



Community Development Department / Planning Division  
12725 SW Millikan Way / PO Box 4755  
Beaverton, OR 97076  
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[www.BeavertonOregon.gov](http://www.BeavertonOregon.gov)

## MEMORANDUM

TO: Planning Commission  
FROM: Lina Smith, Associate Planner  
DATE: February 8, 2023  
SUBJECT: Floor & Décor (DR2022-0078 / PD2022-0006) – Additional Public Comments and Updated Oregon Department of Transportation (ODOT) Comments  
ATTACHMENTS:  
Exhibit 2.3 Public Comments from Randy McCourt  
Exhibit 3.21 ALTA / NSPS Land Title Survey  
Exhibit 4.2 Updated ODOT Comments

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This memorandum addresses additional public comments that were received on February 7, 2023, and updated comments from ODOT that were received on February 7, 2023.

### **Summary of Public Comment:**

The attached public comments from Randy McCourt were received on February 7, 2023. The comments express concern about the design of pedestrian pathways, pedestrian circulation, and accessibility. The comments also included a recommendation for the Floor & Décor site to share access with the adjacent Peppertree Inn site to the west (10720 SW Allen Boulevard; Tax Lot 00300 on Washington County Tax Assessor's Map 1S122AA).

### **Staff Analysis:**

The February 1, 2023, staff report details how the applicant's proposal complies, or can be conditioned to comply with, the applicable Circulation and Parking Design Guidelines in Section 60.05.40 and pedestrian circulation standards in Section 60.55.25.10.B. The applicant will be required to meet all Americans with Disabilities Act (ADA) accessibility standards at the time of site development permit and building permit submittal. Please see staff's response to ODOT comments below regarding the issue of shared access with Peppertree Inn.

**Therefore, no additional design considerations or conditions of approval are recommended by staff.**

**Summary of ODOT Comments:**

ODOT submitted updated comments on February 7, 2023. ODOT states there is an existing cross over access easement between the subject property and the Peppertree Inn property, which is intended to reduce traffic and potential vehicle conflicts in the Highway 217 interchange area. The agency also states, "With the recent development in the area and the potential for future restriction of turning movements at the Peppertree access it is important to ensure that the site plan for the Floor and Décor development adequately accommodate traffic from the Peppertree property in the future."

**Staff Analysis:**

The Peppertree Inn property is not proposing to redevelop at this time and is not included in the Floor & Décor proposal. As shown on Exhibit 3.21, the cross over access easement is located at the northwest corner of the Phase 1 Allen Redevelopment site and is located outside of the Floor & Décor project area. Furthermore, Floor & Décor is not proposing to create a new access with this application; instead, Floor & Décor proposes to utilize a previously approved access on the Phase 1 site (a commercial driveway on SW Allen Boulevard). Therefore, the applicant is not required to design a shared access with the Peppertree Inn site for this application.

**Therefore, no additional design considerations or conditions of approval are recommended by staff.**

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**From:** Randy McCourt <503.randy.mccourt@gmail.com>  
**Sent:** Tuesday, February 7, 2023 3:08 PM  
**To:** Lina Smith  
**Subject:** [EXTERNAL] Floor & Decor Hearing on Thursday  
**Attachments:** Attachment 2-7-23.pdf; Home & Decor Letter 2-7-23.pdf

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

Hi Lina -

I have provided a letter for you to use in considering possible conditions of development with the planning commission. This is intended to give you a head start into the items that would address the comments I have made - subject to any editorializing. The hope is to help bring each of these to reality. Thanks again for all your help on this and sharing my thoughts with the Planning Commission on Feb 8th for making Beaverton a great place to walk.

Take care and be safe.  
Randy

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**Ransford S. McCourt, PE, PTOE** | OR, WA, CA, ID-R, TX

**Cell:** (503) 753-8996 | [503.randy.mccourt@gmail.com](mailto:503.randy.mccourt@gmail.com) | Portland, OR | Calendar: [Availability](#)



February 7, 2023

Lina Smith, Associate Planner  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076

Subject: Floor & Décor Application # DR2022-078/PD2022-0066

Dear Lina:

Thank you for the opportunity to provide comments to the Beaverton Planning Commission on this land use application. I understand how complex the effort is and applaud your efforts to improve Beaverton and produce lasting value to the public through the infrastructure that comes with new development. That is my goal – for new development to provide the walking-focused facilities for pedestrians that will be used for many, many years as this site serves the public. To advance walking, sites need to get the details correct. Pedestrian needs are very basic:

- They walk in the most direct path possible,
- They want all paths connected to destinations – front doors, trails, public right-of-way, bus stops
- They need pathways that allow folks to pass each other,
- They want facilities that can be used by all users,
- They don't want things to have to be done twice and to provide accessible facilities when the concrete and asphalt are poured the 1<sup>st</sup> time – not later when it is incredibly expensive to fix (and seldom does), and
- They need conflicts with vehicles to be minimized and managed, i.e. direct paths with logical crossings and vehicle speed management.

