf of the staff who attended the Pre-App, we thank you for sharing your proposal with us. Please do not hesitate to contact us if you have any questions.

Sincerely,

Lina Smith
Associate Planner
Mobile: (971) 313-4244
E-mail: lsmith@beavertonoregon.gov

PRE-APPLICATION CONFERENCE MEETING SUMMARY NOTES

Prepared for
Floor & Décor Easement Vacation
PA2022-0047

The following pre-application notes have been prepared pursuant to Section 50.20 of the Beaverton Development Code. All applicable standards, guidelines and policies from the City Development Code, Comprehensive Plan and Engineering Design Manual and Standard Drawings identified herein are available for review on the City's web site at: www.beavertonoregon.gov. Copies of the Development Code and Comprehensive Plan are also available for review at the City's Customer Service Kiosk located within the Community Development Department. Copies of these documents are also available for purchase.

The following is intended to identify applicable code sections, requirements and key issues for your proposed development application. Items checked are to be considered relevant to your proposed development.

PRE-APPLICATION CONFERENCE DATE: November 16, 2022

PROJECT INFORMATION:

Project Name: **Floor & Décor Easement Vacation**

Project Description: Applicant requests to vacate two City of Beaverton bicycle/pedestrian easements to accommodate new commercial development on the site.

Property/Deed Owner: Oregon Worsted Company
Attn: Howard Dietrich or Nancy Bishop Dietrich
9701 SE McLoughlin Blvd.
Milwaukie, OR 97222

Site Address: 10700 SW Allen Blvd.

Tax Map and Lots: 1S122AA00100
1S122AA00200
1S122AA00400
1S122AA00500

Zoning: Community Service (CS)
Comp Plan Designation: Regional Commercial (RC)
Site Size: Approximately 17.43 acres

APPLICANT INFORMATION:

Applicant's Name: Floor & Décor Outlets of America, Inc.
Attn: Aaron Douglas
2500 Windy Ridge Pkwy. SE
Atlanta, GA 30339

Applicant's Representative: CenterPoint Integrated Solutions, LLC
Attn: Dustin Scaplo

1626 Cole Boulevard, Suite 125
Lakewood, CO 80401

Phone / Email: 719-671-6486 / dscaplo@centerpoint-is.com

PREVIOUS LAND USE HISTORY: In February 2022, the Planning Commission approved a development on the northern part of the site, which includes a hotel and two commercial buildings with a fuel center and associated site improvements (CU2021-0004/ CU2021-0005/ DR2021-0027/ LD2021-0002/ LO2021-0001/ TP2021-0003). A Grading Permit was previously obtained by the property owner for land disturbance activity on the property, including the construction of a flood storage basin. In June 2022, a Design Review Three application (DR2022-0078) was submitted for a new 75,100-square-foot retail store (Floor & Décor) with associated parking and landscaping in the southwest part of the site. DR2022-0078 is in completeness review at the time of this pre-application conference. All other previous land use history is associated with a former hotel that existed on the site which has since been demolished.

SECTION 50.25 (APPLICATION COMPLETENESS):

The completeness process is governed by Section 50.25 of the Beaverton Development Code (BDC). The applicant is encouraged to contact staff to ask questions or request clarification on any items referenced in the pre-application conference notes or application checklists. In addition, the applicant should be aware that staff is not obligated to review any material submitted 14 days or later from the time the application has been deemed “complete” that is not accompanied with a continuance to provide staff the necessary time to review the new material.

APPLICATION FEES:

Based on the plans and materials provided, the identified application fees (land use only) are as follows. The City charges a 5% technology fee in addition to the base application fees. Projects that require multiple applications that are reviewed concurrently per BDC 50.15.3 shall be charged 100% of the highest application fee, and 75% of the remaining application fees. The fees below do not include the technology fee or the application bundling fee reduction but are the independent application fees. The Planning Division Fee Schedule can be found on our website: <https://www.beavertonoregon.gov/777/Applications-Fees-Brochures>

Street Vacation Application Fee: \$7,500. Please note that each easement that is proposed to be vacated requires its own application and application fee.

* **See Key Issues/Considerations** for description of applications and associated process. Application fees may be subject to increase. The fees in effect at the time a complete application is received will control.

SECTION 50.15 (CLASSIFICATION OF APPLICATIONS):

Applications are subject to the procedure (Type) specified by the Beaverton Development Code. Per Section 50.15.3 of the Code, when an applicant submits more than one complete application for a given proposal, where each application addresses a separate set of code requirements and the applications are subject to different procedure types, all of the applications are subject to the procedure type of the application which requires the broadest notice and opportunity to participate. For example, a Type 2 application will be consolidated with a Type 3 application for the same proposal on the same site, in which case, the Type 2 application will be reviewed by the decision making authority of the Type 3 application. The decision making authority's action on the Type 2 application will be based on the approval criteria governing the Type 2 application.

SECTION 50.30 (NEIGHBORHOOD REVIEW MEETING):

The proposal meets the thresholds for a Type 3 Procedure, and a Neighborhood Review Meeting ***is required.*** The subject site is located in the **Denney Whitford / Raleigh West Neighborhood Advisory Committee (NAC)**. Contact: Ernie Conway, NAC Co-Chair at e-citizen@consystency.net

For meetings held at the NAC, staff recommend that a separate sign-in sheet be provided. Note that after the neighborhood meeting, summary of the meeting along with a copy of your sign-in sheet is to be mailed to the NAC contact above. The City also requests that the summary of the meeting and sign-in sheet is also sent to: City of Beaverton, Neighborhood Program, P.O. Box 4755, Beaverton, OR 97076 or emailed to: neighbormail@beavertonoregon.gov

Instructions for conducting or attending Neighborhood Review Meetings can be found in BDC Section 50.30 and in the following link:
<https://content.civicplus.com/api/assets/3f3d8e8e-bd25-4ed6-8102-2d198238db25?cache=1800>

The Request for Neighborhood Meeting Labels Form can be found in the following link:
<https://content.civicplus.com/api/assets/1a02c228-0536-4277-8039-89550c936e56?cache=1800>
The completed form can be submitted to planningplansubmit@beavertonoregon.gov.

In response to COVID-19, the applicant can fulfill the neighborhood meeting requirement by using alternative means of communication such as by phone, email, and online meeting platforms, provided by the applicant. The applicant may work with City staff to provide a physical place for members of the public without technology to participate in the meeting as needed on an appointment basis (social distancing requirement must be recognized). Contact the project planner or 503-526-2420 for details.

CHAPTER 20 (LAND USES):

Zoning: Community Service (CS)

CHAPTER 30 (NONCONFORMING USES):

Proposal subject to compliance to this chapter? Yes No

CHAPTER 40 (PERMITS & APPLICATIONS):

Facilities Review Committee review required? Yes No

Please Note: Applicant’s written response to Section 40.03.2 (Public Transportation Facility Improvements or Modifications, including Street Vacations) should address each criterion separately. If response to criterion is “Not Applicable”, please explain why the criterion is not applicable.

Applicable Application Type(s):

	<u>Application Description</u>	<u>Code Reference</u>	<u>Application Type</u>
1.	Street Vacation	40.75.15.1	<input type="checkbox"/> Type 1 <input type="checkbox"/> Type 2 <input checked="" type="checkbox"/> Type 3 <input type="checkbox"/> Type 4

* See **Key Issues/Considerations** for description of applications and associated process.

Comments: In order for your application(s) to be deemed complete, a written statement is necessary, supported by substantial evidence in response to all applicable approval criteria. Specifically, your application narrative(s) will need to explain how and why the proposed application meets the applicable approval criteria for the land use applications identified above. Approval criteria and development regulations in effect at the time an application is received will control. Approval criteria and development regulations are subject to change.

CHAPTER 60 (SPECIAL REGULATIONS):

The following special requirements when checked are applicable to your development. You should consult these special requirements in the preparation of written and plan information for a formal application:

- | | |
|--|---|
| <input type="checkbox"/> Section 60.05 (Design Review Principles Standards and Guidelines) | <input type="checkbox"/> Section 60.07 (Drive-Up Window Facilities) |
| <input type="checkbox"/> Section 60.10 (Floodplain Regulations) | <input type="checkbox"/> Section 60.15.10 (Grading Standards) |
| <input type="checkbox"/> Section 60.20 (Mobile & Manufactured Home Regulations) | <input type="checkbox"/> Section 60.25 (Off-Street Loading) |
| <input type="checkbox"/> Section 60.30 (Off-Street Parking) | <input type="checkbox"/> Section 60.33 (Park and Recreation Facilities) |
| <input type="checkbox"/> Section 60.35 (Planned Unit Development) | <input type="checkbox"/> Section 60.40 (Sign Regulations) |
| <input type="checkbox"/> Section 60.45 (Solar Access Protection) | <input type="checkbox"/> Section 60.50 (Special Use Regulations) |
| <input checked="" type="checkbox"/> Section 60.55 (Transportation Facilities) | <input type="checkbox"/> Section 60.60 (Trees and Vegetation) |
| <input type="checkbox"/> Section 60.65 (Utility Undergrounding) | <input type="checkbox"/> Section 60.67 (Significant Natural Resources) |
| <input type="checkbox"/> Section 60.70 (Wireless Communication) | |

Comments: For the application(s) to be deemed complete, written analysis will need to identify and explain how the proposal meets all applicable provisions/requirements as checked above.

OTHER DEPARTMENT/AGENCY CONTACTS:

Your project may require review by other City departments and outside agencies. Please plan to contact the following staff persons at the City of Beaverton or other agencies when their name is checked. In some instances, some or all of these staff persons may submit written comments for the pre-application conference. These comments may be discussed at the pre-application conference and will be attached to this summary:

Recommended contact for further information if checked <input checked="" type="checkbox"/>	Clean Water Services (CWS) regulates sanitary sewer, storm and surface water management within Washington County in coordination with the City of Beaverton. CWS also conducts environmental review for proposed development projects that are located in proximity to sensitive areas (generally wetlands, riparian areas and stream corridors). Staff recommends that applicants contact <u>CWS staff as early as possible in order to obtain a Service Provider Letter (SPL)</u> . For many development permits, the SPL is required before
---	--

	<p>the application is determined to be complete (BDC 50.25.1.F) which starts the Beaverton land use review processes. CWS environmental regulations are explained in Chapter 3 of the <i>Design and Construction Standards</i> at: www.cleanwaterservices.org/permits-development/design-construction-standards</p> <p>If no sensitive areas exist on or within 200 feet of the project site, CWS can also issue a statement indicating no sensitive areas exist which the City will also accept as documentation under Section 50.25.1.F. To start the environmental review process and obtain a SPL, complete the pre-screening site assessment form. Please visit this website for more information about CWS environmental review: http://www.cleanwaterservices.org/permits-development/step-by-step-process/environmental-review/</p>
<input type="checkbox"/>	<p>Lawrence Arnbrister, Building, City of Beaverton (503) 526-2408 / larnbrister@beavertonoregon.gov</p> <p><input checked="" type="checkbox"/> No written comments provided to date / not expected.</p>
<input type="checkbox"/>	<p>Silas Shields, Site Development, City of Beaverton (503) 350-4055 / sshields@beavertonoregon.gov</p> <p><input checked="" type="checkbox"/> No written comments provided to date / not expected.</p>
<input type="checkbox"/>	<p>Kate McQuillan, Transportation, City of Beaverton (503) 526-2427 / kmcquillan@beavertonoregon.gov</p> <p><input checked="" type="checkbox"/> No written comments provided to date / not expected.</p>
<input type="checkbox"/>	<p>Sambo Kirkman, Public Works/Engineering, City of Beaverton (503) 214-0843 / skirkman@beavertonoregon.gov</p> <p><input checked="" type="checkbox"/> No written comments provided to date / not expected.</p>
<input checked="" type="checkbox"/>	<p>John Russell, ODOT Traffic Analysis Engineer (503) 731-8282 / John.Russell@odot.oregon.gov</p> <p><input checked="" type="checkbox"/> Written comments attached.</p>
<input checked="" type="checkbox"/>	<p>Peter Swinton, Tualatin Hills Park & Recreation District (THPRD) (503) 619-3981 / p.swinton@thprd.org</p> <p><input checked="" type="checkbox"/> Applicant must submit a letter from THPRD with the Street Vacation applications. The letter should verify the agency has no objections to the proposed vacations.</p>

KEY ISSUES/CONSIDERATIONS:

Staff has identified the following key development issues, or design consideration or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of other key issues or considerations:

1. **STREET VACATION:** The applicant proposes to vacate two City of Beaverton bicycle/pedestrian easements, which will require Street Vacation applications pursuant to BDC 40.75.15.1. Each easement that is proposed to be vacated will require its own Street Vacation application and application fee. A Street Vacation is subject to a Type 3 Procedure, with City Council as the decision making authority. For more information, please refer to BDC Sections 40.75.15.1 and 50.45.
2. **OREGON REVISED STATUTES (ORS) 271.080(2):** The Beaverton City Attorney’s Office confirmed that the consent of abutting property owners outlined in in ORS 271.080(2) is not required for the proposed bicycle/pedestrian easement vacations. Please refer to the attached e-mail from the City Attorney’s Office for more information.
3. **SURVEYS AND LEGAL DESCRIPTIONS:** In addition to the items listed in the [Street Vacation application checklist](#), please submit surveys and legal descriptions prepared by a registered professional land surveyor

for the easements that are proposed to be vacated. These surveys and legal descriptions will be reviewed by the Beaverton City Surveyor and will be attached to the ordinance(s) for City Council.

4. **TUALATIN HILLS PARK & RECREATION DISTRICT (THPRD):** In addition to the items listed in the [Street Vacation application checklist](#), please submit a letter or other form of documentation from THPRD, confirming the agency has no objections to the proposed vacations. Please coordinate with Peter Swinton, THPRD at (503) 619-3981 or p.swinton@thprd.org for more information.
5. **PHASE 1 PUBLIC ACCESS EASEMENT:** The Design Review 3 approval for Phase 1 Allen Redevelopment: Hotel and Commercial Development (DR2021-0027) included a condition of approval for the applicant to grant and record a 16-foot-wide public access easement to the City along the eastern boundary of the site for a public pedestrian pathway. [Please see Condition No. 41 in Land Use Order No. 2876](#). This easement will provide a public north-south connection from Allen Boulevard to the Fanno Creek Greenway. As discussed in the pre-application conference, city staff will not recommend approval to City Council of vacating the bicycle/pedestrian easements on the southwest portion of the site until the public access easement along the eastern boundary of the site has been recorded. For any questions regarding this public access easement, please contact Sambo Kirkman in Public Works/Engineering at (503) 214-0843 or skirkman@beavertonoregon.gov.
6. **EXACT LOCATIONS OF BICYCLE/PEDESTRIAN EASEMENTS:** Please verify the exact locations of the easements identified as nos. 26 and 29 on the easement exhibit that was submitted for the pre-application conference. As discussed in the pre-application conference, it is unclear from the exhibit if easements nos. 26 and 29 overlap with each other or with the Fanno Creek Greenway regional trail. Knowing the exact locations of the easements will help city staff determine if a full or partial vacation of easement no. 26 will be recommended to City Council.
7. **PEDESTRIAN WALKWAY IN FLOOR & DÉCOR PARKING LOT:** As discussed in the pre-application conference, please show how the pedestrian walkway along the eastern edge of the Floor & Décor parking lot will connect to the existing pedestrian pathway that is located directly east of the site.
8. **SERVICE PROVIDER LETTERS (SPLs):** The City of Beaverton requires SPLs from special districts who provide services to the subject site. SPLs are required prior to your application being deemed complete in the land use process. City staff has identified the following SPLs as applicable to your proposal:
 - a. **Clean Water Services (CWS):** All development within the City requires a CWS SPL for environmental review. Please visit this website for more information: <http://cleanwaterservices.org/permits-development/step-by-step-process/environmental-review/>
 - b. **Tualatin Valley Fire & Rescue (TVF&R):** TVF&R requires a SPL to address fire code issues related to development. The SPL form can be found at the following link: <https://www.tvfr.com/FormCenter/Public-Records-7/Service-provider-letter-for-city-of-Beav-62>
9. **ELECTRONIC PLAN REVIEW:** The City of Beaverton offers electronic plan submission for Planning, Site Development, and Building permit review. Please visit the “Apply for Permits” webpage for more information: <https://beavertonoregon.gov/188/Apply-for-Permits>

Lina Smith

From: Robin McIntyre
Sent: Wednesday, November 16, 2022 9:30 AM
To: Lina Smith; Liday, Steven
Subject: ORS 271.080(2) property affected

Lina and Steve,

I've reviewed ORS 271.080(2), and I agree that the measurements for "property affected" applies to streets and not easements such as this. If it was meant to apply to all areas proposed for vacation, the language wouldn't have called out streets specifically. The paragraph later calls out the area affected for plats. That's another indicator that the paragraph is limited to streets and plats. In my opinion, paragraph (2) does not apply to the easement vacation at issue here.

Robin

Robin Rojas McIntyre (she/her)
Assistant City Attorney
City Attorney's Office

I work remotely on Thursdays and Fridays. You may contact me by email or by calling my cellphone number below.

City of Beaverton | 12725 SW Millikan Way, Beaverton, OR 97005 | PO Box 4755, Beaverton, OR 97076
rmcintyre@beavertonoregon.gov | (503) 526-2215 (office) | (503) 526-2353 (direct) | (971) 610-9669 (cell) |
www.beavertonoregon.gov



Confidentiality Notice: This email and any files transmitted with it are intended solely for use by the recipient to whom it is addressed. This email may contain information which is confidential, subject to the attorney-client privilege, or exempt from public disclosure. Unauthorized dissemination or use of this email and any attachments is strictly prohibited by state and Federal privacy laws. If you received this message in error, please advise me immediately by return email and delete this message and any attachments from your system.

Public Records Law Disclosure: This email is subject to the State Retention Schedules and may be made available to the public.

Lina Smith

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Thursday, November 10, 2022 3:25 PM
To: Lina Smith
Cc: Brittany Gada; Sambo Kirkman; ODOT_R1_DevRev
Subject: [EXTERNAL] RE: PA2022-0047 Floor & Decor Easement Vacation

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Lina and others,

We expect to be short staffed next week, so I just wanted to confirm what level of involvement is necessary from ODOT regarding this pre-app. Assuming that the easements only cover City of Beaverton utilities and do not impact ODOT drainage, I do not anticipate any comments on the utility easements.

Regarding the bike/ped easements, ODOT has an interest in supporting a connection between SW Allen Blvd and the Fanno Creek Greenway, as this connection will provide a non-motorized connection parallel to OR 217. So long as one easement is maintained on this site with sufficient width for a direct bike/ped connection to SW Allen Blvd, I do not anticipate further issue with the vacation of the prior easements.

Hopefully these comments are sufficient for the pre-app on Wednesday. Let us know if there are further impacts to ODOT facilities.

Thank you,

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Friday, November 4, 2022 8:51 AM
To: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; GERY KECK <g.keck@THPRD.org>; PETER SWINTON <p.swinton@thprd.org>
Cc: Brittany Gada <bgada@beavertonoregon.gov>; Sambo Kirkman <skirkman@beavertonoregon.gov>
Subject: PA2022-0047 Floor & Decor Easement Vacation

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good morning,

Please review the attached pre-application materials for 10700 SW Allen Blvd:

- When Phase 1 (Allen Redevelopment: Hotel & Commercial Development) was approved in March, a condition of approval was included for the applicant to dedicate a 16-foot-wide public access easement along the eastern boundary of the site, connecting to the Fanno Creek Greenway.
 - The Phase 1 applicant is currently working through their conditions of approval and site development permit; the easement has not been dedicated yet.
 - I've also copied Brittany & Sambo on this e-mail, as they processed the land use approvals for Phase 1.

- Now with Phase 2 (Floor & Décor), the applicant is proposing to vacate easements in the SW portion of the site, including bike/ped easements.

The pre-app is scheduled for 11/16/22, time TBD. I'll forward a Zoom meeting invite once the date/time have been confirmed.

Please me know if you have any questions, thank you!

Lina

Lina Smith

Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

Received
Planning Division
01/05/2023

Jennifer Rinkus

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Tuesday, November 22, 2022 1:33 PM
To: Jennifer Rinkus; Dustin Scaplo; Liday, Steven
Subject: RE: Floor & Decor Street Vacation Application Requirements
Attachments: 86014207.pdf

Hi Jennifer,

Based on your latest plans, it appears easement #23 conflicts with your stormwater facility and other plantings, so you'll need to vacate it to move forward with your current design because the easement language specifically says no "buildings, shrubs, or trees" are allowed in the easement area. Staff & the other agencies we talked to didn't have any objections to vacating easement #23.

Thank you,
Lina

Lina Smith

Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](https://buildinginbeaverton.org)** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

From: Jennifer Rinkus <jenniferr@baysingerpartners.com>
Sent: Tuesday, November 22, 2022 1:16 PM
To: Lina Smith <lsmith@beavertonoregon.gov>; Dustin Scaplo <dscaplo@centerpoint-is.com>; Liday, Steven <Steven.Liday@MillerNash.com>
Subject: [EXTERNAL] RE: Floor & Decor Street Vacation Application Requirements

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hi Lina –

In the meeting we talked a lot about blue easement #26 in the attached. I don't recall talking about the magenta #23 easement. The southern portion is out of the paved parking area but the northern end of it does cross into parking area. Does the portion of #23 in the parking area need to be vacated?

Jennifer L. Rinkus | Planner, LEED Green Associate

jenniferr@baysingerpartners.com

(P) 503.546.1623 | (C) 503.998.6402

2410 N. Lombard St, Portland, OR 97217

Baysinger.

From: Lina Smith <lsmith@beavertonoregon.gov>

Sent: Wednesday, November 16, 2022 9:46 AM

To: Dustin Scaplo <dscaplo@centerpoint-is.com>; Jennifer Rinkus <jenniferr@baysingerpartners.com>; Liday, Steven <Steven.Liday@MillerNash.com>

Subject: Floor & Decor Street Vacation Application Requirements

Hi everyone,

Thank you for meeting with us this morning. Contact info for city & agency staff who attended the meeting are at the end of this e-mail.

Street Vacation Application Requirements: In addition to the items outlined in the [application form](#), please include the following items with your submittal:

- Surveys and legal descriptions of the easements you're proposing to vacate; these will be reviewed by our City Surveyor and attached to our ordinance to Council
- Service Provider Letters from Clean Water Services and Tualatin Valley Fire & Rescue:
 - <https://dynamic.cleanwaterservices.org/Forms/PreScreen>
 - <https://www.tvfr.com/FormCenter/Public-Records-7/Service-provider-letter-for-city-of-Beav-62>
- Letter from THPRD stating they have no objections to vacating the easements; please coordinate with Peter Swinton at THPRD (contact info below) on this.

