



FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER
4755 SW GRIFFITH DRIVE
BEAVERTON, OR 97005

REGULAR MEETING
FEBRUARY 12, 2007
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

07026 Annual Report of the Beaverton City Library Board

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of Special Meeting of October 23, 2006 and Regular Meeting of January 22, 2007

07003 A Resolution Adopting the City of Beaverton Habitat Friendly Development Practices Guidance Manual (Resolution No. 3885) *(Carried over from meeting of 01/08/07)*

07027 Liquor Licenses: New Outlet - Pacific Coast Wine Club

07028 Liquor License Renewals: Annual Renewals

07029 Traffic Commission Issue No. :

-TC 604: Stop Signs on SW Palomino Place and SW Saddle Drive at Stallion Drive

-TC 607: Revise Adopted Priorities for Consideration of New Traffic Signals

-TC 608: Revise Stop Control at the Intersection of SW Stratus Street and Creekside Place

-TC 610: Speed Limits on SW Koll Parkway and SW Greystone Court

Contract Review Board:

07030 Waiver from Sealed Bidding – Award Contract for Collection Agency Services From the State of Oregon Price Agreement #5250

07031 Waiver of Sealed Bidding - Authorization for Rental of Copy Machines from Various Price Agreements

PUBLIC HEARING:

07032 APP 2007-0001 Appeal of Pointer Road PUD

07033 Development Services Fee for New Sidewalk Design Modification Application (Resolution No. 3890)

ACTION ITEM:

07034 APP 2006-0005 - Appeal of TA 2006-0007 (Code Applicability for Annexed Areas Amendment)

ORDINANCES:

First Reading:

07025 An Ordinance Relating to the Use and Possession of Replica Firearms in a Public Place (Ordinance 4423)

Second Reading:

07023 An Ordinance Annexing a Parcel Located at 12730 SW Fairfield Street to the City of Beaverton and Adding the Property to the Central Beaverton Neighborhood Association Committee: Expedited Annexation 2006-0003 (Ordinance 4421)

07024 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 25 Properties Located in North Beaverton; CPA 2006-0016/ZMA 2006-0021 (Ordinance 4422)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT:

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Annual Report of the Beaverton City Library Board

FOR AGENDA OF: 02/12/07 **BILL NO:** 07026

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Library *[Signature]*

DATE SUBMITTED: 01/29/07

CLEARANCES: City Attorney *[Signature]*

PROCEEDING: Presentation

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE REQUIRED \$/A	AMOUNT BUDGETED \$/A	APPROPRIATION REQUIRED \$/A
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HISTORICAL PERSPECTIVE:

The mission of the Beaverton City Library Board is to promote the development of library services in Beaverton and, in accordance with the Powers and Duties of the Board specified in the Beaverton Code, Section 2.03.196, to consult with the City Librarian on matters pertaining to the City Library and to make recommendations to the Mayor and the Council regarding matters pertaining to the City Library.

Article V. Section 2, of the Library Board By-Laws states that an annual report shall be presented to the City Council by the outgoing Chair.

INFORMATION FOR CONSIDERATION:

Library Board Chair Dot Lukins and Co-Chair Ann Doyle will provide an overview of the library's programs and services during the past year and present some of the challenges for the year ahead.

RECOMMENDED ACTION:

City Council listen to presentation and ask questions about the library and Library Board.

DRAFT

**BEAVERTON CITY COUNCIL AND
TUALATIN VALLEY FIRE & RESCUE BOARD OF DIRECTORS
SPECIAL JOINT MEETING
MINUTES - OCTOBER 23, 2006**

CALL TO ORDER:

The Special Joint Meeting of the Beaverton City Council and the Tualatin Valley Fire and Rescue (TVF&R) Board of Directors was held at the TVF&R Administration Offices, 20665 SW Blanton Street, Aloha, Oregon, on Monday, October 23, 2006. The meeting was called to order by TVF&R Board President Clark Balfour at 6:30 p.m.

INTRODUCTIONS:

Present from the City of Beaverton were: Mayor Rob Drake; City Councilors Catherine Arnold, Betty Bode, Bruce Dalrymple, Dennis Doyle and Cathy Stanton; City Attorney Alan Rappleyea; Human Resource Director Nancy Bates; Police Chief Dave Bishop; Emergency Manager Mike Mumaw; and City Recorder Sue Nelson.

Present from the TVF&R were: Board President Clark Balfour; Board Members Robert Wyffels, Carol Gearin, Brian Clopton and Larry Goff; Fire Chief Jeff Johnson; Assistant Fire Chiefs Kirk Hale and Paul LeSage; Executive Officer Alec Jensen; Division Chief Jeff Jones; Retired Division Chief Tim Birr; Assistant Fire Marshal Steve Forster; Deputy Fire Marshal Kat Stoller; Human Resource Director Beverly Wilkinson; Median/Public Education Manager Joanne Hatch; Executive Assistant Sherri Camarillo; Attorney Bob Blackmore; Scott Porter, Director, Office of Consolidated Emergency Management (OCEM).

LIFESAVING AWARD PRESENTATION:

TVF&R Assistant Chief Paul LeSage introduced Beaverton Police Lieutenant Kevin O'Keefe and Peter Bradshaw and noted that the men acted valiantly to save the lives of their neighbors Homer and Irene Young of Beaverton on September 14, 2006. He explained that O'Keefe and Bradshaw were alerted to a fire at the Young's resident; they entered the burning home and carried Homer Young, who is dependent upon a wheelchair to safety prior to arrival of the firefighters. He said when the fire engine arrived the back of the house was heavily engulfed in flames and the firefighters could not enter the home. He said 20 firefighters fought the blaze and damage was estimated at \$50,000. He said without the actions of O'Keefe and Bradshaw the outcome would have been very different. He said both men have also been nominated for the TVF&R Valor Awards which are given annually in September.

President Balfour presented the Lifesaving Awards and plaques to O'Keefe and Bradshaw.

MULTI-FAMILY FIRE REDUCTION PROGRAM:

Media/Public Education Manager Joanne Hatch and Deputy Fire Marshall Kate Stoller reviewed the TFV&R's Fire Reduction in Multi-Family Housing Program. Stoller said this Program was considered an innovative program nation-wide. She said ten years ago the District had the nation's deadliest fire and a ten-year history showed there had been 1,119 fires, 35 significant fires and 18 deaths. She said the biggest problems were multi-family residential fires.

Stoller said the District received a federal grant to conduct research on this problem and found that residents were not educated in fire safety for many residents could not identify a smoke alarm. She said through this demographic study and focus groups the District created educational tools, code enforcement and manager training for the District's apartment fire safety program. She said the training covered basic fire and human behavior, fire and life safety codes, fire extinguisher usage, a juvenile fire setters education program, and smoke alarm usage/maintenance. She said the District has also developed educational pamphlets that are mailed to residents concerning smoke alarms and what to do in case of a fire. She said the District also trains apartment landlords so that they can train their tenants and she reviewed in detail what the training encompassed. She said the District has received a third federal grant that it will use to evaluate its current program and update its training procedures and educate the public.

President Balfour thanked staff for the presentation.

TUALATIN VALLEY FIRE & RESCUE OPERATIONS UPDATE

Assistant Chief Paul LeSage presented information on the response times in the greater Beaverton area and the operational changes in the District. He said the greater Beaverton area was classified as Category A Risk Zone; the highest risk would be life/property/environment. He said the highest level of response was in the urban areas inside the District. He said TVF&R has an overall response time of just over six minutes; 80% of the time they met this response time and the District's goal was to increase that to 90%.. He said that was the national standard and risk analysis has shown that they need to reach that standard.

LeSage reviewed a map that showed the response times for the various areas of Beaverton. He said the District kept close track of its response times in each area. He noted response times had degraded from 2004 to 2006, from factors such as increased call volumes and heavier development with increased traffic. He said in response the District put in place five peak-activity units (rescue engines with water and medic staff) that are deployed throughout the District to impact the times the District receives the most calls. He said the District has purchased two properties and was looking at a third parcel to build new stations that would help reduce response times. He noted a specialized unit for explosives for mass casualty and disaster response were added at Station 66. He said the District has also added a unified command unit and additional hazardous team resources. He reviewed how these resources help improve service and response times.

President Balfour thanked staff for the presentation.

OFFICE OF CONSOLIDATED EMERGENCY MANAGEMENT (OCEM) UPDATE

Assistant Chief Kirk Hale and Director Scott Porter, Office of Consolidated Emergency Management for Washing County, presented an overview of the OCEM. Hale explained the OCEM is made up of Beaverton, Tigard, Hillsboro, Washington County and TVF&R Emergency Managers. He said the OCEM supports these service areas and provides assistance to other local jurisdictions, special districts, businesses, schools, social service agencies and individuals.

Hale noted the OCEM works closely with the 9-1-1 Dispatch Center, fire and emergency services, law enforcement and public works departments of the cities to develop and coordinate emergency plans and procedures. Hale said OCEM works proactively to enhance government preparedness and educate the public. He stressed citizens need to be prepared to manage on their own for a minimum of three days since government's ability to respond will be limited during a disaster. He said the OCEM provides informational brochures and training to assist everyone in preparing for an emergency.

President Balfour thanked staff for the presentation.

FIRE SAFETY LEGISLATION

Retired Division Chief Tim Birr gave a presentation on "fire-safer" cigarettes. He said that cigarettes were the leading cause of fatal fires in the United States; annually, 900 people were killed and 2,500 to 3,000 were injured from fires caused by cigarettes. He said in Oregon, from 1999 through 2005, cigarettes cause 8,824 fires, 37 deaths, 185 injuries and \$32.2 million in property losses. He said that legislation requiring cigarettes to be manufactured to self-extinguish would significantly reduce these loses; however, efforts to pass a national "fire-safer" cigarette bill continue to fail. He said a coalition of groups was working in Oregon for passage of the "fire-safer" cigarette legislation.

President Balfour thanked staff for the presentation.

OTHER BUSINESS

Mayor Drake complimented the District and said that TVF&R provides excellent service. He said the Board of Directors should be proud of what has been accomplished.

Chief Johnson thanked the City Council and Mayor Drake for their support.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:40 p.m.

Sue Nelson, City Recorder

APPROVED:

Approved this day of , 2007.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JANUARY 22, 2007

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, January 22, 2007, at 6:36 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, Dennis Doyle and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Assist. City Attorney Bill Kirby, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop and Deputy City Recorder Cathy Jansen.

PRESENTATION:

07015 Human Rights Advisory Commission 2006 Diversity Awards

Mayor Drake introduced Human Rights Advisory Commission (HRAC) Chair Susi Brothers and Staff Liaison to the HRAC Nicolle Wynia-Eide.

HRAC Chair Susi Brothers said the Commission was proud to present the 2006 Diversity Awards. She said the HRAC was established in 2003 and she asked the Commissioners who were present to stand and be acknowledged. She said the purpose of the awards was to recognize individuals, community groups, and businesses within the Beaverton Urban Services Boundary that have demonstrated outstanding achievement and commitment to the pursuit of cultural diversity and advocacy of basic civil and human rights. She reviewed the criteria for the awards (in the record).

Brothers reviewed the accomplishments of each of the award winners and Mayor Drake presented the 2006 Diversity Awards, as follows:

The Individual Achievement Award was presented to Wade Willis, former drama teacher at Southridge High School for his dedication to creating a better understanding between different cultures and communities in Beaverton. Through the production of the play The Laramie Project at Southridge High School, Willis used the theater to promote meaningful exploration of individual differences. This play had a lasting impact in the community and inspired many to work towards tolerance, understanding and justice.

The Business and Industry Award was presented to IBM Beaverton, the Women in Technology Diversity Group, who sponsored and hosted a week-long camp for middle school girls to demonstrate that science and technology can be interesting and rewarding career choices for females. Employees from IBM continue to mentor the camp participants throughout the school year. Sheri Terbenche and Pat Gaun accepted the award for IBM.

A Certificate of Appreciation was presented to Beaverton Police Sergeant Adam Spang for his work with the Somali and Bantu populations in Beaverton. Spang learned about the Somali and Bantu resettlement program and their cultures. He shared his knowledge with his fellow police officers and organized an event to introduce them to the communities. He has worked to create new programs for the Somali and Bantu people to help ease their transition into the Beaverton community. He is also working on a committee to help Washington County's Somali community.

Brothers invited the honorees, and their families and friends to a reception being held in the First Floor Conference Room.

07016 Mayor's Diversity Award Presentation

Mayor Drake said when he took office as Mayor in 1993, one of his goals was to establish a Human Rights Advisory Commission. He said the HRAC was first established as an ad-hoc committee of the City and in 1994 the Council adopted the HRAC as a standing City commission that was incorporated into the City Code. He noted the first HRAC Chair was Coun. Betty Bode. He said four years ago the HRAC developed the Diversity Awards Program and this year he decided to enhance the Program by adding a Mayor's Diversity Award. He said the Mayor's Award will recognize a group or individual that the Mayor feels should receive this honor.

Mayor Drake said that one group that has worked hard to promote diversity, tolerance and understanding, especially after the tragic events of September 11, 2001, was the Bilal Mosque Association. He introduced Association President Shahriar Ahmed. The Mayor noted these were trying times in the world and challenging times locally as Washington County grows in population and diversity. He said a lot of great work has been done to promote understanding and tolerance, and to get many diverse groups to respect each others differences and work together. He said he met Ahmed shortly after the events of 9-11 and Ahmed has been unfaltering in his efforts to reach out to others to promote understanding. He thanked Ahmed for his work and he presented the Mayor's Diversity Award to Ahmed for the Bilal Mosque Association.

President Shahriar Ahmed said this event was a testimony to what Oregonians and specifically what Beavertonians and local leaders were all about. He said this was a wonderful way for the Council and citizens to tell the people that this was home. He thanked everyone for the award.

Mayor Drake thanked Ahmed and everyone for attending.

07017 Presentation by Community Action Organization

Mayor Drake introduced Jerralynn Ness, Executive Director, Community Action Organization (CAO) of Washington County, who updated Council on the CAO's activities.

Ness said it was a pleasure to visit the City. She said Beaverton was an important service area for the CAO; they were mindful of the needs of the community and of the strong partnership the CAO has with the City. She introduced her two Program Directors Renee Bruce and Marilyn Harrison. She said the CAO has provided services to low-income families in Washington County since 1965. She said Beaverton had the largest number of families who seek help from the CAO; 40% of the people the CAO serves reside in Beaverton and 45% of the children in the Head Start Program are from Beaverton. She showed a short video of the Head Start Program.

Ness reviewed the CAO's Head Start Program, noting there were 12 Head Start classrooms in six Beaverton schools and they operate out of 11 sites in Beaverton. She said one-third of the Board Members live in the Beaverton area; she noted that Mayor Drake has served on the Board and Coun. Stanton has been the Mayor's designee since 2002. She said they appreciated their service and stable support. She noted the CAO partnered with the City and through the use of Community Development Block Grant funds was able to have a stable facility for the Head Start Program in Beaverton.

Ness said the CAO was working with the Tualatin Valley Housing Partners to establish a shared facility in Beaverton on First Street, where they would offer heating and rent assistance to Beaverton-area residents. She said in their Energy Assistance Program they partnered with other agencies that take applications for assistance and help offer energy assistance. Last year 2700 Beaverton households received energy assistance that totaled over \$1 million in payments to energy providers. She explained that all Portland General Electric customers have a charge of 33 cents on their utility bill; that money goes into a pooled fund and CAO administers the fund to provide energy assistance to people in need. Through this program they have helped 8,000 residents throughout Washington County.

Ness explained that the City provides funding for the Child Care Resource and Referral Program that provides child care in the community. She said through this Program they assisted 605 families obtain child care and trained 587 child care providers to improve the quality of care. She said the CAO organized a group of volunteers to conduct a census this week on the number of homeless people in Washington County. She said last year 304 Beaverton residents volunteered 2700 hours to the CAO.

Ness reviewed service statistics for other CAO programs from July 1, 2005, through June 30, 2006. She said in the Emergency Rent Assistance Program they prevented 125 Beaverton families from becoming homeless. In the Housing & Homeless Services Program they provided shelter to 16 Beaverton families who became homeless and worked with the Beaverton School District to ensure that 74 homeless children were able to stay in school. She said the CAO provides the phone companies with the database for the Information & Referral Service phone number (211 information line); last year over 5500 calls were received from Beaverton residents looking for assistance. She said through the Weatherization Program they helped 374 Beaverton households reduce their energy bills.

Ness said the Opening Doors Program was an outreach program to help high-risk low-income pregnant women have healthy babies and strengthen their parenting skills; they helped 155 women from Beaverton ensure a healthy birth. She said before this Program only 45% of high-risk women had healthy births; they now have a healthy birth rate of 92-96% with the support from this Program.

Ness concluded by noting the CAO responded to over 10,600 requests for help from Beaverton families, with a wide range of services. She said they are able to do this with the help from the City, from community volunteers and from private donors.

Coun. Bode thanked Ness for her report. She said that it was important for the citizens to see the amount of poverty in Beaverton and the social services that are available. She asked for information on the homeless shelters and how the shelters are funded by the local levy.

Ness explained that the Washington County Safety Levy that passed in 2006 included funding for the four shelters in Washington County (Good Neighbor Center in Tigard; Domestic Violence Resource Center; Shelter Home in Hillsboro; and a shelter program provided by a group of churches on the west side of the County). She said all of these programs receive support from the safety levy. She said the CAO is the lead agency in the County for homeless services and works closely with these shelters. She said people call the CAO when they need shelter; then the CAO coordinates their placement into a shelter. She said the levy provides \$550,000 annually to the shelter network. She said they currently have 110 beds with full occupancy every night.

Coun. Stanton asked if CAO had full facilities to provide service to all eligible children, how many children could they serve.

Program Director Marilyn Harrison said Head Start currently serves almost 50% of the income-eligible children. She said the Federal level for low-income families is currently \$20,000 for a family of four.

Coun. Stanton said she would defy anyone at this meeting to live at the Federal poverty for a family of four. She stressed the CAO is only able to help 50% of the eligible children because they do not have the necessary facilities. She strongly urged citizens to talk to their State legislator, because the Legislature will be looking at funding for Head Start since the Federal government is cutting back its funding.

Coun. Doyle thanked the CAO for its services. He asked where the largest gap was in services.

Ness said expanding services required additional facilities which is directly related to obtaining new funding. She said if new funding becomes available it would be used to support the facility package. She said the CAO was preparing for the possibility of doubling the Head Start Program for there is a great deal of support for it; funding will depend on the Legislature. She said that in Washington County a family of three earning \$32,000 annually is at the poverty level; yet, they are not eligible for some of the CAO's emergency services CAO. She said they are talking to employers about what they can do to bridge the gap when income is not sufficient. She said until they have affordable health care, affordable housing and affordable child care, people who are

working full time and earning less than \$15.00/hour will struggle with poverty issues. She said the CAO tries to help with rent assistance so people will not become homeless. She said they received between 400 to 500 calls per month for rent assistance; they can only help about 40. She noted the demand for the pregnancy support program was great but they were only able to help about one-third of the number of women they used to help when it was fully funded. She said that has a long-term impact on children's lives.