While the site plan proposed get the big picture correct in providing pedestrian facilities, it fails to execute on the details which make walking viable between uses, destinations and even from cars to doorways. I have shared sketches of what this means and want to correspond that to the Development Review Code to reinforce the need for these details to be incorporated in the site plan before a site development permit is issued (add to Attachment D: Recommended Conditions of Approval, Section B, numbered in sequence starting with 36). These are needed to address Section 40.03.1F/G/K, 40.55.15.2.C.10 and 60.05.40.3 safe and efficient pedestrian circulation within the site, connections around the site, ADA, linkages to shared parking areas, connections to surrounding pedestrian networks. Potential text is provided for reference here:

37. Provide plans showing an approximate 9.5-foot sidewalk (with 5-foot minimum clearance) on the west side of the building by eliminating wheel stops and reducing the parking space length (from 18.5 to 16 feet). Modify sheet C3.2 accordingly. This is shown as item 1 on the attached sketch.

38. Provided plans showing walk access from the NW corner of the building to the adjacent sites (Phase 1, Peppertree Inn and Allen Boulevard). Sheet C3.2 needs to be modified accordingly as it only shows one pedestrian connection on the far eastern end of the site, not evenly spaced, leaving space that is not separated from vehicles (60.05.20.3.C). This addresses code needs for providing linkages to the adjacent stairways to Peppertree Inn (2) and to the pathway from Allen Boulevard that terminates mid-way between the Phase 1 site, behind three parking spaces just north into the Phase 1 site. This includes

two missing ADA curb ramps not shown and extension of the sidewalks along the west side of the build northward to the circulation road. This is noted as item 2 on the attached sketch.

39. Provide plans showing a 7.5' (western end) to 9.5' (eastern end) sidewalk between parking spaces near the southern end of the building by removing all wheel stops and provide an ADA curb ramp as either end (adjacent to the trash enclosures on the west end, at the end of the parking island on the east end). This is noted as item 4 on the attached sketch.

40. Provide plans showing a 6-foot sidewalk from the end of the existing Fanno Creek Trail to the east curb line of the parking lot and extend it (~60 feet) to line up with a crossing to the pedestrian path noted in item #39 above, including an ADA curb ramp. Raise the pedestrian crossing 3" (10' wide) with 6' transitions in the vehicle space up and down. Extend a gutter from the raised crossing transition 13 feet into the storm water quality detention area. This is noted as item 5 on the attached sketch.

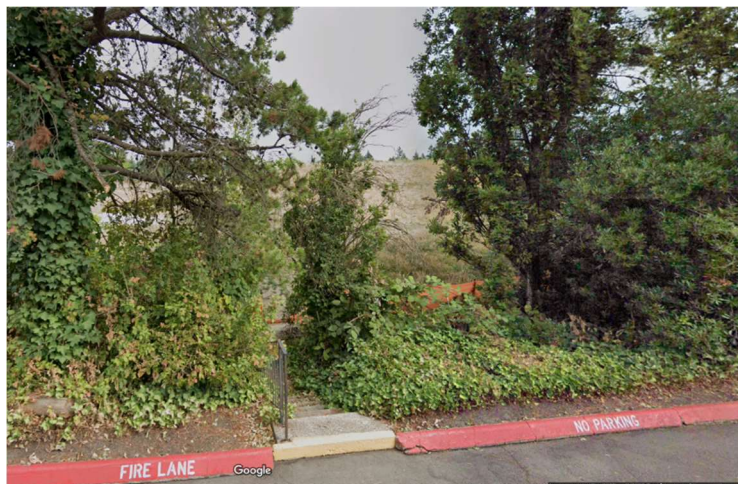
41. Provide plans showing the pedestrian path in the middle of the vehicle circulation area removed and replace vehicle separated spaces next to parking with landscape areas. Extend the southern pedestrian path through the parking lot straight to the pathway adjacent to the water detention facility east of the site. Provide ADA curb ramps for all raised areas at crossings of parking aisles (4). Move northern pedestrian path to the south to align with building doorways & provide an ADA curb ramp. Align path with accessible parking loading space, including widening the landscape island in the central parking bay. Relocate landscape parking island on the eastern parking row to south and provided two ADA curb ramps to six-foot sidewalk connecting to pathway adjacent to water quality detention facility. Noted as item 5 arrows on the attached sketch.

42. Provide plans showing a 10-foot path (not 7.5 feet) on the eastern end of the site connecting the Fanno Creek Trail north toward Allen, along the water quality detention lake. With railings and vehicle overhang, people cannot pass each other creating an inaccessible path for all users (walkers, strollers, wheelchairs, blind people with canes, people with umbrellas, children on bikes). This is noted as item 6 on the attached sketch.