Robin confirmed the consent from abutting property owners in ORS 271.080(2) is not required for this application. Please see attached e-mail.

I'll follow up with written notes from staff about 2 weeks from today. Please let me know if you have any questions, thank you!

Lina

Name	Agency/Division	Phone Number	E-mail
Bill Berg	Economic Development	503-350-4037	bberg@beavertonoregon.gov

Jabra Khasho	Transportation	503-526-2221	jkhasho@beavertonoregon.gov
Kate McQuillan	Transportation	503-526-2427	kmcquillan@beavertonoregon.gov
Lawrence Arnbrister	Building	503-526-2408	larnbrister@BeavertonOregon.gov
Lina Smith	Planning	971-313-4244	lsmith@beavertonoregon.gov
Peter Swinton	Tualatin Hills Park & Recreation District	503-619-3981	p.swinton@thprd.org
Robin McIntyre	City Attorney's Office	503-526-2353	rmcintyre@beavertonoregon.gov
Sambo Kirkman	Public Works/Engineering	503-526-2557	skirkman@beavertonoregon.gov
Silas Shields	Site Development	503-350-4055	sshields@beavertonoregon.gov

Lina Smith

Associate Planner | Community Development Department
 City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
 Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all new **Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](http://Home-CIVICS(buildinginbeaverton.org))** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)



November 15, 2022

RE: Proposed Development at 10700 SW Allen Blvd

Dear NAC Representative / Resident:

I am writing this letter on behalf of Floor and Décor, who is considering vacating existing easements associated with their development currently under review (DR 2022-0078). This site is currently zoned CS, Community Service.

Prior to preparing specific engineering and site plans and making application to the City of Beaverton for the necessary review and approvals, we would like to discuss the proposal in more detail with the members of the Neighborhood Associations and surrounding property owners and residents. Therefore, you are cordially invited to attend a meeting on:

Date: Thursday, December 8, 2022

Location: Online. Please visit www.BeavertonOregon.gov/Denneywhitfordraleighwest, where you can view the agenda and the link for the meeting

Time: 7 p.m.

Please note that this will be an informational meeting with the developer and/or representative only and is not intended to take the place of a public hearing before the City Council. You will have an opportunity to present testimony to the City Council when an application is submitted to the City for review.

I look forward to seeing you at the meeting and hearing your thoughts on the proposed project.

Sincerely,

A handwritten signature in green ink that reads 'J L Rinkus'.

Jennifer L. Rinkus - Planner
Baysinger Partners Architecture

BEAVERTON SCHOOL DIST #48J
16550 SW MERLO RD
BEAVERTON, OR 97006

BKM BEAVERTON 903 LLC
1701 QUAIL ST STE 100
NEWPORT BEACH, CA 92660

HARMONY INVESTMENTS LP
6363 7TH AVE S #210
SEATTLE, WA 98108

HIDDEN VILLAGE MHC LLC
1700 ADAMS AVE STE 212
COSTA MESA, CA 92626

K&D PREMIER LLC
10400 SW ALLEN BLVD
BEAVERTON, OR 97005

KANSAS CITY LIFE INSURANCE CO
851 SW 6TH AVE STE 1200
PORTLAND, OR 97204

KJD PROPERTIES LLC
4131 IMPERIAL DR
WEST LINN, OR 97068

OREGON WORSTED CO
9701 SE MCLOUGHLIN BLVD
PORTLAND, OR 97222

OREGON, STATE OF DEPT OF
TRANSPORTATION
9200 SE LAWNSFIELD RD MS #3
CLACKAMAS, OR 97015

PACIFIC NW PROPERTIES LP
PO BOX 2206
BEAVERTON, OR 97075

PACIFIC-BEAVERTON LAND CO LLC
10515 SW ALLEN BLVD
BEAVERTON, OR 97005

PEPPERTREE PARAM INC
415 SW MONTGOMERY ST
PORTLAND, OR 97201

PORTLAND GENERAL ELECTRIC CO
121 SW SALMON ST
PORTLAND, OR 97204

PUBLIC STORAGE PROPERTIES VII INC
PO BOX 25025
GLENDALE, CA 91201

ROBINSON-JOHNSON LLC
4804 NW BETHANY BLVD STE I2, #243
PORTLAND, OR 97229

TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF
OREGON
710 HOLLADAY ST
PORTLAND, OR 97232

TUALATIN HILLS PARK & RECREATION
DISTRICT
15707 SW WALKER RD
BEAVERTON, OR 97006

WESTON INVESTMENT CO LLC
2154 NE BROADWAY ST STE 200
PORTLAND, OR 97232

DENNEY WHITFORD/RALEIGH WEST
NAC
ERNIE CONWAY, CHAIR
10150 SW CYNTHIA ST
BEAVERTON OR 97008

DENNEY WHITFORD/RALEIGH WEST
ATTN: SHERRY MOORE
6075 SW 130TH AVE
BEAVERTON OR 97008

VOSE NAC
ATTN: MILES GLOWACKI
12725 SW MILLIKAN WAY
BEAVERTON OR 97006

CITY OF BEAVERTON
ATTN: PLANNING DIRECTOR
12725 SW MILLIKAN WAY
BEAVERTON OR 97006

PUBLIC MEETING

On A
Preliminary Development
Proposal Affecting

10700 SW ALLEN BLVD

PROPOSED

EASEMENT VACATION

A meeting to discuss the
preliminary development
proposal is scheduled for

THURS. DEC. 8TH @ 7 pm

ALL INTERESTED PERSONS MAY ATTEND
FOR MORE INFORMATION
CONTACT:

JENNIFER RINKUS 503.546.1623
jenniferre@baysingerpartners.com

DEVELOPER OR AGENT: _____

PROJECT LOCATION: _____

AFFIDAVIT OF MAILING NOTICE

I, _____, being first duly sworn; say that I am (represent) the party intended to submit an application to the City of Beaverton for a proposed _____ affecting land located at _____, and that pursuant to Ordinance 2050, Section 50, and the guidelines set out by the Community Development Director, did on the _____ day of _____, _____, personally mail notice to affected property owners and NAC's within 500 feet of the proposed development site.

Sign and Date in the presence of a Notary Public. Certain City staff are Notary Publics and are available for witnessing.

Signature: _____

Dated this _____ day of _____, _____.

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public for the State of Oregon

My Commission expires: _____

h:\forms (new folder)\neighborhood meeting\update 2007\hnd #8 affmail update.doc

PROJECT NAME: _____

POST ON SITE NOT LESS THAN 20 DAYS PRIOR TO THE NAC MEETING

AFFIDAVIT OF POSTING NOTICE

I, _____, being first duly sworn; say that I am (represent) the party submitting an application to the City of Beaverton for a proposed _____ affecting land located at _____, and that pursuant to Ordinance 2050, Section 50.3., did on the _____ day of _____, 20____, personally post public notice(s). The notice(s) was (were) posted on or before the deadline date determined by City staff for this application.

Sign and Date in the presence of a Notary Public. Certain City staff are Notary Public's and are available for witnessing.

Signature: _____

Dated this _____ day of _____, 20____.



Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public for the State of Oregon

My Commission expires: _____

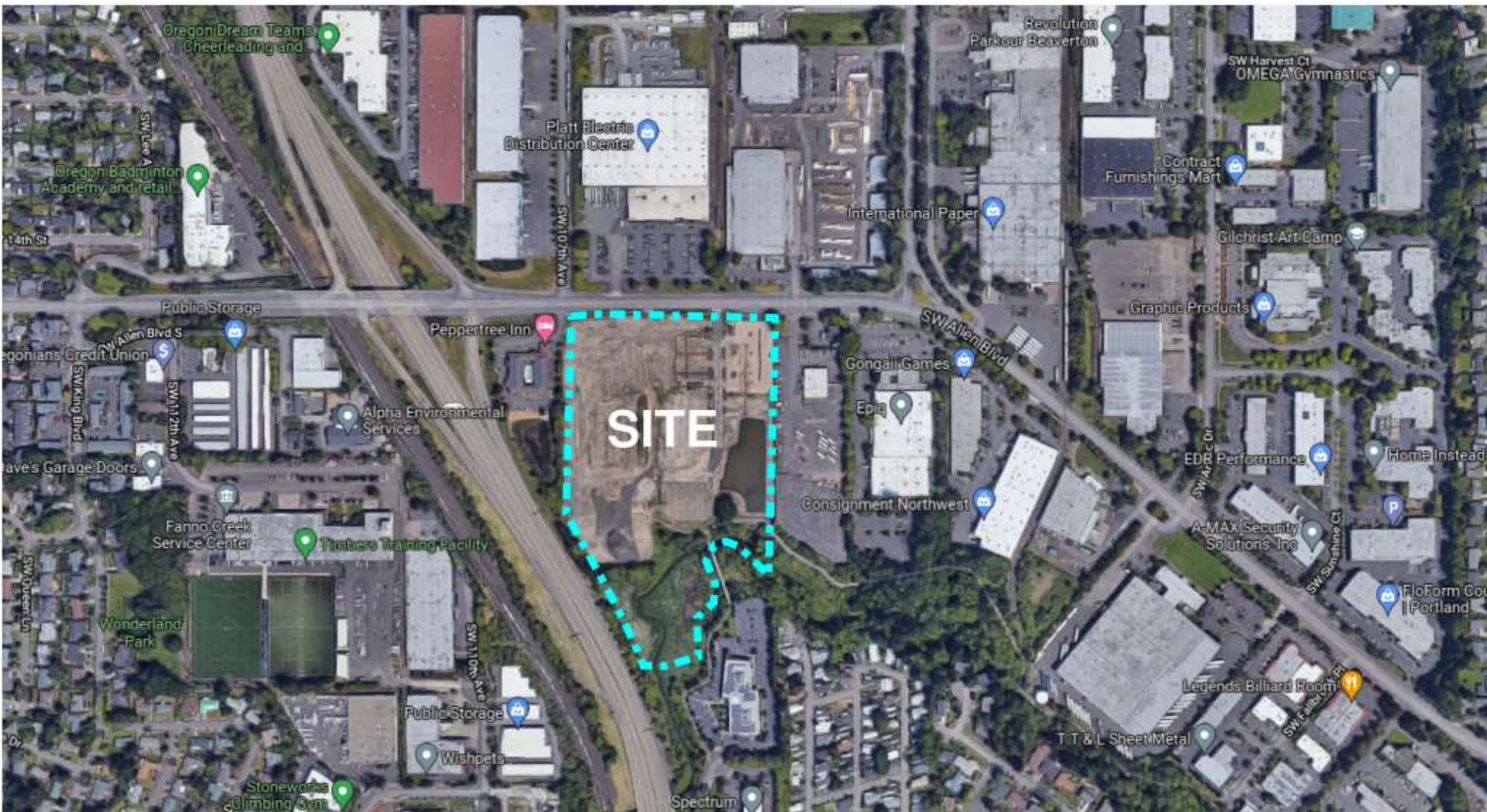
TURN PAGE OVER FOR POSTING INSTRUCTIONS



Floor and Décor 10700 SW Allen Blvd

Baysinger.

Neighborhood Meeting, December 8, 2022 – Easement Vacation

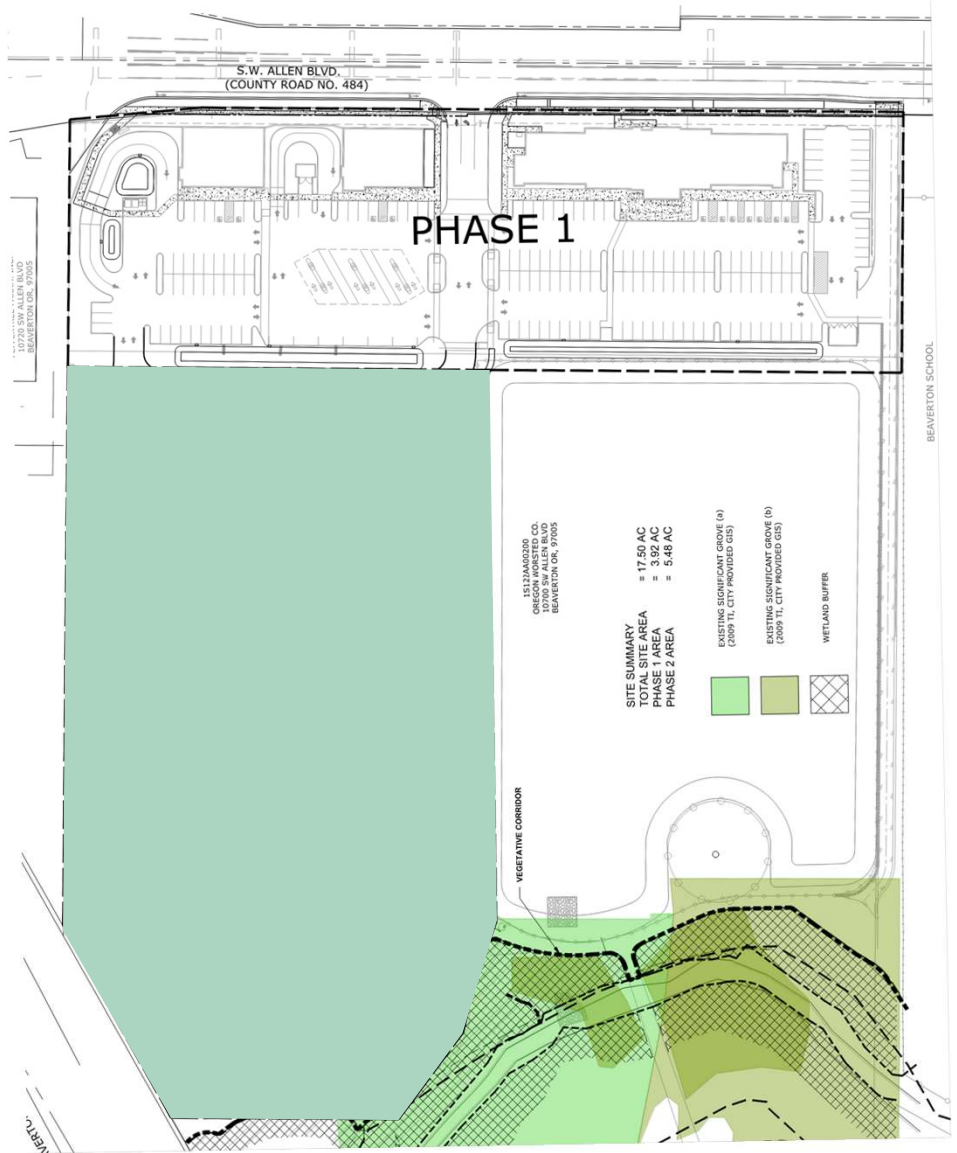
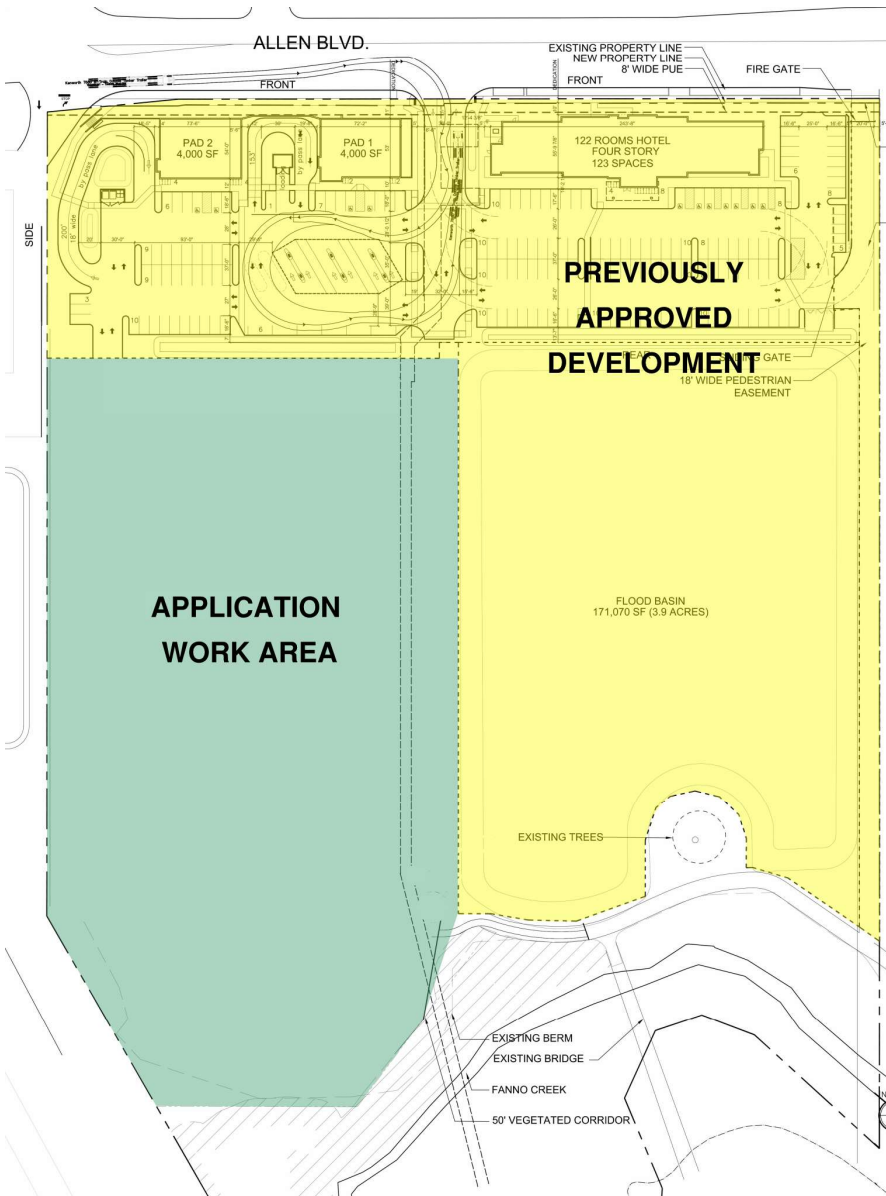




Floor and Décor 10700 SW Allen Blvd

Neighborhood Meeting, December 8, 2022 – Easement Vacation

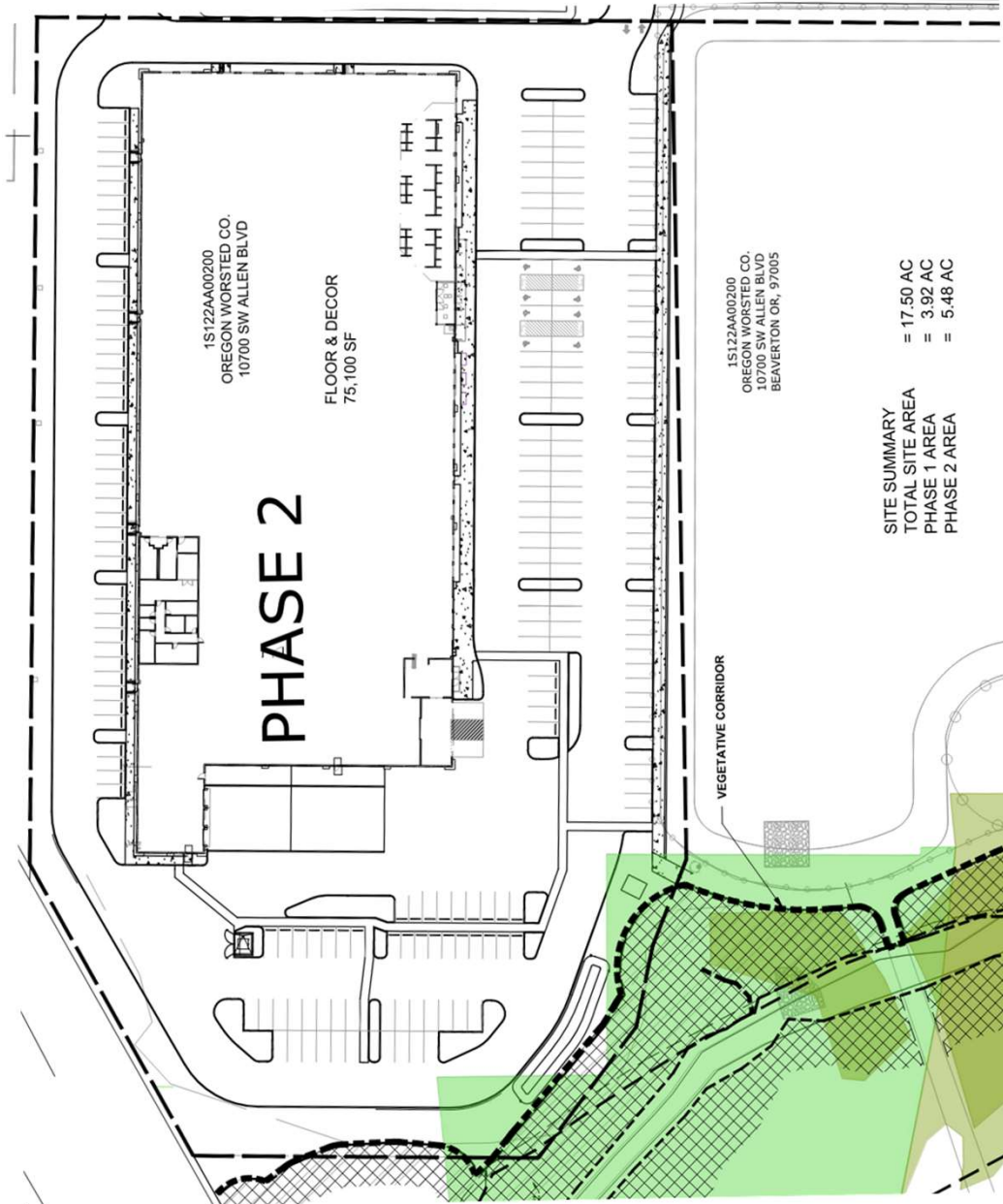
Baysinger.