Coun. Doyle said he hoped the Legislature could help this next session.

Coun. Arnold asked how many Somalian refugees had come into the County and City and what type of aid they receive.

Harrison said there was an active group of local people from various agencies assessing the needs of the Somali families and helping as much as possible. She said the interpreters were extremely busy. She said they started a Head Start Program for children from birth to three-years old in the Fir Crest Apartments where many Somali families reside. She said the Beaverton School District has done a lot to support the Somali families and get the children into schools. She said there were over 5,000 Somalians in Washington County and the majority lived in Beaverton.

Harrison said the CAO has a multi-service center in Hillsboro where central services are located. She said Beaverton has become the largest community that they serve. She said she would like to see one consolidated facility for Beaverton from which all of their services could operate; that would make a real difference for Beaverton.

Mayor Drake thanked them for their presentation.

Ness thanked the Mayor and Council for their long-time support.

VISITOR COMMENT PERIOD:

Mark Jackson, Program Director, REAP (Reaching and Empowering All People) Incorporated, thanked Mayor Drake for agreeing to give the opening remarks at the upcoming African/African-American Student Leadership Conference at Westview High School in February, 2007. He said the Conference was designed to engage community participation to affirm students as leaders and life-long learners. He said along with Mayor Drake, 30 African and African-American business leaders would present workshops and sessions at the Conference. He invited all interested community members and students to attend.

Fatima Wilson, Samuel Mequanint and Isiah Keel, Westview High School students, explained they were excited about this conference as it will provide the opportunity to share information about many African cultures and communities. They said through this conference they were trying to close the gap between African-Americans and Africans from African communities, by providing the opportunity to learn more about each other and their cultures.

Henry Kane, Beaverton, submitted copies of a letter he wrote dated January 22, 2007, regarding the City's possible appeal of the Nike judgment. He said in the letter he included a number of suggestions designed to assist the Council in making an informed decision on the likelihood of whether or not an appeal would be successful.

COUNCIL ITEMS:

Coun. Bode said that the Martin Luther King Day Celebration on Sunday, January 14, 2007, was very successful. She said the City partnered with other groups to develop the program and it was the best program they had ever presented. The Southminster Presbyterian Church had standing room only and that showed that the community still cares and wants to keep King's thoughts alive and that people need to take care of one another.

Coun. Stanton said on January 26, 2007, there would be a Sustainability Summit at Washington County Public Services Building presented by the Vision Action Network. She said people could call 503-846-5792 for information. She said this deals mainly with social sustainability and for those who want to understand livability issues, this Summit would be a good resource.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Doyle **MOVED, SECONDED** by Coun. Bode, that the Consent Agenda be approved as follows:

Minutes of the Regular Meetings of December 11, 2006, and January 8, 2007

- 07018 Boards and Commissions Appointments - Kevin Hoover to Beaverton Arts Commission and Deborah Borchers to Citizens with Disabilities Advisory Committee
- 07019 Traffic Commission Issue No:
 - TC 602: Parking Restrictions on SW Mesa Court and Blakeney Street
 - TC 603: Speed Zoning Near the Intersection of SW 92nd Avenue and Allen Boulevard
 - TC 604: Stop Signs on SW Palomino Place and Saddle Drive at Stallion Drive
 - TC 605: Short-term Parking on SW Broadway
 - TC 606: Parking on SW Stratus Street
- 07020 Authorization to Purchase Property From TriMet at SW 160th and TV Highway and Transfer Resolution (Resolution 3889)
- 07021 Approve Request of Residents in the Peterkort Area to Become Involved in the Neighborhood Association Committee (NAC) Program and Designate that this Area be Temporarily Included in the Central Beaverton NAC

Coun. Stanton said she found it disconcerting that there was no recommendation for Traffic Commission Issue TC 604 (Agenda Bill 07019) because it looks like a recommendation was being made when nothing was brought forward from the Traffic Commission.

Coun. Stanton also noted that she had minor revisions to the minutes that she gave to the City Recorder.

Coun. Doyle said he was pleased to see that the Peterkort area residents were being incorporated into the Central Beaverton Neighborhood Association Committee (Agenda Bill 07021) He thanked staff for setting this up.

Question called on the motion. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0) Coun. Dalrymple abstained from voting on the December 11, 2006, minutes as he was excused from that meeting.

RECESS:

Mayor Drake called for a brief recess at 7:41 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 7:51 p.m.

PUBLIC HEARING:

07022 An Ordinance Regulating the Possession of Replica Firearms in Public Places

Police Chief Dave Bishop said he was pleased to present this ordinance and introduced Police Officers Andrew Halbert and Mike Hanada, and Assistant City Attorney Bill Kirby, who were present to answer questions. He said this ordinance was introduced at a work session on December 11, 2006, and staff still supported its recommendation to adopt the ordinance. He said the objective of the ordinance was to protect the community, the police officers and the individuals using the replica (airsoft) toy guns. He said this ordinance was intended to stop a problem before it begins. The ordinance would not ban the sale of replica firearms; nor would it ban the possession of replica firearms in a citizen's home or private property. He stressed this ordinance would cover toy guns that look like real guns; not toy water pistols. He said if the ordinance was adopted, the next step would be to educate citizens about this problem and the ordinance. He said educational brochures would be distributed to schools, at neighborhood association committee (NACs) meetings and to the merchants who deal with replica firearms.

Bishop said he was proud of this ordinance as it came from Beaverton Police Officers who have dealt with this problem every day. He said in the past 18 months, the City had 26 calls for service pertaining to replica firearms. He said six of those calls were in schools and required lockdown of the facilities. He explained that the Police Department received calls and e-mails from people who thought this was an anti-gun ordinance. He stressed this does not cover true firearms; real firearms were governed by Federal law and State statutes. He repeated this ordinance only pertains to replica toy guns that look like real guns and can cause serious problems.

Coun. Doyle asked what feedback the Police Department had received since the work session in December.

Bishop said the Police Department and the Mayor's Office had received several e-mails. He said the majority of the e-mails dealt with true firearms and not toy replicas. He said they received a great deal of positive support from law enforcement agencies throughout the country, including other jurisdictions in Oregon.

Coun. Doyle said he felt comfortable with the ordinance; it would be a middle-of-the-road approach and still allow people to use the replica guns for entertainment. He said the most important thing to him was to spare an officer or a family the tragedy of a shooting that may be caused by one of these guns. He said if this would help the police do their job so that they do not encounter this situation, it will be a sensible and palatable ordinance.

Bishop said they were not suggesting that this would eliminate all the problems in the schools; however, it would be a definite deterrent to having someone carry a gun into a school and cause a serious situation.

Coun. Bode asked staff to clearly explain where the replica toy guns would not be allowed per this ordinance.

Assistant City Attorney Bill Kirby replied that Section 5.08.260, Prohibitions, prohibits the possession of a replica firearm in a public place and on school premises, and prohibits pointing or discharging a replica firearm at another person in a public place. He reviewed the exceptions in the ordinance. He said the first exception requires that in a public place replica guns be carried in an opaque container so that the gun cannot be seen. Second, if a replica gun is being used in a school theater as part of a play or presentation, the ordinance allows for a school employee to transport the gun in an opaque container. He stressed that people need to be careful that if they are transporting the replica guns in a public place, that it be done lawfully. He said a third exception is that if the replica firearm is brightly colored or translucent, so it is easily identified as a toy, then it is allowed in a public place. He said a police officer, seeing a brightly colored or translucent replica gun, should know based on the color and circumstances, that it is a toy gun.

Kirby said the ordinance uses the same definition of public place as that used by State law. He said police officers were very familiar with what "public place" means; streets, sidewalks, public parking lots are all public places. He said the inside of a home, a front or back yard were not public places. He said in an apartment building, the office lobby would be a public place; however, locked areas that require a key for entry (pool area) would not be a public place. He reiterated that police officers work with the definition of public place frequently and they are very familiar with it.

Coun. Arnold asked if the brightly colored or translucent guns could be shot in a public place.

Kirby replied that Section 3 of the ordinance addresses the type of projectiles that can be used in the toy guns. He said the ordinance allows paintballs and small plastic balls to be discharged, so long as they are not discharged at a person in a public place.

Coun. Arnold referred to a comment made earlier that a police officer could assume that a colored or translucent airsoft (replica) gun was a toy.

Kirby said the police officer would make the decision based on the circumstances to which he was responding. He said this was a police judgment call not a legal issue.

Bishop clarified that all toy guns were banned in schools.

Police Officer Andrew Halbert said that toy guns that were transparent, fluorescent, or brightly colored were easy to identify in the day time. However, if it was dark outside, and the gun was a dark fluorescent color, the officers have to make a split-second decision and evaluate each incident on its own merit. He said bright colors significantly help to alleviate the issue of confusing a toy with an actual firearm, depending on who had the gun and what was happening.

Coun. Arnold said she read cases where people were painting real guns to look like toy guns and that airsoft guns could be modified to be a deadly firearm by replacing low-pressure air canisters with those containing carbon dioxide gas. She questioned whether police could make an assumption that if a toy gun was colored or translucent, that they wouldn't have to worry about it being a dangerous gun.

Halbert said that it was not possible to cover everything in the ordinance. He said they were trying to control replica firearms that create public disruption and it was more obvious that the translucent guns were replicas. He said they were trying to protect the community by controlling the replica firearms that look significantly like real guns.

Coun. Arnold repeated that the assumption that the gun was a toy if it was brightly colored or clear was not true. She said her concern was that when her son bought a replica gun, she thought of it as a toy; it did not occur to her that it could ever be perceived differently. She said she read cases where these guns were used in drive-by shootings. She said she did not want parents to assume that their children would be safe outside playing with these colored weapons and that there was no way that they would ever be misperceived as real guns.

Halbert said it was not 100% accurate as there were a variety of circumstances that officers could be involved in, where they could reasonably perceive that it was a real firearm.

Police Officer Mike Hanada said that the color was significant because it would play a role in the decision making. He said the color factor makes it easier to identify as a toy, depending on the circumstances.

Coun. Arnold said she was concerned about the color and translucents as that does not guarantee safety 100%.

Hanada agreed there was no 100% guarantee.

Bishop said there has to be a beginning and the purpose of this ordinance was to deal with the obvious. He said as they work with this ordinance, they will measure its effectiveness and identify issues where further action is needed. He said they were starting by dealing with the obvious replica guns that look real.

Coun. Stanton asked what the definition of opaque would cover.

Kirby said that anything that does not permit the transmittal of light was opaque.

Coun. Stanton read the statistics from the December 11, 2006, minutes as follows: 1) it took an average of 80.64 minutes to handle an average gun call; 2) it takes almost all the officers on the shift to handle the call for over an hour; 3) the average cost for each call was \$271.37; and 4) \$4,884.58 was spent on officers investigating toy guns, believing that they were real. She asked if the \$271.37 was per officer or per incident with all officers involved; and what encompassed the \$4,884.58.

Hanada said \$271.37 was the total cost for all the officers per each call. He said the \$4,884.58 was the total spent for the 18-month period that they measured.

Coun. Stanton said that besides safety and livability issues, the Council has to do budget each year and these costs have to be considered. She said in looking at this ordinance, she was only considering normal situations; not extreme situations such as real guns that were painted a bright color.

Bishop clarified that there have been 30 incidents to date, rather than 26.

Coun. Dalrymple said that automobiles were not opaque containers. He noted that many youth drive and have replica guns that they toss into the seat as they travel.

Kirby agreed an automobile was not an opaque container but he pointed out that the inside of an automobile was not a public place; it would be a private place.

Bishop agreed that the inside of an automobile was a private place. He said if an officer stopped a driver with a replica in his car seat, he would want to know if it was a real gun, but it would not be a violation of the law.

Coun. Dalrymple said he was concerned about education and citizen awareness. He asked if the ordinance was adopted, what would happen in one to five years from now as people move into the area or as children reach the age when they start playing with the replica guns. He asked how the City would ensure that people would understand the regulations.

Bishop replied that education would be on-going through the schools. He said the City would be proactive in its on-going education program because the intent of the ordinance was to protect the community.

Coun. Stanton said that the Beaverton School District puts out a student handbook every year that contains all the school policies and this would probably be added to the handbook.

Mayor Drake opened the public hearing.

Scott Porter, Beaverton, said he allowed his son to play with an airsoft gun on private property at a friend's house. He said in viewing the toy Uzi that was displayed, he did not feel this ordinance went far enough; he thought the replicas should be banned entirely. He said he was apprehensive that if his son were in an odd situation involving police, confusion might occur and he could be the innocent victim. He said he was an ardent supporter of the police and he urged that the Council pass the ordinance.

Coun. Stanton said that there were First and Second Amendment issues involved with replica guns so the City could not ban them entirely.

Coun. Arnold asked if the First or Second Amendment applied to this issue.

Rappleyea replied the First Amendment (freedom of expression) was involved and there may be commerce clause issues if the City tried to ban these toys. He said there could also be preemptions in Federal regulations, so the City was recommending steps to address police concerns. He said he did not believe Second Amendment issues (right to bear arms) were affected. He said the recommendation to limit the scope of the ordinance to public places was to avoid these issues.

Martin Claxton, Portland, said that though he was not affected by the ordinance, he was alarmed when he read about it, for he owns an airsoft rifle and pellet guns that he uses for target shooting on his private property. He said in discussing the ordinance with staff, his concerns were alleviated. He said he understood and agreed that airsoft guns do not belong in a public place, because of police concerns and safety. He said he thought Section 3, Subsection A of the ordinance regarding discharging a weapon was peculiar. He said under the current language in that section, if he is on private property in the City he can discharge a firearm providing it stays within the bounds of his private property; yet Subsection B prohibits discharging of air guns, bow and arrows, or slingshots. He said he was puzzled by those two sections.

Rappleyea agreed those sections could be confusing. He said that might be due to State law; Subsection B was an older section of the Code and was not changed from the original ordinance. He said State law preempts the City's ability to regulate firearms within the City. He said Subsection A may comport perfectly with the statute; the City was prohibited from changing Subsection B because of State preemption.

Mayor Drake said he thought Washington County recently enacted gun regulations.

Claxton said the County enacted a No Shooting Zone as the result of a person who shot a deer in unincorporated Washington County.

Rappleyea said No Shooting Zones were allowed under State statutes. He said there were bizarre rules regarding shooting real firearms in urban areas that were preempted from local regulation under State law. He said that Code section was not analyzed for the purposes of this ordinance, but staff could review it.

Coun. Stanton questioned what types of firearms were preempted by State law.

Rappleyea said the regulation of real firearms was preempted under State law. He said BB guns were prohibited; they can be used at firing ranges within the city, but they cannot be shot anywhere else in the city.

Coun. Arnold said Claxton offered valuable testimony and she would like to understand the section he questioned also.

Claxton said he felt the ordinance prohibiting the use of airsoft and BB guns was too harsh because with prudent judgment and proper precautions these weapons could be shot safely within the confines of private property.

Eric Motto, Beaverton, said he appreciated the Police Department's excellent service and the officers' concern regarding this issue. He asked if the ordinance wouldn't overreact to airsoft guns. He also asked if guns with a blaze orange tip would be an exception for either a toy or an airsoft gun. He showed several of his children's toy guns and asked if they were covered under this ordinance and subject to fines.

Rappleyea responded that the ordinance covers any device that substantially resembles a firearm or can easily be perceived to be an actual firearm. He said the police would use discretion based on individual circumstances. For example, if a police officer observed a young boy playing in his yard with a toy gun, he would not do anything. However, if a teenager was out driving at night and pointing a gun at people as he drove by, he would be cited by the officer. He said the ordinance has to have flexibility and one has to rely on the good faith of the police officers.

Kirby explained that if someone removed the blaze orange tip from the replica gun and carried the gun in a public place, even though it is a toy gun, they would be subjecting themselves to a \$500 penalty (rather than a \$250 penalty). He repeated the police officers would use their discretion to determine whether or not a toy gun looks like a real gun depending on the situation.

Rappleyea stressed that whether or not a toy gun looked like a real gun would depend on perception and circumstances. He said if someone received a citation, they would have the opportunity to have a hearing before a judge.

Motto showed a translucent toy gun and asked if such a gun could be shot at a person in a public place.

Kirby replied that this ordinance does not prohibit discharging or pointing a replica translucent gun at a person in a public place. He cautioned that one had to look at the big picture; in the right circumstances, it is possible to commit another crime such as menacing with such a gun.

Mayor Drake said it would be different if his son was playing with that gun in the street during the day versus an adolescent cornering and threatening people at 2:00 a.m. in the morning.

Kirby agreed and stressed the individual circumstances would make the difference.

Kimberly Motto, Beaverton, said their biggest concern was that any day of the week you would see several boys in the neighborhood playing with these guns in the yards and street. She said the thought that parents could be fined for this was a shock. She said as a citizen, the ordinance was confusing and it was difficult to determine what was and wasn't permissible. She said she thought the issue was not the guns, it was the lack of respect for the police. She asked if someone was jogging through the neighborhood and reported the boys with their guns, what would be the police protocol.

Mayor Drake said daily the police have to use a great deal of discretion and it was unlikely that they would handle someone playing in the daylight with a toy gun in the same way that they would handle someone at night using a toy gun in a menacing situation.

Mrs. Motto said she would like that to be clarified and communicated through the School District.

Mayor Drake explained the Beaverton School District supported this ordinance and the District would be distributing information to educate the students.

Zack Motto, Beaverton, said on behalf of those who play with these guns, he disagreed with making the airsoft guns illegal for they were fun; he and his friends enjoy target practice and airsoft battles. He said most people who use these guns abide by the safety precautions and rules; if they disobey the rules they know there will be consequences, such as having the guns taken away. He said he had never shot anyone who was not wearing protective gear or who did not want to play. He concluded that he felt these guns should be allowed, but those who disobey the rules set by the community should have consequences.

Coun. Dalrymple said that after hearing the Motto family's testimony, he wanted them to know that the City was not outlawing airsoft guns just establishing new rules that people would need to comply with concerning replica guns. He said if the ordinance was adopted and a person has a replica gun that looks like a real gun, it would not be good idea to display it in a public place. He said children could still play the games they enjoyed; they would just need to comply with the new rules

Coun. Bode thanked Zack Motto for his testimony. She asked him where he and his friends could play their games if the ordinance passed.

Zack Motto replied they could play in their backyards.

Coun. Bode said that was right and she wanted him to understand that the ordinance only covers public places. She thanked him for testifying.

Coun. Arnold asked what Section 5.08.225B had to do with the replica guns.

Rappleyea explained that Subsection B involved discharging a weapon; it did not deal with airsoft guns. He said that subsection of the ordinance was pre-existing (part of the original ordinance adopted in 1985) and it was not being changed by this ordinance. He said Section 5.08.225D was added to the ordinance to allow the discharge of airsoft guns and to specify what type of projectile could be used in the airsoft guns.