43. Provide plans showing the pedestrian ways connected up at the northeastern corner of the building with ADA curb ramps with 6-foot sidewalks. This is shown as item 7 on the attached sketch.

44. Provide plans showing the grading for a pedestrian path (8-foot) from the northeast corner of the site across the northern end of the water quality detention lake completing the loop around the lake.

45. Provide plans showing the shared access connection to the Peppertree Inn site adjacent to the existing stairway aligned with the Floor & Décor northern vehicle circulation aisle to address shared access agreement and future requirements that can be imposed by OAR 734-051-4020(8). This is noted as item 3 on the attached sketch (also see image of the location today, looking east).



Much of this work is simply curbs and paving (already shown) in positions that would meet the development code required safe, efficient and accessible pedestrian circulation. While these may appear to be details, when left out, they reduce the site as inaccessible, less efficient and less safe for pedestrians creating barriers to walking (not consistent with health, climate & safety goals). Please consider these additions to the staff report within the final approvals.

Thank you for your consideration

Sincerely,

A handwritten signature in black ink, appearing to read "Randy McCourt", with a long horizontal flourish extending to the right.

Randy McCourt

attachment

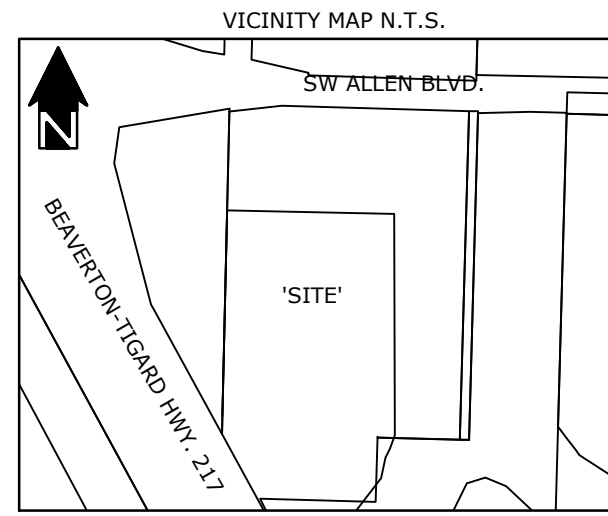


CES | NW

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CESNW PROJ: 3730  
DATE: 02-25-2022

