



MEMORANDUM

TO: Planning Commission

FROM: Jana Fox, Current Planning Manager

DATE: August 4, 2021

SUBJECT: Scholls Heights PUD Northeast Phase Modifications (CU2021-0006 / LD2021-0004)

This memo is to provide the Planning Commission with additional materials received since publication of the staff report.

Exhibit 2. Public Comment

- Exhibit 2.2 Letter from Lawrence Elzinga, received July 29, 2021
- Exhibit 2.3 Email from Virginia Buck, received August 3, 2021
- Exhibit 2.4 Email from Rick and Linda Broussard, received August 4, 2021

Exhibit 3. Applicant Materials

- Exhibit 3.08 Letter from Michael Robinson, w/ attachment from Kittleson & Associates, received August 4, 2021

July 26, 2021

Lawrence W. Elzinga, MD
9923 SW Stonecreek Dr.
Beaverton, OR 97007
503.591.7440
elzinga6@yahoo.com

Jana Fox, Planning Division
PO Box 4755
Beaverton, OR 97076

RE: case file # CU2021-0006/LD 2021-0004

Dear Ms Fox:

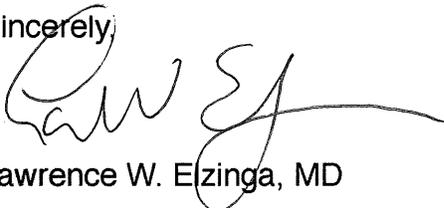
As a daily traveler on Tile Flat Rd, I want to commend you on plans to widen that dangerous thoroughfare, particularly with the large influx of future drivers that will be utilizing that road. However, I am baffled by plans to narrow the road to a single lane along the portion that is adjacent to two existing homes. Such plans, on the surface, seem ludicrous and are not in the community's safety interest.

Tile Flat Rd, in its current single lane configuration, represents a community health hazard. To transition from the planned two lanes down to several hundred feet of a single lane, in an hour-glass configuration, will only compound the safety problem. The road is poorly lit with drivers frequently traveling at excessive speeds. One can easily envision the confusion and havoc that a sudden narrowing will create.

I should add that I have a personal stake in this issue. Several years ago, my son Daniel was riding his bike on Tile Flat Rd when a car's rearview mirror clipped him, sending him flying into the ditch in front of the northernmost house along the stretch of road in question. An ambulance was summoned and he was taken to St Vincent's ED. Fortunately, he did not sustain any permanent injury. As a retired board certified Critical Care physician, I have witnessed far too many roadway injuries, often with poor outcomes. As such, I have a deep emotional investment in this issue and will do everything I possible can to convince the decision makers to avoid creating such a hazard.

I will be closely monitoring the current planning phase of Tile Flat's realignment.

Sincerely,



Lawrence W. Elzinga, MD

Jana Fox

From: vdb2@frontier.com
Sent: Tuesday, August 3, 2021 3:28 PM
To: Jana Fox
Subject: Letter regarding case file CU2021-0006/ LD2021-0004

Dear Ms. Fox,

Will you please forward this email to the Beaverton Planning Commission in advance of the August 4th 6:30 meeting?

Several friends and I drive on Tile Flat Road, in addition to high school students, parents, and other commuters. I'm very concerned about the safety hazards that West Hills Development Company seems content to allow on the road, contrary to the Land Use Permit Condition. These safety hazards can lead to serious injuries and even deaths. Please do the right thing and compel West Hills to comply with the Land Use Permit Condition and widen the entire designated section of SW Tile Flat Road. In so doing you can save lives and prevent people from being seriously injured. This will be an important and very valuable accomplishment on your part. You'll doubtless rest easier knowing you did your part to keep Beaverton safer.

Regards,
Virginia Buck
7525 SW Alpine Drive
Beaverton, OR 97008

Jana Fox

From: Linda Broussard <LindaBroussard@comcast.net>
Sent: Wednesday, August 4, 2021 2:41 PM
To: Jana Fox
Subject: Tile Flat Road

To Whom it May Concern,

I am writing as a user of Tile Flat Road and a resident on 175th Avenue which was recently widened during development. I protest the plan that is being put forward to widen only a section of Tile Flat Road, and then to allow the road to narrow abruptly in front of residences. This will leave the residents or their visitors nowhere to get out of the path of traffic when entering or exiting driveways. It will cause cars that are speeding down the widened section of Tile Flat Road to have to slow suddenly and unexpectedly as the road narrows. This looks like a plan with the best interests of the bottom line of the project in mind rather than the best interests of the residents and drivers of Tile Flat Road.