Coun. Doyle responded to Zach Motto that he felt this ordinance would take a middle-of-the-road approach, it would allow police to exercise a lot of common sense, and still allow kids to be kids. He thanked Zach for his testimony.

Jeff Loveland, Beaverton, said after he listened to the discussion, he now would support the ordinance and he thought the 30-day public information campaign was a great idea as the public needed to be informed. He noted that in the staff report, Officer Halbert reported there were 18 incidences between July, 2005 and July, 2006 where police had responded to gun calls; he said in reading about these calls, he thought 13 of them could have been prevented through public education. He said he thought the \$280 (cost for each call) could be better used to educate the public to prevent false alarm calls.

Coun. Doyle thanked Loveland for testifying and said he was glad people were beginning to understand the ordinance and he was also pleased to hear support for the public education campaign.

Coun. Stanton said that along with the schools, the City would provide literature to every merchant or vendor who sold replica guns that can be distributed to the public.

Loveland said he knew several people who educate their children through private schools or at home and they should receive this information.

David Chaney, Portland, said he was opposed to the ordinance. He said he was in favor of some type of action, but he was not sure the ordinance was the right step. He said he was a military veteran, a reserve law enforcement officer, and he owns several airsoft guns. He said he understood the concerns of the police officers and he has faced the same situation as a reserve officer. He said he was not sure banning airsoft guns in public places was enough. He said he was also representing the Military Vehicle Collectors Club of Oregon that has 1200 members in Oregon and Washington. He said these members own and restore military vehicles and display them at events throughout the state. He said some of vehicles have guns on them that look real but they were dummies and could not be fired. He said these guns add to the historical aspect of their displays. He said the events where they display their vehicles were not theatrical in nature. He said to have a fully restored jeep with a bright orange gun on it would be ridiculous. He said the members in the Club would not point their guns at anyone. He said he was amazed that parents were not stepping in and educating their children about not playing with these guns in the street. He said there were many factors in the ordinance that were problematic. He said the ordinance as written prohibits re-enactment events and interferes with their ability to display their vehicles in a patriotic show or parade. He said he would like to protect that era of their hobby vehicles and protect airsoft guns in general for those who enjoy that activity.

Mayor Drake said Chaney made some good points and he thought there was a way to allow the Club's displays in the ordinance, for police would not see this as a threat.

Rappleyea said this has to be taken in context and it was a matter of perception and circumstances. He said the police would not cite someone in a Veteran's Parade.

Chaney suggested an age limit be established for purchasing the guns; those under 18 could only purchase the colored and translucent guns and those over 18 could purchase the more realistic looking airsoft guns. He said all airsoft guns have booklets that say that police will treat the gun as an actual firearm and outline rules regarding use and transportation of the guns. He said it was common sense that parents should review this with their children rather than adopting an ordinance to deal with the issue.

Coun. Arnold noted that in the last year there had been 30 incidences so far. While it might seem that common sense should enter into the picture the reality was it appeared that was not occurring.

Ken Kirkman, Portland, said that legally he could carry an open gun on his hip at this meeting but the police did not want him to create a cause for concern, so he chose to conceal during this presentation. He said banning replica guns was absurd. He said the problem was people's behavior and not the guns. He said a replica gun ban was a knee-jerk reaction to ban the device and not condemn the unacceptable behavior. He said the police cannot take the time to see if a gun is safe; banning the guns and saying that orange guns are safe puts the police in danger. He said banning a toy gun makes honest people into criminals though they are behaving properly with the gun. He said this ordinance would not make the city safer; it would put the police at a greater risk because they will believe an orange gun is safe and that is not a certainty. He said another reason this was absurd was because real guns are legal and can be carried out in the open. He said since it could not be determined if a gun was real or a replica without an inspection, the replica ban could subject people to a police stop without any justification. He said since his gun was real he would not be breaking any laws, but if it was a toy he would be breaking the toy gun ban. He said police stops should not be necessary unless the behavior of the person was criminal in nature; this could result in lawsuits against the City. He referred to the 30 gun calls received in the last year and asked how many of those were in public places. He said replica guns can be made out of bars of soap and shoe polish; replicas like that have been used to commit crimes. He said he preferred a more concentrated effort on education and banning possession was unacceptable. He said it was not an officer's duty to determine if a gun was real or not; his duty was to protect himself.

Coun. Stanton advised Kirkman that the 18 calls in the staff report were in public places.

No one else wished to testify.

Kirby said he spoke with Chaney and an exception could be created under the exception section to include historical reenactments. He said this Club was also a non-profit organization and a section could be added to the ordinance to state that the historical reenactments were under the auspices of a 501(c)(3) organization. He said that would address Chaney's concerns.

Mayor Drake asked if that could preclude other groups like the cub scouts or individuals from doing a reenactment in a parade.

Kirby said scout groups would be covered as they were 503(c)(3) organizations. He said for individuals wanting to dress in military garb with gun to participate in a parade, there

would be an opportunity to say that the parade was a City sanctioned event and the City was a non-profit organization, therefore it would be permissible.

Rappleyea said there was always the police officer's discretion and in the case of a reenactment a police officer could see that it was not an actual firearm.

Coun. Doyle asked that staff discuss this further; if additional time is needed, that can be provided as the ordinance could be amended at any time.

Coun. Stanton said she did not mind waiting a week to allow staff to look at this further. She said she would like to see military reenactments and displays excluded.

Rappleyea said the revised ordinance could be brought back for first reading at the next regular meeting.

There was Council consensus to proceed in that manner.

Coun. Dalrymple said he did not want to close the public hearing as that would not give people the opportunity to comment on the revised language. He asked if someone, who had not testified at this hearing, wished to speak on the revised text, could they do so.

Rappleyea explained they would not have the opportunity to speak verbally in front of the Council but they could submit written comments to the Council and Mayor.

Coun. Stanton noted the Council could hold the public hearing open to the next meeting to allow people to comment only on the revised language.

Coun. Dalrymple said he favored that approach.

Couns. Stanton and Bode said they felt people wanted the Council to take action at this meeting.

Mayor Drake closed the public hearing.

Coun. Stanton MOVED, SECONDED by Coun. Bode, that Council approve the ordinance regulating the possession of replica firearms in public places, as delineated in Exhibit 1 Draft Ordinance dated January 17, 2007, with the changes mentioned to the City Attorney regarding military reenactments and displays.

Coun. Stanton said she grew up in family of hunters with real and toy guns. She said she had no problem with hunting for food; however, she does have a problem with guns that are used to kill people. She said there were few hand guns that could be used for hunting, so handguns were valueless to her. She said she was comfortable with this ordinance and the changes discussed, because she cares about people and their safety. She said she did not want a police officer to have to shoot someone in a real threat. She said it would be much worse if an officer, or someone else, shot a person and then discovered they had a pretend gun. She said through this ordinance the Council could mitigate the opportunities for citizens to be harmed. She said she was looking at this as a way to lower the odds. She noted the ordinance with the changes discussed would be brought back for first reading at the next regular meeting.

Coun. Doyle said he would support the motion for the reasons previously stated and because this was being driven by the police officers out on the street. He said this was a good tool for the Police Department and the schools to discourage poor behavior in this activity.

Coun. Stanton thanked Chaney for bringing forward the issue of reenactments.

Coun. Dalrymple referred to Kirkman's comment regarding behavior modification and said that was covered in the education process of the ordinance and he was comfortable with that. He said he wanted to be sure that the public process was being held open for the revised text, so people could speak to the proposed changes.

Coun. Stanton said that was not what she intended in her motion. She said when the Council makes conditions on a land use issue, it does not continue the public hearing process so that people can testify a second time. She said this is the Council's decision. She said she was supporting the ordinance as written with the changes brought up by Chaney. She said the Council was now acting on the public comment and the Council would see the ordinance for first reading at the next regular meeting.

Mayor Drake said this issue was well covered by the press after the work session and it would be covered again after this hearing. He said there have been instances when the Council made changes based on public comments. He said if there was an issue of concern, the ordinance could be revised at first reading and after the first reading.

Coun. Dalrymple said his concern was with the reenactment revision as that was new information.

Coun. Bode said that the revision was the result of the work session and the public hearing. She said she was ready to close the hearing and proceed with the ordinance.

Coun. Dalrymple asked if people would be able to submit comments on the revisions.

Mayor Drake said they could do so in writing. He said he thought there would be little objection to the reenactment revision.

Coun. Dalrymple agreed and said he wanted to be sure the public process was maintained.

Coun. Arnold said she would support the motion. She said good points were made in the testimony. She referred to the comment that the behavior was the concern, not the weapon and noted that while that was true, unfortunately they were seeing that the behavior and guns combined were causing a great deal of concern world-wide. She said people know the value of the police force and they understand that the police deal with the darker aspects of life. She read from a book by Dr. Ellen Kirschman regarding police families and integrating fatal shootings: *"Fatal shootings are hard to integrate. Although precise figures aren't available, it has been reported that 50-80% of all officers who kill leave law enforcement within five years. The act of killing another human being, even when the shooting is justified, creates morale pain and runs against the grain of our most essential values. It is a myth that officers involved in legitimate killings have no*

problems and relish the hero worship of co-workers and the community. In instances where the person killed was innocent or was killed by accident, the morale pain may be unbearable." She said that was what they were talking about with these replica guns and while it happens rarely, it does happen and there have been several incidences in Beaverton.

Coun. Arnold urged parents not to think that it is safe for their children to run around playing with their translucent or brightly colored guns for police officers cannot automatically assume that a clear or brightly colored gun is incapable of firing. She reiterated that there have been instances where real guns were painted to look like replicas and clear guns were modified to become a deadly firearm. Consequently, police have to consider this when responding to calls. She thanked everyone who participated and she complimented the police officers for bringing this forward.

Question called on the motion. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Arnold, that the rules be suspended, and that the ordinances embodied in Agenda Bills 07023 and 07024 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

Rappleyea read the following ordinances for the first time by title only:

- 07023 An Ordinance Annexing a Parcel Located at 12730 SW Fairfield Street to the City of Beaverton and Adding the Property to the Central Beaverton Neighborhood Association Committee: Expedited Annexation 2006-0003 (Ordinance 4421)
- 07024 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 25 Properties Located in North Beaverton; CPA 2006-0016/ZMA 2006-0021 (Ordinance 4422)
- 07025 PULLED - An Ordinance Regulating the Possession of Replica Firearms in Public Places (Ordinance 4423) (*Ordinance was revised per discussion during public hearing on Agenda Bill 07022. Revised ordinance will be brought back to Council at the next Regular Meeting on February 12, 2007.*)

Second Readings:

Rappleyea read the following ordinances for the second time by title only:

- 07010 An Ordinance Amending Ordinance No. 4060, Engineering Design Manual and Standard Drawings (Ordinance No. 4417)

- 07011 An Ordinance Amending Ordinance No. 2050, the Development Code, by Amending and Adding Provisions Relating to Transportation TA2006-0011 (Ordinance 4418)
- 07012 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located in the General Vicinity of West Stark Street, North of US 26 and West of SW Corby Drive; CPA2006-0014/ZMA2006-0017 (Ordinance No. 4419)
- 07013 ZMA 2006-0018, Corridor Court Rezone; An Ordinance Amending Ordinance No. 2050, the Zoning Map for Two Properties Located in North Beaverton from Office Commercial (OC) to Community Service (CS) (Ordinance No. 4420)

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the ordinances embodied in Agenda Bills 07010, 07011, 07012 and 07013 now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:51 p.m.

Catherine L. Jansen, Deputy City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

Carried over from meeting
of 01/08/07.

SUBJECT: A Resolution Adopting the City of
Beaverton Habitat Friendly
Development Practices Guidance
Manual

FOR AGENDA OF: 2/12/07 **BILL NO:** 07003

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 2/6/06

CLEARANCES: City Attorney *[Signature]*
Planning *[Signature]*

PROCEEDING: Consent

EXHIBITS: A. Proposed Resolution
B. Guidance Manual

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

Local governments in the Tualatin Basin collaborated on a program to implement Metro's Goal 5 Nature in the Neighborhoods Program. On November 13, 2006, City Council held a work session on the Tualatin Basin Goal 5 Implementation. Staff noted the necessity of bringing back a guidance manual in January to assist in implementation of the program and to provide some guidelines for construction of the low-impact development techniques. The Tualatin Basin program is a voluntary incentive-based program of habitat friendly development practices and low-impact development techniques that the City Council approved on December 4, 2006 through Ordinances 4412, 4413, and 4414.

INFORMATION FOR CONSIDERATION:

Staff conducted an internal review of the document. Staff anticipates that this will be a fluid document with appropriate changes as necessary through adoption of subsequent resolutions. After consultation with Councilor Stanton, staff decided to work on the final edits and graphical modifications prior to resubmitting the document. Councilor Stanton provided helpful suggestions regarding the format of the document.

RECOMMENDED ACTION:

City Council approve the resolution adopting the City of Beaverton Habitat Friendly Development Practices Guidance Manual.

RESOLUTION NO. 3885

**A RESOLUTION ADOPTING THE CITY OF BEAVERTON HABITAT FRIENDLY
DEVELOPMENT PRACTICES GUIDANCE MANUAL**

WHEREAS, the City of Beaverton collaborated with local governments in the Tualatin Basin to form the Tualatin Basin Partners for Natural Places; and

WHEREAS, the Tualatin Basin Partners for Natural Places, through an intergovernmental agreement with Metro, developed a program that facilitates and encourages habitat friendly development practices and low impact development techniques in the Tualatin River Basin; and

WHEREAS, the City of Beaverton adopted Ordinance Numbers 4412, 4413, and 4414 to implement the Tualatin Basin Goal 5 Program; and

WHEREAS, the overall program called for a guidance manual to provide guidelines to implement the habitat friendly development practices and low impact development techniques; and

WHEREAS, the City of Beaverton prepared a Guidance Manual to assist in preparing development applications using habitat friendly development practices and low impact development techniques.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

The City Council adopts the City of Beaverton Habitat Friendly Practices Guidance Manual attached as Exhibit A.

Adopted by Council this _____ day of _____, 2007

Approved by the Mayor this _____ day of _____, 2007

Ayes: _____

Nays: _____

ATTEST: _____

APPROVED: _____

SUE NELSON, City Recorder

ROB DRAKE, Mayor

HABITAT FRIENDLY DEVELOPMENT PRACTICES GUIDANCE MANUAL

The City of Beaverton

December 2006

HABITAT FRIENDLY DEVELOPMENT PRACTICES GUIDANCE MANUAL

Principal Author
Barbara Fryer, Senior Planner
Planning Services Division
City of Beaverton

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1. INTRODUCTION

1.1 Purpose of these Guidelines

Developed and reviewed through inter-departmental staff, this manual presents key information that will help elected officials, City staff, property owners and land developers understand and implement habitat friendly development practices in the City of Beaverton.

1.2 Background

Beginning in 1999, Metro began review of riparian corridors and wildlife habitat on a regional basis. Statewide Planning Goal 5 empowers Metro to conduct this review and to determine which resources might be regionally significant. Metro accomplished this by identifying regionally significant riparian corridors and wildlife habitat as Classes I, II and III and upland habitat as Classes A, B and C. Metro determined that the regional program applies to only Classes I and II habitat. Metro's inventory completes step 1 of the Goal 5 process.

In 2002, local governments in the Tualatin River Basin formed the Tualatin Basin Partners for Natural Places (Partners). The Partners signed an intergovernmental agreement with Metro that stipulated that the basin governments would use the Metro inventory and would work together to conduct an Environmental, Social, Economic and Energy (ESEE) consequences analysis and develop a cooperative program (steps 2 and 3 of the Goal 5 process). The Partners prepared an ESEE analysis and

STATEWIDE PLANNING GOAL 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces

Three steps to comply with the Goal:

- 1: Inventory Resources
- 2: Analyze the Environmental, Social, Economic, and Energy consequences of allowing, limiting and prohibiting conflicting uses (such as development) in the areas identified in step 1.
- 3: Develop a program to implement the decision in step 2.

Figure 1-1

Courtesy Department of Land Conservation and Development, State of Oregon

determined that the program would facilitate and encourage habitat friendly development practices in Classes I and II riparian corridors/wildlife habitat and in Class A upland habitat. These areas are named Habitat Benefit Areas (HBA). Habitat Benefit Areas are identified in Volume III of the Comprehensive Plan.

These guidelines implement the program described above. The document provides additional tools to address habitat protection, tree preservation, and stormwater quality and quantity facilities. While all the tools may not be technologically feasible throughout the city, each technique has merit. Tools may be more effective if trained together as railcars in a train as using more than one treatment can effectively treat stormwater quality. Some techniques, depending upon the design, may reduce the need to provide stormwater quantity facilities on site.



Figure 1-2 Clean Water Services, Operations and Maintenance Facility, Beaverton, Oregon
Courtesy City of Beaverton Staff

1.3 Habitat Friendly Development Practices

Habitat friendly development practices approved by the City include:

- preserving, enhancing, mitigating and creating habitat benefit areas,
- providing additional and preserving existing tree canopy,
- amending site soils,
- redirecting flows from downspouts,
- constructing eco-roofs and rooftop gardens,
- building rain gardens,
- integrating parking into the development,
- integrating tree box filters,
- using pervious pavement or reducing pavement, and
- using cutoff lighting near habitat benefit areas.

All the practices are described in the chapters that follow.

1.4 Connections of these Guidelines to Other Efforts and Policies

Overlapping jurisdictions, purposes, and resources combine to form the basis for the program. Initially, the Federal Endangered Species Act, triggered by the listing of salmonid species, activated Metro and Clean Water Services to develop their respective Nature in the Neighborhoods Program and Healthy Streams Plan. Further, Clean Water Services regulates discharges to the Tualatin River and its tributaries pursuant to the Federal Clean Water Act and Total Maximum Daily Load allocations, as determined by the Department of Environmental Quality. Clean Water Services' Design and Construction Standards require erosion control practices, construction of stormwater quality pretreatment, and preservation of vegetated corridors for clean water. Metro developed water quality, flood management and fish and wildlife conservation regulations in the mid to late 1990s. Also in the late 1990s, Metro began developing the Nature in the Neighborhoods program by inventorying resources according to the Statewide Planning Goal 5 processing requirements. Figure 1-2 graphically depicts the inter-relationship between federal, state, regional, Tualatin Basin and local regulations.