Floor and Décor 10700 SW Allen Blvd

Neighborhood Meeting, December 8, 2022 – Easement Vacation





Floor and Décor 10700 SW Allen Blvd

Neighborhood Meeting, December 8, 2022 – Easement Vacation

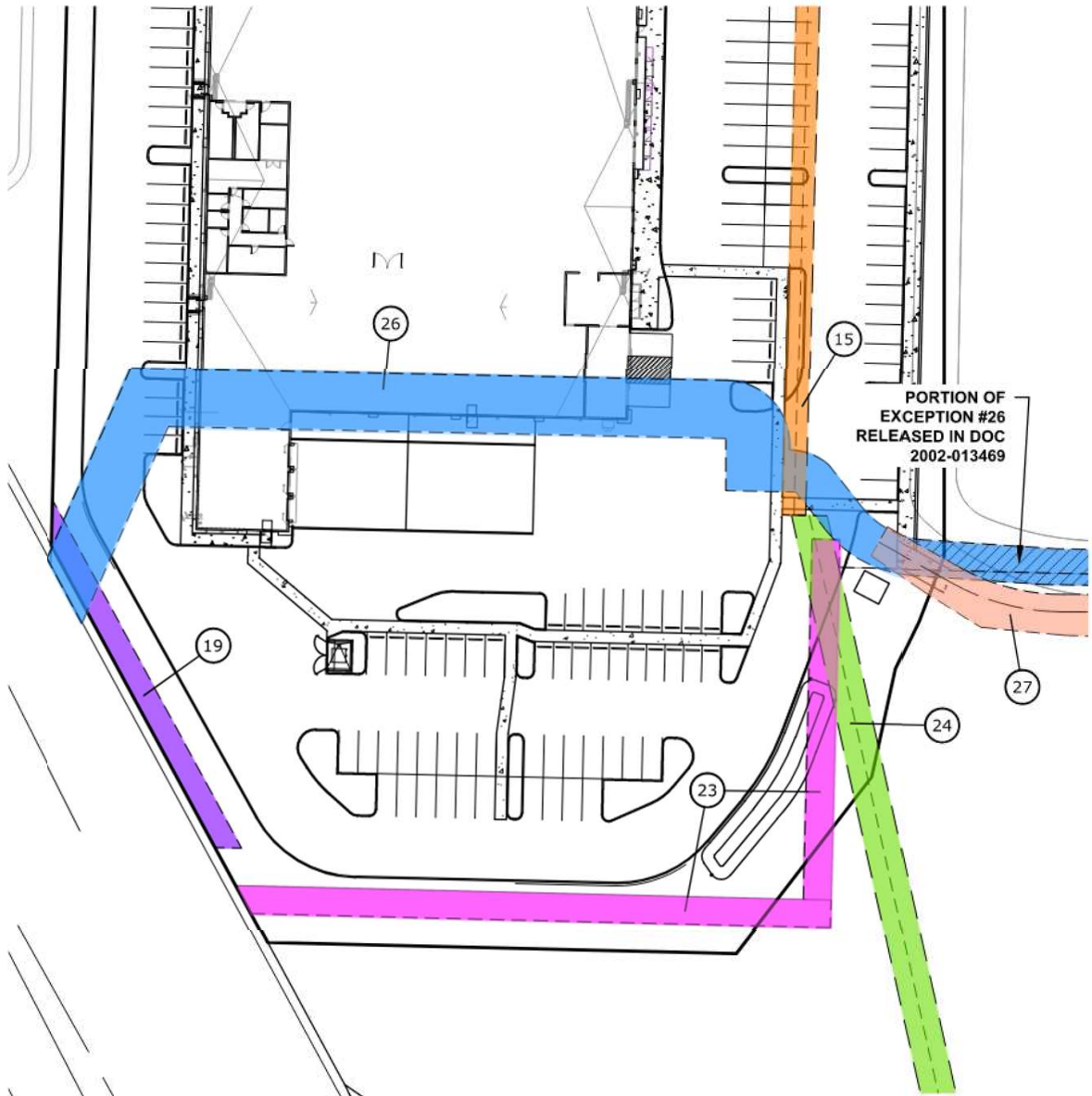
**SPECIAL EXCEPTIONS PER PRELIMINARY TITLE REPORT
FILE NUMBER(NCS-1088300-CHAR)**

- 15. AN EASEMENT FOR WATER LINES, MAINS AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED JULY 5, 1973 AS VOLUME 933, PAGE 0756 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BEAVERTON
AFFECTS: A 10 FOOT STRIP IN PARCEL II

NOTE: A PORTION OF SAID EASEMENT WAS RELEASED BY INSTRUMENT RECORDED APRIL 7, 1986 AS FEE NO. 86014212.
- 19. AN EASEMENT FOR SANITARY SEWER LINES, MAINS AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 13, 1978 AS FEE NO. 78054458 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON
AFFECTS: A STRIP OF LAND IN THE SOUTHWESTERLY PORTION OF PARCEL II
- 23. AN EASEMENT FOR A BICYCLE TRAIL AND PEDESTRIAN WAY AND INCIDENTAL PURPOSES, RECORDED APRIL 7, 1986 AS FEE NO. 86014207 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BEAVERTON
AFFECTS: PARCEL II
- 24. AN EASEMENT FOR WATER LINES, MAINS, AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED APRIL 7, 1986 AS FEE NO. 86014208 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON
AFFECTS: A 15 FOOT STRIP IN PARCEL II
- 26. AN EASEMENT FOR PUBLIC PEDESTRIAN AND BICYCLE PATHWAY EASEMENT AND INCIDENTAL PURPOSES, RECORDED APRIL 10, 2000 AS FEE NO. 2000-028775 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON
AFFECTS: AS DESCRIBED THEREIN

A PORTION OF SAID EASEMENT WAS RELEASED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED FEBRUARY 4, 2002 AS FEE NO. 2002 013469.
- 27. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: FEBRUARY 4, 2002 AS FEE NO. 2002-013467
IN FAVOR OF: CITY OF BEAVERTON
PUBLIC PEDESTRIAN AND BICYCLE PATHWAY

SAID EASEMENT WAS ALSO RECORDED MARCH 1, 2002 AS FEE NO. 2002 024661.



FLOOR & DECOR BEAVERTON CASE FILE NO. XX-XX	
CENTERPOINT INTEGRATED SOLUTIONS 1626 COLE BLVD, STE 125 DENVER, COLORADO 80401 303.958.6655 WWW.CESIWA.COM	
CES NW	13100 SW 68th Parkway, Suite 150 Tigard, Oregon 97223 503.958.6655 WWW.CESIWA.COM
PROJECT NO.: XXX	DATE: 11/18/22
DESIGNED BY: ARW	REVISIONS: ARW
SITE PLAN EASEMENT LOCATION	
1	1
OF	1



Floor and Décor 10700 SW Allen Blvd

Neighborhood Meeting, December 8, 2022 – Easement Vacation

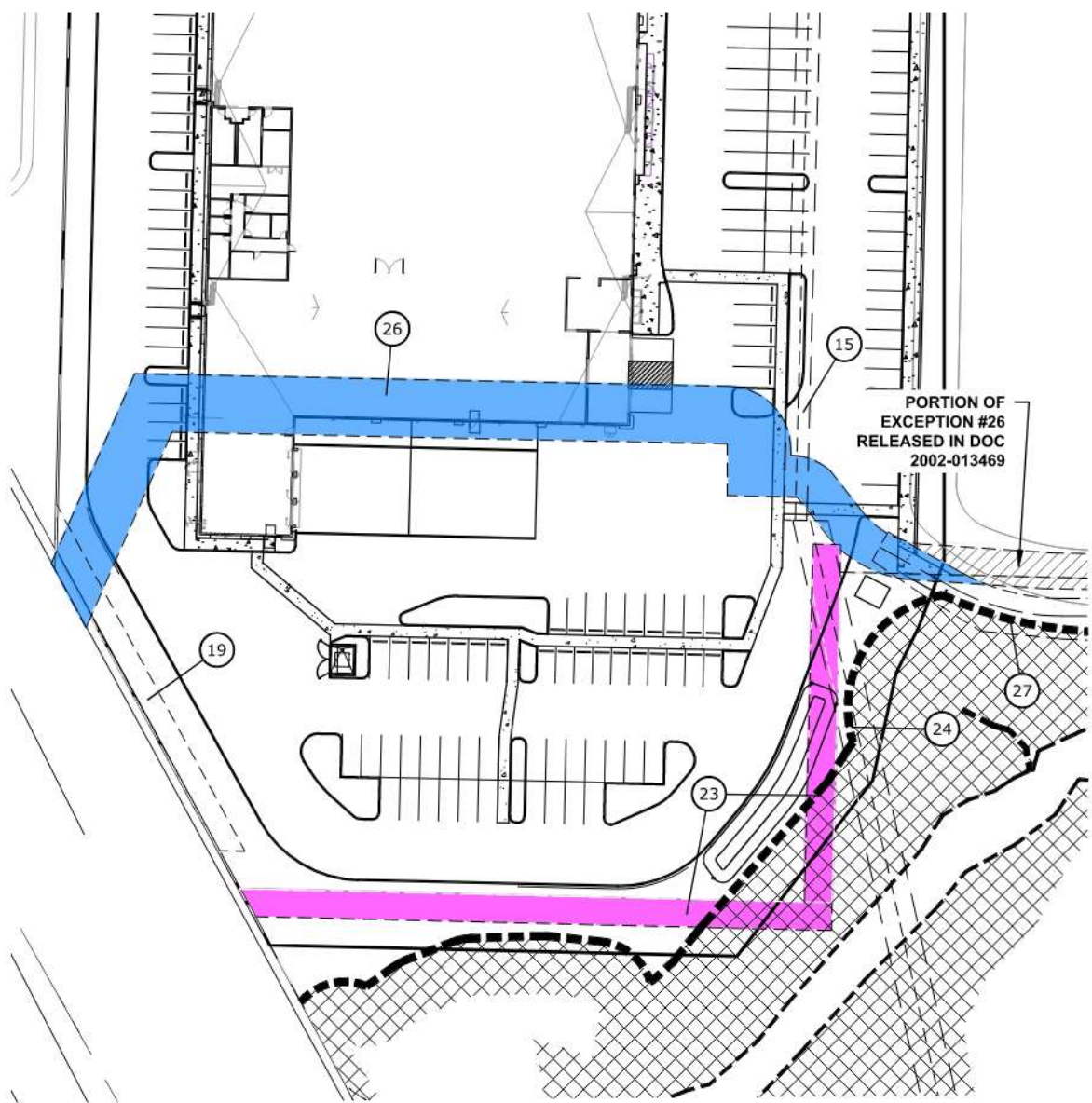
**SPECIAL EXCEPTIONS PER PRELIMINARY TITLE REPORT
FILE NUMBER(NCS-1088300-CHAR)**

- 15. AN EASEMENT FOR WATER LINES, MAINS AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED JULY 5, 1973 AS VOLUME 933, PAGE 0756 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BEAVERTON
AFFECTS: A 10 FOOT STRIP IN PARCEL II

NOTE: A PORTION OF SAID EASEMENT WAS RELEASED BY INSTRUMENT RECORDED APRIL 7, 1986 AS FEE NO. 86014212.
- 19. AN EASEMENT FOR SANITARY SEWER LINES, MAINS AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 13, 1978 AS FEE NO. 78054458 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON
AFFECTS: A STRIP OF LAND IN THE SOUTHWESTERLY PORTION OF PARCEL II
- 23. AN EASEMENT FOR A BICYCLE TRAIL AND PEDESTRIAN WAY AND INCIDENTAL PURPOSES, RECORDED APRIL 7, 1986 AS FEE NO. 86014207 OF OFFICIAL RECORDS.
IN FAVOR OF: THE CITY OF BEAVERTON
AFFECTS: PARCEL II
- 24. AN EASEMENT FOR WATER LINES, MAINS, AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED APRIL 7, 1986 AS FEE NO. 86014208 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON
AFFECTS: A 15 FOOT STRIP IN PARCEL II
- 26. AN EASEMENT FOR PUBLIC PEDESTRIAN AND BICYCLE PATHWAY EASEMENT AND INCIDENTAL PURPOSES, RECORDED APRIL 10, 2000 AS FEE NO. 2000-028775 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON
AFFECTS: AS DESCRIBED THEREIN

A PORTION OF SAID EASEMENT WAS RELEASED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED FEBRUARY 4, 2002 AS FEE NO. 2002 013469.
- 27. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: FEBRUARY 4, 2002 AS FEE NO. 2002-013467
IN FAVOR OF: CITY OF BEAVERTON
PUBLIC PEDESTRIAN AND BICYCLE PATHWAY

SAID EASEMENT WAS ALSO RECORDED MARCH 1, 2002 AS FEE NO. 2002 024661.



FLOOR & DECOR BEAVERTON
CASE FILE NO. XX-XX

CENTERPOINT INTEGRATED SOLUTIONS
16660 SW 10TH AVE, SUITE 125
BEAVERTON, OR 97106
503.968.6655 WWW.CESNW.COM
XXXXX

CES|NW
13190 SW 66th Parkway, Suite 198
Tigard, Oregon 97223
503.968.6655 WWW.CESNW.COM

PROJECT NO.:	DATE:	REVISIONS:
DESIGNED BY:	11/18/22	REV
DRAWN BY:	AW	

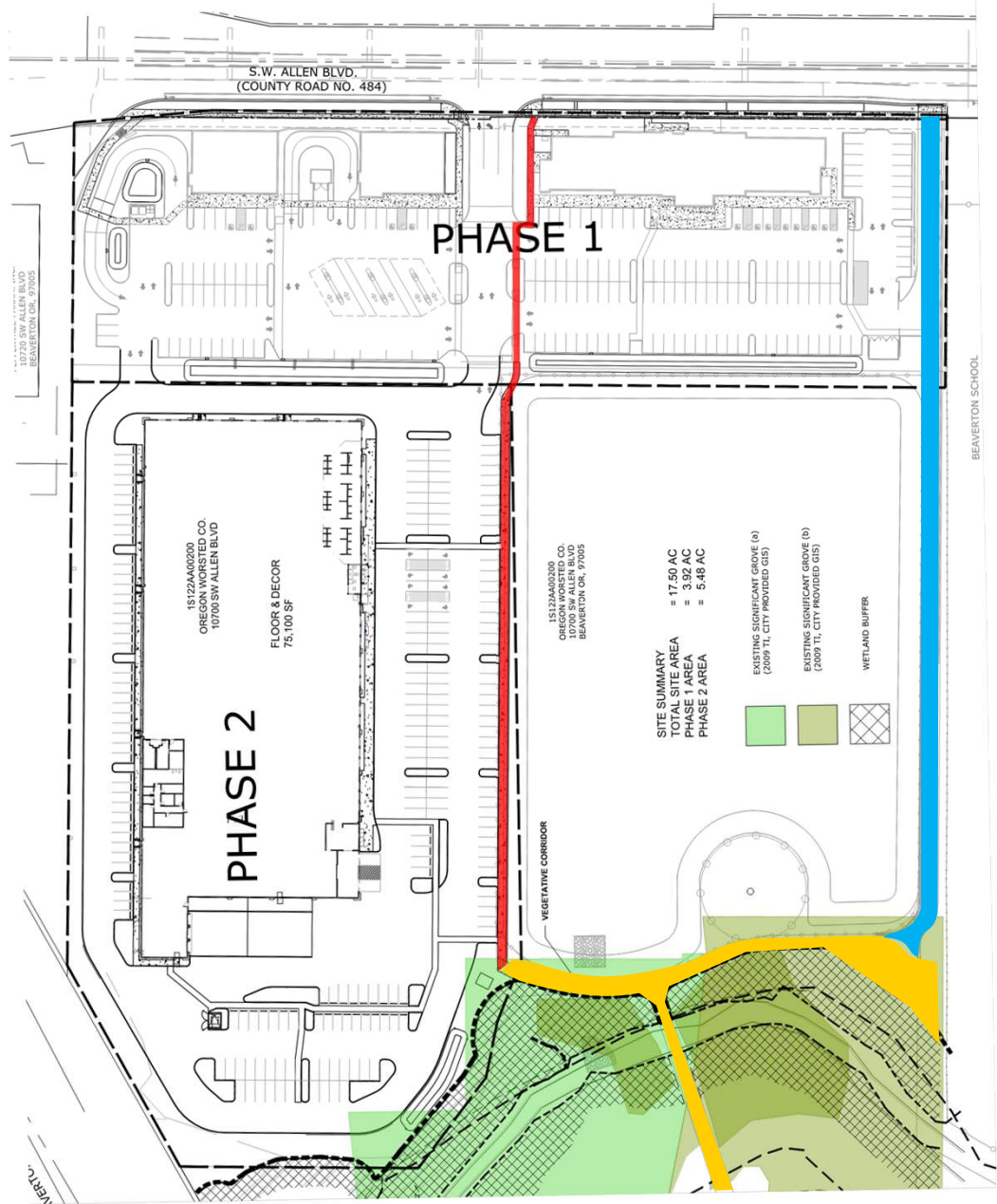
**SITE PLAN
EASEMENT LOCATION**

PL01110: 12/09/2022 1:44 PM



Floor and Décor 10700 SW Allen Blvd

Neighborhood Meeting, December 8, 2022 – Easement Vacation



-  Phase 1 Public Path
-  Sidewalk
-  Existing Fanno Creek Walkway



Floor and Décor
10700 SW Allen Blvd

Baysinger.

Neighborhood Meeting, December 8, 2022 – Easement Vacation





Neighborhood Meeting – Floor & Décor Easement Vacation

CS 22014

2022.12.08 @ 7 pm via Zoom

Attendees

- Jennifer Rinkus – BPA
- Dustin Scaplo – BPA
- Ernie Conway
- Rick Skayhan
- Sheri Struk
- Tracy Thornton
- Aaron Harris
- Ann Johnson

Notes

Jennifer gave an overview of the easements requiring vacation for the Floor & Décor development currently under current Design Review.

Questions Asked:

Q: Will the east pathway be paved?

A: Jennifer has not seen the construction documents. Dustin said “yes” according to the construction plans he has seen.

Q: Will there be a path on the west side of the property?

A: No, the path was originally anticipated there but in meetings with the City during Phase 1 they indicated they wanted it as close to the signalized intersection to the east as possible and thus the path was moved to the east side of the property. The Floor and Décor development is providing a paved ADA walkway along the west side of the flood plain and it will also connect to the existing Fanno Creek Trail.

Q: Will the walkway along the west side of the pond be paved?

A: Yes

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Beaverton, OR 97008

OFFICIAL USE

Certified Mail Fee \$4.00

\$ \$0.00

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ \$0.00

Return Receipt (electronic) \$ \$0.00

Certified Mail Restricted Delivery \$ \$0.00

Adult Signature Required \$ \$0.00

Adult Signature Restricted Delivery \$

Postage \$0.60

\$

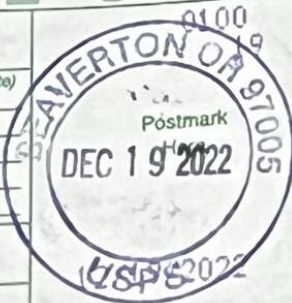
Total Postage and Fees \$4.60

\$

Sent To DENNY WHITEFORD RALEIGH WEST NAC

Street and Apt. No., or PO Box No. ERNIE CONWAY 10150 SW CYNTHIA ST

City, State, ZIP+4® BEAVERTON OR 97008



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Beaverton, OR 97008

OFFICIAL USE

Certified Mail Fee \$4.00

\$ \$0.00

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ \$0.00

Return Receipt (electronic) \$ \$0.00

Certified Mail Restricted Delivery \$ \$0.00

Adult Signature Required \$ \$0.00

Adult Signature Restricted Delivery \$

Postage \$0.60

\$

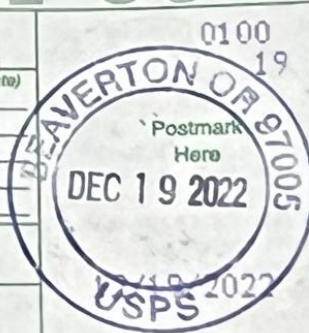
Total Postage and Fees \$4.60

\$

Sent To DENNY WHITEFORD RALEIGH WEST NAC

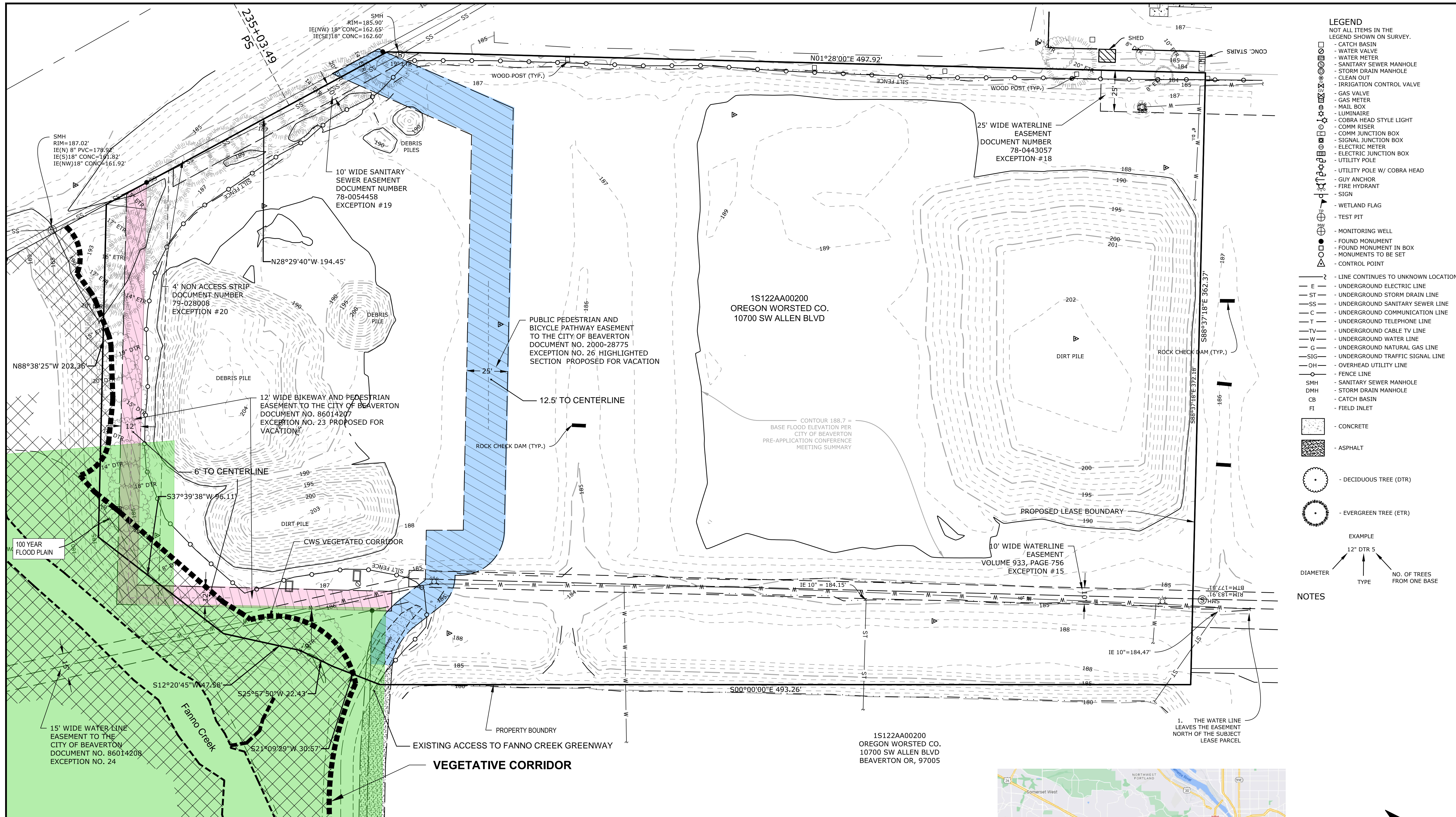
Street and Apt. No., or PO Box No. ATIN SHERRY MOORE 6075 SW 130TH AVE

City, State, ZIP+4® BEAVERTON OR 97008



2022 2470 0001 6704 1162

7022 2470 0001 6704 1155

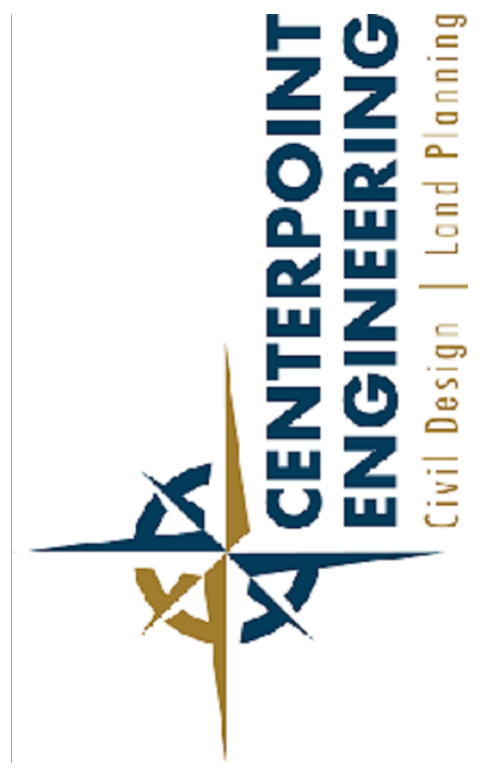


LEGEND
 NOT ALL ITEMS IN THE LEGEND SHOWN ON SURVEY.