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

- 6. GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2021-2022, A LIEN NOT YET DUE OR PAYABLE.
7. CITY LIENS, IF ANY, FOR THE CITY OF BEAVERTON.
NOTE: AN INQUIRY HAS NOT BEEN MADE CONCERNING THE ACTUAL STATUS OF SUCH LIENS. A FEE OF \$25.00 WILL BE CHARGED PER TAX ACCOUNT EACH TIME AN INQUIRY REQUEST IS MADE.
8. THESE PREMISES ARE WITHIN THE BOUNDARIES OF THE CLEAN WATER SERVICES DISTRICT AND ARE SUBJECT TO THE LEVIES AND ASSESSMENTS THEREOF.
9. RIGHTS OF THE PUBLIC AND OF GOVERNMENTAL BODIES IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING BELOW THE HIGH-WATER MARK OF FANNO CREEK.
10. ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT SOME PORTION OF SAID LAND HAS BEEN REMOVED FROM OR BROUGHT WITHIN THE BOUNDARIES THEREOF BY AN AVULSIVE MOVEMENT OF THE FANNO CREEK OR HAS BEEN FORMED BY THE PROCESS OF ACCRETION OR RELICTION OR HAS BEEN CREATED BY ARTIFICIAL MEANS OR HAS ACCRETED TO SUCH PORTION SO CREATED.
11. ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM HIGHWAY 217 HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED NOVEMBER 20, 1963 AS VOLUME 500, PAGE 0520 OF OFFICIAL RECORDS. (PLOTTED, AFFECTS ACCESS TO SUBJECT LEASE PARCEL)
12. AN EASEMENT FOR CHANNEL CHANGE AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 20, 1963 AS VOLUME 500, PAGE 0523 OF OFFICIAL RECORDS.
IN FAVOR OF: STATE OF OREGON BY AND THROUGH ITS STATE HIGHWAY COMMISSION
A PORTION OF PARCEL II ADJACENT TO HIGHWAY 217
AFFECTS: (NOT PLOTTED, DOES NOT DIRECTLY AFFECTS SUBJECT LEASE PARCEL)
13. AN EASEMENT FOR CHANNEL CHANGE AND INCIDENTAL PURPOSES, RECORDED MARCH 11, 1964 AS VOLUME 508, PAGE 0202 OF OFFICIAL RECORDS.
IN FAVOR OF: STATE OF OREGON BY AND THROUGH ITS STATE HIGHWAY COMMISSION
A PORTION OF PARCEL II ADJACENT TO HIGHWAY 217
AFFECTS: (NOT PLOTTED, DOES NOT AFFECTS SUBJECT LEASE PARCEL)
14. ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM HIGHWAY 217 HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED MARCH 11, 1964 AS VOLUME 508, PAGE 0204 OF OFFICIAL RECORDS. (PLOTTED, AFFECTS ACCESS TO SUBJECT LEASE PARCEL)
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
A 10 FOOT STRIP IN PARCEL II
AFFECTS: (PLOTTED, AFFECTS SUBJECT LEASE PARCEL)
NOTE: A PORTION OF SAID EASEMENT WAS RELEASED BY INSTRUMENT RECORDED APRIL 7, 1986 AS FEE NO. 86014212. (EDITED AND SHOWN)
16. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT TO MAINTAIN PROPERTY" RECORDED AUGUST 2, 1973 AS VOLUME 938, PAGE 0536 OF OFFICIAL RECORDS. (NOT SURVEY RELATED)
17. CONDITIONS AND RESTRICTIONS CONTAINED IN CONDITIONAL USE PERMIT NO.C.U.P. 15-77A-26, RECORDED: APRIL 12, 1978 AS FEE NO. 78016699
DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED MAY 12, 1978 AS FEE NO. 78021816 OF OFFICIAL RECORDS. (NOT SURVEY RELATED)
18. AN EASEMENT FOR WATER LINES AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 28, 1978 AS FEE NO. 78043057 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON, A MUNICIPAL CORPORATION OF THE STATE OF OREGON
THE NORTHWESTERLY PORTION OF PARCEL I
AFFECTS: (PLOTTED, AFFECTS ACCESS TO SUBJECT LEASE PARCEL)
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
A STRIP OF LAND IN THE SOUTHWESTERLY PORTION OF PARCEL II
AFFECTS: (PLOTTED, AFFECTS SUBJECT LEASE PARCEL)
20. ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM HIGHWAY 217 HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED JULY 17, 1979 AS FEE NO. 79028008 OF OFFICIAL RECORDS. (PLOTTED, AFFECTS SUBJECT LEASE PARCEL)
21. AN EASEMENT FOR WATER LINE AND INCIDENTAL PURPOSES, RECORDED JULY 27, 1979 AS FEE NO. 79029898 OF OFFICIAL RECORDS.
IN FAVOR OF: CITY OF BEAVERTON, A MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF OREGON
THE EASTERLY PORTION OF PARCEL I
AFFECTS: (NOT PLOTTED, DOES NOT AFFECTS SUBJECT LEASE PARCEL)
22. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RECIPROCAL EASEMENTS AND AGREEMENT" RECORDED OCTOBER 29, 1979 AS FEE NO. 79044526 OF OFFICIAL RECORDS.
FOR: RIGHT-OF-WAY AND INCIDENTAL PURPOSES
THE NORTHWESTERLY PORTION OF PARCEL I
AFFECTS: (NOT PLOTTED, DOES NOT AFFECTS SUBJECT LEASE PARCEL)
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
PARCEL II
AFFECTS: (PLOTTED, AFFECTS SUBJECT LEASE PARCEL)
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
A 15 FOOT STRIP IN PARCEL II
AFFECTS: (PLOTTED, AFFECTS SUBJECT LEASE PARCEL)
25. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CONSTRUCTION OF BIKEPATH AGREEMENT" RECORDED JUNE 24, 1986 AS FEE NO. 86027088 OF OFFICIAL RECORDS. (PLOTTED, AFFECTS SUBJECT LEASE PARCEL)
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
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 013467. (NOT PLOTTED, DOES NOT AFFECTS SUBJECT LEASE PARCEL)
27. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:
RECORDING INFORMATION: FEBRUARY 4, 2002 AS FEE NO. 2002 013467
IN FAVOR OF: CITY OF BEAVERTON
FOR: PUBLIC PEDESTRIAN AND BICYCLE PATHWAY
SAID EASEMENT WAS ALSO RECORDED MARCH 1, 2002 AS FEE NO. 2002 024661.
28. WE FIND NO OUTSTANDING VOLUNTARY LIENS OF RECORD AFFECTING SUBJECT PROPERTY. AN INQUIRY SHOULD BE MADE CONCERNING THE EXISTENCE OF ANY UNRECORDED LIEN OR AN INDEBTEDNESS WHICH COULD GIVE RISE TO ANY SECURITY INTEREST IN THE SUBJECT PROPERTY.
29. UNRECORDED LEASES OR PERIODIC TENANCIES, IF ANY.