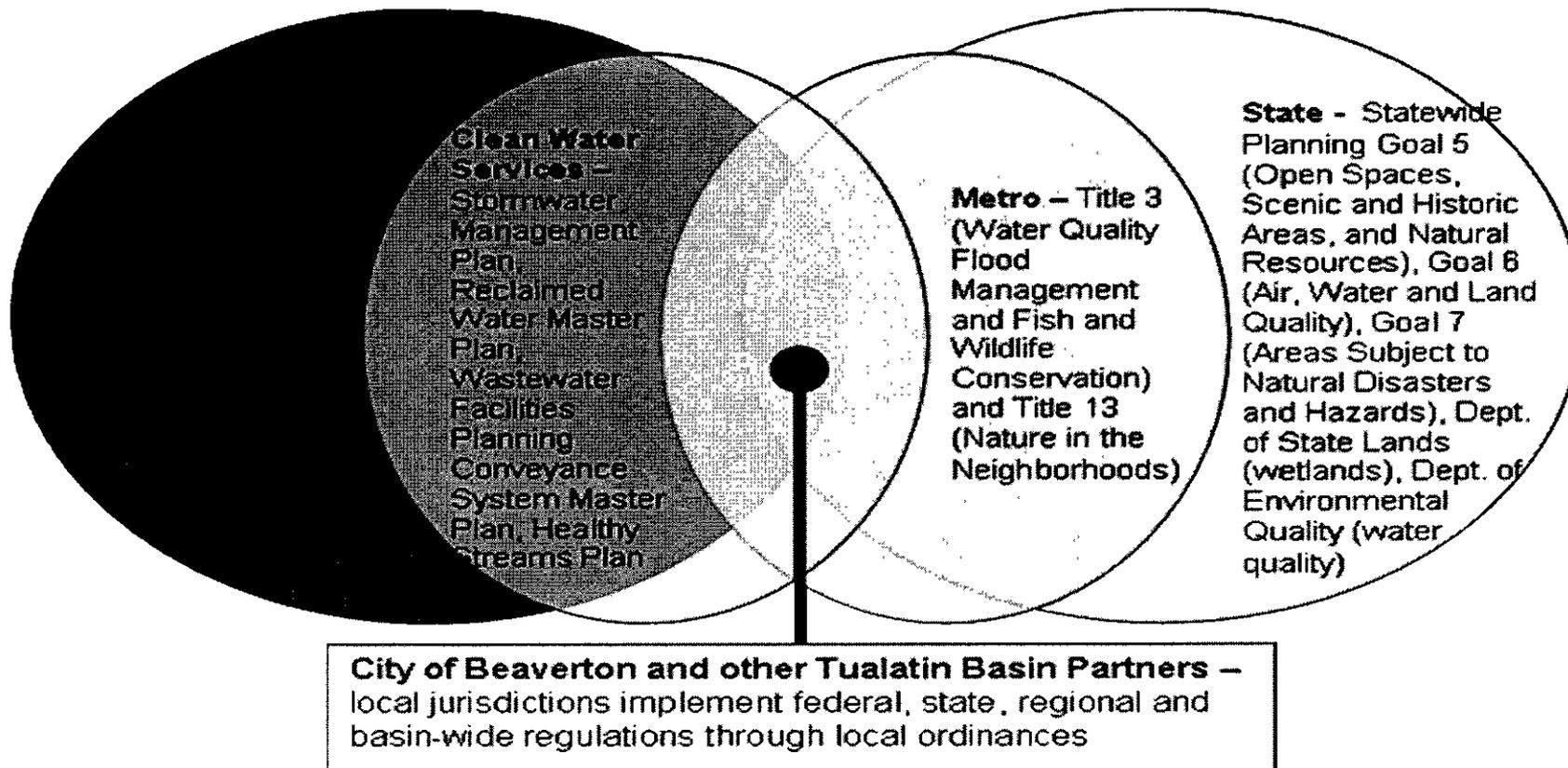


Figure 1-3 *Overlapping Natural Resource Programs*
 Courtesy Modified graphic from City of Sherwood

1.5 How to Use these Guidelines

These guidelines serve as the starting point for addressing water quality and quantity on a particular site. The guidelines expand the toolbox beyond the tools provided in the Clean Water Services Design and Construction Standards. The tools include the habitat friendly development practices noted earlier. The manual explains some design criteria for these techniques and suggests the benefits of using these techniques.

The manual is organized by topic of interest.

2. BACKGROUND CONCEPTS

2.1 The Hydrologic Cycle

Figure 2-1 pictorially describes the relationship between precipitation, evaporation, surface runoff and groundwater recharge known as the hydrologic cycle. Precipitation evaporates or transpires, flows across the surface to a stream corridor or other water body, or moves into the soil.

Surface runoff occurs when the infiltration capacity of the soil is exceeded. Surface runoff also occurs when materials do not allow water to pass through. Pervious surfaces allow water to infiltrate or percolate into the soil. Impervious surfaces do not allow the soil to absorb any water. Examples of impervious surfaces include asphalt and concrete, hard packed soil and gravel, and roofs.

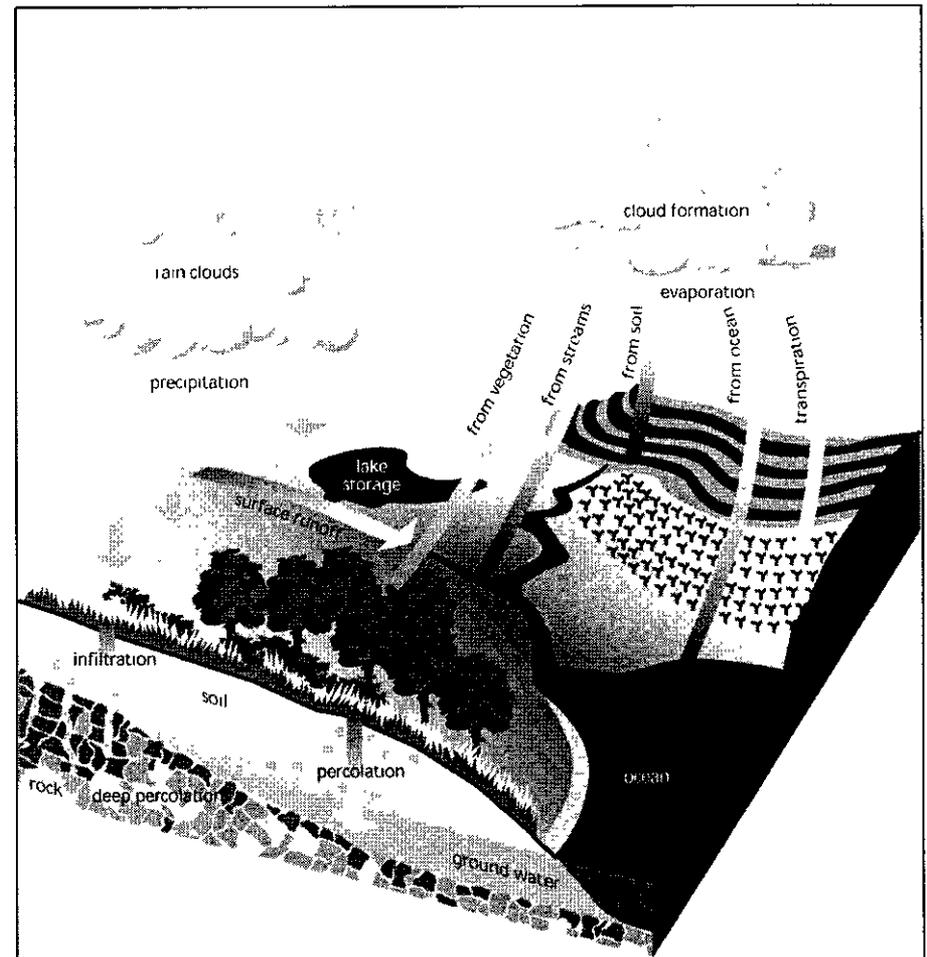


Figure 2-1 The hydrologic cycle.

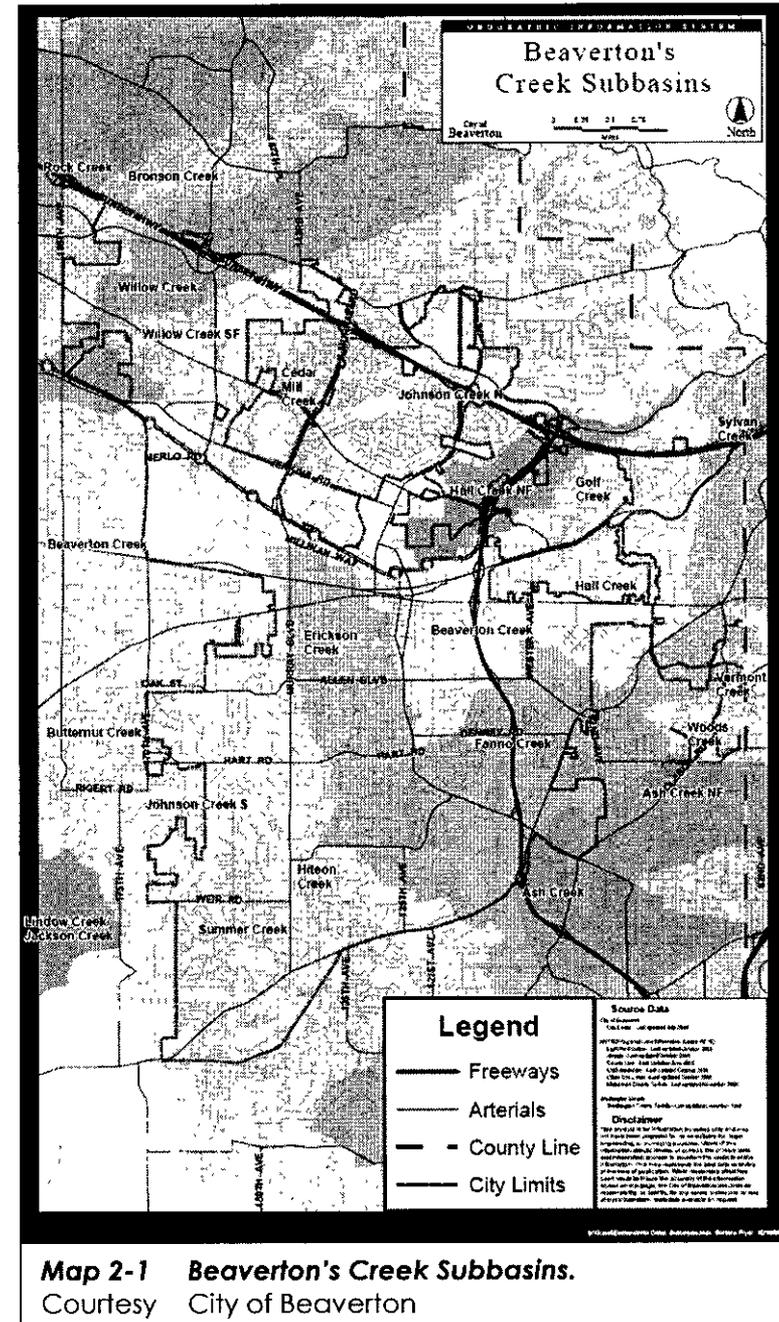
Courtesy Stream Corridor Restoration: Principles, Processes, and Practices, 10/98, by the Federal Interagency Stream Restoration Working Group (FISRWG).

2.2 Tualatin Basin Watershed

The Tualatin River watershed extends from the Coast Range to the West Hills to the Chehalem-Parret Mountains. The Tualatin River includes over 900 miles of streams. Beaverton includes three major creek basins: Beaverton Creek, Fanno Creek and Summer Creek. These basins are divided into smaller subbasins as shown at right.

Each subbasin has varying degrees of Effective Impervious Area. Reducing or eliminating Effective Impervious Area on site can assist in maintaining and restoring the health of the stream. Low Impact Development (LID) practices are the key tool in maintaining consistent hydrology.

Many of the stream basins in the Tualatin Basin, especially within the city limits of Beaverton, have been modified from their original state by development. Clean Water Services' vegetated corridor requirements regulate retention of riparian habitat and bioremediation of stormwater. The soils, plants, and microorganisms in the vegetated corridor break down pollutants before they reach the Tualatin River.



2.3 Tualatin Basin Hydrology

Hydrology is the study of how water flows into and through stream corridors. How fast, how much, how deep, how often, and when water flows all influence hydrology.

Rainfall, in a 24-hour period, varies from an annual average of 0.5 inches in August to an annual average of 6.41 inches in December. Looking at the percent occurrence of 24-hour rainfall volumes, over 80 percent are 0.5 inches or less. Most of the stormwater falls in low-intensity storms from September through June. Moderate-intensity storms occur throughout the year and occur more frequently from October to April. The frequency of high-intensity storms increases from November through February. (Source: Oregon Climate Service, Oregon State University)

Low impact development techniques work best on small events, less than 0.5 inches of rainfall in a 24-hour period. The rainfall data to the right suggests that LID techniques will successfully reduce runoff from the majority of storms. Low-intensity events that are less than

Figure 2-2 Average Monthly Precipitation (1971 through 2000)

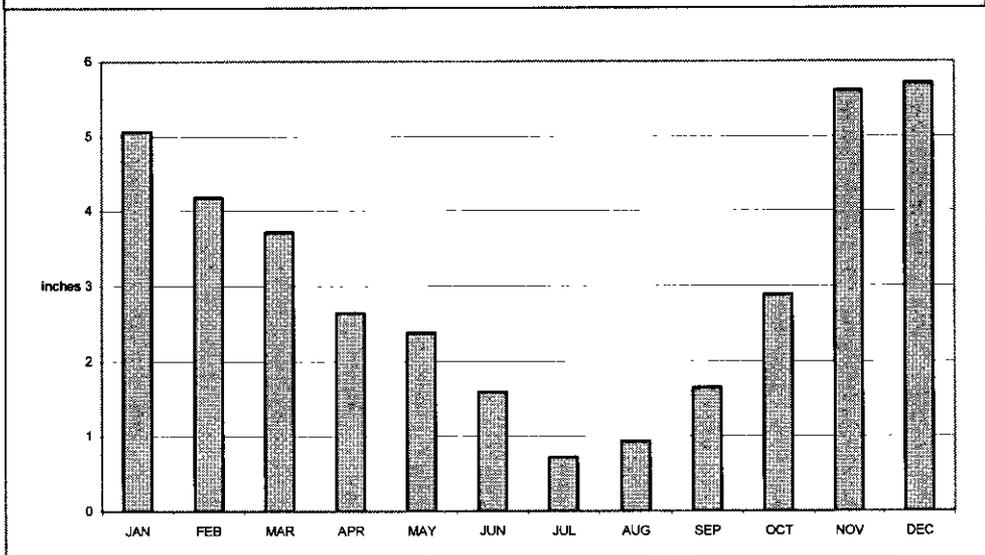
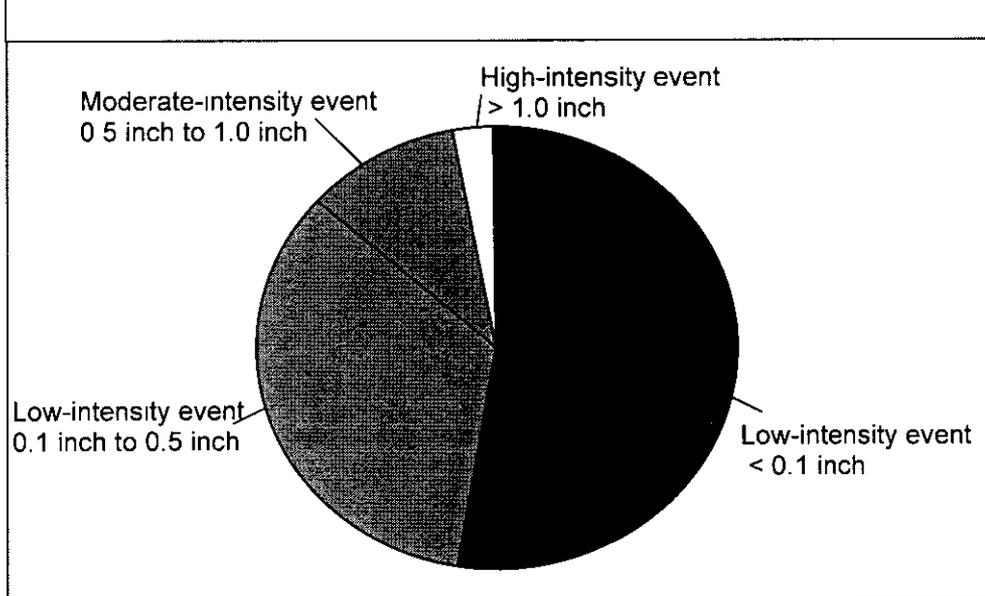
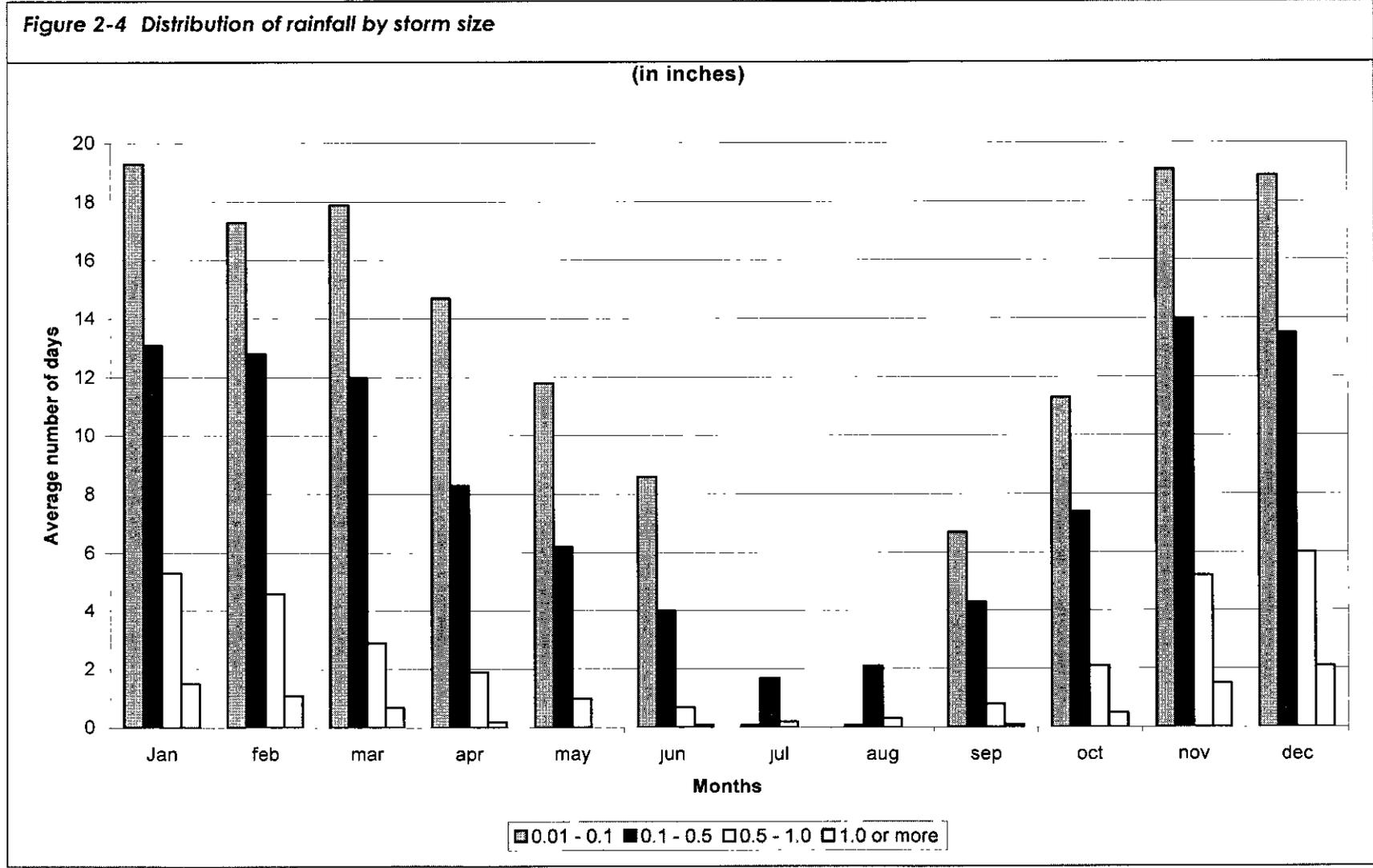


Figure 2-3 Percent Occurrence of 24-hour Rainfall Volumes



0.5 inches of rain in a 24 hour period typically produce runoff only if there has been at least 0.05 inches of rainfall per hour. September brings the first consistent small storms, which initially remove dust, pollutants, trash, and debris accumulated on roads, parking lots, roofs, and other hard or paved surfaces. These storms carry significantly greater concentrations of pollutants than later storms, although the first rainfall of any storm event carries more pollutants than rainfall towards the end of the storm. LID techniques help mitigate this first flush of pollutants.