- CATCH BASIN
- WATER VALVE
- WATER METER
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CLEAN OUT
- IRRIGATION CONTROL VALVE
- GAS VALVE
- GAS METER
- MAIL BOX
- LUMINAIRE
- COBRA HEAD STYLE LIGHT
- COMM RISER
- COMM JUNCTION BOX
- SIGNAL JUNCTION BOX
- ELECTRIC METER
- ELECTRIC JUNCTION BOX
- UTILITY POLE
- UTILITY POLE W/ COBRA HEAD
- GUY ANCHOR
- FIRE HYDRANT
- SIGN
- WETLAND FLAG
- TEST PIT
- MONITORING WELL
- FOUND MONUMENT
- FOUND MONUMENT IN BOX
- MONUMENTS TO BE SET
- CONTROL POINT
- LINE CONTINUES TO UNKNOWN LOCATION
- E - UNDERGROUND ELECTRIC LINE
- ST - UNDERGROUND STORM DRAIN LINE
- SS - UNDERGROUND SANITARY SEWER LINE
- C - UNDERGROUND COMMUNICATION LINE
- T - UNDERGROUND TELEPHONE LINE
- TV - UNDERGROUND CABLE TV LINE
- W - UNDERGROUND WATER LINE
- G - UNDERGROUND NATURAL GAS LINE
- SIG - UNDERGROUND TRAFFIC SIGNAL LINE
- OH - OVERHEAD UTILITY LINE
- FENCE LINE
- SMH - SANITARY SEWER MANHOLE
- DMH - STORM DRAIN MANHOLE
- CB - CATCH BASIN
- FI - FIELD INLET
- CONCRETE
- ASPHALT
- DECIDUOUS TREE (DTR)
- EVERGREEN TREE (ETR)

EXAMPLE
 DIAMETER: 12" DTR 5
 TYPE: NO. OF TREES FROM ONE BASE

NOTES



NOT FOR CONSTRUCTION

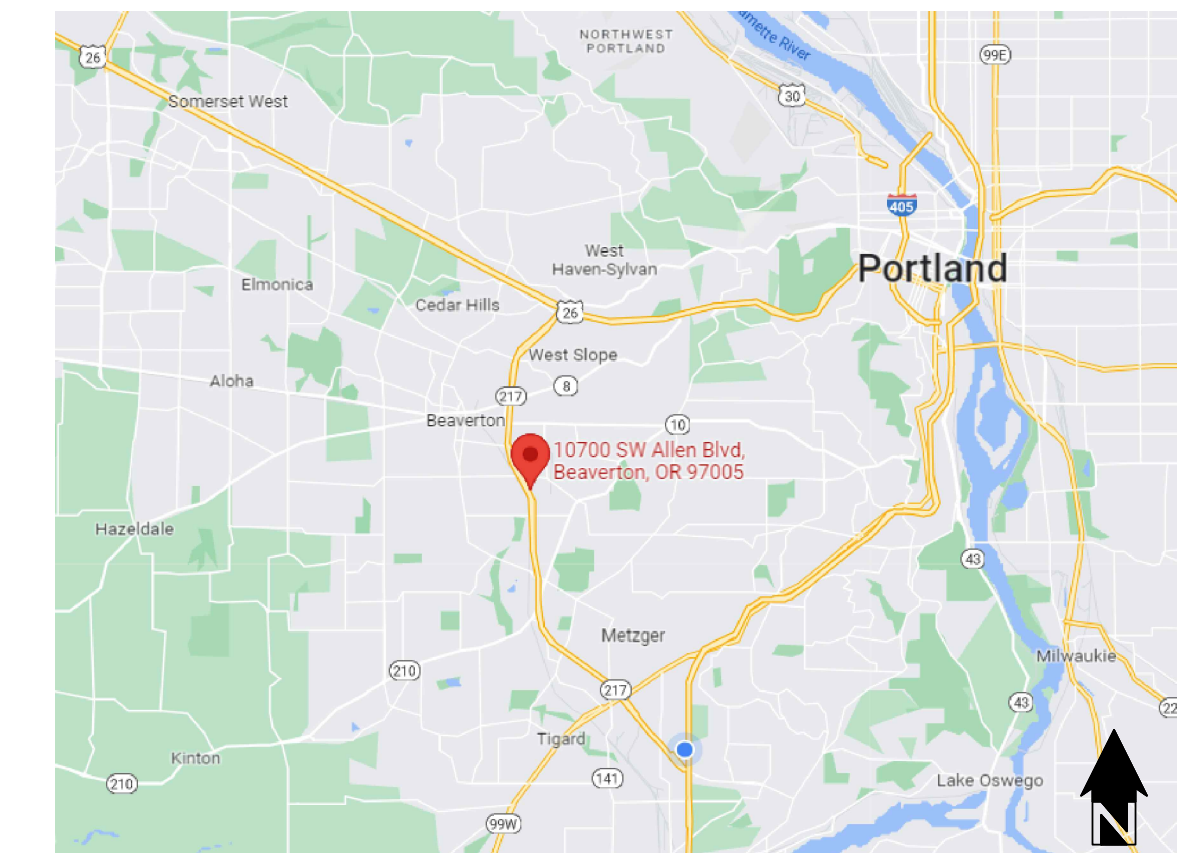
REVISIONS		
REV. NO.	DATE	DESCRIPTION
0	12/20/22	DRAFT
1	01/01/23	FINAL

SITE PLAN

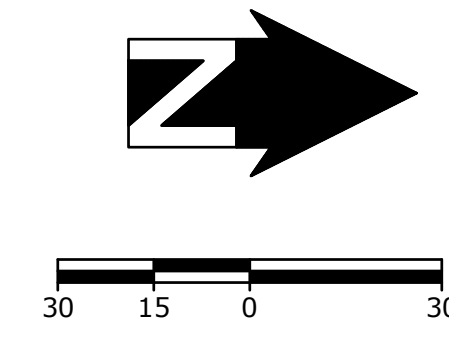
PROJECT #	
DATE	01/01/2023
SHEET TITLE	SITE PLAN
SITE PLAN #	
SHEET #	

- EXISTING SIGNIFICANT GROVE (a) (2009 TI, CITY PROVIDED GIS)
- EXISTING SIGNIFICANT GROVE (b) (2009 TI, CITY PROVIDED GIS)
- WETLAND BUFFER

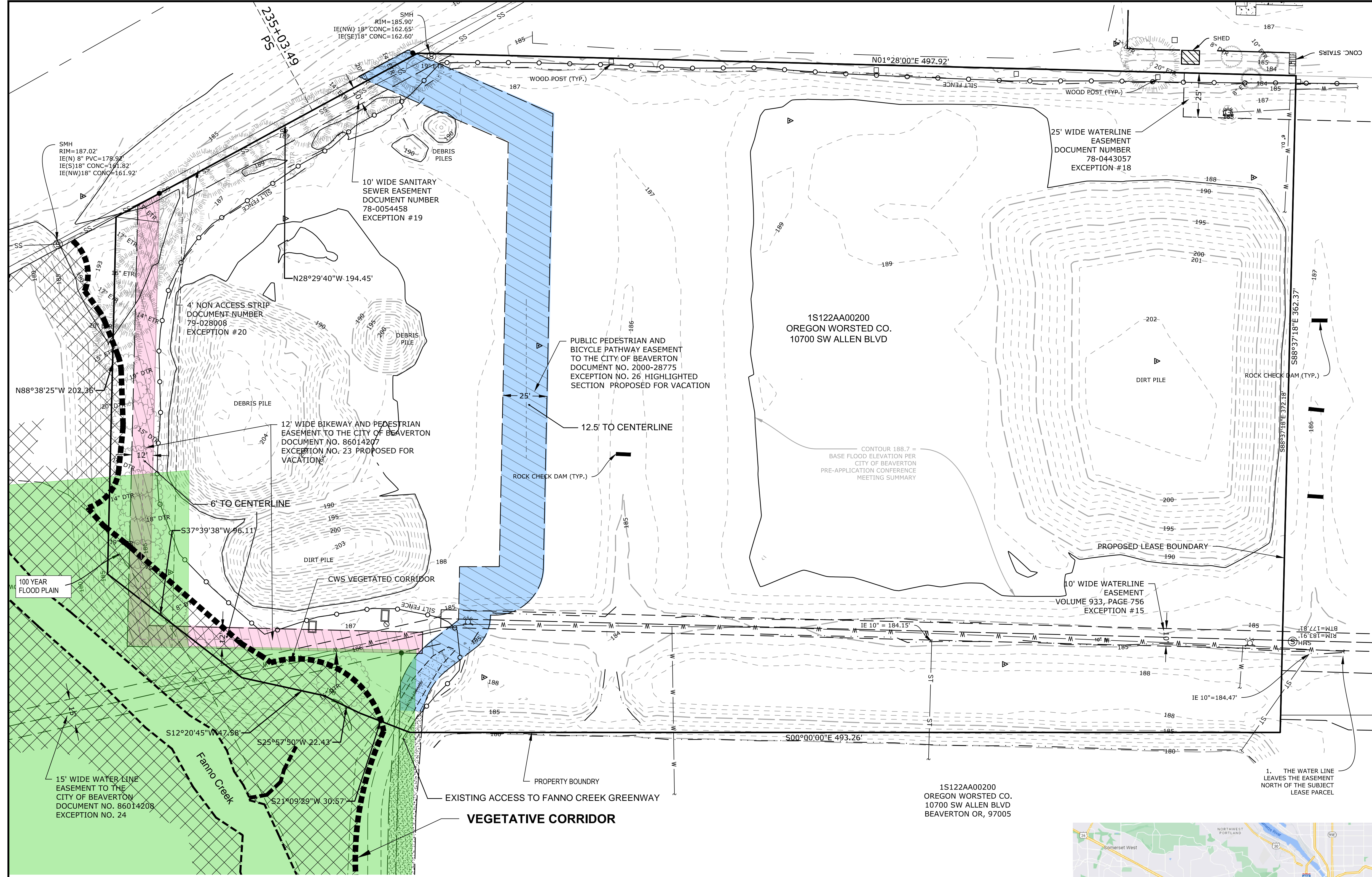
- NOTES**
- ZONING AND LAND USE WITHIN 100' OF INDICATED EASEMENT(S) IS COMMUNITY SERVICE (CS)
 - SEE TREE INVENTORY PLAN FOR DETAILED INFORMATION ON TREES WITHIN 100 FEET OF EASEMENT SECTIONS TO BE VACATED.
 - FOR INFORMATION ON SURROUNDING DEVELOPMENT, CONDITIONS, AND ZONING, SEE PROPERTY ACCESS AND CIRCULATION PLAN AND SURROUNDING DEVELOPMENT & ZONING MAP



VICINITY MAP
 N.T.S.



PLU111E01 14709/24242 4:23 PPM



LEGEND
 NOT ALL ITEMS IN THE LEGEND SHOWN ON SURVEY.

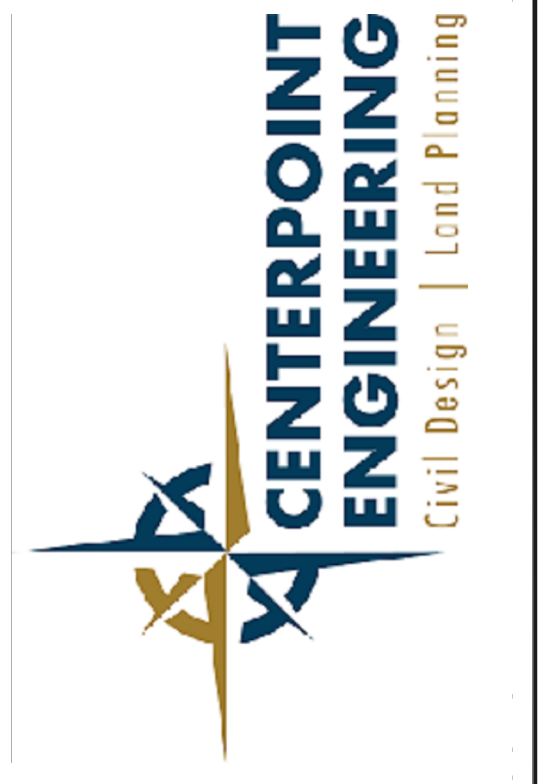
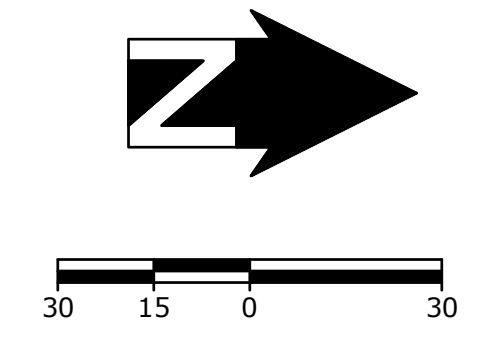
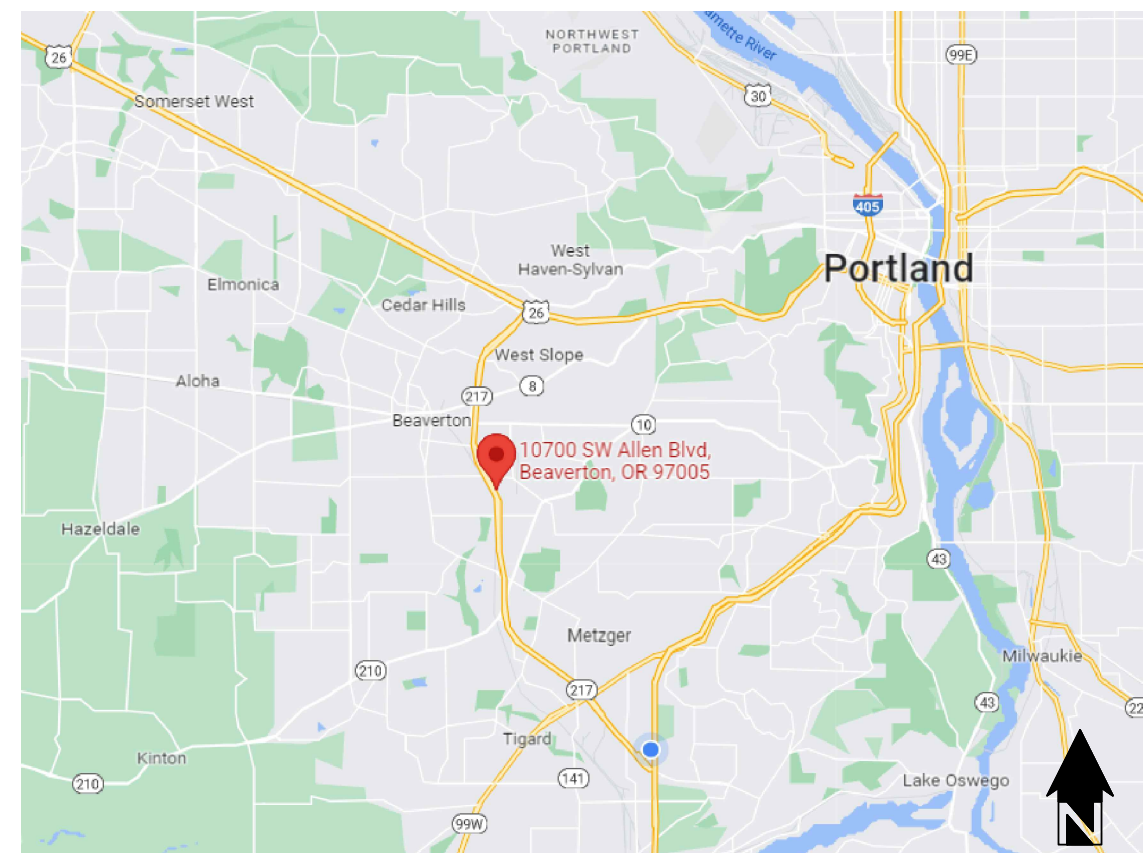
- CATCH BASIN
- WATER VALVE
- WATER METER
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CLEAN OUT
- IRRIGATION CONTROL VALVE
- GAS VALVE
- GAS METER
- MAIL BOX
- LUMINAIRE
- COBRA HEAD STYLE LIGHT
- COMM RISER
- COMM JUNCTION BOX
- SIGNAL JUNCTION BOX
- ELECTRIC METER
- ELECTRIC JUNCTION BOX
- UTILITY POLE
- UTILITY POLE W/ COBRA HEAD
- GUY ANCHOR
- FIRE HYDRANT
- SIGN
- WETLAND FLAG
- TEST PIT
- MONITORING WELL
- FOUND MONUMENT
- FOUND MONUMENT IN BOX
- MONUMENTS TO BE SET
- CONTROL POINT
- LINE CONTINUES TO UNKNOWN LOCATION
- E - UNDERGROUND ELECTRIC LINE
- ST - UNDERGROUND STORM DRAIN LINE
- SS - UNDERGROUND SANITARY SEWER LINE
- C - UNDERGROUND COMMUNICATION LINE
- T - UNDERGROUND TELEPHONE LINE
- TV - UNDERGROUND CABLE TV LINE
- W - UNDERGROUND WATER LINE
- G - UNDERGROUND NATURAL GAS LINE
- SIG - UNDERGROUND TRAFFIC SIGNAL LINE
- OH - OVERHEAD UTILITY LINE
- F - FENCE LINE
- SMH - SANITARY SEWER MANHOLE
- DMH - STORM DRAIN MANHOLE
- CB - CATCH BASIN
- FI - FIELD INLET
- CONCRETE
- ASPHALT
- DECIDUOUS TREE (DTR)
- EVERGREEN TREE (ETR)

EXAMPLE
 12" DTR 5
 DIAMETER TYPE NO. OF TREES FROM ONE BASE

NOTES

- EXISTING SIGNIFICANT GROVE (a) (2009 TI, CITY PROVIDED GIS)
- EXISTING SIGNIFICANT GROVE (b) (2009 TI, CITY PROVIDED GIS)
- WETLAND BUFFER

- NOTES**
- ZONING AND LAND USE WITHIN 100' OF INDICATED EASEMENT(S) IS COMMUNITY SERVICE (CS)
 - SEE TREE INVENTORY PLAN FOR DETAILED INFORMATION ON TREES WITHIN 100 FEET OF EASEMENT SECTIONS TO BE VACATED.
 - SEE PROPERTY ACCESS AND CIRCULATION PLAN FOR DETAILS ON FUTURE ACCESS, DRIVEWAYS, AND PEDESTRIAN/BICYCLE PATHS PROPOSED IN SEPARATE DEVELOPMENT APPLICATIONS



NOT FOR CONSTRUCTION

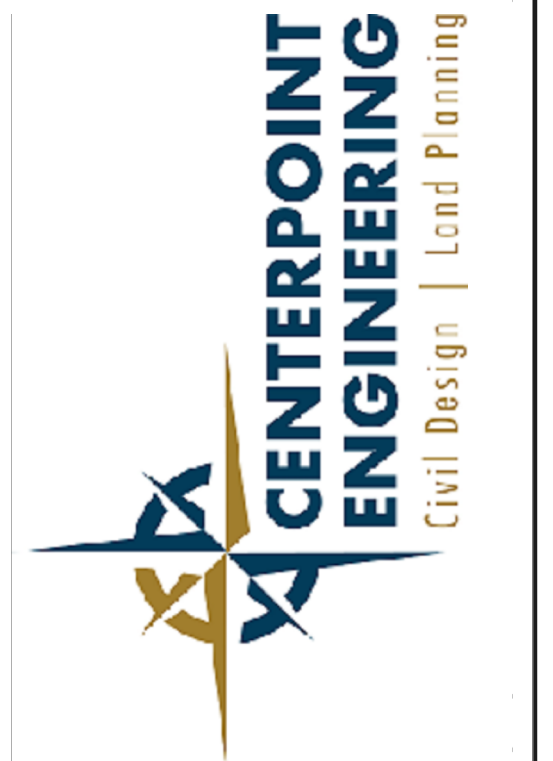
REVISIONS		
REV. NO.	DATE	DESCRIPTION
0	12/20/22	DRAFT
1	01/01/23	FINAL

EXISTING CONDITIONS PLAN

PROJECT #	
DATE	01/01/2023
SHEET TITLE	EXISTING CONDITIONS PLAN
SITE PLAN #	
SHEET #	



No.	Common Name	Genus/Species	Surveyed DBH	Desig.
59	English Hawthorne	<i>Craegus monogyna</i>	12	Sig.
63	Sweet Gum Maple	<i>Liquidamber styraciflua</i>	16	Sig.
65	Black Birch	<i>Betula nigra</i>	19	Com.
66	Black Birch	<i>Betula nigra</i>	19	Com.
67	Black Birch	<i>Betula nigra</i>	18	Com.
81	Black Birch	<i>Betula nigra</i>	14	Com.
82	Black Birch	<i>Betula nigra</i>	19	Com.
84	Black Birch	<i>Betula nigra</i>	15	Com.
85	Black Birch	<i>Betula nigra</i>	20	Com.
87	Shore Pine	<i>Pinus contorta</i>	16	Com.
88	Shore Pine	<i>Pinus contorta</i>	17	Com.
89	Shore Pine	<i>Pinus contorta</i>	13	Com.
90	Shore Pine	<i>Pinus contorta</i>	13	Com.
91	Shore Pine	<i>Pinus contorta</i>	15	Com.
92	Shore Pine	<i>Pinus contorta</i>	17	Com.
93	Shore Pine	<i>Pinus contorta</i>	17	Com.
94	Shore Pine	<i>Pinus contorta</i>	15	Com.
95	Shore Pine	<i>Pinus contorta</i>	20	Com.
96	Shore Pine	<i>Pinus contorta</i>	17	Com.
97	Shore Pine	<i>Pinus contorta</i>	14	Com.
98	Shore Pine	<i>Pinus contorta</i>	16	Com.
99	Shore Pine	<i>Pinus contorta</i>	16	Com.
100	Shore Pine	<i>Pinus contorta</i>	14	Com.
101	Shore Pine	<i>Pinus contorta</i>	20	Com.
102	Shore Pine	<i>Pinus contorta</i>	14	Com.
103	American Sycamore	<i>Platanus occidentalis</i>	23	Com.
104	Shore Pine	<i>Betula nigra</i>	19	Com.
105	Shore Pine	<i>Betula nigra</i>	17	Com.
106	Shore Pine	<i>Betula nigra</i>	14	Com.
107	Shore Pine	<i>Betula nigra</i>	20	Com.
108	Shore Pine	<i>Betula nigra</i>	15	Com.
5815	Shore Pine	<i>Betula nigra</i>	8	Com.
6193	Shore Pine	<i>Betula nigra</i>	19	Com.