REGISTERED PROFESSIONAL LAND SURVEYOR
Paul A. Kohn
OREGON MAY 21, 2013 PAUL ALLEN KOHN 58964PLS
RENEWS: 6/30/23

ALTA/NSPS LAND TITLE SURVEY
LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON

Received Planning Division 01/05/2023



LEGAL DESCRIPTION PER TITLE REPORT

PARCEL I:
A TRACT OF LAND IN THE NORTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF BEAVERTON, COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT THAT IS SOUTH 01° 25' 32" WEST, A DISTANCE OF 44.00 FEET AND NORTH 88° 37' 18" WEST, A DISTANCE OF 116.07 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 22, MARKED BY A BRASS DISC IN MONUMENT CASE, SAID BEGINNING POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SW ALLEN BOULEVARD; THENCE SOUTH 01° 28' 42" WEST, A DISTANCE OF 728.00 FEET; THENCE NORTH 88° 37' 18" WEST, A DISTANCE OF 203.84 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP MARKED "WAT"; THENCE SOUTH 01° 28' 00" WEST, A DISTANCE OF 143.24 FEET; THENCE NORTH 88° 38' 25" WEST, A DISTANCE OF 256.82 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 217, SAID POINT BEING ON A STRAIGHT LINE RIGHT-OF-WAY TAPER, SAID TAPER BEGINS 90.00 FEET NORTHEASTERLY AT RIGHT ANGLES TO CENTERLINE STATION 237+00 AND ENDS 100.00 FEET NORTHEASTERLY AT RIGHT ANGLES TO CENTERLINE STATION 231+00; THENCE NORTH 28° 29' 40" WEST, A DISTANCE OF 166.55 FEET; THENCE NORTH 01° 28' 00" EAST, A DISTANCE OF 715.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SW ALLEN BOULEVARD; THENCE NORTH 85° 50' 02" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 117.03 FEET; THENCE SOUTH 88° 37' 18" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 427.52 FEET TO THE POINT OF BEGINNING.

(THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008)

PARCEL II:
A TRACT OF LAND 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, IN THE CITY OF BEAVERTON, COUNTY OF WASHINGTON AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT THAT IS SOUTH 01° 25' 32" WEST A DISTANCE OF 44.00 FEET FROM THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, SAID SECTION CORNER MARKED BY A 2 INCH BRASS CAP IN MONUMENT BOX; SAID BEGINNING POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF SW ALLEN BOULEVARD; THENCE SOUTH 88° 41' 51" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY TO THE WEST LINE OF THAT TRACT DESCRIBED IN BOOK 629, PAGE 596, WASHINGTON COUNTY DEED RECORDS; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY SOUTH 01° 26' 45" WEST ALONG SAID WEST LINE, 935.13 FEET; THENCE NORTH 46° 22' 16" WEST, 150.23 FEET; THENCE NORTH 67° 55' 35" WEST, 50.06 FEET; THENCE SOUTH 72° 57' 50" WEST, 43.59 FEET; THENCE SOUTH 26° 02' 34" WEST, 66.00 FEET; THENCE SOUTH 21° 24' 15" EAST, 86.38 FEET; THENCE SOUTH 04° 03' 56" WEST, 70.82 FEET; THENCE SOUTH 47° 46' 39" WEST, 83.42 FEET; THENCE SOUTH 02° 33' 10" EAST, 138.50 FEET; THENCE SOUTH 73° 26' 28" WEST, 126.50 FEET TO THE NORTH LINE OF DENNEY OFFICE PARK, A RECORDED SUBDIVISION IN WASHINGTON COUNTY, OREGON, AS RECORDED IN BOOK 38, PAGE 39, PLAT RECORDS; THENCE NORTH 88° 30' 17" WEST, 77.66 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 217 THAT IS 90.00 FEET NORTHEASTERLY AT RIGHT ANGLES FROM CENTERLINE STATION 240+48.71 OF SAID HIGHWAY 217; THENCE NORTHWESTERLY ALONG A 90.00 FOOT NORTHEASTERLY OFFSET SPIRAL CURVE LEFT FROM A CENTERLINE SPIRAL CURVE LEFT WITH AN "A" VALUE OF 0.5, SPIRAL LENGTH OF 700.00 FEET AND A SPIRAL ANGLE (S) OF 12° 15' 00" TO A POINT THAT IS 90.00 FEET NORTHEASTERLY AT RIGHT ANGLES TO CENTERLINE STATION 237+00, THE CHORD ALONG SAID 90.00 FOOT OFFSET SPIRAL CURVE LEFT BEARS NORTH 25° 50' 53" WEST, A DISTANCE OF 358.67 FEET; THENCE NORTH 28° 29' 40" WEST, A DISTANCE OF 97.82 FEET ALONG A STRAIGHT LINE RIGHT-OF-WAY TAPER BEGINS 90.00 FEET NORTHEASTERLY AT RIGHT ANGLES TO CENTERLINE STATION 237+00 AND ENDS 100.00 FEET NORTHEASTERLY AT RIGHT ANGLES TO CENTERLINE STATION 231+00; THENCE SOUTH 88° 38' 25" EAST LEAVING SAID RIGHT-OF-WAY TAPER, A DISTANCE OF 256.82 FEET; THENCE NORTH 01° 28' 00" EAST, A DISTANCE OF 143.24 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP MARKED "WAT"; THENCE SOUTH 88° 37' 18" EAST, A DISTANCE OF 203.84 FEET; THENCE NORTH 01° 28' 42" EAST, A DISTANCE OF 728.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SW ALLEN BOULEVARD; THENCE SOUTH 88° 37' 18" EAST ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 116.07 FEET TO THE POINT OF BEGINNING.