2.4 Soil and Groundwater Conditions

Soil structure, farming, drain tiles, logging and development affect the permeability of soils. Most of the deposits in the Tualatin Valley are silts and clays or a mixture of both. In the headwaters areas, above 200 feet in elevation, cobble and rock are the predominant soil structure. Soils are grouped according to hydrologic characteristics. The groups are indicators of infiltration rates, porosity, and degree of water transmission.

The Natural Resource Conservation District, US Department of Agriculture, classifies hydrologic soil groups as A through D.

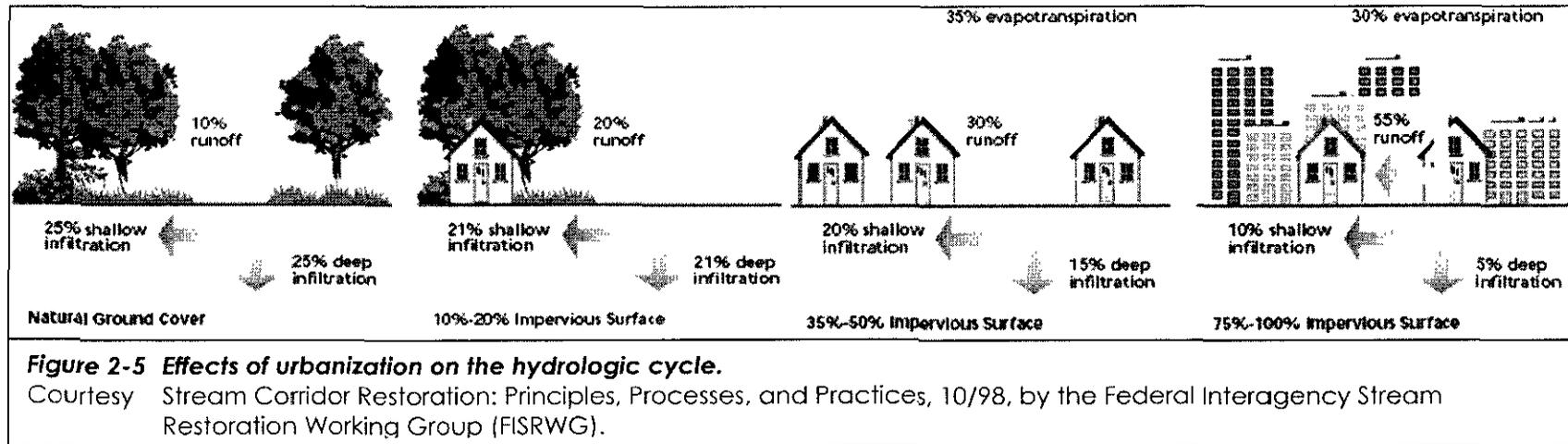
- Group A consist of soils having a high infiltration rate (low runoff potential) when thoroughly wet. These soils are deep, well drained to excessively drained sands or gravels. These soils have a high rate of water transmission.
- Group B consist of soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well or well drained soils that have moderately fine to moderately coarse texture.
- Group C have a slow infiltration rate when thoroughly wet. These consist chiefly of soils that have a layer that impedes the downward movement of water or soils that have moderately fine or fine texture. These soils have slow rate of water transmission.
- Group D soils have a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clay soils that have a high shrink-swell potential, soils that have a permanent high water table, soils that have a fragipan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Hydrologic group A does not exist in Beaverton. Review of the Washington County Soil Survey, published by the Natural Resource Conservation District, reveals that Beaverton includes predominantly hydrologic groups B, C, and D. As noted above, A and B soils are generally well suited for infiltration, while C and D soils are poorly suited for infiltration. Soil testing is important in hydrological groups C and D to determine the actual infiltration rate of the soil at the depth proposed for the low impact development technique.

Beaverton's water table fluctuates season to season and year to year. Individualized tests are needed to determine actual depth to water table.

2.5 Impacts of Urbanization

The amount of impervious cover increases dramatically with development. Typical single family development in an area like Beaverton is greater than 35% impervious. Development in Beaverton's downtown area is between 75% to 100% impervious materials (e.g. roads, sidewalks, parking lots, rooftops). Figure 2-2 displays the water table affected by varying degrees of impervious surface. As noted in the figure, higher percent impervious material results in greater runoff. Impervious cover directly affects surface runoff and stream degradation. This increase in surface runoff directly affects the peak discharge to a stream. As noted in Figure 2-3, these changes affect the amount and speed of surface water runoff in the watershed.



Changes in land use from forest and agriculture to urban impervious cover affect the hydrologic cycle. More specifically, the increase in impervious cover raises the discharge curve higher and steeper (Q shown on Figure 2-3). Impervious areas include rooftops, roadways, parking lots, sidewalks and driveways. Because these areas create

such a sharp jump in the amount of water entering the stream and at much greater velocities, less water percolates into the groundwater table and streams become incised and eroded. Effective Impervious Area (EIA) is impervious area that is directly connected to the storm drainage system. Rooftops, parking lots, sidewalks and driveways are typically directly connected to the storm drainage system. By reducing EIA and by absorbing and holding water on site using various techniques described in this manual, streams can return to a lower and less steep runoff curve (volume and speed of water flow).

2.5 Current Stormwater Management

Current stormwater management includes stormwater regulations, storm system capital improvements, pollution prevention, maintenance and water quality monitoring. Storm water regulation guides new development in the design and construction of stormwater facilities, including pre-treatment of stormwater. Capital improvements include stormwater outfalls, facilities, pretreatment, and pipes. Regulation, inspection, and enforcement of erosion control and pollutant source controls helps prevent pollution. Maintenance includes catch basins, storm lines, water quality and quantity facilities, and street sweeping. Water quality monitoring occurs on selected streams throughout the Tualatin Basin. In Beaverton, there are four monitoring stations, one on Beaverton Creek, two on Bronson Creek, and one on Fanno Creek.

Despite implementing the Best Management Practices (BMPs), water quality in the Tualatin Basin continues to decline due to continuing development. Older development, not constructed under current regulations, contributes more pollutants in the Basin on average compared to newer development. Primary pollutants include phosphorus, bacteria, volatile solids (affecting the amount of

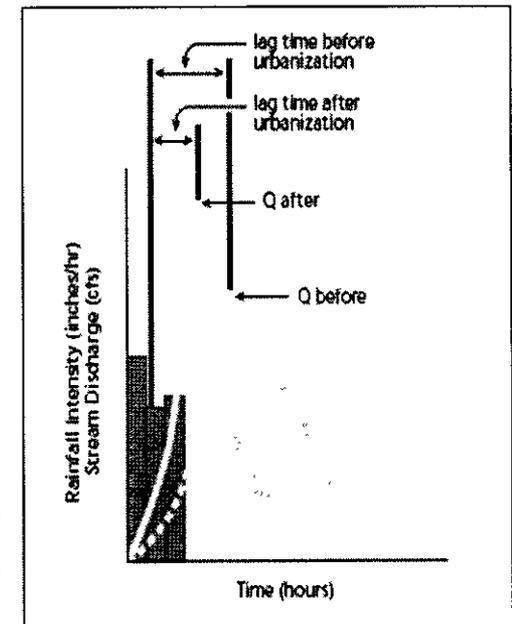


Figure 2-6
A comparison of hydrographs before and after urbanization

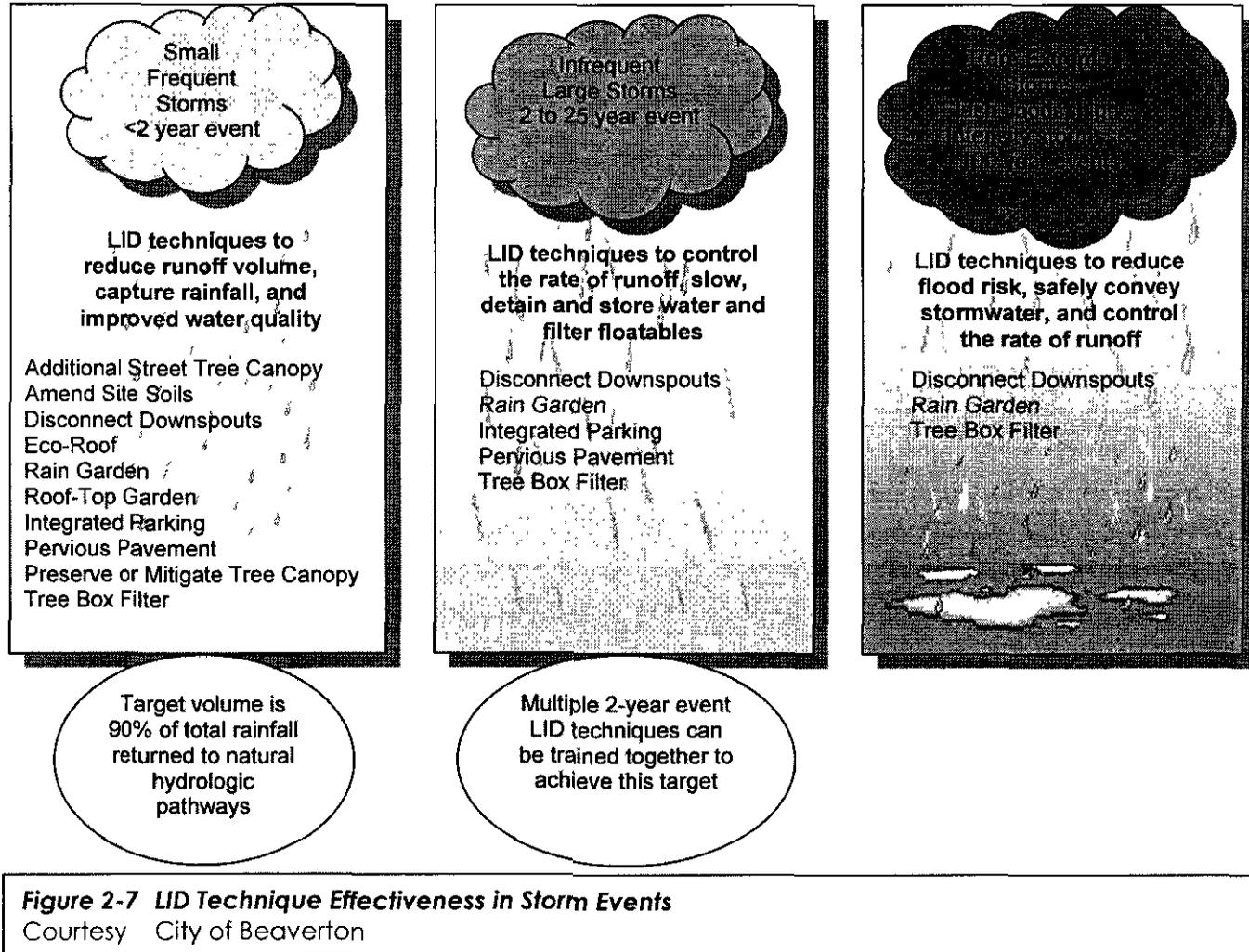
Courtesy
 Stream Corridor Restoration:
 Principles, Processes, and Practices,
 10/98, by the Federal Interagency
 Stream Restoration Working Group
 (FISRWG).

dissolved oxygen in the stream), and high water temperature in streams and effluent discharge from the sanitary sewer system.

2.6 Sustainable Stormwater Management

Sustainable stormwater management strives to achieve and maintain the hydrologic balance that existed before development. This is the goal of LID techniques found in this manual. While the goal is laudable, achieving it on all

properties, even through a voluntary incentive-based program, will be difficult. As noted above, the soils in Beaverton typically have slow rates of infiltration. The best result that most development sites can aspire to is reducing the time, velocity and volume of the flow entering the storm water system, streams and the Tualatin River.



Sustainable stormwater tries to maintain the hydrologic cycle through the use of natural systems. LID techniques can contain the water flow from most small, low-intensity storms. Medium storms require larger detention facilities, while large storms rely on detention facilities and pipes to carry water through the storm water system. In all cases, low impact development techniques provide some relief by slowing storm water flow. For example, rain gardens, when sized correctly, can slow or infiltrate the roof runoff from buildings. Figure 2-4 compares the intensity of storm with the type of low impact development that may be beneficial. All techniques can slow stormwater, some can detain the flow, and some can retain the flow. Slowing the flow increases the lag time in Figure 2-3. Detaining the flow increases the lag time, reduces the peak, and extends the time of the curve (flattens the curve). Retaining the flow eliminates the curve by retaining the storm water on-site. Retention basins evaporate and infiltrate stormwater to eliminate runoff from the site. Beaverton's hydrologic soil groups infiltrate slowly, limiting the effectiveness of retention basins as useful solutions in this area.

LID techniques are discussed in detail in Chapter 7.

3. GOALS

The goals of the integrated program begin at the statewide level and filter down to the local level as shown in the following bullet points:

- Statewide Planning Goal 5 protects and conserves natural resources, historic resources, scenic resources and open space.
- Metro's Goal 5 program goal attempts to provide uniform definition of regionally significant fish and wildlife habitat and baseline techniques (Habitat Friendly Development Practices or HFDPs) for local governments to limit impacts to those habitat areas.
- Clean Water Services' goal is to implement the Clean Water Act to improve water quality by reducing water temperature, bacteria and other pollutants in the Tualatin Basin Watershed.
- The Tualatin Basin program goals are to facilitate and encourage HFDPs to support natural systems that provide wildlife with food, shelter, and clean water and to limit impacts to the Tualatin River watershed.

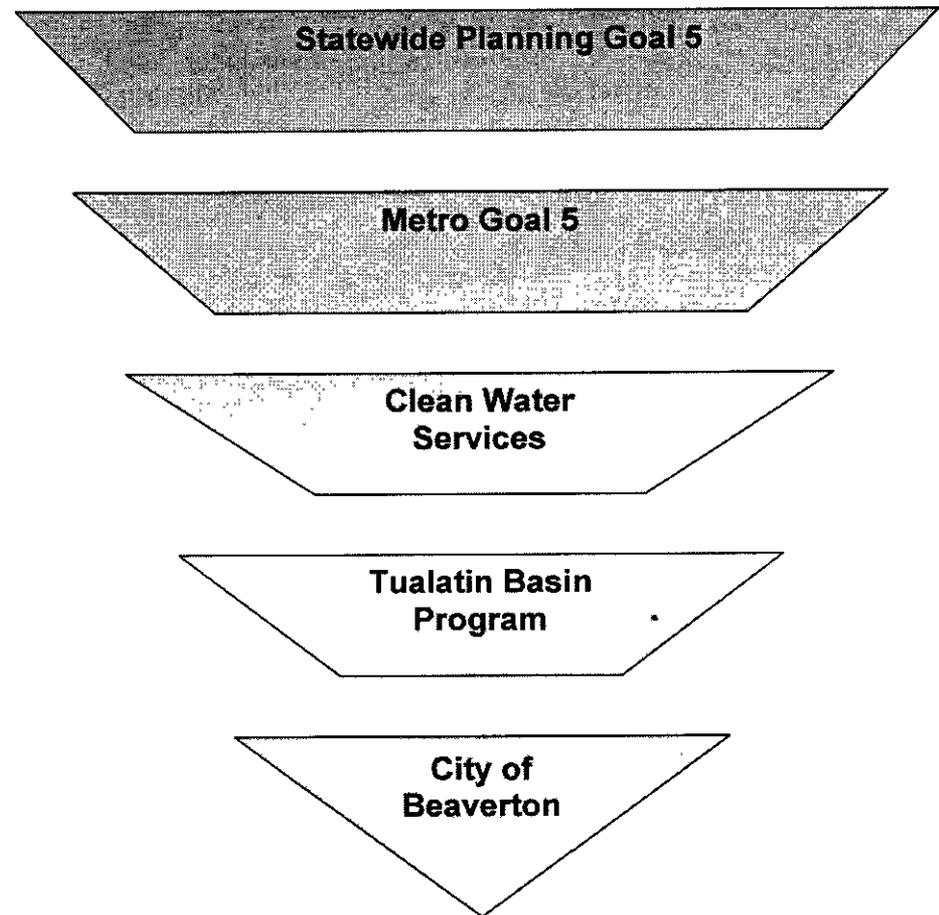
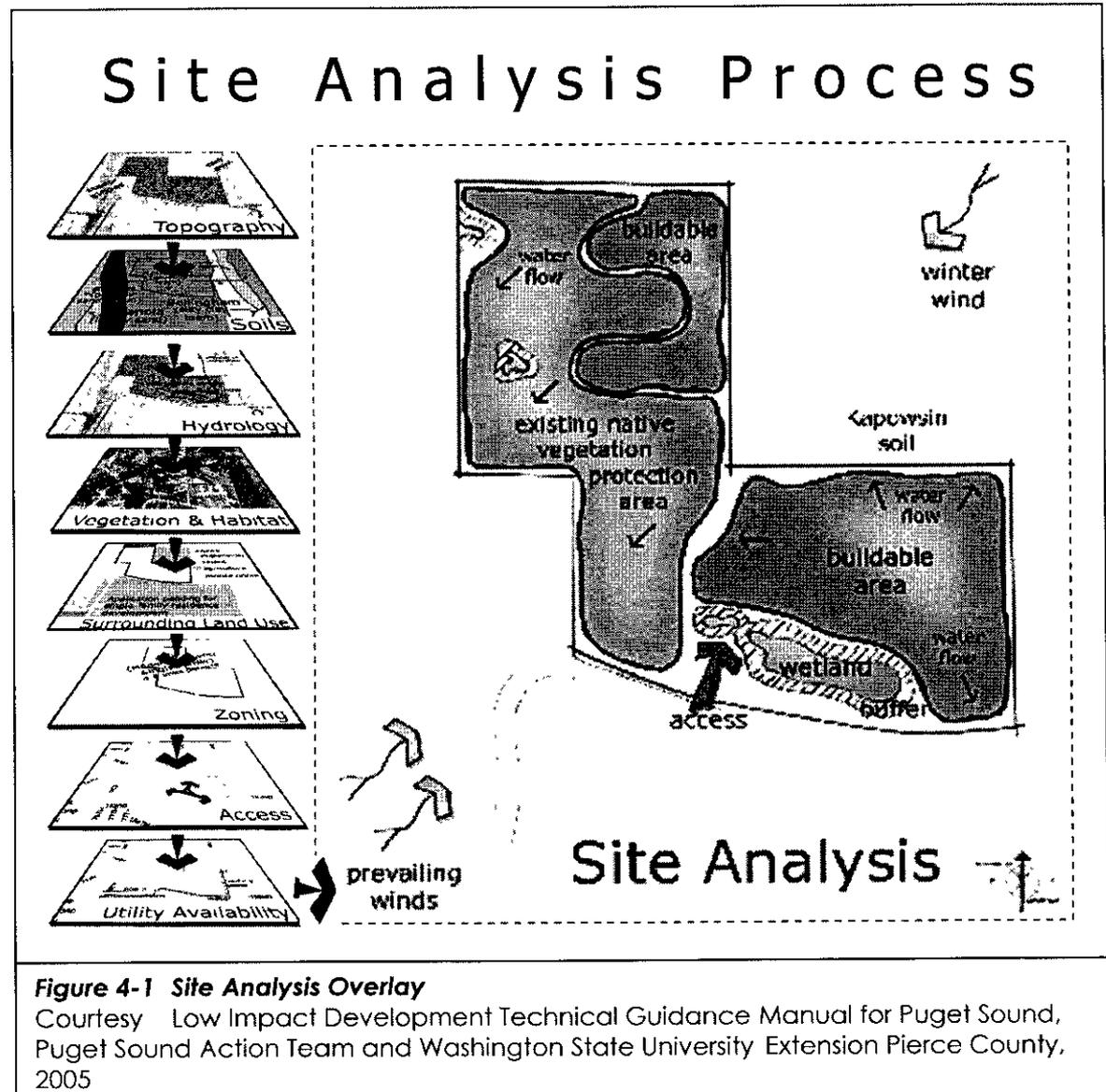