NOT FOR
CONSTRUCTION

REVISIONS		
REV. NO.	DATE	DESCRIPTION
0	12/20/22	DRAFT
0	01/01/23	FINAL

TREE INVENTORY

PROJECT # _____

DATE 01/01/2023

SHEET TITLE TREE INVENTORY

SITE PLAN # _____

SHEET # _____

Received
 Planning Division
 01/05/2023

**SPECIAL EXCEPTIONS PER PRELIMINARY TITLE REPORT
 FILE NUMBER(NCS-1088300-CHAR)**

AN EASEMENT FOR WATER LINES, MAINS AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED JULY 5, 1973 AS VOLUME 933, PAGE 0756 OF OFFICIAL RECORDS.

IN FAVOR OF: THE CITY OF BEAVERTON
 AFFECTS: A 10 FOOT STRIP IN PARCEL II

NOTE: A PORTION OF SAID EASEMENT WAS RELEASED BY INSTRUMENT RECORDED APRIL 7, 1986 AS FEE NO. 86014212.

AN EASEMENT FOR SANITARY SEWER LINES, MAINS AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 13, 1978 AS FEE NO. 78054458 OF OFFICIAL RECORDS.

IN FAVOR OF: CITY OF BEAVERTON
 AFFECTS: A STRIP OF LAND IN THE SOUTHWESTERLY PORTION OF PARCEL II

AN EASEMENT FOR A BICYCLE TRAIL AND PEDESTRIAN WAY AND INCIDENTAL PURPOSES, RECORDED APRIL 7, 1986 AS FEE NO. 86014207 OF OFFICIAL RECORDS.

IN FAVOR OF: THE CITY OF BEAVERTON
 AFFECTS: PARCEL II

AN EASEMENT FOR WATER LINES, MAINS, AND CONDUITS AND INCIDENTAL PURPOSES, RECORDED APRIL 7, 1986 AS FEE NO. 86014208 OF OFFICIAL RECORDS.

IN FAVOR OF: CITY OF BEAVERTON
 AFFECTS: A 15 FOOT STRIP IN PARCEL II

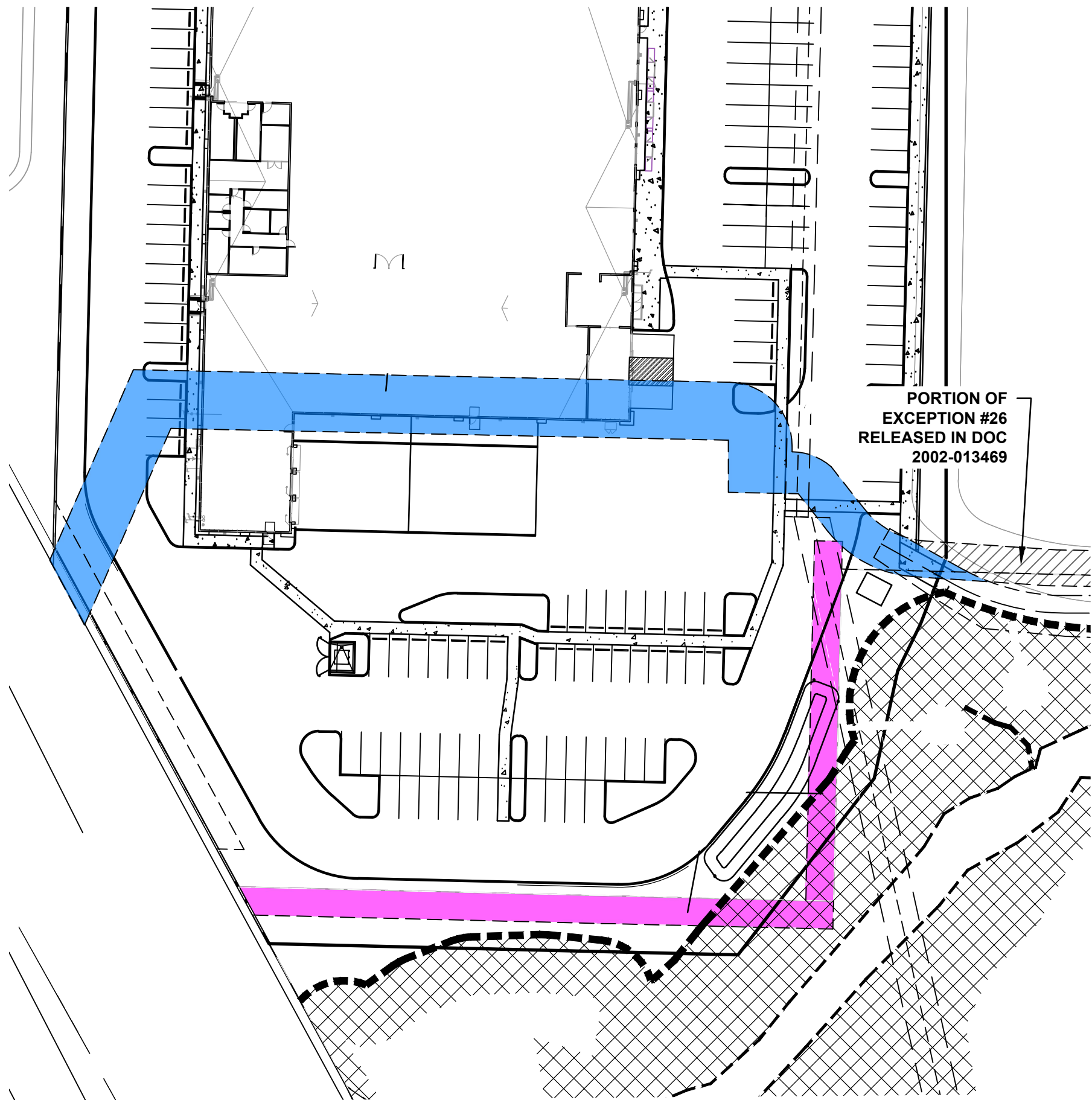
AN EASEMENT FOR PUBLIC PEDESTRIAN AND BICYCLE PATHWAY EASEMENT AND INCIDENTAL PURPOSES, RECORDED APRIL 10, 2000 AS FEE NO. 2000-028775 OF OFFICIAL RECORDS.

IN FAVOR OF: CITY OF BEAVERTON
 AFFECTS: AS DESCRIBED THEREIN

A PORTION OF SAID EASEMENT WAS RELEASED BY INSTRUMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDED FEBRUARY 4, 2002 AS FEE NO. 2002 013469.

EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
 RECORDING INFORMATION: FEBRUARY 4, 2002 AS FEE NO. 2002-013467
 IN FAVOR OF: CITY OF BEAVERTON
 PUBLIC PEDESTRIAN AND BICYCLE PATHWAY

SAID EASEMENT WAS ALSO RECORDED MARCH 1, 2002 AS FEE NO. 2002 024661.



FLOOR & DECOR BEAVERTON
 CASE FILE NO. XX-XX

CENTERPOINT INTEGRATED SOLUTIONS
 1626 COLE BLVD. STE 125
 LAKEWOOD, CO 80401
 XXXXX

CES | NW

13190 SW 68th Parkway, Suite 150
 Tigard, Oregon 97223
 503.968.6655 www.cesnw.com

PROJECT NO.: XXX | DATE: 11/18/22 | REVISIONS: ARW | DRAWN BY: ARW

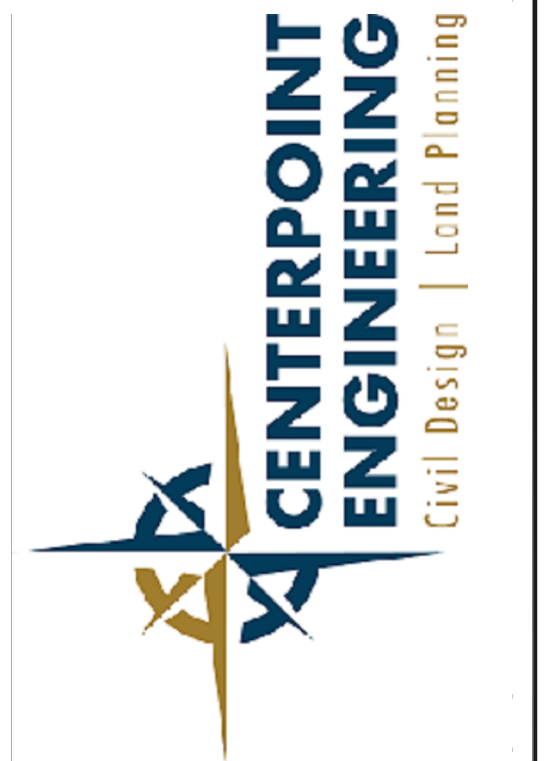
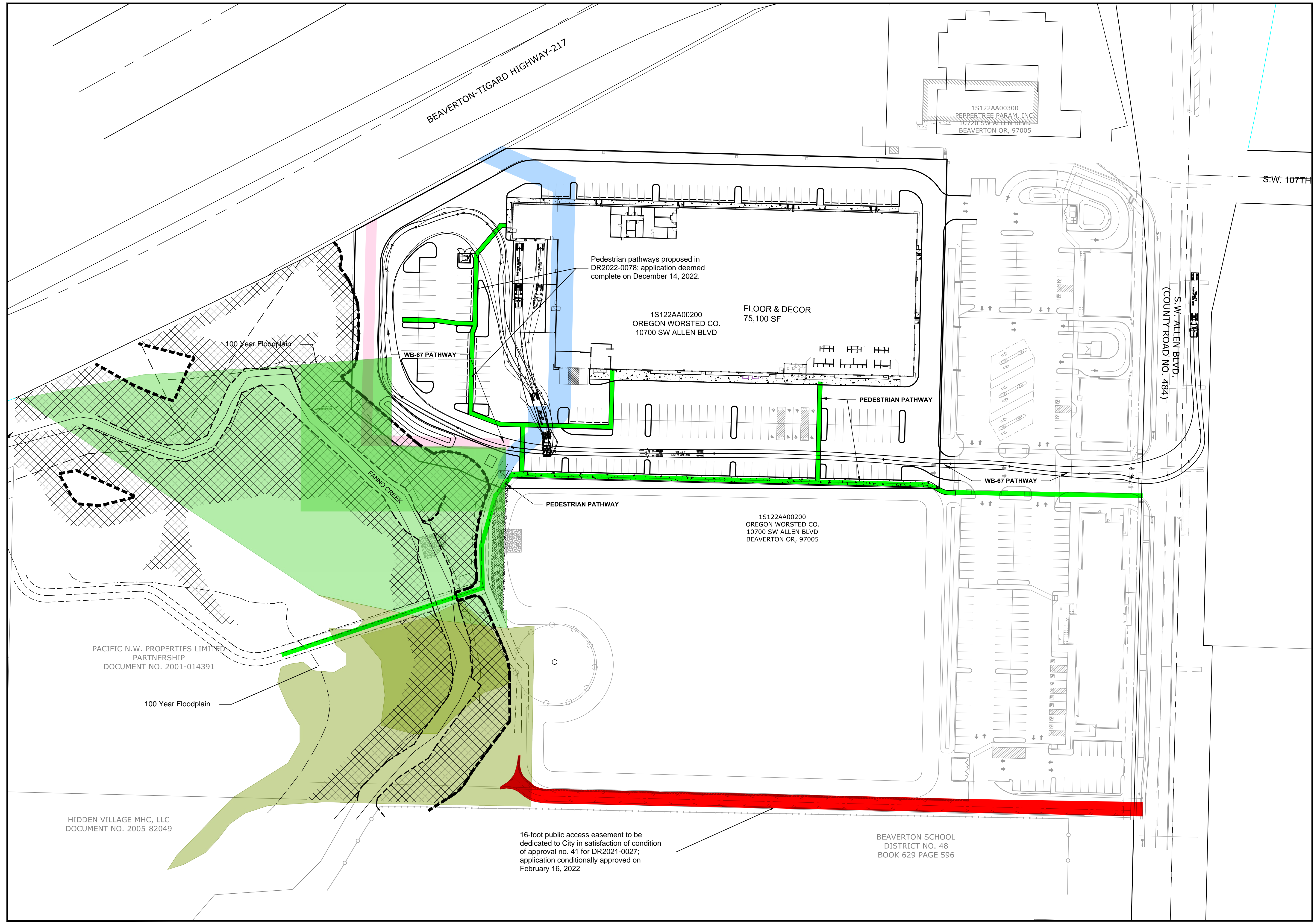
SITE PLAN
 EASEMENT LOCATION

SHEET

1

OF

1



**NOT FOR
 CONSTRUCTION**

REVISIONS			
REV. NO.	DATE	DESCRIPTION	BY
0	12/20/22	DRAFT	
1	01/01/23	FINAL	

**FUTURE PROPERTY ACCESS
 AND CIRCULATION PLAN**

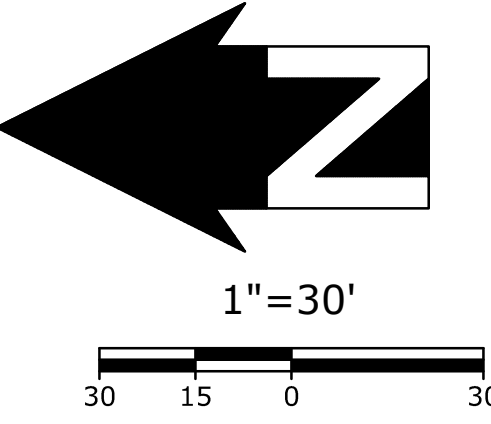
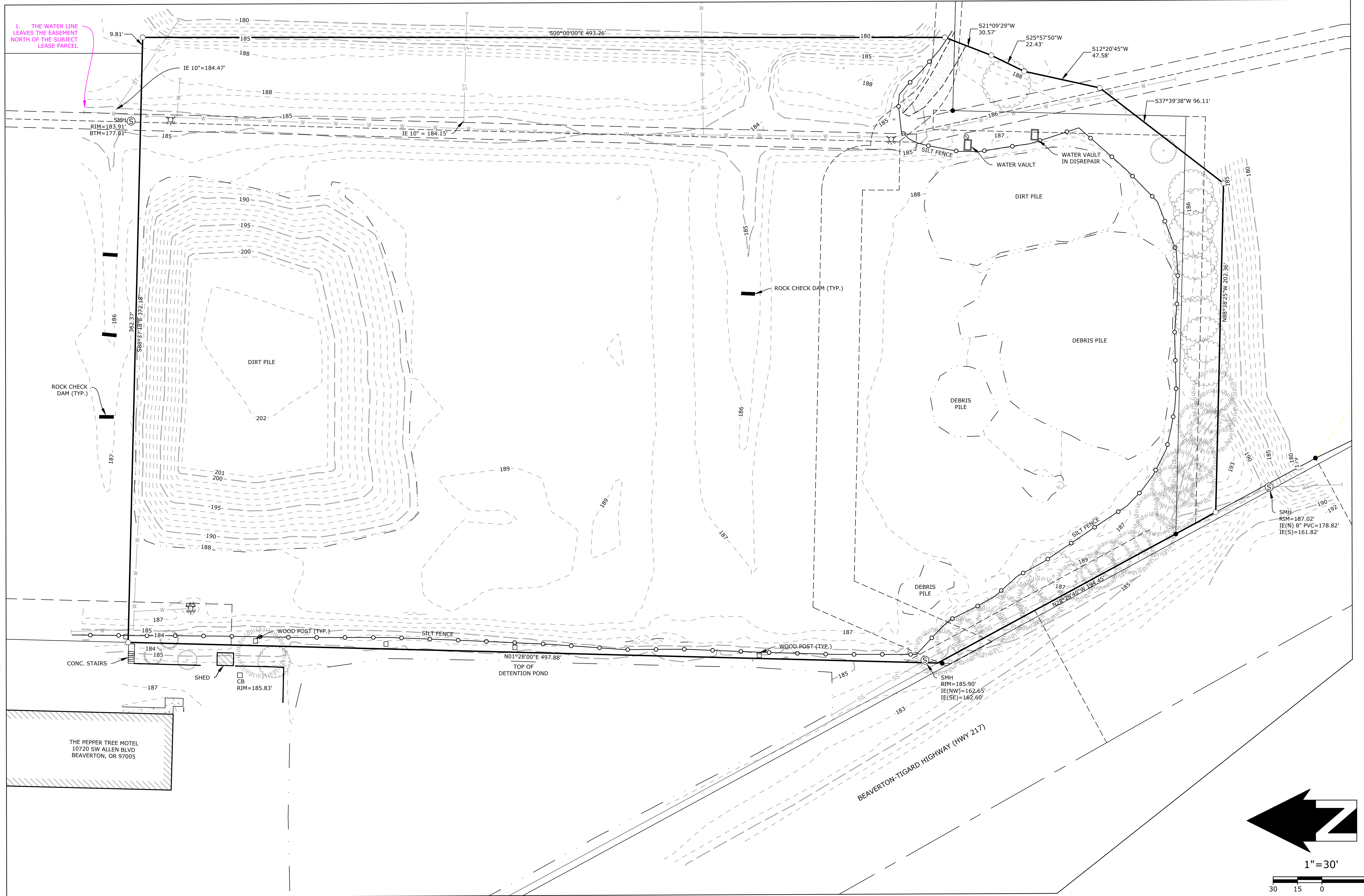
To be constructed as part of development proposed in applications DR2021-0027 and DR2022-0078

PROJECT #	
DATE	01/01/2023
SHEET TITLE	PROPERTY ACCESS
SITE PLAN #	
SHEET #	

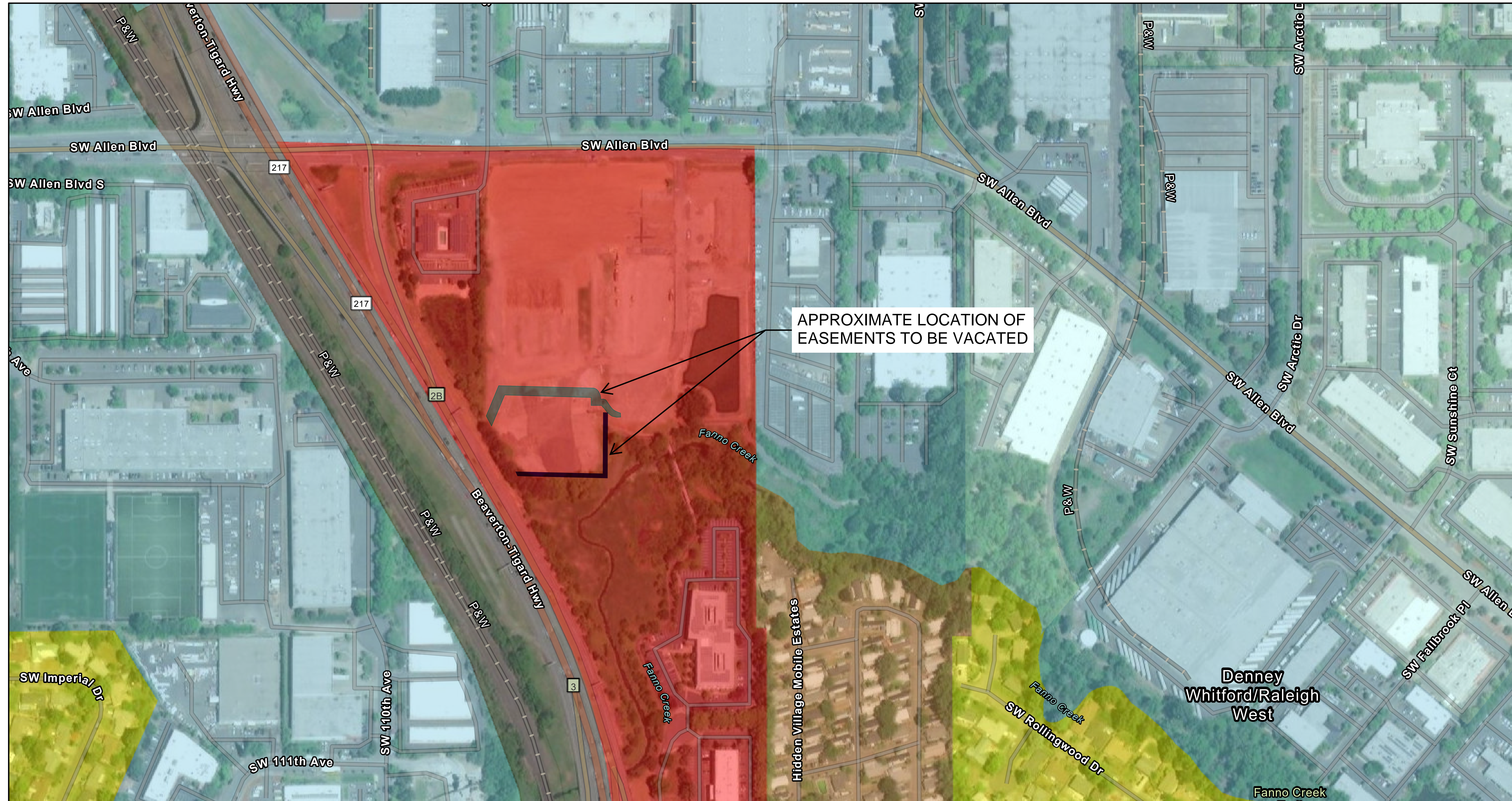
TOPOGRAPHIC SURVEY

- LEGEND**
NOT ALL ITEMS IN THE LEGEND SHOWN ON SURVEY.
- CATCH BASIN
 - WATER VALVE
 - WATER METER
 - SANITARY SEWER MANHOLE
 - STORM DRAIN MANHOLE
 - CLEAN OUT
 - IRRIGATION CONTROL VALVE
 - GAS VALVE
 - GAS METER
 - HALL BOX
 - LUMINAIRE
 - COBRA HEAD STYLE LIGHT
 - COMM RISER
 - COMM JUNCTION BOX
 - SIGNAL JUNCTION BOX
 - ELECTRIC METER
 - ELECTRIC JUNCTION BOX
 - UTILITY POLE
 - UTILITY POLE W/ COBRA HEAD
 - GUY ANCHOR
 - FIRE HYDRANT
 - SIGN
 - WETLAND FLAG
 - TEST PIT
 - MONITORING WELL
 - FOUND MONUMENT
 - FOUND MONUMENT IN BOX
 - MONUMENTS TO BE SET
 - CONTROL POINT
 - LINE CONTINUES TO UNKNOWN LOCATION
 - UNDERGROUND ELECTRIC LINE
 - UNDERGROUND STORM DRAIN LINE
 - UNDERGROUND SANITARY SEWER LINE
 - UNDERGROUND COMMUNICATION LINE
 - UNDERGROUND TELEPHONE LINE
 - TV
 - UNDERGROUND CABLE TV LINE
 - UNDERGROUND WATER LINE
 - UNDERGROUND NATURAL GAS LINE
 - UNDERGROUND TRAFFIC SIGNAL LINE
 - OVERHEAD UTILITY LINE
 - FENCE LINE
 - SANITARY SEWER MANHOLE
 - STORM DRAIN MANHOLE
 - CATCH BASIN
 - FIELD INLET
 - CONCRETE
 - ASPHALT
 - DECIDUOUS TREE (DTR)
 - EVERGREEN TREE (ETR)
- EXAMPLE**
12" DTR 5
DIAMETER TYPE NO. OF TREES FROM ONE BASE