Our experience, when 175th was developed, was that the county compromised on safety in order to reduce the cost to the developer. The planned two lane entrance to the Paul and Verna Winkleman Park was made only one and a half lanes wide because the developer didn't want the expense of moving the power poles. This narrow park entrance causes a continual bottleneck as cars get "stuck" trying to pass each other as they enter and exit. Another compromise occurred on the planned Line Of Sight improvements. While the plan called for the lowering of both hills, in the end the developer was only required to lower one hill by half of the proposed amount. These are just a couple of examples of how the county accommodated the developer over the safety of residents.

On Tile Flat Road, it seems that the same thing is happening. Please don't allow the same mistakes to be made here as were made on 175th. As a small country road is widened to become a carrier of many cars, please choose safety over profit.

Sincerely,

Rick and Linda Broussard
10066 SW 175th Ave.
Beaverton Oregon 97007



August 4, 2021

Received
Planning Division
 08/04/2021

Michael C. Robinson

Admitted in Oregon
 T: 503-796-3756
 C: 503-407-2578
 mrobinson@schwabe.com

VIA E-MAIL

Ms. Teresa E. Lawler, Chair
 City of Beaverton Planning Commission
 The Beaverton Building
 City Council Chambers
 12725 SW Millikan Way
 Beaverton, OR 97005

RE: City of Beaverton (the “City”) Application Numbers CU2021-0006/LD2021-0004; Letter on Behalf of West Hills Land Development, LLC Requesting that the Beaverton Planning Commission Approve the Applications

Dear Chair Lawler and Planning Commission Members:

This office represents West Hills Land Development, LLC, the Applicant.

This letter explains why the Planning Commission should follow the July 28, 2021 Staff Report (the “Staff Report”) recommendation and approve the requested Modification Application (the “Modification Application”) of a Planned Unit Development (CU2017-0010) and a Preliminary Subdivision (LD2017-0009) (the “2017 Final Decisions”). The Applicant agrees with the findings and recommended conditions of approval in the Staff Report.

The Planning Commission has received three letters urging it to require additional street improvements on SW Tile Flat Road, or to examine traffic-related issues and, in the case of the letter from Mr. Zupancic on behalf of his two clients, to consider certain approval criteria. The Planning Commission must reject the issues and arguments raised in the three letters for the following reasons. The overriding reason that the Planning Commission must do so is that this application is a *Modification Application* which proposes only minor changes to the 2017 Final Decisions (Staff Report page 1) and does not allow a reevaluation of the 2017 Final Decisions or their conditions of approval. Moreover, as explained in the Staff Report, there is no *nexus* between the requested modifications and the issues raised in the three letters. The change to Condition of Approval 3 in CU2019-0012 is unrelated to streets or traffic impacts.

First, to the extent that the three letters raise issues associated with either the approval criteria, or the conditions of approval in the 2017 Final Decisions, they are not relevant to the Planning Commission’s decision. The 2017 Final Decisions are *final* and the opportunity to challenge anything associated with the 2017 Final Decisions has long since passed (Staff Report page 13).

Second, to the extent that the three letters attempt to raise issues associated with this Modification Application, they may do so *only* if those issues are relevant to the modification

approval criteria. The issues associated with transportation are not relevant to the Modification Application (Staff Report pages 15-18 explaining that no changes to streets are proposed by the Modification Application and page 13 explaining that challenges to the 2017 decision should have and were required to have been made then). Mr. Zupancic, for example, argues that certain Beaverton Comprehensive Plan (the “Plan”) policies apply to the Modification Application. However, the Staff Report at page 27 correctly finds that the proposed modifications do not affect compliance with the applicable Plan policies. *See also* Beaverton Development Code (“BDC”) 10.10.5 (unless specifically indicated in the BDC, the Plan does not apply to applications regulated by the BDC). BDC 50.95.1-6 apply to modification applications. Those sections do not apply the Plan to a modification application. The BDC criterion cited by Mr. Zupancic as to the Plan *only* applies to *applicable* Plan policies, as explained below.

Third, the Staff Report at pages 10-13 amply and accurately explains why Mr. Zupancic’s issues are unrelated to this Modification Application and have no *nexus* with the requested changes. While his goal is to obtain additional improvements to SW Tile Flat Road, he may not do so through this Modification Application. His reliance on OAR 660-012-0045, a state administrative rule, is misplaced because the administrative rule is not a relevant approval criteria. His similar reliance on the Beaverton Area Transportation Plan (the “TSP”) fails because the Modification Application is not subject to the TSP. Finally, the Modification Application does not propose, nor will the decision authorize, a taking of his clients’ properties, so his citations to cases regarding takings are irrelevant to the Planning Commission’s decision making on the Modification Application. His argument as to the applicability of the Plan also fail because BDC 40.15.15.6.C.4 requires compliance only with *applicable* Plan policies. The Staff Report explains at page 27 that none of the requested modifications implicate a relevant Plan policy and Mr. Zupancic does not explain how his cited Plan policies regarding transportation are relevant to a modification application that does not propose to modify *any* transportation element.