Figure 3-1 Hierarchy of Interrelated Programs
Courtesy City of Beaverton

- The City's Goal 5 program attempts to:
 - Limit impacts on Fanno, Beaverton and Summer Creeks and their tributaries by working toward sustainable development and zero EIA on all sites. HFDPs, low impact development (LID) and Clean Water Act implementation work toward this goal.
 - Promote preservation, enhancement and restoration of HBAs.
 - Promote smart growth infill and redevelopment practices through incentives to use LID and preserve, enhance, mitigate and create HBA.
 - Build with natural functions and retain natural systems.
 - Use best management practices to guide decisions regarding site design, development and construction.
 - Encourage HFDPs by adopting options that allow for flexibility in site design.

4. SITE ASSESSMENT

“Site assessment includes an inventory of on-site and adjacent off-site conditions. Specifically, the site assessment process should evaluate topography, soils, hydrology, vegetation, and water features to identify how stormwater moves through the site prior to development. The site should align roads, lots, and structures and implement construction practices to preserve and use these features to retain natural hydrologic functions. In almost all cases, low impact development requires on-site inventory and assessment and cannot be properly planned and implemented through map reconnaissance alone.” (Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005)



4.1 Soil Analysis

Soil analysis is necessary to learn if any soils on site are suitable for infiltration. If the soils do not allow for infiltration, then the retention techniques (those that retain water and allow it to infiltrate and evaporate) are not recommended. Knowledge of soils types is also necessary to determine the amount of gravel to place under structures for water storage.

Assessment Techniques

Methods recommended for determining infiltration rates fall into two categories:

1. Texture or grain size analysis using U.S. Department of Agriculture (USDA) Soil Textural Classification (Rawls survey) or ASTM D422 Gradation Testing at Full Scale Infiltration Facilities.
2. In-situ infiltration measurements using a Pilot Infiltration Test, small-scale test infiltration pits (septic test pits), and groundwater monitoring wells.

Grain size analysis and infiltration test present important but incomplete information. Soil stratigraphy should also be assessed for low permeability layers, highly permeable sand/gravel layers, depth to groundwater, and other soil structure variability necessary to assess subsurface flow patterns. Soil characterization for each soil unit (soil strata with the same texture, color, density, compaction, consolidation and permeability) should include:

- Grain size distribution
- Texture class
- Percent clay content
- Cation exchange capacity
- Color/mottling
- Variations and nature of stratification

(Washington Department of Ecology (August 2001) *Stormwater Management Manual for Western Washington*. (Publication Numbers 99-11 through 99-15). Olympia, Washington: Water Quality Program. (Through Puget Sound Action Team)

Consult a geotechnical engineer or soil scientist for initial assessment and soil pit recommendations.

4.2 Hydrologic Patterns and Features

Hydrology provides the foundation for the use of LID techniques. Knowing the site hydrology determines the types of LID techniques to use and the potential locations.

Assessment Techniques

- Identify hydrologic features on site.
- Identify and map surface flow patterns.
- Identify volume, duration and energy of storm flows.
- Identify ground water table levels with shallow hand-augured monitoring wells.

4.3 Vegetation and Habitat

Protection of native tree canopy and the understory beneath the canopy reduces the effective impervious area and maintains natural stormwater evapotranspiration. Native tree canopy also provides habitat for small mammals and birds, and open space. Vegetated corridor, wetland, and habitat benefit area protection provides the following functions:

- Dissipate stream energy and erosion associated with high-flow events.
- Filter sediment and maintain floodplain.
- Improve flood water retention and groundwater recharge.
- Provide nutrients to the aquatic food web.
- Provide habitat for a high diversity of terrestrial and aquatic biota.
- Provide shade and temperature regulation.

4.3.1 Tree Canopy and Understory Assessment Techniques

The following are steps to conduct a basic inventory and assessment of the function and value of on-site native vegetation:

- Identify forest areas on the site by size
- Identify species and condition of ground cover and shrub layer,
- Identify tree species and canopy cover.

4.3.2 Vegetated Corridors Assessment Techniques (Clean Water Services' Stormwater Permit Process)

Clean Water Services (CWS) is a service district formed under ORS Chapter 451 with lead responsibility for urban surface water management in urban Washington County, including the city of Beaverton and other cities. To protect water quality, the District adopted rules that affect how and where development can occur by requiring vegetated corridors, enhancement, and mitigation for impacts to Water Quality Sensitive Areas.

Water Quality Sensitive Areas are land features which serve as water quality filtering systems, protect aquatic communities, or that improve the water quality and quantity management of the storm and surface water system, and include any drainage system with a basin greater than 10 acres, wetlands, rivers, streams, springs, lakes and ponds. Stormwater facilities are not considered sensitive areas. The vegetated corridor, adjacent to a Water Quality Sensitive Area should be preserved and maintained to protect the water quality functions of the sensitive areas. Vegetated corridor rules apply to development, which is as all human-induced changes to improved or unimproved real property. Section 1.02.14, the CWS Design and Construction Standards (CWS Resolution and Order 04-9) requires a Stormwater Connection Permit for all development. However, prior to issuance of the Stormwater Connection Permit, a developer will need either:

- A. **A Pre-Screen Site Assessment** by CWS that states that no Water Quality Sensitive Areas are on or within 200 feet of the development site; or

- B. **A Service Provider Letter** from CWS, which states that CWS has reviewed and concurs with the proposed site plan. (NOTE: A Service Provider Letter must be included with a land use or building permit application to the City.)

In order to get a Service Provider Letter and a Stormwater Connection Permit from Clean Water Services, a development applicant must comply with the current Design and Construction Standards, available at <http://www.cleanwaterservices.org/>. This means that if a project is proposed that meets the definition of “development”, a Pre-Screen Site Assessment must be completed and a Site Certification and Natural Resource Assessment may be required. Chapter 3 of the Design and Construction Standards contains the regulations pertaining to Water Quality Sensitive Areas. Appendix C outlines the Natural Resource Assessment Methodology, and Appendix D provides information on Landscape Standards.

The CWS Permit FAQs section on their website has answers to common questions. For additional questions about Clean Water Services’ water quality protection regulations or the permitting process, contact: Clean Water Services, 2550 SW Hillsboro Highway, Hillsboro, OR 97213, Phone: (503) 681-5100, Fax: (503) 681-4439 web site: <http://www.cleanwaterservices.org/>

4.3.3 Wetland Assessment Techniques

Wetland assessments are required for wetlands greater than 0.25 acres and follow the US Army Corps of Engineers (Corps) Wetlands Delineation Manual. *Corps of Engineers Wetlands Delineation Manual* (Technical Report Y-87-1), Document # ADA 176 734. NTIS: Order Department, Springfield, Virginia 22161. Phone (703) 487-4650, FAX Order (703) 321-8547.

A Corps permit may be required if filling wetlands greater than 0.25 acres. A Department of State Lands permit may be required for fill and removal of wetlands. More information can be found at <http://www.usace.army.mil/> and <http://www.oregon.gov/DSL/index.shtml>

4.3.4 Habitat Benefit Area Assessment Techniques

City of Beaverton Habitat Benefit Areas consist of Metro’s Regionally Significant Riparian Corridors Classes I, II, and III and Upland Wildlife Habitat Class A. Habitat Benefit Area maps are found in the City’s Comprehensive Plan, Volume III: Statewide Planning Goal 5 Resource Inventory Documents and on the City of Beaverton web site <http://www.beavertonoregon.gov/> These areas exclude lands already regulated through the City’s Goal 5 program and the Clean Water Services’ Design and Construction Standards for Sensitive Areas and Vegetated Corridors.

4.3.5 Avoid, Minimize, Mitigate Impacts to Vegetation, Vegetated Corridors, Wetlands and Habitat Benefit Areas

Vegetation, vegetated corridors, wetlands and HBA are important resources providing flood control and water quality functions. Avoiding damage to existing wildlife habitat through preservation of HBA, native vegetation, vegetated corridors and wetlands maintains these functions currently provided by the natural Resource. Minimizing impacts to natural resources can be accomplished by limiting the amount of habitat disturbance to only those areas required for development of a site. Mitigating impacts to existing wildlife habitat should be used when avoidance and minimization options are limited. Mitigation using LID techniques, enhancement of vegetation can improve remaining on-site habitat and/or down-stream habitat.

- Preservation is an important component to managing stormwater in the Tualatin Basin. In Beaverton, limited riparian habitat is left to preserve. The few habitat areas that exist are mostly developed floodplain. Tree preservation provides significant opportunities to manage stormwater on site. Preservation retains habitat in its natural state. The most important aspect of watershed health is retention of natural systems.
- Enhancement minimizes impacts to areas that have been preserved. Developed floodplain, degraded habitat, vegetated corridors, degraded wetlands and piped streams provide opportunities for enhancement. Enhancement includes removing invasive plant species, planting a mix of native vegetation, and removing impervious surfaces – such as compacted earth.

- Mitigation is the act of compensating for impacts to habitat benefit areas, vegetation, vegetated corridors, and wetlands. Mitigation can include using low impact development techniques adjacent to the habitat benefit areas, removing piped systems or removing impervious surfaces within habitat benefit areas and enhancing preserved areas. Mitigation can occur off-site, but preferably is within the same subbasin.
- Creation includes constructed wetlands and streams with a mix of wetland or riparian vegetation and constructed upland habitat with a plant palette including herbaceous, shrub and tree layers. Creation can also include creating a native plant forested area with a mix of hardwoods and conifers, short and tall shrubs, and small herbs. Creation of new habitat requires close monitoring, weeding and may require irrigation in the first few years.

4.4 Floodplains

The objective for floodplain area assessment and management is to maintain or restore: (1) the connection between the stream channel, floodplain, and off channel habitat; (2) mature native vegetation cover and soils; and (3) pre-development hydrology that supports the above functions, structures, and flood storage of the basin.

Floodplain Assessment Technique

- Identify the 100-year floodplain and channel migration zone.

4.5 Site Assessment

Multiple levels of site assessment produce the overall site assessment map. Each level provides key information that is placed on top of one another to direct site development and LID choice. The graphic to on the next page provides a summary of the site assessment process.

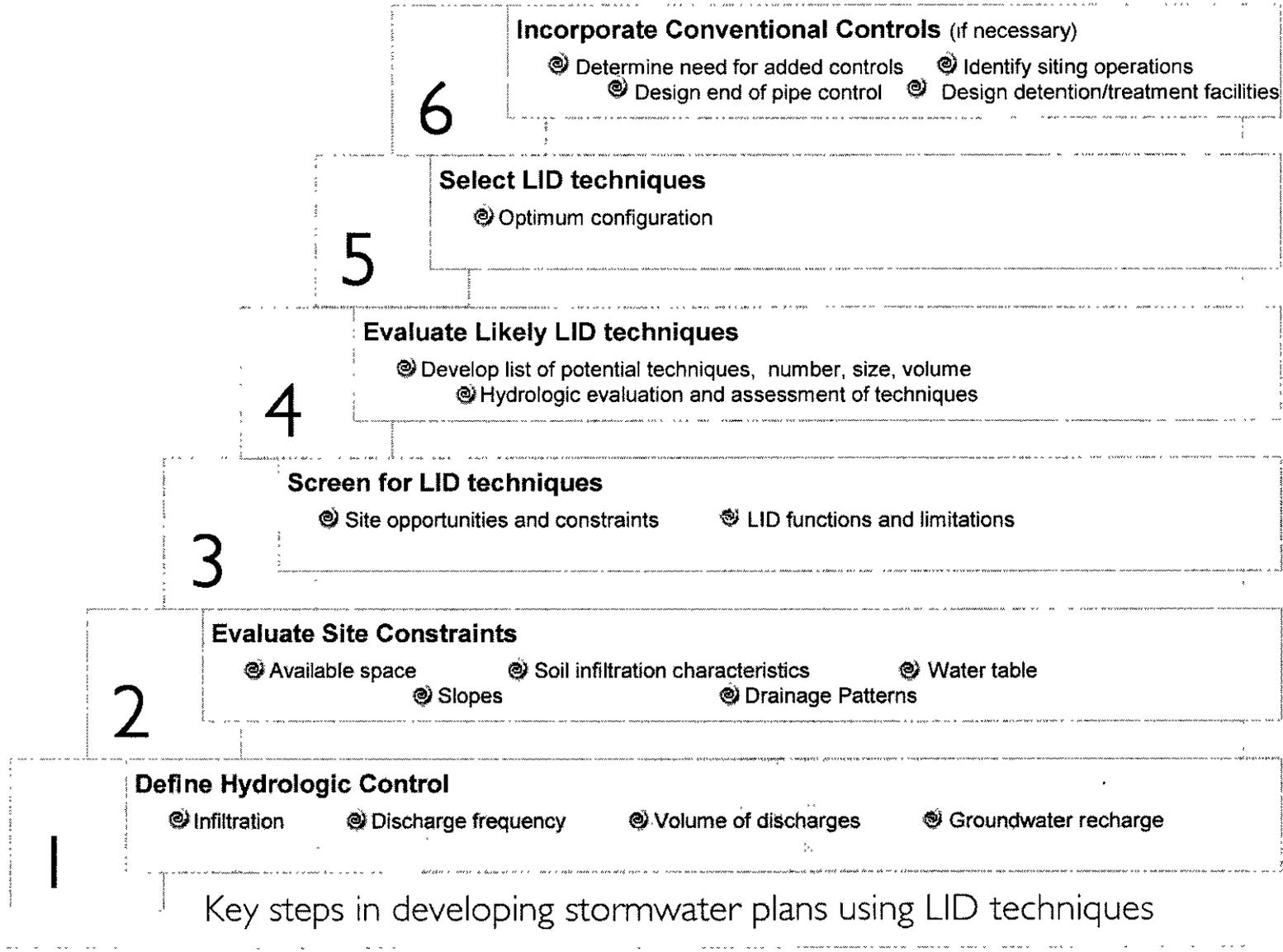


Figure 4-2 Key Steps in Developing Stormwater Plans Using LID techniques (adapted).
 Courtesy Low Impact Development Design Strategies – An Integrated Design Approach, Programs and Planning Division,
 Department of Environmental Resources, Prince Georges County, Maryland, June 1999

5. CLEARING AND GRADING

Modern site development techniques result in compacted soils, little topsoil, and few soil micro-organisms, if any. Native soils provide water storage and infiltration, while engineered soils provide little, if any water storage and infiltration. “Minimizing site disturbance as a primary strategy to control erosion reduces the extent of grading, retains vegetation cover, and is the most cost-efficient and effective method for controlling sediment yield (Corish, 1995).” (Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005). Native vegetation and soils can be protected and integrated into the project, provided cuts and fills do not impact the root zones of the vegetated areas.