- NOTES**
- THIS SURVEY MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN ARE ALL THE UTILITIES IN THE AREA. THE UNDERGROUND UTILITIES SHOWN ARE BASED ON LOCATE PAINT MARKINGS IN THE FIELD AND AS-BUILT MAPPING. UTILITIES SHOWN MAY NOT BE IN THE EXACT LOCATION AS NOTED ON THIS SURVEY, BUT ARE LOCATED AS ACCURATELY AS POSSIBLE FROM PAINT MARKINGS ON THE GROUND. THE PAINT MARKINGS ON THE GROUND WERE PROVIDED BY ONE CALL UTILITY LOCATES (811). THE LOCATES IN RED BEING SHOWN ARE FROM AS-BUILT MAPS PROVIDED BY THE UTILITY PROVIDERS AND THE UTILITY LOCATE COMPANIES.
 - STORM DRAIN AND SANITARY SEWER LINES SHOWN ARE APPROXIMATE AND BASED ON VISIBLE ABOVE GROUND EVIDENCE AND AS-BUILT MAPS.
 - THE VERTICAL DATUM IS BASED ON: OREGON STATE HIGHWAY DIVISION VERTICAL CONTROL, BENCHMARK NO. G622, WASHINGTON COUNTY BENCH NUMBER 394, A FOUND BRASS DISK IN HANDRAIL ON THE BEAVERTON-TIGARD HIGHWAY (HWY 217), .35 MILES SOUTH OF BEAVERTON-HILLSDALE HWY AT THE NORTHEAST CORNER OF THE RAILROAD UNDERPASS. ELEVATION = 219.068 (NGVD 29)
 - BASIS OF BEARINGS IS THE NORTHEAST SECTION LINE OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., PER SURVEY NO. 27,850, WASHINGTON COUNTY SURVEY RECORDS.

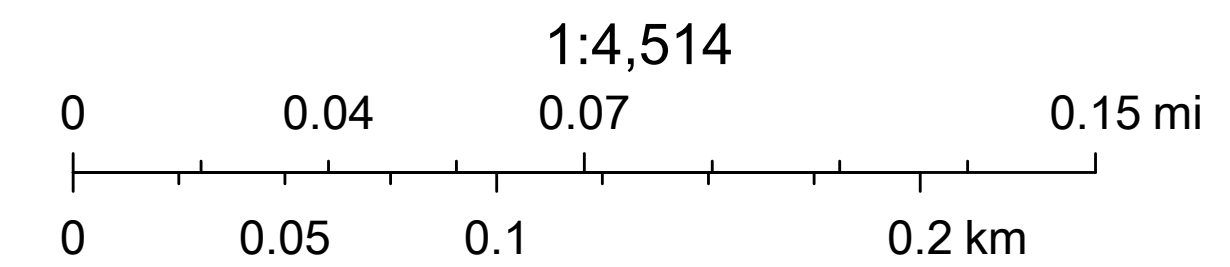


Surrounding Development & Zoning Map



December 20, 2022

- Beaverton City Limits
- County Boundaries
- Zoning**
- Residential Mixed C (RMC)
- Residential Mixed A (RMA)
- Community Service (CS)
- Office Industrial (OI)
- Industrial (IND)
- Unzoned/ ROW



City of Beaverton, Esri Community Maps Contributors, Oregon Metro, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,



NOT FOR CONSTRUCTION

REVISIONS		
REV. NO.	DATE	DESCRIPTION
0	12/20/22	DRAFT
1	01/01/23	FINAL

SURROUNDING DEVELOPMENT AND ZONING MAP

PROJECT #	
DATE	01/01/2023
SHEET TITLE	ZONING MAP
SITE PLAN #	
SHEET #	

Received
Planning Division
01/05/2023

900
am

3719-2

86014207

BIKEWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That Greenwood Beaverton Joint Venture, Grantor, for the consideration of \$ None, the receipt whereof is acknowledged, does hereby give, grant and convey unto the City of Beaverton, a municipal corporation of Washington County, State of Oregon, and unto its assigns, an easement over, across and under the lands and real property described on the attached Exhibit A for a bicycle trail and pedestrian way, which may be used by pedestrians and nonmotorized mechanical means of transportation, such as bicycles and for no other purposes, and for said purposes to place, construct, operate, replace, maintain, inspect, reconstruct and install necessary improvements, and the right to enter upon such premises for said purposes. No permanent building, shrub or trees may be placed in the easement area by Grantors.

IN WITNESS WHEREOF, the Grantor above named hereunto set is hand this 11th day of November, 19 85.

GREENWOOD BEAVERTON JOINT VENTURE

By [Signature]

Approved as to form:

[Signature]
Attorney for the City

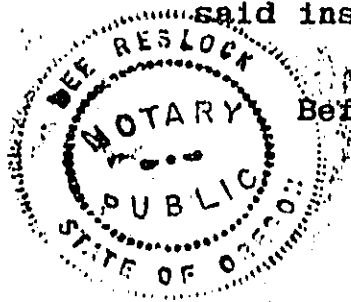
[Signature]
Engineer for the City

STATE OF OREGON)
County of Washington,) ss

Personally appeared Jerry W Marlow, who being duly sworn did say that he is a Joint Venturer of Greenwood Beaverton Joint Venture; that the foregoing instrument was signed on behalf of said Joint Venture; and acknowledged said instrument to be its voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: 1-13-87



APR 7 1986

EXHIBIT A

Legal Description
for
HOTEL MANAGEMENT ASSOCIATES

47709
November 8, 1985

BIKEWAY EASEMENT

Situate in the northeast quarter of Section 22, Township 1 South, Range 1 West, Willamette Meridian, City of Beaverton, Washington County, Oregon, and being described as follows:

Beginning at a point that is North 88°37'18" West a distance of 319.99 feet and South 01°28'00" West a distance of 760.00 feet from the northeast corner of said Section 22, a brass disc in monument box found; thence South 01°28'00" West a distance of 167.24 feet; thence North 88°38'25" West a distance of 253.06 feet to a point on the easterly right-of-way line of State Highway 217; thence North 27°33'40" West on said easterly right-of-way line a distance of 13.71 feet; thence leaving said easterly right-of-way line and running South 88°38'25" East a distance of 247.71 feet; thence North 01°28'00" East a distance of 155.24 feet; thence South 88°37'18" East a distance of 12.00 feet to the Point of Beginning, containing 4,939 square feet, more or less.

LEGIII050

STATE OF OREGON }
County of Washington } SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk.

1986 APR -7 PM 2:39

Return To:
Waker Associates Inc
11080 SW Allen Blvd.
Beaverton OR 97005

2

Received Planning Division 01/05/2023

APR 10 2000

51 = 626

PUBLIC PEDESTRIAN AND BICYCLE PATHWAY EASEMENT

City Attorney Standard Form (4/97) Greenwood, Beaverton

By this instrument Joint Venture (Grantor) in consideration of the sum of \$ XXXXXXXXXXXXX/ other, non-monetary consideration [strike out which ever is inapplicable] received from the City of Beaverton, Oregon, a municipal corporation (Grantee) does hereby grant, bargain, sell, and convey to Grantee, its successors and assigns a perpetual easement and right-of-way for the purpose of construction, maintenance, repair, reconstruction and use of a public pedestrian and bicycle pathway and lateral and supporting structures over, across, in and through the real property owned by Grantor located in the County of Washington and the State of Oregon and more particularly described as follows:

See attached Exhibit "A"

Grantor understands and agrees for itself, its successors and assigns not to cause or allow the construction or maintenance of any building or other structure in or upon the area conveyed without the prior written consent of Grantee, which may be granted or allowed in Grantee's sole discretion. Grantor understands and agrees that Grantee may cause the summary removal of any such building or structure so placed without Grantor's consent and that Grantor shall make no claim for and shall hold Grantee harmless from any claim by a third person for damage to or destruction of the property so removed.

Grantor further agrees for itself, its heirs, successors and assigns that it shall not cause or allow any act or occurrence or condition of land that disturbs the subjacent or lateral support of the area conveyed and that Grantee shall have the right of reasonable access over any property adjacent to the area conveyed, for the purpose of construction, maintenance, repair, reconstruction and use of any and all such public pedestrian and bicycle pathway and lateral and supporting structures in or on the area conveyed and the right to remove any structure or vegetation necessary or convenient to accomplish same.

Grantee agrees to replace and restore as nearly as practical the surface of the soil of the property conveyed within a reasonable time after completing any task for which it enters upon same.

If Grantor is a corporation, by the signature of its authorized agent is signifies that the agent has been authorized by its Board of Directors to make this conveyance on behalf of the corporation.

The parties acknowledge that this instrument will be recorded with deed records of Washington County, Oregon.

Dated this 15 day of December, 1999

GRANTOR(S): Wallace E. Stevenson

Partner Print name and Title

Wallace E. Stevenson

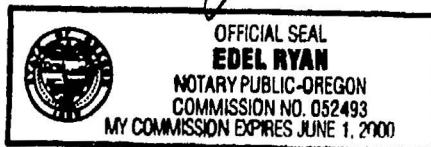
Print Name and Title

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OREGON, County of Multnomah

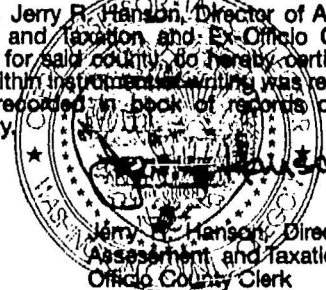
This was acknowledged before me on 12/15, 1999 by Wallace E. Stevenson and xx xxxxxxxxx and each of them acknowledged said instrument to be his voluntary act and deed.

Edel Ryan Notary Public for Oregon My commission expires: June 1, 2000



STATE OF OREGON } County of Washington } SS

I, Jerry F. Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for said county, do hereby certify that the within instrument was received and recorded in book of records of said county.



Doc : 2000028775.1 Rect: 252473 42.00 04/10/2000 04:22:55pm

ACCEPTED FOR GRANTEE by:

[Signature] Mayor, City of Beaverton

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of _____

This was acknowledged before me on _____, 199__ by _____ (name & title) and _____ (name & title) of a _____ (describe entity), and the foregoing was signed on behalf of said entity; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon My commission expires: _____

After recording return to: City of Beaverton, City Recorder P.O. Box 4755, Beaverton, OR 97076

1-4

APR 10 2000

ALPHA ENGINEERING, INC.

Exhibit "A"

NOVEMBER 22, 1999

LEGAL DESCRIPTION
PUBLIC PEDESTRIAN AND BICYCLE PATH EASEMENT
GREENWOOD INN

PROJECT NO. 487-001

A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 22 AND THE NORTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST SECTION CORNER OF SAID SECTION 23 BEING MARKED BY A BRASS DISK IN A MONUMENT BOX; THENCE ALONG THE NORTH LINE OF SAID SECTION 23 SOUTH 88°37'18" EAST, 81.43 FEET TO THE NORTHERLY EXTENSION OF THE EAST LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 98023465, WASHINGTON COUNTY DEED RECORDS, THENCE SOUTH 01°26'45" WEST, 796.74 FEET ALONG SAID EAST LINE TOGETHER WITH ITS NORTHERLY EXTENSION TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE SOUTH 01°26'45" WEST, 15.05 FEET; THENCE LEAVING SAID EAST LINE NORTH 83°58'39" WEST, 3.78 FEET TO A POINT OF CURVATURE; THENCE 28.57 FEET ALONG A 21.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 77°57'15" (CHORD BEARS NORTH 44°59'59" WEST, 26.42 FEET); THENCE NORTH 06°01'22" WEST, 15.63 FEET TO A POINT OF CURVATURE; THENCE 22.47 FEET ALONG A 23.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 55°58'39" (CHORD BEARS NORTH 34°00'42" WEST, 21.59 FEET); THENCE NORTH 62°00'01" WEST, 10.05 FEET TO A POINT OF CURVATURE; THENCE 11.01 FEET ALONG A 23.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 27°25'14" (CHORD BEARS NORTH 75°42'39" WEST, 10.90 FEET); THENCE NORTH 89°25'16" WEST, 98.81 FEET TO A POINT OF CURVATURE; THENCE 25.98 FEET ALONG A 37.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 39°41'43" (CHORD BEARS SOUTH 70°43'53" WEST, 25.46 FEET) TO A POINT OF REVERSE CURVATURE; THENCE 36.89 FEET ALONG A 52.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 40°15'26" (CHORD BEARS SOUTH 71°00'44" WEST, 36.13 FEET); THENCE NORTH 88°51'33" WEST, 95.54 FEET; THENCE NORTH 86°07'37" WEST, 57.04 FEET TO A POINT OF CURVATURE; THENCE 43.21 FEET ALONG A 51.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 48°04'22" (CHORD BEARS NORTH 62°05'26" WEST, 41.95 FEET); THENCE NORTH 38°03'15" WEST, 20.53 FEET; THENCE NORTH 88°59'15" WEST, 30.19 FEET; THENCE NORTH 00°00'00" EAST, 22.52 FEET TO A POINT OF CURVATURE; THENCE 3.87 FEET ALONG A 2.50 FOOT RADIUS

3718-36

2

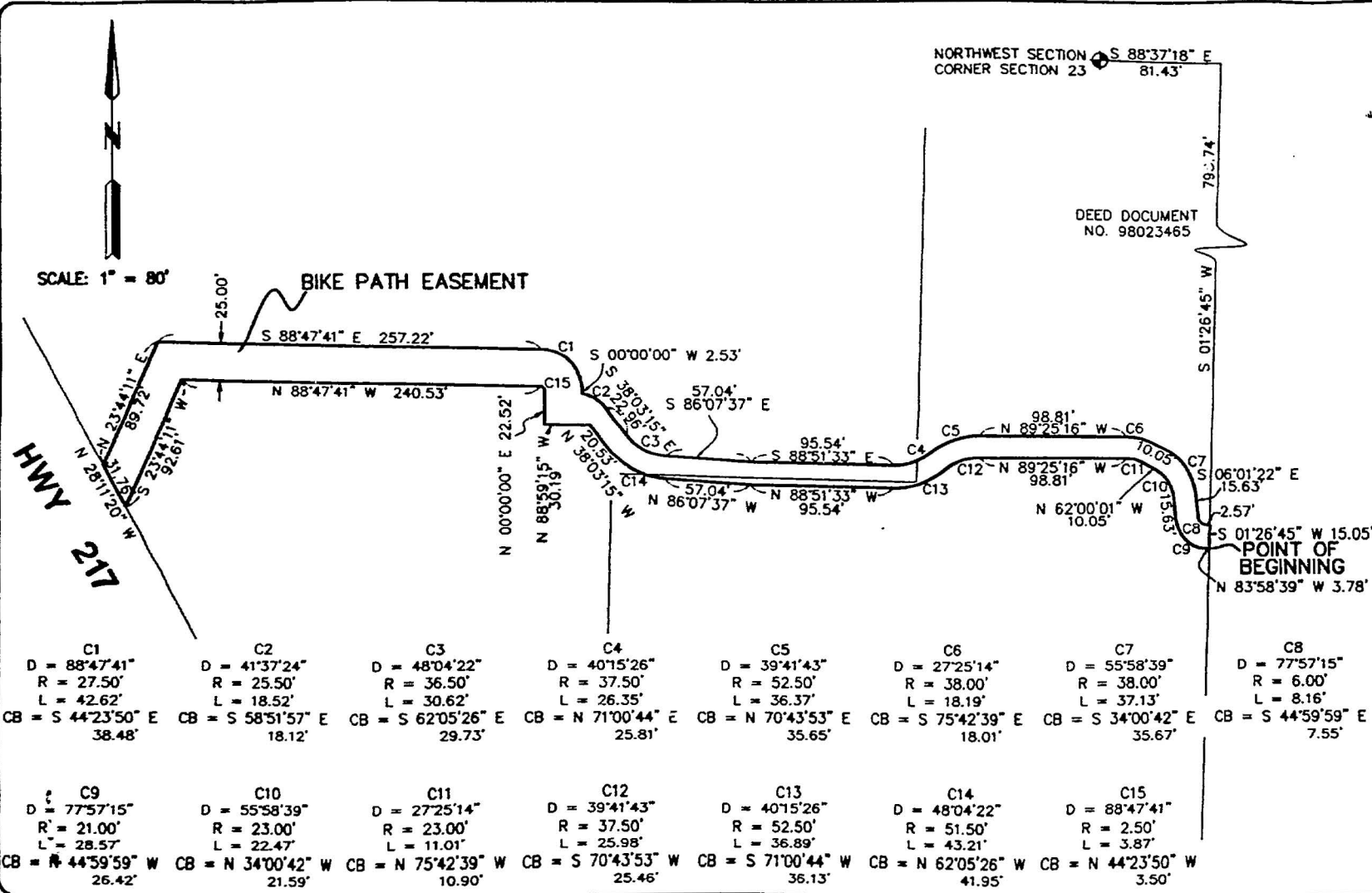
APR 10 2000


CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 88°47'41" (CHORD BEARS NORTH 44°23'50" WEST, 3.50 FEET); THENCE NORTH 88°47'41" WEST, 240.53 FEET; THENCE SOUTH 23°44'11" WEST, 92.61 FEET TO THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 217; THENCE NORTH 28°11'20" WEST, 31.76 FEET ALONG SAID RIGHT-OF-WAY LINE: THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 23°44'11" EAST, 89.72 FEET; THENCE SOUTH 88°47'41" EAST, 257.22 FEET TO A POINT OF CURVATURE; THENCE 42.62 FEET ALONG A 27.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 88°47'41" (CHORD BEARS SOUTH 44°23'50" EAST, 38.48 FEET); THENCE SOUTH 00°00'00" WEST, 2.53 FEET; THENCE 18.52 FEET ALONG A 25.50 FOOT RADIUS NON-TANGENT CURVE CONCAVE SOUTHERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 10°19'21" WEST, THROUGH A CENTRAL ANGLE OF 41°37'24" (CHORD BEARS SOUTH 58°51'57" EAST, 18.12 FEET); THENCE SOUTH 38°03'15" EAST, 22.96 FEET TO A POINT OF CURVATURE; THENCE 30.62 FEET ALONG A 36.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48°04'22" (CHORD BEARS SOUTH 62°05'26" EAST, 29.73 FEET); THENCE SOUTH 86°07'37" EAST, 57.04 FEET; THENCE SOUTH 88°51'33" EAST, 95.54 FEET TO A POINT OF CURVATURE; THENCE 26.35 FEET ALONG A 37.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 40°15'26" (CHORD BEARS NORTH 71°00'44" EAST, 25.81 FEET) TO A POINT OF REVERSE CURVATURE; THENCE 36.37 FEET ALONG A 52.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 39°41'43" (CHORD BEARS NORTH 70°43'53" EAST, 35.65 FEET); THENCE NORTH 89°25'16" WEST, 98.81 FEET TO A POINT OF CURVATURE; THENCE 18.19 FEET ALONG A 38.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 27°25'14" (CHORD BEARS SOUTH 75°42'39" EAST, 18.01 FEET); THENCE SOUTH 62°00'01" EAST, 10.05 FEET TO A POINT OF CURVATURE; THENCE 37.13 FEET ALONG A 38.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 55°58'39" (CHORD BEARS SOUTH 34°00'42" EAST, 35.67 FEET); THENCE SOUTH 06°01'22" EAST, 15.63 FEET TO A POINT OF CURVATURE; THENCE 8.16 FEET ALONG A 6.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 77°57'15" (CHORD BEARS SOUTH 44°59'59" EAST, 7.55 FEET); THENCE SOUTH 83°58'39" EAST, 2.57 FEET TO THE POINT OF BEGINNING.