SURVEYED LEGAL DESCRIPTION

A PARCEL 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, SAID LEASE PARCEL BEING A PORTION OF THAT PROPERTY DESCRIBED IN DOCUMENT NO. 2018-042249, RECORDED JUNE 19, 2018, IN THE DEED RECORDS OF WASHINGTON COUNTY, BEING FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SECTION 22, BEING A 2" BRASS CAP IN CONCRETE IN MONUMENT BOX; THENCE SOUTH 1°25'32" WEST A DISTANCE OF 44.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF S.W. ALLEN BLVD.; THENCE RUNNING ALONG THE SOUTH RIGHT-OF-WAY LINE OF S.W. ALLEN BLVD. NORTH 88°37'18" WEST A DISTANCE OF 303.59 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 00°00'00" WEST A DISTANCE OF 229.08 FEET TO THE TRUE POINT OF BEGINNING OF THE LEASE AREA BEING HEREIN DESCRIBED; THENCE SOUTH 88°37'18" EAST A DISTANCE OF 9.81 FEET; THENCE SOUTH 00°00'00" EAST A DISTANCE OF 493.26 FEET; THENCE SOUTH 21°09'29" WEST A DISTANCE OF 30.57 FEET; THENCE SOUTH 25°57'50" WEST A DISTANCE OF 22.43 FEET; THENCE SOUTH 12°20'45" WEST A DISTANCE OF 47.58 FEET; THENCE SOUTH 37°39'38" WEST A DISTANCE OF 96.11 FEET; THENCE NORTH 88°38'25" WEST A DISTANCE OF 202.36 FEET, MORE OR LESS, TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF OREGON STATE HIGHWAY 217 (90.00 FEET FROM THE CENTERLINE THEREOF); THENCE RUNNING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE NORTH 28°29'40" WEST A DISTANCE OF 194.45 FEET THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE RUNNING ALONG THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED IN SAID DOCUMENT NO. 2018-042249, NORTH 1°28'00" EAST A DISTANCE OF 497.88 FEET THENCE LEAVING SAID WEST LINE SOUTH 88°37'18" EAST A DISTANCE OF 362.33 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 239,186 SQUARE FEET (5.49 ACRES), MORE OR LESS.

THE BASIS OF BEARING FOR THIS LAND LEASE AREA DESCRIPTION IS N 1°28'00" E ALONG THE WEST LINE OF SAID DOCUMENT NUMBER 2018-042249, WASHINGTON COUNTY DEED RECORDS.

CERTIFICATION FOR SURVEYS:

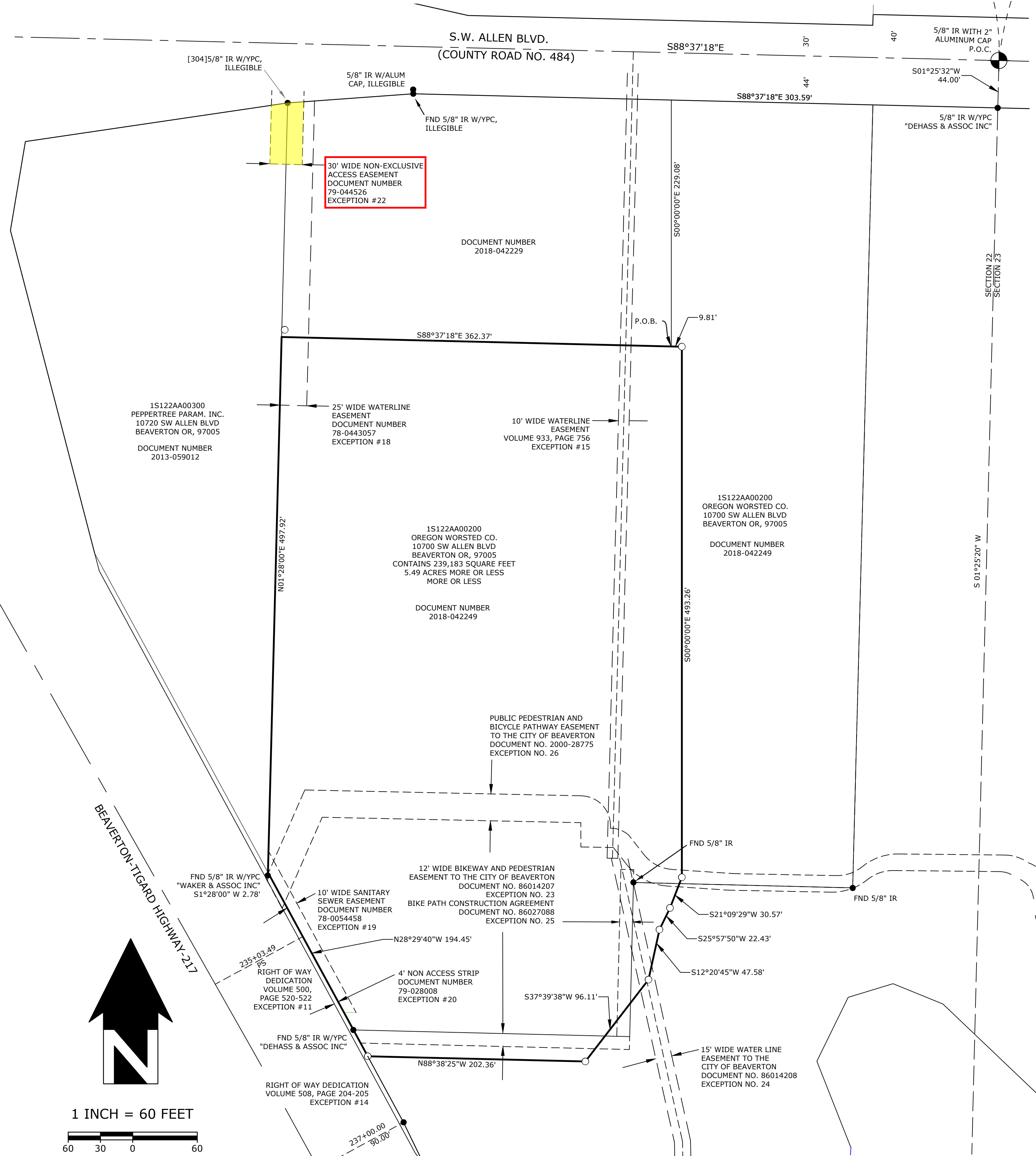
- 1. THIS SURVEY WAS MADE ON THE GROUND JANUARY 25TH THROUGH FEBRUARY 03, 2022. THIS SURVEY CORRECTLY SHOWS THE AREA OF THE SUBJECT PROPERTY, THE LOCATION AND TYPE OF ALL IMPROVEMENTS SITUATED ON THE SUBJECT PROPERTY.
2. OBSERVABLE, ABOVE GROUND ENCROACHMENTS BY THE IMPROVEMENTS ON THE SUBJECT PROPERTY UPON ADJOINING PROPERTIES, STREETS OR ALLEYS, OR BY THE IMPROVEMENTS ON ADJOINING PROPERTIES, STREETS OR ALLEYS UPON THE SUBJECT PROPERTY ARE NOTED HEREON.
3. THE LOCATION OF EACH EASEMENT, RIGHT OF WAY, SERVITUDE, AND OTHER MATTER AFFECTING THE SUBJECT PROPERTY AND LISTED IN FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, PRELIMINARY TITLE REPORT FILE NUMBER NCS-1088300-CHAR, DATED SEPTEMBER 09, 2021, WITH RESPECT TO THE SUBJECT PROPERTY, HAS BEEN SHOWN ON THE SURVEY, TOGETHER WITH THE APPROPRIATE RECORDING REFERENCES, TO THE EXTENT THAT SUCH MATTERS CAN BE LOCATED. THE PROPERTY SHOWN ON THE SURVEY IS THE PROPERTY DESCRIBED IN THAT TITLE REPORT.
4. THE SUBJECT PROPERTY LIES WITHIN FEMA ZONE "AE" BASE FLOOD ELEVATIONS DETERMINED (192.2) NAVD 88 WITHOUT FLOODWAY). PER FEMA MAP NUMBER 41067C0531E. EFFECTIVE DATE NOVEMBER 4, 2016 AND FEMA FLOOD INSURANCE STUDY REVISED OCTOBER 19, 2018. (188.8' NGVD 29 PER THE NO RISE STUDY PREPARE BY ROGER SUTHERLAND CASCADE WATER RESOURCES LLC NOVEMBER 15, 2021)
5. THE SUBJECT PROPERTY HAS ACCESS TO AND FROM SW ALLEN BOULEVARD A DEDICATED AND ACCEPTED PUBLIC STREET THAT IS A VARYING WIDTH PAVED ROADWAY WITH A 74' RIGHT OF WAY WIDTH.
6. THERE HAS BEEN SUBSTANTIAL FILL PLACED ON THE SITE AND THERE ARE SEVERAL DEBRIS AND GRAVEL PILES.
7. THERE IS NO EVIDENCE OF ANY RIGHT OF WAY CHANGES OR STREET AND SIDEWALK CONSTRUCTION.
8. THERE WAS NO FIELD DELINEATION OF WETLANDS ON THE SUBJECT LEASE PARCEL.
9. THERE ARE NO DESIGNATED PARKING SPACES ON THE SUBJECT PROPERTY.
10. THE MEASURED BEARINGS AND DISTANCES SHOWN HEREON FORMS A MATHEMATICALLY CLOSED FIGURE WITH A MINIMUM LATITUDE AND DEPARTURE CLOSURE ERROR OF 1 IN 50,000.
I HEREBY CERTIFY TO Floor and Decor Outlets of America Inc. its affiliates, successors and assigns, First American Title Insurance Company and Oregon Worsted Company.
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(B), 7(a), 7(b) 8, 9, 11(b) 13, 16, 17, 18 and 19 OF TABLE "A" THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 3, 2022.
CES|NW MAKES NO WARRANTIES AS TO MATTER OF UNWRITTEN TITLE SUCH AS ACQUIESCENCE, ESTOPPEL, ADVERSE POSSESSION, ETC.