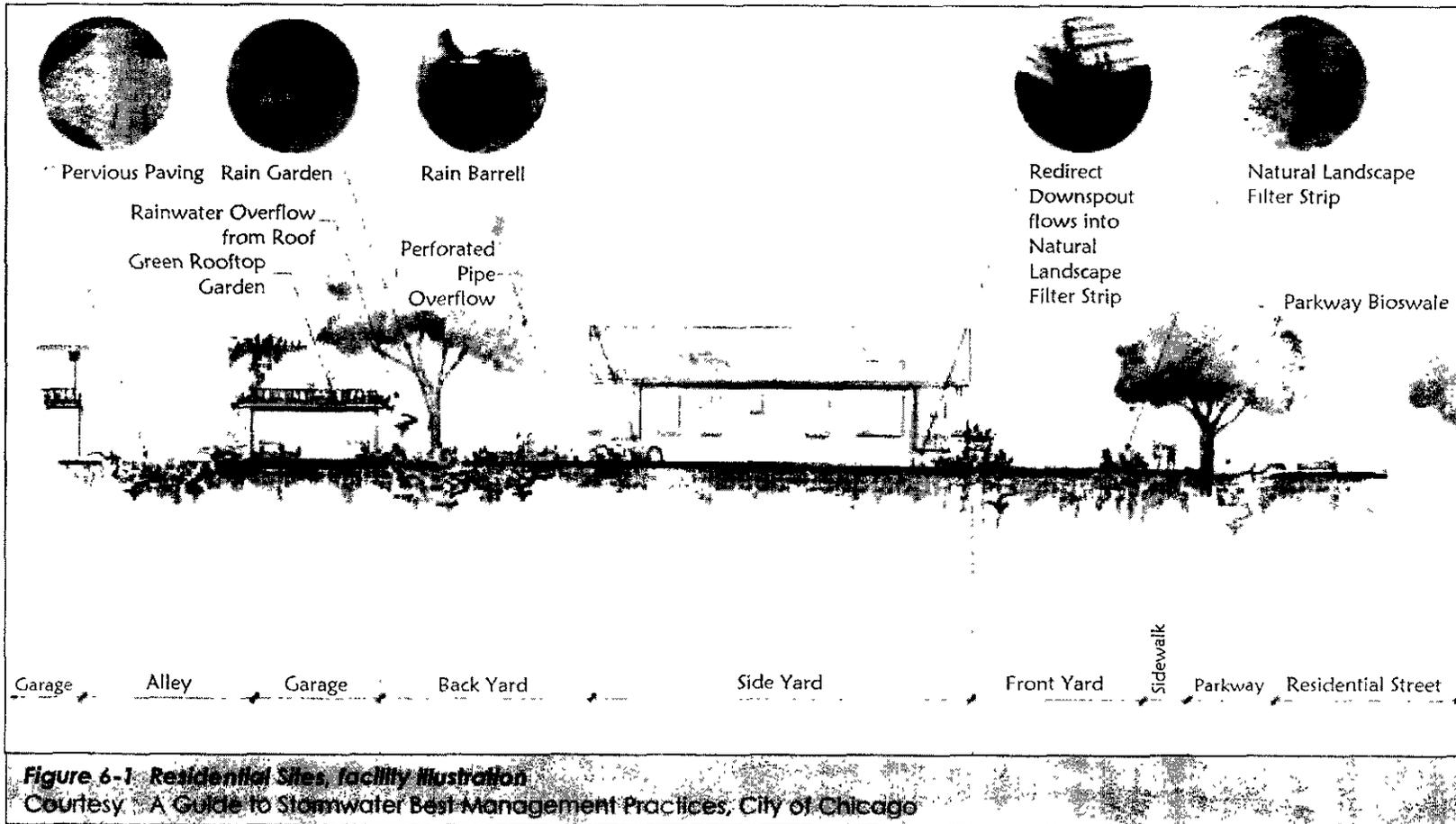
Tools to assess the minimum amount of clearing and grading include:

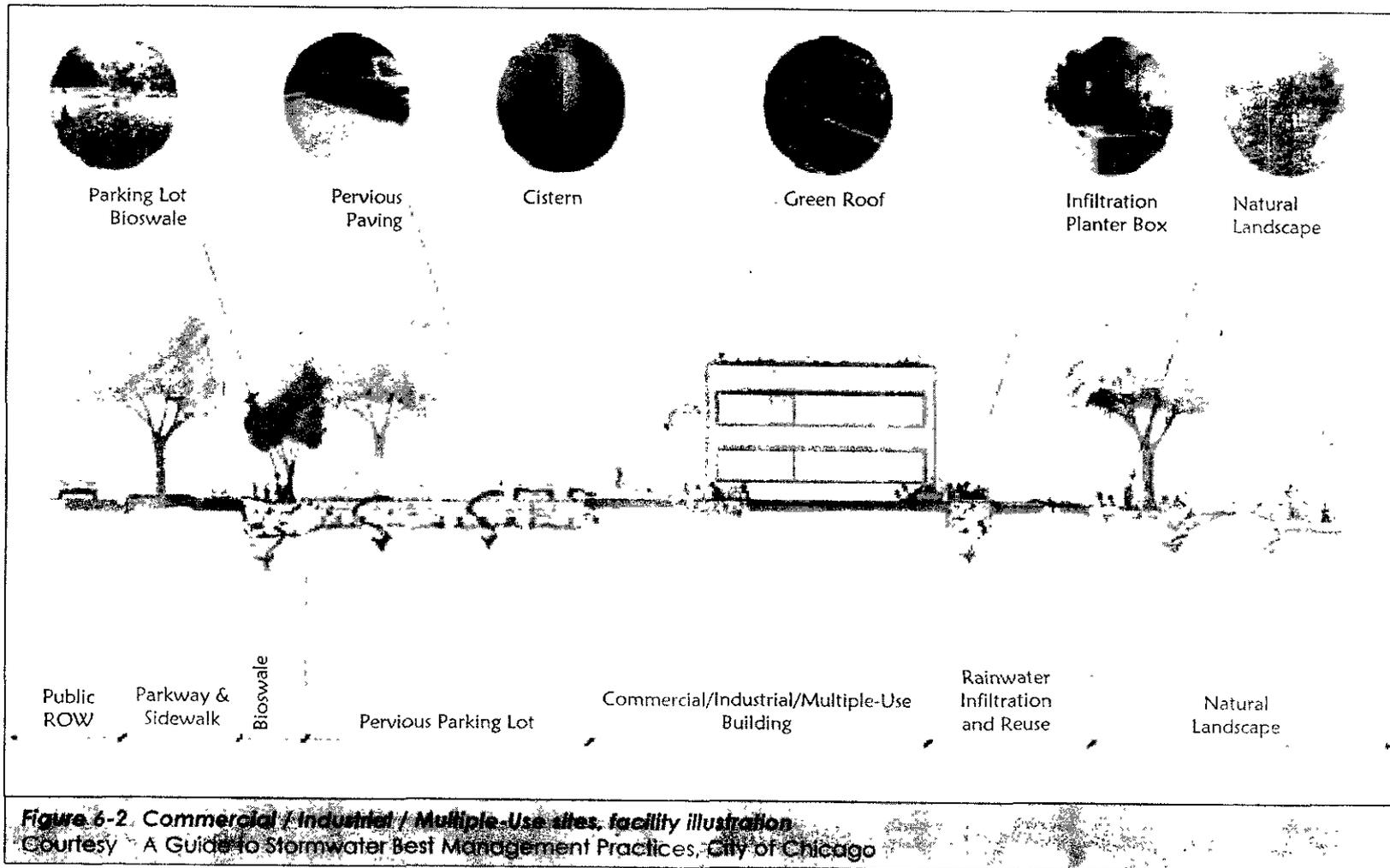
- Analyze site conditions and minimize alteration of contours, topography, native vegetation and soils.
- Design smaller building envelopes or construct special foundation designs that fit the building onto the land rather than reshaping the land to fit the building to protect native soils and vegetation.
- Use minimal foundation excavation techniques.
- Minimize unnecessary mass grading and soil compaction, wherever possible.
- Stockpile topsoil and replace after construction.
- Inventory and protect a diversity of native trees as part of the site design and construction processes.
- In areas intended for stormwater management and infiltration, deep-till and loosen soils compacted during site grading to restore their natural infiltration capacity.
- Plant native vegetation in lieu of turf grass and non-native ornamental plants.
- Fence preserved areas, both the vegetation and the topsoil stock pile.
- Install signs on the fenced areas to remind construction personnel to eliminate activity in these areas.
- Hold pre-construction meetings with construction personnel to note the stock pile and vegetated areas and the importance of staying out of those areas.

6. SITE DESIGN AND SOLUTIONS

6.1 Facilities Illustration

The following two graphics illustrate how the various techniques may be used on a residential site and a commercial, industrial or multiple-use site.





6.2 Roads and Parking

Reducing impervious area, minimizing or eliminating effective impervious area and concentrated flows are results of using low impact development techniques for road construction. Goals of LID type streets include designing to avoid natural resources, providing a connected network of streets and multi-use pathways, and providing sufficient access for emergency vehicles.

The following techniques can be used to minimize the amount of pavement on a site. Cul-de-sacs can be modified to include bioretention in the center. This reduces the overall impervious area while continuing to provide emergency vehicle and automobile access. Hammerheads can be used instead of cul-de-sacs, where feasible to eliminate impervious area.

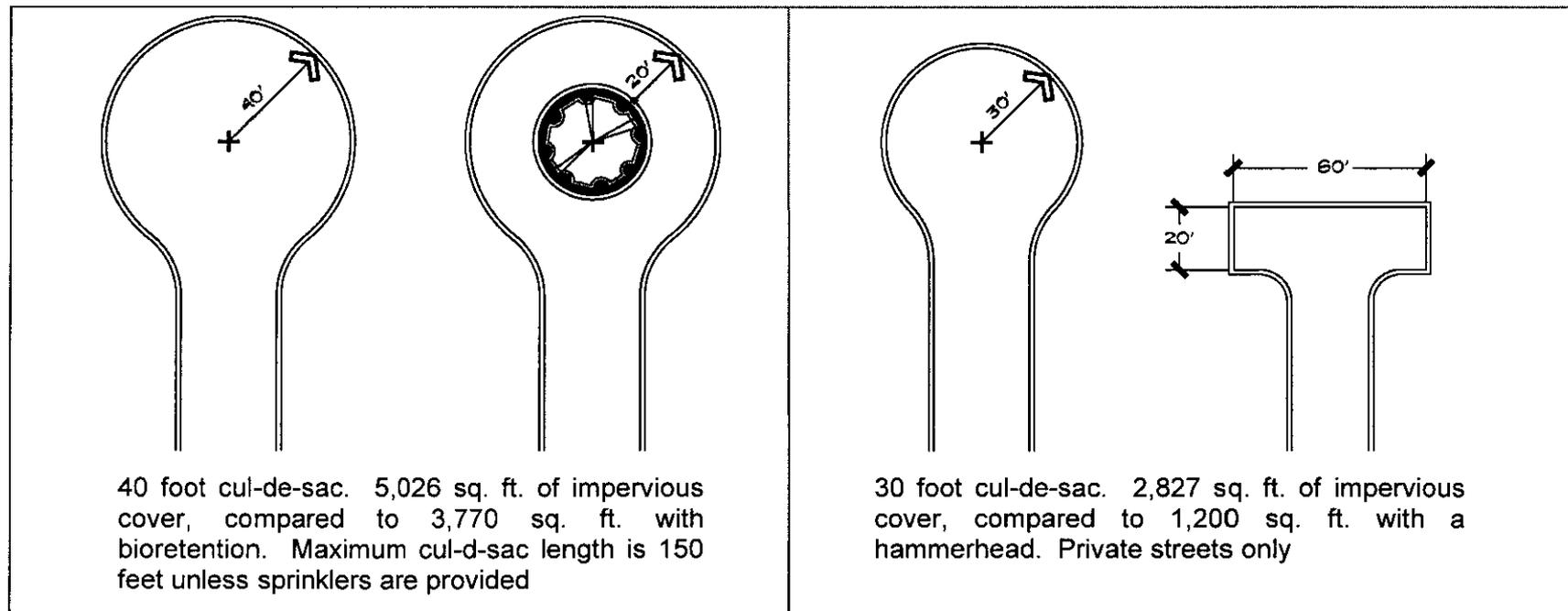


Figure 6-3 Cul-de-sac alternatives

Courtesy Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005

Streets can be designed with traffic calming to reduce overall impervious area and to increase bioretention. An example constructed in the city of Portland is shown in the photos below.

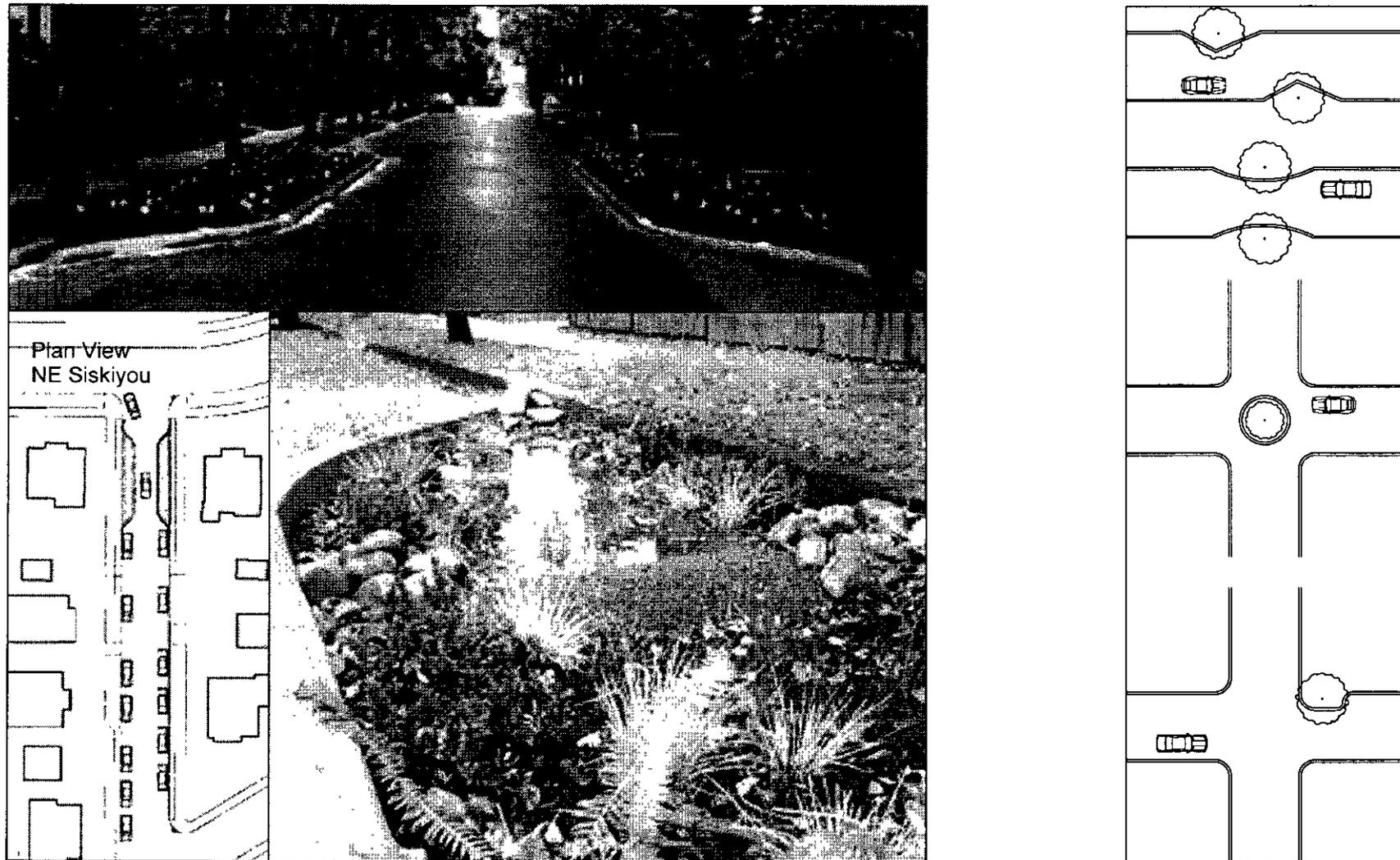


Figure 6-4 Street Design alternatives incorporating traffic calming and bioretention techniques

Courtesy (above, left) NE Siskiyou Street at NE 35th Place, Portland, Oregon, City of Portland; (above, right) Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005

Streets designed with flow-through planters, tree box filters, and bio swales attenuate stormwater and are aesthetic alternatives to turf. A flow-through planter at SW 12th Avenue in the city of Portland is featured to the right and below

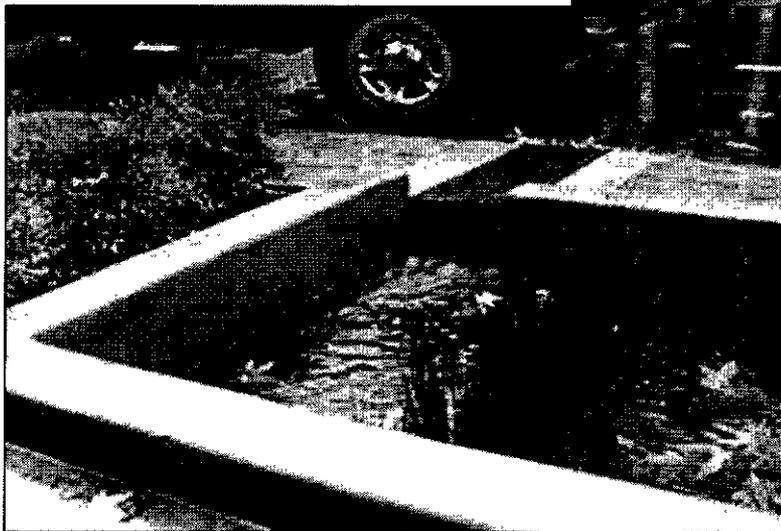
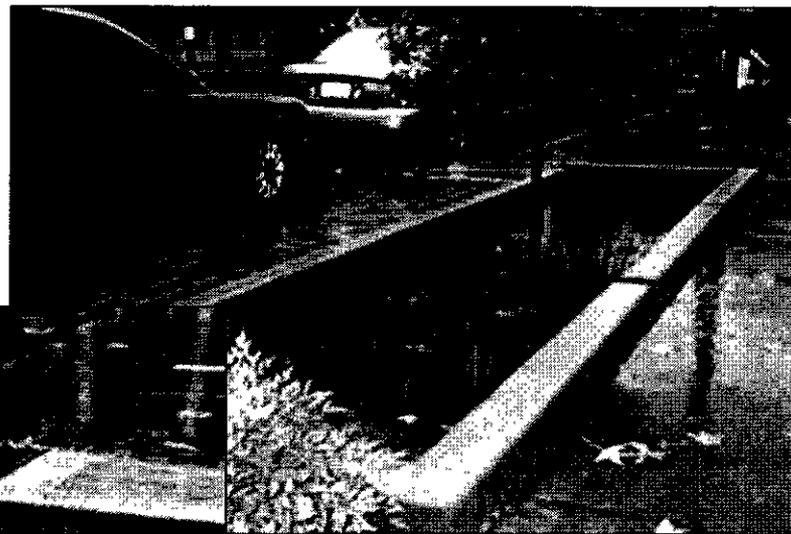
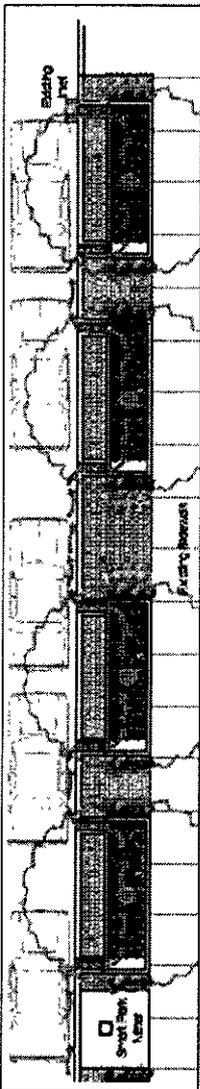


Figure 6-5 Flow-through planter, SW 12th Avenue, Portland State University
Courtesy City of Portland

This project, constructed in Seattle, features a green street with a narrowed drive width, traffic calming, parking bays for homeowners, a sidewalk on one side and a bio-swale.

The curvilinear roadway, one of the most prominent features of the project, is 14 feet wide (18 feet wide at the intersections). The project team was focused on reducing the paved surfaces where possible. The roadway is wide enough for 2 standard size cars to pass each other slowly.