THE BASIS OF BEARINGS FOR THIS
DESCRIPTION IS SURVEY NO. 17,960,
WASHINGTON COUNTY SURVEY RECORDS



Valid until 6/30/01





ALPHA ENGINEERING INC.
 PLANNING & DEVELOPMENT SERVICES & SURVEYING
 OFFICE 603-448-8003 • FAX 603-448-8043
 PLAZA TEST • SUITE 850 • 9600 SW OAK • PORTLAND, OR 97288

DESIGNED BY _____ DATE _____
 DRAWN BY MHH DATE 11/22/99
 REVIEWED BY MRC DATE _____
 SCALE 1" = 80'
 PROJECT NO. 487-001
 REVBIKEPATH.DWG

C1 D = 88°47'41" R = 27.50' L = 42.62' CB = S 44°23'50" E 38.48'	C2 D = 41°37'24" R = 25.50' L = 18.52' CB = S 58°51'57" E 18.12'	C3 D = 48°04'22" R = 36.50' L = 30.62' CB = S 62°05'26" E 29.73'	C4 D = 40°15'26" R = 37.50' L = 26.35' CB = N 71°00'44" E 25.81'	C5 D = 39°41'43" R = 52.50' L = 36.37' CB = N 70°43'53" E 35.65'	C6 D = 27°25'14" R = 38.00' L = 18.19' CB = S 75°42'39" E 18.01'	C7 D = 55°58'39" R = 38.00' L = 37.13' CB = S 34°00'42" E 35.67'	C8 D = 77°57'15" R = 6.00' L = 8.16' CB = S 44°59'59" E 7.55'
C9 D = 77°57'15" R = 21.00' L = 28.57' CB = N 44°59'59" W 26.42'	C10 D = 55°58'39" R = 23.00' L = 22.47' CB = N 34°00'42" W 21.59'	C11 D = 27°25'14" R = 23.00' L = 11.01' CB = N 75°42'39" W 10.90'	C12 D = 39°41'43" R = 37.50' L = 25.98' CB = S 70°43'53" W 25.46'	C13 D = 40°15'26" R = 52.50' L = 36.89' CB = S 71°00'44" W 36.13'	C14 D = 48°04'22" R = 51.50' L = 43.21' CB = N 62°05'26" W 41.95'	C15 D = 88°47'41" R = 2.50' L = 3.87' CB = N 44°23'50" W 3.50'	

APR 10 2000

Received
Planning Division
01/05/2023

EXHIBIT 3.9
2002-013469

Washington County, Oregon
02/04/2002 11:49:40 AM
D-E Cnt=1 Stn=11 C WHITE
\$15.00 \$6.00 \$11.00 - Total=\$32.00



00045439200200134690030030

I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.



Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

QUITCLAIM DEED-STATUTORY FORM
City Attorney Standard Form (Rev. 7/95)

By this instrument, the CITY OF BEAVERTON, a municipal corporation, 4755 S.W. Griffith Drive, Beaverton, Oregon, GRANTOR, releases and quitclaims to G INN LLC, GRANTEE, all right, title and interest in and to the following described real property situated in Washington County, Oregon:

See Exhibit "A" attached:
Public Pedestrian and Bicycle Path Easement,
Easement Release of Interest, dated 7-31-01

The true consideration for this conveyance is other, non-monetary consideration.

Dated this 24 day of January, 2002

GRANTOR

[Signature], Mayor, City of Beaverton
Print Name

STATE OF OREGON)
County of Washington) ss

Acknowledged before me this 24 day of January, 2002 by Bob Drake, acknowledging said instrument to be his/her voluntary act and deed.

[Signature]
Notary Public for Oregon
My commission expires: April 7, 2002



THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

After recording, return to GRANTEE:
G INN LLC
919 SW Taylor Street
Suite 300
Portland, Oregon 97205

Fanno Creek Bike/Pedestrian Path
City of Beaverton, Washington Co., OR.
Revised: MTR 7-31-01



EXHIBIT A

**PUBLIC PEDESTRIAN AND BICYCLE PATH EASEMENT
EASEMENT RELEASE OF INTEREST
GREENWOOD INN**

A parcel of land located in the Northeast one-quarter of Section 22, Township 1 South, Range 1 West of the Willamette Meridian, City of Beaverton, Washington county, Oregon, said parcel also being a portion of that easement conveyed to the City of Beaverton as recorded in document number 2000028775.1 Washington County Clerks Office, being more particularly described as follows:

Commencing at the Northeast section corner of said section 22 being marked by a brass disk in a monument box; thence South $1^{\circ}26'45''$ West along the East line of said Section 22, a distance of 236.904 meters, thence North $88^{\circ}51'33''$ West, a distance of 49.236 meters to the point of beginning; thence continuing North $88^{\circ}51'33''$ West, a distance of 20.161 meters; thence North $86^{\circ}07'37''$ West, a distance of 9.416 meters to a point of curvature of non tangent curve right, the beginning a radial line bears North $22^{\circ}18'34''$ East; thence Northwesterly a distance of 3.276 meters, along said 27.700 meter radius curve, through a central angle of $6^{\circ}46'35''$ (chord bears North $64^{\circ}18'08''$ West, 3.274 meters); thence North $60^{\circ}54'50''$ West, a distance of 8.619 meters to a point of cusp with a curve concave to the North having a radius of 11.125 meters and to which beginning a radial line bears North $17^{\circ}39'38''$ West; thence Easterly 2.677 meters along said curve through a central angle of $13^{\circ}47'15''$ the (chord of which bears South $79^{\circ}14'00''$ East, a distance of 2.671 meters) ; thence South $86^{\circ}07'37''$ East, a distance of 17.386 meters; thence South $88^{\circ}51'33''$ East, a distance of 29.121 meters to a point of curvature; thence 1.327 meters along a 11.430 meter radius curve to the left, through a central angle of $6^{\circ}38'59''$ (chord bears North $87^{\circ}49'18''$ East, 1.326 meters; thence South $66^{\circ}48'43''$ West, a distance of 11.287 meters to the point of beginning. Containing 182.114 square meters more or less.

3718-17



2002-13469

TL #200
GREENWOOD
INN INC.

TL #500
GREENWOOD
INN INC.



TEMPORARY CONST.
EASEMENT No. 1

INGRESS/EGRESS
EASEMENT No. 1
6.096 m

SEC. 22
SEC. 23

RELEASE OF
INTEREST

PUBLIC PEDESTRIAN/
BICYCLE PATHWAY
PERMANENT
EASEMENT No. 1

GREENWOOD
INN INC.

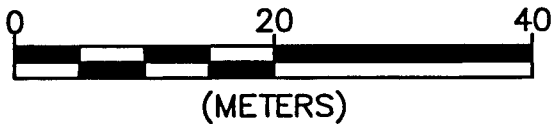
FANNO CREEK

PUBLIC PEDESTRIAN/
BICYCLE PATHWAY
PERMANENT
EASEMENT No. 5

TL #400
GREENWOOD INN INC.

GREENWOOD
INN INC.

PACIFIC NORTHWEST
PROPERTIES, L.P.



LEGEND:

RELEASE OF INTEREST



5+034.172 POT

5+040.776 POT

EDGE OF WATER

TEMPORARY CONST. EASEMENT No. 5

TEMPORARY CONST. EASEMENT No. 5

PROJECT

EASEMENT RELEASE OF INTEREST

SHEET

TITLE PUBLIC PEDESTRIAN/BICYCLE PATHWAY NE1/4 NE1/4 SEC 22, T.1S., R.1W., W.M.

1

FILE

ODOTO328

DRAWN BY

ACM

DESIGN BY

MTR

SCALE

1:15

DATE

7-31-01

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Thursday, February 9, 2023 4:46 PM
To: Lina Smith
Cc: ODOT_R1_DevRev
Subject: [EXTERNAL] RE: Request for Comments: Floor & Decor Easement Vacations

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Lina,

I've run the proposed easement vacations past both ODOT ROW and Agreements, and neither have identified further issues with the proposal to vacate the City's easements.

As previously stated, **ODOT has no concerns with the City's proposed vacation of their easements**, so long as a direct non-motorized connection to SW Allen Blvd is constructed and maintained. This connection will provide bicycle and pedestrian access parallel to OR 217, which was the demonstrated intent of these easements and contracts #11887 and #20297.

Thank you for the opportunity to comment.

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Thursday, February 9, 2023 1:06 PM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Hi John, I appreciate your in-depth coordination with this review. Are you able to respond directly to Lina at the City today to confirm we have no concerns?

Let me know if you need anything from me.

Thanks!

Diana Powers- she/they ([Why these pronouns](#))
Associate Planner II
Major Projects/Development Review
Diana.Powers@odot.oregon.gov
Oregon Department of Transportation, Region 1
123 NW Flanders St.
Portland, OR 97209

From: GUTIERREZ Tina K <Tina.Gutierrez@odot.oregon.gov>
Sent: Thursday, February 9, 2023 12:12 PM

To: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

John,

I double checked a couple of things and confirmed that since ODOT is not a party to the easements and we are only commenting as a neighboring property owner, from a ROW standpoint there is no issue with the easements being vacated.

Thank you,

Tina Gutierrez
Oregon Dept. of Transportation
Region 1 Right of Way Project Manager
123 NW Flanders St Portland, OR 97209 | p: 503.731.8443 | cell: 971.271.4181 | f: 503.731.8458
| Tina.GUTIERREZ@odot.oregon.gov

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Thursday, February 9, 2023 10:49 AM
To: GUTIERREZ Tina K <Tina.Gutierrez@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Tina, responding to your 10:16 AM email,

Not sure if the site plan made it to you, but it shows that both of the easements under consideration are to the City of Beaverton, not ODOT. I believe that we are commenting as neighboring property owners, but we also appear to be party to the related contracts that were originally forwarded to you. The new path/easement appear to satisfy the intent of the original easements, so while I don't have an issue with the vacations, Neelam wants to ensure that there are no outstanding unmet conditions prior to delivering our comments to the City that we do not object to the easement vacations.

I've run this past Ula in Agreements, and she forwarded the latest IGA (attached), which is in line with my understanding of the current development and MUP as it relates to the OR 217 project. Per her email directly below, the IGA does not appear to impact the vacation, but we want to make sure with you in ROW prior to responding to the City of Beaverton later today.

Thank you for your expertise in this matter.

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282

From: JANIK Urszula * Ula <Urszula.JANIK@odot.oregon.gov>
Sent: Thursday, February 9, 2023 10:42 AM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>; GUTIERREZ Tina K <Tina.Gutierrez@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

I don't think anything in the IGA would impact a vacation. RW could speak to that more authoritatively to that point since the IGA doesn't deal with property rights so RW would likely be the decider on this one.

Thanks,

Ula Janik

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Wednesday, February 8, 2023 5:52 PM
To: JANIK Urszula * Ula <Urszula.JANIK@odot.oregon.gov>; GUTIERREZ Tina K <Tina.Gutierrez@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Ula,

Thank you for sharing the latest IGA, which is in line with my understanding of the current development and MUP as it relates to the OR 217 project. I don't see any further issues. With that, are you able to confirm that we shouldn't have any objections to the easement vacations as far as Agreements is concerned?

Thank you,

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282

P.S.// Added Tina for WashCo ROW

From: JANIK Urszula * Ula <Urszula.JANIK@odot.oregon.gov>
Sent: Wednesday, February 8, 2023 3:25 PM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>; GUERRERO-LOPEZ John A <John.A.GUERRERO-LOPEZ@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Please see the IGA with Beaverton attached dealing with the Fanno Creek trail at Allen Blvd. I'm not sure how exactly this will impact development moving forward but it is the latest IGA I could find regarding the trail around this area. For your reference, here are some other IGAs dealing with this area. Most will likely not apply as they are old and predate the trail but I've gotten a request before for IGAs in this area so had some of the older ones already available. Let me know if you have any questions.

[\\sc-reg1hq-1\crew1051\1051shar\!OR217_SWAllenBlvd](#)

Best,

Ula Janik (she/her/hers)
Region 1 Senior Agreement Specialist
123 NW Flanders St.
Portland, OR 97209-4012
Ph: 503-731-3019
Email: urszula.janik@odot.oregon.gov

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Tuesday, February 7, 2023 2:55 PM
To: GUERRERO-LOPEZ John A <John.A.GUERRERO-LOPEZ@odot.oregon.gov>; JANIK Urszula * Ula <Urszula.JANIK@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: FW: Request for Comments: Floor & Decor Easement Vacations

Good Afternoon, John and Ula,

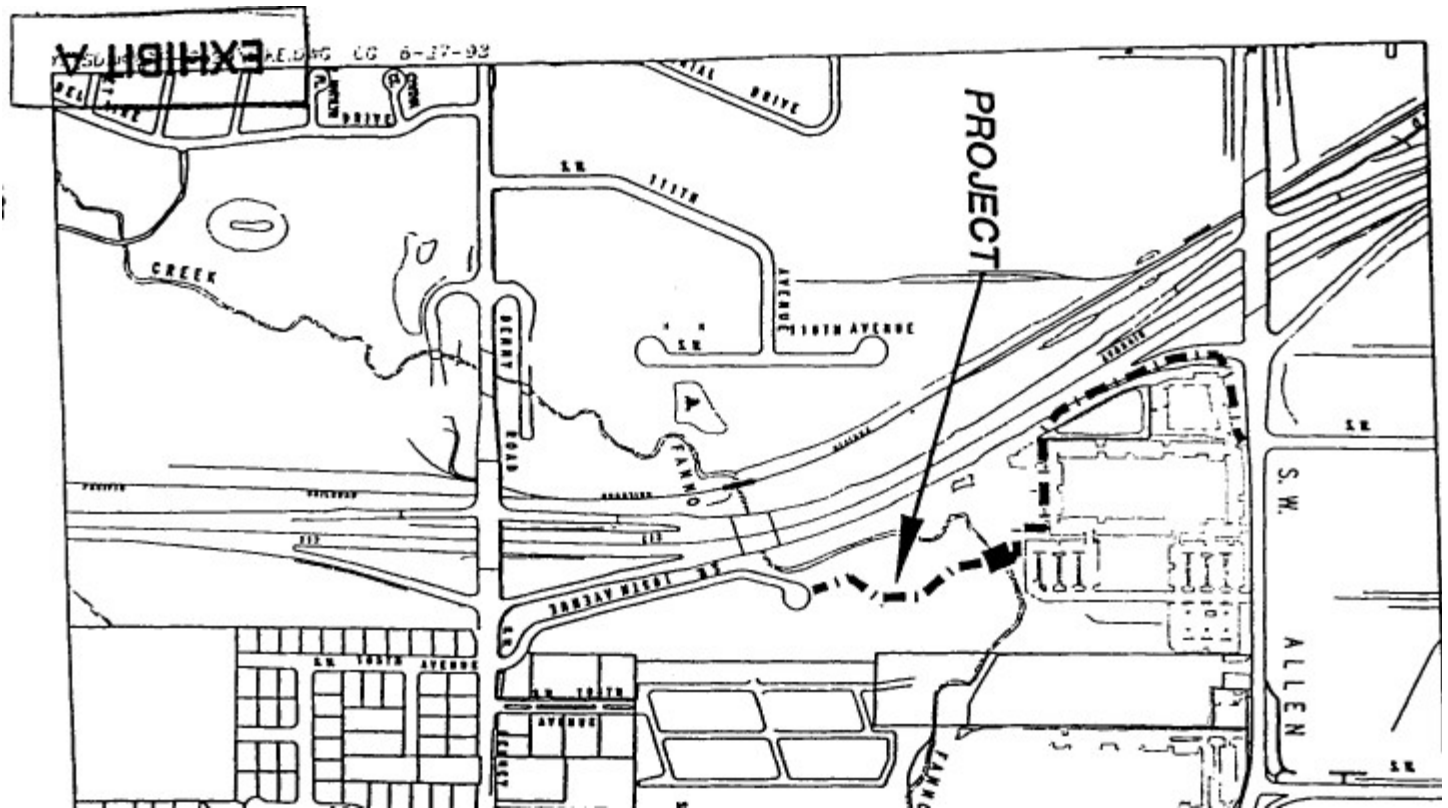
Development Review has been following a development at 10700 SW Allen Blvd for a few years. Recently, the City of Beaverton has requested vacation of easements originally intended to connect the Fanno Creek Trail along OR 217 in the vicinity of the SW Allen Blvd I/C. Because the development includes an effective replacement of these easements along a more direct route to Allen Blvd, meeting the original intent of the easements, we did not believe there will be an issue in vacating these easements, but wanted to confirm with Agreements and ROW.

Attached are two contracts from over two decades ago that the City provided. Before we finalize our comments stating that we do not have any objection to the easement vacations, we want to make sure there are no outstanding issues regarding ROW, IGA funds, etc.

To meet the City of Beaverton's deadline, I intend to provide our comments by the end of Thursday, 2/09. Please let me know ASAP if more time is needed for your review.

Thank you,

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282



From: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Sent: Tuesday, February 7, 2023 10:58 AM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Hi John,

Thanks for this. Please reach out to Ula for the agreements piece and tap John Guerrero-Lopez on the ROW. Not sure if John is the right person but hoping he can help guide us on whether this concerns them or not.

I am more concerned about this knowing that we have an IGA with funds exchanged to make sure that we don't have anything outstanding to do as part of the IGA.

Thanks!

Neelam Dorman, PE, TE (she/her)
Planning Manager, ODOT Region 1
Cell: (971) 322-5633

Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Monday, February 6, 2023 6:53 PM
To: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: FW: Request for Comments: Floor & Decor Easement Vacations

Neelam,

Following up on these easement vacations, the exhibits from attached contracts appear to confirm that the intent of the easements being vacated was to connect the Fanno Creek Trail to Allen Blvd. Since the new easement achieves this connection more directly, and with potentially lower impact to ODOT facilities, I still don't see a reason for ODOT to oppose this vacation. Given that the contracts involved are from over two decades ago, is there anyone else (Agreements, ROW, etc.) with whom we should confirm prior to responding to the City of Beaverton by the end of this week?

Thank you,

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Friday, February 3, 2023 9:37 AM
To: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Cc: RUSSELL John <John.RUSSELL@odot.oregon.gov>; Jana Fox <jfox@beavertonoregon.gov>; Robin McIntyre <rmcintyre@beavertonoregon.gov>; Sambo Kirkman <skirkman@beavertonoregon.gov>; Steven Regner <sregner@beavertonoregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Diana,

Our Public Works Department notified me there are 2 contracts between ODOT and the City regarding the east-west easement/alignment across the Floor & Décor property. In light of this new information, does ODOT still support vacating the east-west easement/alignment? We're requiring the property owner to provide a city easement for the new north-south alignment, connecting Fanno Creek trail to Allen Blvd, and that easement should be recorded within the next week or so.

Please review these documents and if ODOT has additional comments, please respond by next **Friday, February 10, 2023.**

Thank you,

Lina Smith
Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](https://buildinginbeaverton.org) that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](https://buildinginbeaverton.org)

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Wednesday, February 1, 2023 4:51 PM
To: Lina Smith <lsmith@beavertonoregon.gov>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Cc: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Subject: [EXTERNAL] RE: Request for Comments: Floor & Decor Easement Vacations

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hi Lina,

I appreciate the clarification for the separate vacation application, I see that correspondence after reviewing our database. To confirm, yes we are okay with the previous comments from John being used for the application. If you do end up needing a formal letter, just reach back out to us.

Thanks again and hope you have a good afternoon,

Diana Powers- she/they ([Why these pronouns](#))
Development Review Planner
Diana.Powers@odot.oregon.gov
Oregon Department of Transportation, Region 1
123 NW Flanders St.
Portland, OR 97209

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Tuesday, January 31, 2023 1:06 PM
To: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Cc: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Diana,

The comments you sent over were for the Floor & Décor building & site improvements. This is a separate application just to vacate the existing city bike/ped easements on their site. John submitted comments during the pre-app saying ODOT did not object to vacating the easements and supported the new north-south connection that will connect Fanno Creek to Allen Blvd. Please see attached. I can re-use these comments for the application if that works for you all. Just let me know, thanks!

Lina

Lina Smith

Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](http://Home-CIVICS(buildinginbeaverton.org))** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Tuesday, January 31, 2023 12:59 PM
To: Lina Smith <lsmith@beavertonoregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; RUSSELL John <John.RUSSELL@odot.oregon.gov>
Subject: [EXTERNAL] RE: Request for Comments: Floor & Decor Easement Vacations

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hello Lina,

ODOT has reviewed the documents for the proposed City of Beaverton bicycle/pedestrian easements. We have no updates from our previous comment letter sent January 4th (see attached letter for reference). Do you need an updated letter from ODOT?

Thank you,

Diana Powers- she/they ([Why these pronouns](#))
Development Review Planner
ODOT Region 1
Diana.Powers@odot.oregon.gov

ODOT Region 1 Development Review Program

ODOT_R1_DevRev@odot.oregon.gov
Oregon Department of Transportation
123 NW Flanders St.
Portland, OR 97209

From: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Sent: Monday, January 30, 2023 8:15 AM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Great thanks!

Neelam Dorman, PE, TE (she/her)
Planning Manager, ODOT Region 1
Cell: (971) 322-5633
Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Monday, January 30, 2023 8:14 AM
To: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Neelam,

In the four or so years that I've been involved with this development, I'm not aware of any such plans. Coordination with the OR 217 project was focused on ensuring connections along, rather than across, OR 217 at this location.

It is also my understanding that these are the City's easements, and that we are being notified primarily as an adjacent property owner.

Thank you,

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282

From: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Sent: Monday, January 30, 2023 7:57 AM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Thanks for the review John. Looks like the plans show a path connecting Fanno Creek Greenway to Allen. The easements look to connect the Greenway to the edge of OR217, any future plans/ideas for a ped connection over/under 217 and the tracks we should be concerned about?

Also to clarify, these are Beaverton's easements to begin with and not something ODOT gave to Beaverton for the specific purpose of ped/bike connection?

Neelam Dorman, PE, TE (she/her)
Planning Manager, ODOT Region 1
Cell: (971) 322-5633

Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Monday, January 30, 2023 6:33 AM
To: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Neelam,

Per the attached email, on 11/10/2022, we communicated to the City of Beaverton that we do not anticipate ODOT opposition to the proposed easement vacations, so long as a direct non-motorized connection to SW Allen Blvd is maintained, providing bicycle and pedestrian access parallel to OR 217.

Let me know if you have further questions.

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Thursday, January 26, 2023 7:07 PM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Cc: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Subject: FW: Request for Comments: Floor & Decor Easement Vacations

Hi John and Neelam,

We've received notice of easement vacations from City of Beaverton for the following:

"Floor & Decor Outlets of America, Inc. submits two applications to the City of Beaverton for vacation of two unused pedestrian/bicycle path easements that are located within the large commercial property at **10700 SW Allen Boulevard**. Applicant seeks to vacate the easements because they are within the footprint of a proposed retail store that is currently under review in a separate application. The vacation Applications do not propose physical development or request any other land use approval."

The Bluebeam link provided below has several site plans and documents uploaded for reference. John, it's likely you remember the most recent land use application for the construction of this new warehouse on a vacant site adjacent to Allen Blvd connection to Hwy 217 (DRS#12464).

Please let me know if anything else is needed on my end.