- LEGEND
- FOUND MONUMENT
- FOUND MONUMENT IN BOX
- MONUMENTS TO BE SET
- CONTROL POINT
- FOUND SECTION CORNER

- ZONING
ZONING: CS
PARKING SPOTS 0
PARKING REQUIRED 264
SETBACKS:
FRONT: N/A
SIDE 0'
BACK 0'
PROVIDED BY THE CLIENT ON THE SITE PLAN

IMPROVEMENT NOTES:

- 1. THE 10' WATERLINE LEAVES THE EASEMENT NORTH OF THE NORTHEAST CORNER OF THE SUBJECT LEASE PARCEL.(SEE SHEET 2)



1 INCH = 60 FEET



Paul A. Kohn
PROFESSIONAL LAND SURVEYOR
REGISTRATION NO.(OR) 58964
2/25/2022





2/7/23:

## Updated ODOT Response

<b>Project Name:</b> Floor & Decor Retail/Warehousing Flooring Store	<b>Applicant:</b> Centerpoint Integrated Solutions
<b>Jurisdiction:</b> City of Beaverton	<b>State Highway:</b> OR 217/Allen Blvd
<b>Site Address:</b> 10700 SW Allen Blvd, Beaverton, OR	<b>Legal Description:</b> 01S 01W 22AA <b>Tax Lot(s):</b> 00200

The site of this proposed land use action is in the vicinity of the OR 217/Allen Blvd interchange. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

- ODOT has determined there will be no significant impacts to state highway facilities and no additional state review is required.

### COMMENTS/FINDINGS

The applicant proposes to construct a new 75,100-square-foot retail building with associated site improvements.

#### Traffic Impact Analysis

ODOT has review the traffic impact analysis submitted by the applicant and concurs with the findings below from the executive summary:

#### Sensitivity Analysis – SW Allen Boulevard/Southbound OR 217 Ramps

- As part of the *217 Project*, ODOT plans to construct a frontage road connecting the southbound OR 217/SW Allen Boulevard off-ramp with the southbound OR 217/SW Denney Road on-ramp. Based on the 2023 interim year traffic volumes obtained from ODOT and considering background traffic growth and in-process volumes, we assessed traffic operations and queuing at the intersection under year 2025 background (without Floor & Décor trips) and total (including Floor & Décor trips) traffic conditions assuming the *217 Project* is in place:
  - Based on review and confirmation from ODOT Region 1 Development Review staff, the v/c ratios remain acceptable, and no further mitigation is required to satisfy ODOT mobility or safety requirements related to the proposed Floor & Décor site.
  - Based on the proposed queue lengths shown in the pavement marking plan for the *217 Project* provided by ODOT, the 95th-percentile queue lengths are not forecast to exceed the available storage to be provided by the *217 Project*.

#### Site Plan

This property and the Peppertree property have established cross over access easements as required by the city in previous land use decisions. The intent of these easements is to reduce the use of the access within the interchange area by routing traffic through the Floor and Décor property to Allen Blvd. This will reduce potential vehicle conflicts and operational issues within the interchange with the existing Peppertree access. With the recent development in the area and

the potential for future restriction of turning movements at the Peppertree access it is important to ensure that the site plan for the Floor and Décor development adequately accommodate traffic from the Peppertree property in the future.

**Please send a copy of the Notice of Decision including conditions of approval to:**

[ODOT\\_R1\\_DevRev@odot.oregon.gov](mailto:ODOT_R1_DevRev@odot.oregon.gov)

Development Review Planner: Marah Danielson	503.731.8258, marah.b.danielson@odot.oregon.gov
Traffic Contact: John Russell, P.E.	503.731.8282 John.Russell@odot.oregon.gov