Fourth, Exhibit 1 to this letter is an August 3, 2021 memorandum from Mr. Wade Scarbrough, PE, and Ms. Julia Kuhn, PE, of Kittelson and Associates (the “Memorandum”). The Memorandum explains that the part of SW Tile Flat Road in front of Mr. Zupancic’s clients’ properties is consistent with applicable City and Washington County (the “County”) standards, including the taper distance and sight distance. The Memorandum notes that the taper design is consistent with common practice. Mr. Scarbrough and Ms. Kittelson are competent to offer their opinion on this matter and their testimony is substantial evidence upon which the Planning Commission can rely because they are registered Oregon Professional Engineers with a long history of analyzing and producing reports on road conditions. Mr. Zupancic’s arguments regarding traffic safety are irrelevant because nothing in the Modification Application changes or impacts traffic safety; the time to have raised such issues was in 2017 when the City approved the original application.

Finally, Dr. Elzinga and Ms. Buck submitted separate letters regarding traffic impacts. While the Applicant appreciates their testimony, their issues are irrelevant to the Modification Application where no changes to the transportation system on SW Tile Flat Road are proposed.

Ms. Teresa E. Lawler, Chair
August 4, 2021
Page 3

For these reasons, those contained in the Staff Report and those contained in the Application, the Applicant respectfully requests that the Planning Commission follow the Staff Report recommendation and approve this Modification Application with the recommended conditions of approval in Staff Report Attachment D.

Very truly yours,



Michael C. Robinson

MCR:jmhi
Enclosure

cc: Ms. Jana Fox (*via email*) (*w/enclosure*)
Mr. Dan Grimberg (*via email*) (*w/enclosure*)
Ms. Kristi Hosea (*via email*) (*w/enclosure*)
Mr. Kevin Brady (*via email*) (*w/enclosure*)
Mr. Mike Peebles (*via email*) (*w/enclosure*)
Mr. Wade Scarbrough (*via email*) (*w/enclosure*)
Ms. Julia Kuhn (*via email*) (*w/enclosure*)
Mr. Jim Zupancic (*via email*) (*w/enclosure*)

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MEMORANDUM

August 3, 2021

Project #: 20567

To: Michael Robinson,
Schwabe Williamson & Wyatt

CC: Dan Grimberg, West Hills Land Development
Mike Peebles, Otak

From: Wade Scarbrough, PE & Julia Kuhn, PE

RE: Scholls Heights PUD - NE Phase Modifications

In response to the letter from James Zupancic, dated July 21, 2021, Kittelson & Associates, Inc (Kittelson) has reviewed the proposed design plan for Tile Flat Road to be constructed as part of the off-site improvements associated with the Scholls Heights at South Cooper Mountain development project.

Consistent with the proposed land use conditions of approval from Beaverton and per Washington County Community Development Code Section 501 requirements, the proposed roadway design shows widening of Tile Flat Road to provide a modified 3-lane cross section featuring a 14-foot left-turn lane, two 12-foot travel lanes, and a 7-foot westbound buffered bike lane from Scholls Ferry Road to the intersection with Street K. Additionally, the design features a 14-foot westbound right-turn lane at the Street K intersection and a 14-foot multi-use path along the development frontage. Northwest of the left-turn pocket at the Street K intersection, the proposed roadway plan tapers the widened cross section to match to the existing 2-lane cross section within the available right-of-way limits. The proposed taper design appears to be consistent with applicable County and City engineering design standards by providing a reverse curve design that is consistent with the roadway design speed.

As noted on page 12 of the City's Staff Report, the proposed taper design provides sufficient length and sight distance so that vehicles can safely negotiate the transition to the existing westbound traffic lane.

Similarly, along the northern portion of the site frontage (north of the two out parcels) the preliminary roadway plan features reverse-curve transitions at the north and south ends as the roadway widens to the standard 3-lane cross section and back to the existing 2-lane cross section. The proposed design includes channelization striping with horizontal curvature conforming to Washington County design standards. Furthermore, the proposed design provides appropriate warning signage to guide drivers through the transition areas.

The tapering of roadway frontage improvements is common practice at project limits, where roadways transition from urban cross sections to rural cross sections. Additionally, it is common practice for roadways to taper from two to three lanes, providing left-turn pockets at key intersections while minimizing right-of-way impacts for the segments between intersections.

In summary, Kittelson concurs with the City Traffic Engineer that the proposed design of Tile Flat Road conforms to applicable engineering design standards and is not anticipated to create a safety concern.