Thanks,

Diana Powers- she/they (*[Why these pronouns](#)*)
Development Review Planner
Diana.Powers@odot.oregon.gov
Oregon Department of Transportation, Region 1
123 NW Flanders St.
Portland, OR 97209

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Wednesday, January 25, 2023 12:14 PM
To: Darren Fletchall <DFletchall@beavertonoregon.gov>; Robin McIntyre <rmcintyre@beavertonoregon.gov>; Jeremy Foster <Jeremy.Foster@tvfr.com>; GERY KECK <g.keck@THPRD.org>; PETER SWINTON <p.swinton@thprd.org>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; PRICE Ruth E <Ruth.E.PRICE@odot.oregon.gov>
Subject: Request for Comments: Floor & Decor Easement Vacations

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon,

The applicant, Floor & Décor, is proposing to vacate 2 City of Beaverton bicycle/pedestrian easements. Here is a link to the application materials: <https://studio.bluebeam.com/share/5nx2jm>

If you have any comments, please submit them to me by **Wednesday, February 8 at 5 p.m.**

Thank you,

Lina Smith
Associate Planner | Community Development Department

City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | smith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](http://buildinginbeaverton.org)** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

Lina Smith

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Wednesday, February 1, 2023 4:51 PM
To: Lina Smith; ODOT_R1_DevRev
Cc: RUSSELL John
Subject: [EXTERNAL] RE: Request for Comments: Floor & Decor Easement Vacations

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hi Lina,

I appreciate the clarification for the separate vacation application, I see that correspondence after reviewing our database. To confirm, yes we are okay with the previous comments from John being used for the application. If you do end up needing a formal letter, just reach back out to us.

Thanks again and hope you have a good afternoon,

Diana Powers- she/they ([Why these pronouns](#))
Development Review Planner
Diana.Powers@odot.oregon.gov
Oregon Department of Transportation, Region 1
123 NW Flanders St.
Portland, OR 97209

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Tuesday, January 31, 2023 1:06 PM
To: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Cc: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Diana,

The comments you sent over were for the Floor & Décor building & site improvements. This is a separate application just to vacate the existing city bike/ped easements on their site. John submitted comments during the pre-app saying ODOT did not object to vacating the easements and supported the new north-south connection that will connect Fanno Creek to Allen Blvd. Please see attached. I can re-use these comments for the application if that works for you all. Just let me know, thanks!

Lina

Lina Smith
Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](http://Home-CIVICS(buildinginbeaverton.org))** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Tuesday, January 31, 2023 12:59 PM
To: Lina Smith <lsmith@beavertonoregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; RUSSELL John <John.RUSSELL@odot.oregon.gov>
Subject: [EXTERNAL] RE: Request for Comments: Floor & Decor Easement Vacations

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hello Lina,

ODOT has reviewed the documents for the proposed City of Beaverton bicycle/pedestrian easements. We have no updates from our previous comment letter sent January 4th (see attached letter for reference). Do you need an updated letter from ODOT?

Thank you,

Diana Powers- she/they ([Why these pronouns](#))
Development Review Planner
ODOT Region 1
Diana.Powers@odot.oregon.gov

ODOT Region 1 Development Review Program
ODOT_R1_DevRev@odot.oregon.gov
Oregon Department of Transportation
123 NW Flanders St.
Portland, OR 97209

From: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Sent: Monday, January 30, 2023 8:15 AM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Great thanks!

Neelam Dorman, PE, TE (she/her)
Planning Manager, ODOT Region 1
Cell: (971) 322-5633

Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Monday, January 30, 2023 8:14 AM
To: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Neelam,

In the four or so years that I've been involved with this development, I'm not aware of any such plans. Coordination with the OR 217 project was focused on ensuring connections along, rather than across, OR 217 at this location.

It is also my understanding that these are the City's easements, and that we are being notified primarily as an adjacent property owner.

Thank you,

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282

From: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Sent: Monday, January 30, 2023 7:57 AM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Thanks for the review John. Looks like the plans show a path connecting Fanno Creek Greenway to Allen. The easements look to connect the Greenway to the edge of OR217, any future plans/ideas for a ped connection over/under 217 and the tracks we should be concerned about?

Also to clarify, these are Beaverton's easements to begin with and not something ODOT gave to Beaverton for the specific purpose of ped/bike connection?

Neelam Dorman, PE, TE (she/her)
Planning Manager, ODOT Region 1
Cell: (971) 322-5633

Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Monday, January 30, 2023 6:33 AM
To: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Cc: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Subject: RE: Request for Comments: Floor & Decor Easement Vacations

Neelam,

Per the attached email, on 11/10/2022, we communicated to the City of Beaverton that we do not anticipate ODOT opposition to the proposed easement vacations, so long as a direct non-motorized connection to SW Allen Blvd is maintained, providing bicycle and pedestrian access parallel to OR 217.

Let me know if you have further questions.

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation

John.Russell@odot.oregon.gov

503.731.8282

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Thursday, January 26, 2023 7:07 PM
To: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Cc: DORMAN Neelam <Neelam.DORMAN@odot.oregon.gov>
Subject: FW: Request for Comments: Floor & Decor Easement Vacations

Hi John and Neelam,

We've received notice of easement vacations from City of Beaverton for the following:

"Floor & Decor Outlets of America, Inc. submits two applications to the City of Beaverton for vacation of two unused pedestrian/bicycle path easements that are located within the large commercial property at **10700 SW Allen Boulevard**. Applicant seeks to vacate the easements because they are within the footprint of a proposed retail store that is currently under review in a separate application. The vacation Applications do not propose physical development or request any other land use approval."

The Bluebeam link provided below has several site plans and documents uploaded for reference. John, it's likely you remember the most recent land use application for the construction of this new warehouse on a vacant site adjacent to Allen Blvd connection to Hwy 217 (DRS#12464).

Please let me know if anything else is needed on my end.

Thanks,

Diana Powers- she/they ([Why these pronouns](#))
Development Review Planner
Diana.Powers@odot.oregon.gov
Oregon Department of Transportation, Region 1
123 NW Flanders St.
Portland, OR 97209

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Wednesday, January 25, 2023 12:14 PM
To: Darren Fletchall <DFletchall@beavertonoregon.gov>; Robin McIntyre <rmcintyre@beavertonoregon.gov>; Jeremy Foster <Jeremy.Foster@tvfr.com>; GERY KECK <g.keck@THPRD.org>; PETER SWINTON <p.swinton@thprd.org>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; PRICE Ruth E <Ruth.E.PRICE@odot.oregon.gov>
Subject: Request for Comments: Floor & Decor Easement Vacations

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon,

The applicant, Floor & Décor, is proposing to vacate 2 City of Beaverton bicycle/pedestrian easements. Here is a link to the application materials: <https://studio.bluebeam.com/share/5nx2jm>

If you have any comments, please submit them to me by **Wednesday, February 8 at 5 p.m.**

Thank you,

Lina Smith

Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](http://buildinginbeaverton.org)** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

Lina Smith

From: RUSSELL John <John.RUSSELL@odot.oregon.gov>
Sent: Thursday, November 10, 2022 3:25 PM
To: Lina Smith
Cc: Brittany Gada; Sambo Kirkman; ODOT_R1_DevRev
Subject: [EXTERNAL] RE: PA2022-0047 Floor & Decor Easement Vacation

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Lina and others,

We expect to be short staffed next week, so I just wanted to confirm what level of involvement is necessary from ODOT regarding this pre-app. Assuming that the easements only cover City of Beaverton utilities and do not impact ODOT drainage, I do not anticipate any comments on the utility easements.

Regarding the bike/ped easements, ODOT has an interest in supporting a connection between SW Allen Blvd and the Fanno Creek Greenway, as this connection will provide a non-motorized connection parallel to OR 217. So long as one easement is maintained on this site with sufficient width for a direct bike/ped connection to SW Allen Blvd, I do not anticipate further issue with the vacation of the prior easements.

Hopefully these comments are sufficient for the pre-app on Wednesday. Let us know if there are further impacts to ODOT facilities.

Thank you,

John Russell, PE [he/him]
Traffic Analysis Engineer
Oregon Dept of Transportation
John.Russell@odot.oregon.gov
503.731.8282

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Friday, November 4, 2022 8:51 AM
To: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; GERY KECK <g.keck@THPRD.org>; PETER SWINTON <p.swinton@thprd.org>
Cc: Brittany Gada <bgada@beavertonoregon.gov>; Sambo Kirkman <skirkman@beavertonoregon.gov>
Subject: PA2022-0047 Floor & Decor Easement Vacation

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good morning,

Please review the attached pre-application materials for 10700 SW Allen Blvd:

- When Phase 1 (Allen Redevelopment: Hotel & Commercial Development) was approved in March, a condition of approval was included for the applicant to dedicate a 16-foot-wide public access easement along the eastern boundary of the site, connecting to the Fanno Creek Greenway.
 - The Phase 1 applicant is currently working through their conditions of approval and site development permit; the easement has not been dedicated yet.
 - I've also copied Brittany & Sambo on this e-mail, as they processed the land use approvals for Phase 1.

- Now with Phase 2 (Floor & Décor), the applicant is proposing to vacate easements in the SW portion of the site, including bike/ped easements.

The pre-app is scheduled for 11/16/22, time TBD. I'll forward a Zoom meeting invite once the date/time have been confirmed.

Please me know if you have any questions, thank you!

Lina

Lina Smith

Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

From: PRICE Ruth E <Ruth.E.PRICE@odot.oregon.gov>
Sent: Wednesday, January 25, 2023 4:38 PM
To: Lina Smith
Subject: [EXTERNAL] RE: Request for Comments: Floor & Decor Easement Vacations

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hi Lina,

ODOT Rail Crossing does not have any concerns/comments. Thank you for the opportunity to review.

Thanks,

Ruth Price

Rail Crossing Program Coordinator | Operations & Policy Analyst 2
 ODOT | Commerce and Compliance Division
 455 Airport Rd SE, Building A
 Salem, OR 97301
Web: www.oregon.gov/ODOT/MCT
Email: ruth.e.price@odot.oregon.gov
Cell: 541-250-6788

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Wednesday, January 25, 2023 12:14 PM
To: Darren Fletchall <DFletchall@beavertonoregon.gov>; Robin McIntyre <rmcintyre@beavertonoregon.gov>; Jeremy Foster <Jeremy.Foster@tvfr.com>; GERY KECK <g.keck@THPRD.org>; PETER SWINTON <p.swinton@thprd.org>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; PRICE Ruth E <Ruth.E.PRICE@odot.oregon.gov>
Subject: Request for Comments: Floor & Decor Easement Vacations

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon,
 The applicant, Floor & Décor, is proposing to vacate 2 City of Beaverton bicycle/pedestrian easements. Here is a link to the application materials: <https://studio.bluebeam.com/share/5nx2jm>
 If you have any comments, please submit them to me by **Wednesday, February 8 at 5 p.m.**

Thank you,

Lina Smith
 Associate Planner | Community Development Department
 City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
 Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](http://buildinginbeaverton.org)** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](http://beavertonoregon.gov)



December 13, 2022

Jennifer Rinkus, Planner, LEED Green Associate
Baysinger Partners
2410 N. Lombard
Portland, OR 97217
By Email: jenniferr@baysingerpartners.com

Re: THPRD Comments on the Floor & Décor Easement Vacation Application – PA2022-0047

Dear Ms. Rinkus,

Please enter the following comments into the record on behalf of the Tualatin Hills Park & Recreation District (THPRD) in the above-referenced matter.

THPRD does not object to vacating easement #23 nor those portions of easement #26 that are not needed to connect the pedestrian walkways shown within the attached site plan to easement #27. THPRD supports retaining easement #27 and connecting the planned pedestrian walkways to the adjacent Fanno Creek Regional Trail to support active transportation users' access to the future Floor & Décor development at 10700 SW Allen Blvd.

Please reach out to Peter Swinton, Planner I, via email at p.swinton@thprd.org or by phone at (971) 724-8439 with any questions or if additional THPRD support is needed as this application proceeds. Thank you for your consideration of this matter and please notify us of continued progress with this application.

Sincerely,

A handwritten signature in blue ink that reads "Gery Keck".

Gery Keck
THPRD Planning Manager

From: Foster, Jeremy L. <Jeremy.Foster@tvfr.com>
Sent: Wednesday, January 25, 2023 12:25 PM
To: Lina Smith
Subject: [EXTERNAL] RE: Request for Comments: Floor & Decor Easement Vacations

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hello Lina- No comments from TVF&R.

Thank you,

Jeremy Foster | Deputy Fire Marshal

Tualatin Valley Fire & Rescue

Direct: 503-259-1414

www.tvfr.com

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Wednesday, January 25, 2023 12:14 PM
To: Darren Fletchall <DFletchall@beavertonoregon.gov>; Robin McIntyre <rmcintyre@beavertonoregon.gov>; Foster, Jeremy L. <Jeremy.Foster@tvfr.com>; GERY KECK <g.keck@THPRD.org>; PETER SWINTON <p.swinton@thprd.org>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; PRICE Ruth E <Ruth.E.PRICE@odot.oregon.gov>
Subject: Request for Comments: Floor & Decor Easement Vacations

*****The sender is from outside TVF&R – Do not click on links or attachments unless you are sure they are safe*****

Good afternoon,

The applicant, Floor & Décor, is proposing to vacate 2 City of Beaverton bicycle/pedestrian easements. Here is a link to the application materials: <https://studio.bluebeam.com/share/5nx2jm>

If you have any comments, please submit them to me by **Wednesday, February 8 at 5 p.m.**

Thank you,

Lina Smith

Associate Planner | Community Development Department

City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755

Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through Home - CIVICS (buildinginbeaverton.org)** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(\[beavertonoregon.gov\]\(http://beavertonoregon.gov\)\)](#)

From: Dyami Valentine <Dyami_Valentine@washingtoncountyor.gov>
Sent: Wednesday, February 8, 2023 10:52 AM
To: Lina Smith; Naomi Vogel
Cc: Jana Fox; Robin McIntyre; Sambo Kirkman; Steven Regner; Erin Wardell
Subject: RE: [EXTERNAL] Request for Comments: 10700 SW Allen Blvd - Realignment of Fanno Creek Trail Extension

Hi Lina,

I have reviewed the vacation request, Washington County's Transportation System Plan Pedestrian element, and Metro's Regional Trails Plan, and found no planned future trail alignment that would justify retaining the easements. I concur with THPRD's response and have no objection to the vacation of easements.

Please let me know if you have any questions.

Dyami Valentine | Senior Planner

Washington County Department of Land Use & Transportation
Planning & Development Services | [Long Range Planning](#)
155 N First Avenue, Suite 350 MS14 | Hillsboro, OR 97124
(503) 846-3821 direct | (503) 846-4412 fax
Dyami_valentine@washingtoncountyor.gov | www.washingtoncountyor.gov/lut

Plan Responsibly. **Build** Safely. **Live** Well.

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Tuesday, February 7, 2023 8:15 AM
To: Naomi Vogel <Naomi_Vogel@washingtoncountyor.gov>
Cc: Jana Fox <jfox@beavertonoregon.gov>; Robin McIntyre <rmcintyre@beavertonoregon.gov>; Sambo Kirkman <skirkman@beavertonoregon.gov>; Steven Regner <sregner@beavertonoregon.gov>; Dyami Valentine <Dyami_Valentine@washingtoncountyor.gov>
Subject: RE: [EXTERNAL] Request for Comments: 10700 SW Allen Blvd - Realignment of Fanno Creek Trail Extension

Thank you Naomi!

Dyami, please feel free to reach out if you have any questions.

Lina

Lina Smith

Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](http://Home - CIVICS (buildinginbeaverton.org))** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

From: Naomi Vogel <Naomi_Vogel@washingtonty.or.gov>
Sent: Tuesday, February 7, 2023 7:50 AM
To: Lina Smith <lsmith@beavertonoregon.gov>
Cc: Jana Fox <jfox@beavertonoregon.gov>; Robin McIntyre <rmcintyre@beavertonoregon.gov>; Sambo Kirkman <skirkman@beavertonoregon.gov>; Steven Regner <sregner@beavertonoregon.gov>; Dyami Valentine <Dyami_Valentine@washingtonty.or.gov>
Subject: RE: [EXTERNAL] Request for Comments: 10700 SW Allen Blvd - Realignment of Fanno Creek Trail Extension

Hi Lina,

Dyami Valentine will review the alignment and get back to you with comments.

He is Cc'd on this email should you have questions.

Thank you for forwarding for our review.

Naomi Vogel | Associate Planner
Washington County Department of Land Use & Transportation
Operations and Maintenance | Urban Services
1400 SW Walnut St., MS 51 | Hillsboro, OR 97123-5625
503.846.7639 direct | 971.294.8568 cell
Naomi_Vogel@washingtonty.or.gov | www.washingtonty.or.gov/lut

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Friday, February 3, 2023 11:30 AM
To: Naomi Vogel <Naomi_Vogel@washingtonty.or.gov>
Cc: Jana Fox <jfox@beavertonoregon.gov>; Robin McIntyre <rmcintyre@beavertonoregon.gov>; Sambo Kirkman <skirkman@beavertonoregon.gov>; Steven Regner <sregner@beavertonoregon.gov>
Subject: [EXTERNAL] Request for Comments: 10700 SW Allen Blvd - Realignment of Fanno Creek Trail Extension

Hi Naomi,

The City requests the County's feedback on a proposal to re-align a Fanno Creek trail extension at 10700 SW Allen Blvd (former Greenwood Inn site). The previous alignment runs east-west across the site and the proposed new alignment would run north-south across the site, connecting the Fanno Creek Trail to Allen Blvd (please see attached site plan).

The current east-west alignment is in a City of Beaverton easement that the property owner requests to vacate. The applicant materials can be viewed at this link: <https://studio.bluebeam.com/share/zq57n4>

Because there is an existing contract between the County & City for the east-west alignment, the City requests the County's feedback on the re-alignment proposal. A copy of the contract is attached to this e-mail. The property owner has agreed to grant the City an easement for the new north-south alignment, which should be recorded in the next week or so.

If you have any comments, please respond by **Friday, February 17 at 5 p.m.**

Please feel free to reach out if you have any questions,

Lina Smith
Associate Planner | Community Development Department

City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | smith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](http://Home - CIVICS (buildinginbeaverton.org))** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](#)

CAUTION: This email originated from outside the County. Exercise caution when opening attachments or clicking links from unknown senders. Always follow the guidelines defined in the KnowBe4 training when opening email received from external sources. Contact the ITS Service Desk if you have any questions.

INFO: Washington County email addresses has changed from @co.washington.or.us to @washingtoncountyor.gov. Please update my contact information.

INFO: Washington County email addresses has changed from @co.washington.or.us to @washingtoncountyor.gov. Please update my contact information.

From: Tereasa Jefferis <tereasa.jefferis@pgn.com>
Sent: Thursday, March 9, 2023 8:31 AM
To: Lina Smith
Subject: [EXTERNAL] RE: Floor & Decor easement vacation

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hello Lina,

PGE has no concerns with the proposed bicycle/pedestrian trail easement vacation.

Sincerely,



TEREASA JEFFERIS

Associate Property Services Specialist | 503.793.7511
portlandgeneral.com | Follow us on social @PortlandGeneral
An Oregon kind of energy.

[PGE Property Services](#)

From: Lina Smith <lsmith@beavertonoregon.gov>
Sent: Thursday, February 23, 2023 12:05 PM
To: Tereasa Jefferis <tereasa.jefferis@pgn.com>
Subject: RE: Floor & Decor easement vacation

This email is from someone outside PGE.

Please take care when opening links, attachments or responding to this email.

Hi Tereasa,

The applicant's proposing to vacate the eastern portion of the easement, so it appears the streetlight won't be impacted, but here's a link to their application materials: <https://studio.bluebeam.com/share/zq57n4>
studio.bluebeam.com

Please review and let me know if PGE has any questions or concerns. Thank you!

Lina

Lina Smith

Associate Planner | Community Development Department
City of Beaverton | P.O. Box 4755 | Beaverton, OR 97076-4755
Mobile: (971) 313-4244 | lsmith@beavertonoregon.gov

NEW Electronic Permitting System is now live!

Effective November 7, 2022, all **new Building Permits must be submitted through [Home - CIVICS \(buildinginbeaverton.org\)](https://home-civics.beavertonoregon.gov) [\[prod.buildinginbeaverton.org\]](https://prod.buildinginbeaverton.org)** that includes 24/7 access to an online portal. For more information, including instructions, visit: [Electronic Permitting System | Beaverton, OR - Official Website \(beavertonoregon.gov\)](https://www.beavertonoregon.gov/electronic-permitting-system) [\[beavertonoregon.gov\]](https://www.beavertonoregon.gov)

From: Tereasa Jefferis <teresa.jefferis@pgn.com>
Sent: Thursday, February 23, 2023 11:16 AM
To: Lina Smith <lsmith@beavertonoregon.gov>
Subject: [EXTERNAL] Floor & Decor easement vacation

CAUTION: This email originated from outside the City of Beaverton. Exercise caution when opening attachments or clicking links from unknown senders.

Hello Lina,

I am reviewing the request for Easement Vacation and I wanted clarification on the area impacted. PGE does have a streetlight within the bicycle/pedestrian easement however it is located more on the East side. Would you be able to provide additional information regarding the impacted area? Thank you



Sincerely,



TEREASA JEFFERIS

Associate Property Services Specialist | 503.793.7511
portlandgeneral.com | Follow us on social @PortlandGeneral
An Oregon kind of energy.

PGE Property Services

From: Megan Thornton
Sent: Wednesday, March 1, 2023 5:22 PM
To: Lina Smith
Cc: Jana Fox; Sambo Kirkman; Steven Regner; Robin McIntyre
Subject: RE: Question re: proposed trail realignment at 10700 SW Allen Blvd.

Good evening Lina,

I provided information to Metro that indicated the \$76,300 associated with Metro contract 904606 was spent on CIP 3220, which is a portion of the north-south trail to the west of the Greenwood Inn property. This was supported by financial expenditures for CIP 3220, as well as east-west easement, which was granted in 2000 and shows that no money was paid for the easement.

Metro's counsel, Michelle Bellia, provided this statement:

Metro agrees with your conclusions that local share funds were used for Project 3220 (a north-south trail) and not to purchase the east-west easement at issue in the development application. Accordingly, the City does not need Metro's approval or feedback regarding the vacation of the east-west easement.

Please let me know if you need anything else to continue moving forward.

Regards,
Megan

Megan Thornton
Assistant City Attorney
City Attorney's Office

City of Beaverton | 12725 SW Millikan Way, Beaverton, OR 97005 | PO Box 4755, Beaverton, OR 97076
mthornton@beavertonoregon.gov | (503) 369-5732 | www.beavertonoregon.gov



Confidentiality Notice: This email and any files transmitted with it are intended solely for use by the recipient to whom it is addressed. This email may contain information which is confidential, subject to the attorney-client privilege, or exempt from public disclosure. Unauthorized dissemination or use of this email and any attachments is strictly prohibited by state and Federal privacy laws. If you received this message in error, please advise me immediately by return email and delete this message and any attachments from your system.

Public Records Law Disclosure: This email is subject to the State Retention Schedules and may be made available to the public.