Figure 6-6 Green Street, City of Seattle
Courtesy City of Seattle

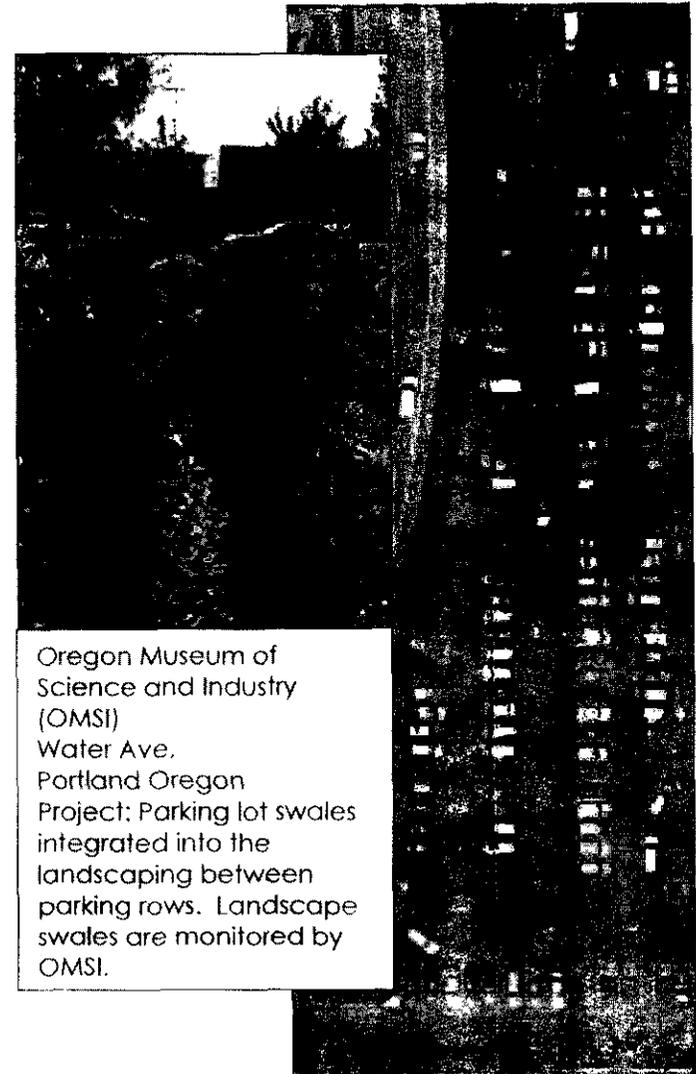
Parking lots can be designed with bioswales, bioretention, and flow-through planters to provide for additional storm attenuation and quality treatment. The photographs on this page depict different parking lot treatments.



Liberty Center Parking Garage
650 NE Holladay, Portland Oregon
Project: Landscape Swales
Impervious Area: 35,000 sq ft of parking garage



Glencoe Elementary School Parking Lot
825 SW 51st, Portland Oregon
Project: Landscape Swale
Impervious Area: 15,000 sq ft of parking lot



Oregon Museum of Science and Industry (OMSI)
Water Ave., Portland Oregon
Project: Parking lot swales integrated into the landscaping between parking rows. Landscape swales are monitored by OMSI.

Figure 6-7 Parking Lot Strategies
Courtesy: City of Portland

6.4 Landscape

Landscaping adds drama and visual appeal to a development. Native plants in the landscaping provide food for wildlife and additional stormwater attenuation. In lieu of native plants, drought tolerant non-native species minimize the need for watering and maximize the storage capability of the site. Conifer trees absorb water all year long. Deciduous trees absorb more water than conifers while the leaves are present on the trees. The following photos depict natural or drought tolerant landscapes.

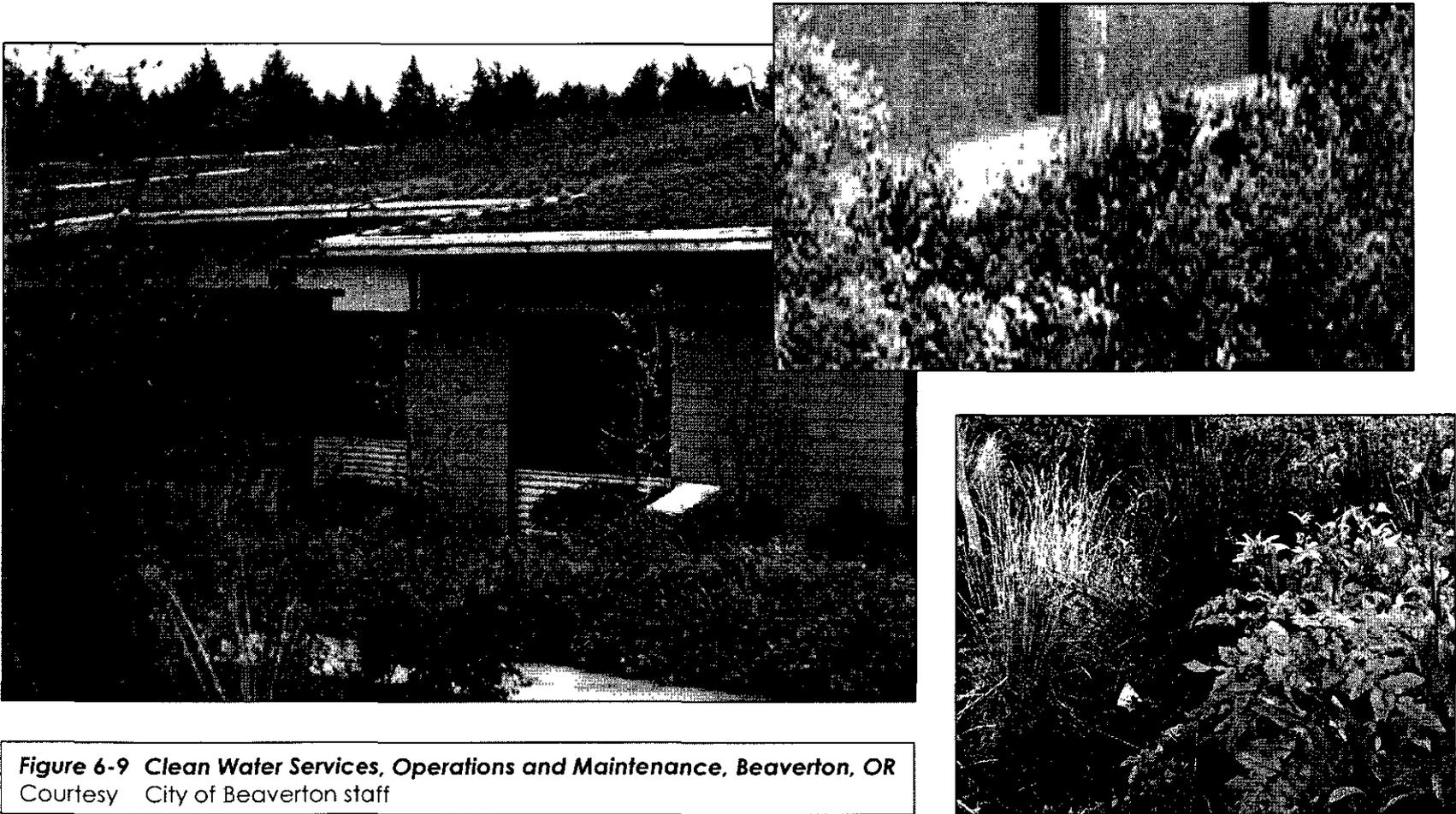


Figure 6-9 Clean Water Services, Operations and Maintenance, Beaverton, OR
Courtesy City of Beaverton staff



Figure 6-10 Landscapes with native plants

Courtesy Clackamas County Soil and Water Conservation District

Lists and photos of native plants can be found at the following three web sites:

<http://www.portlandonline.com/bes/index.cfm?c=32142&a=40732>

<http://www.cleanwaterservices.org/EducationAndOutreach/NativePlantFinder/default.aspx>

<http://www.metro-region.org/article.cfm?ArticleID=13547>

7. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES SPECIFICATIONS

Low Impact Development techniques include eco-roofs, roof gardens, rainwater collection systems, bioretention areas, construction site soil amendments, alternate pavement surfaces, trees, contained planters, flow-through planters, and infiltration planters. Each technique may be applied on its own or in groups called trains. When multiple techniques are trained together, water quality and quantity may be addressed. This section includes information about the technique and specifications, where possible. The specifications are guidelines to follow to implement LID techniques identified in Development Code Chapter 60.

7.1 Eco-roof

Eco-roofs are designed with shallow, light-weight soil profiles (1 to 5 inches) and ground cover plants adapted to the harsh conditions of the roof top environment. Eco-roofs can be installed on almost any roof with slopes up to 40 degrees, but slopes between 5 and 20 degrees are most effective. Roofs sloped greater than 20 degrees require a lath grid to hold the soil substrate and drainage aggregate in place.

Many manufacturers market proprietary systems that include the root barriers, growing medium and suggested vegetation. Construction of the structural support commensurate is with the anticipated water storage, following appropriate building codes. A leak detection system is recommended to quickly detect and locate leaks. A signed document from a structural engineer is necessary to certify that the design is appropriate. A plumbing permit is also required.

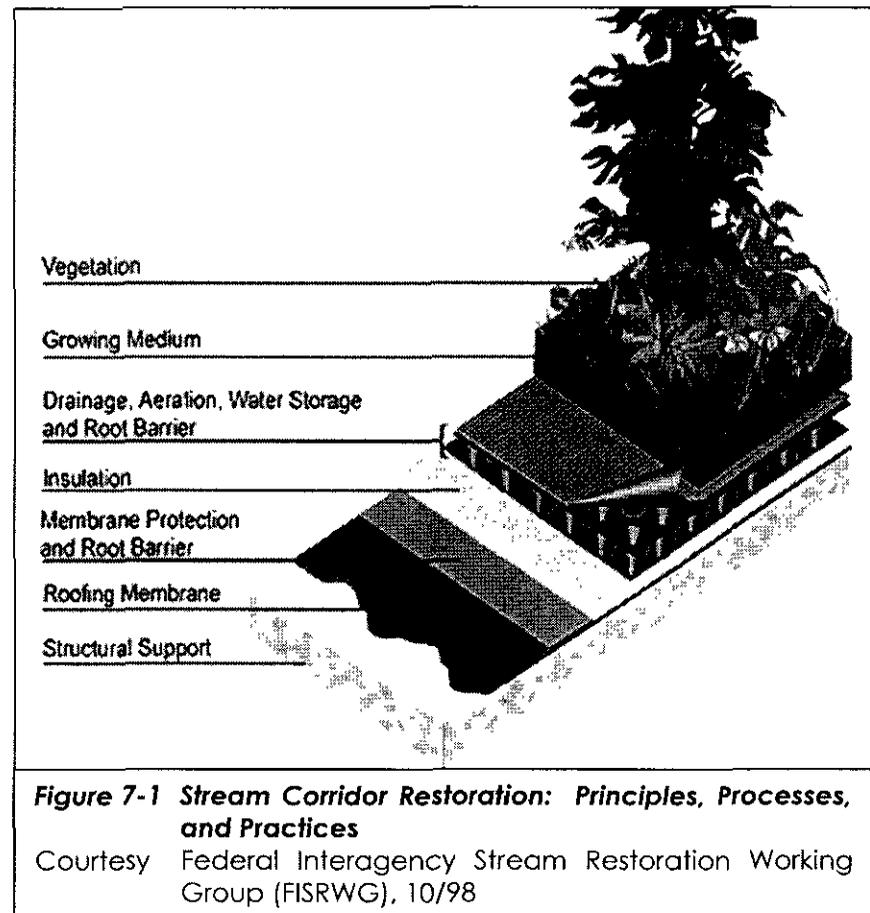


Figure 7-1 Stream Corridor Restoration: Principles, Processes, and Practices

Courtesy Federal Interagency Stream Restoration Working Group (FISRWG), 10/98

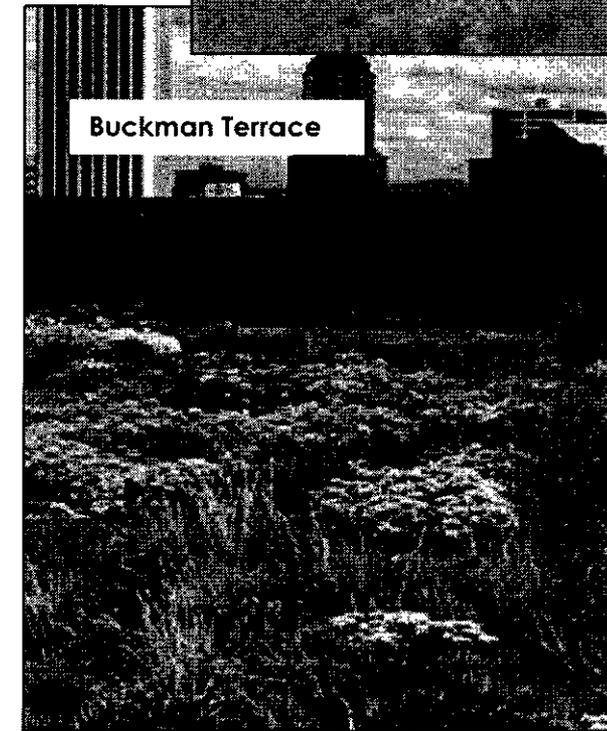
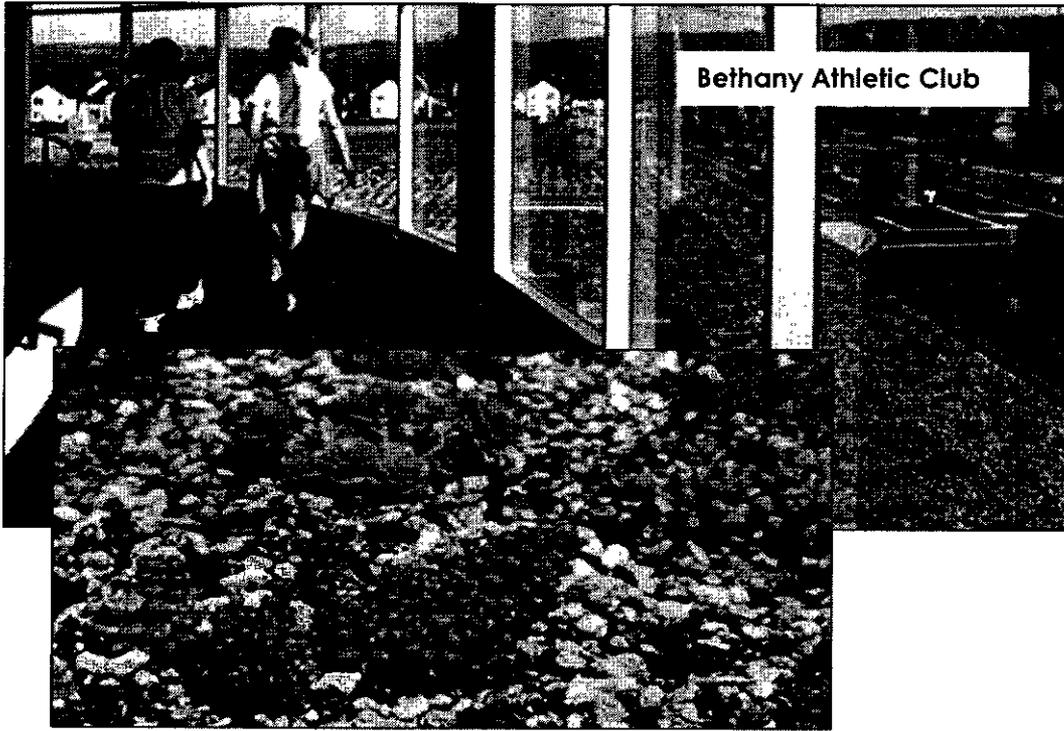
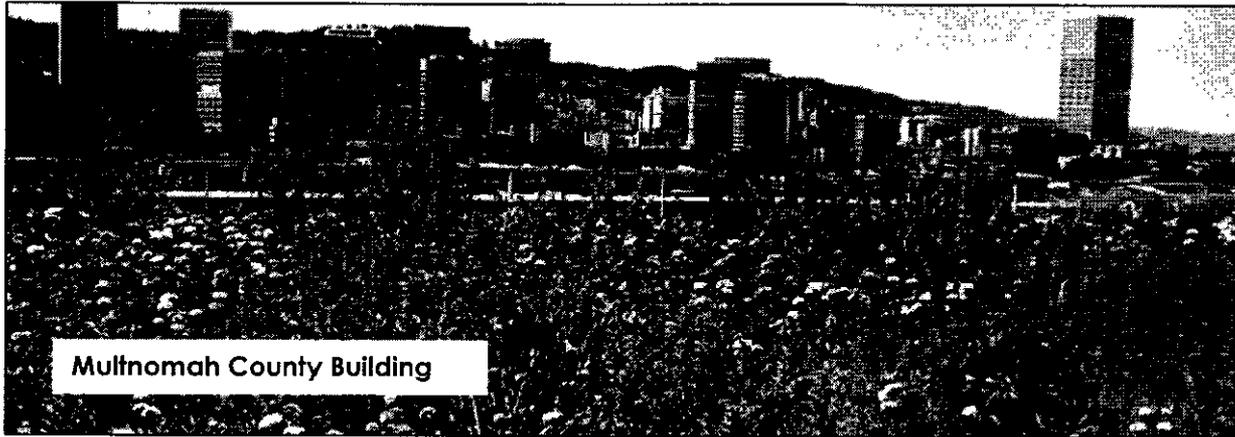


Figure 7-2 Eco-roofs from around the Portland Metropolitan area
Courtesy City of Portland and Columbia Green Technologies

7.2 Roof gardens

Roof gardens are designed with a relatively deep soil profile (6 inches and deeper) and are often planted with groundcovers, shrubs and trees. Flat roofs function best for this type of roof. Public spaces are often provided as in the graphic on the right. A signed document from a structural engineer is needed to certify that the design is appropriate. A plumbing permit is also required.

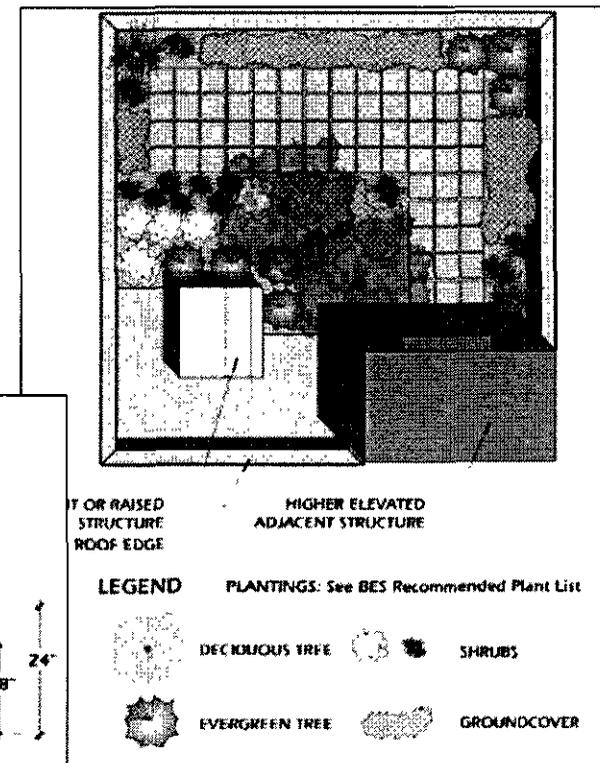
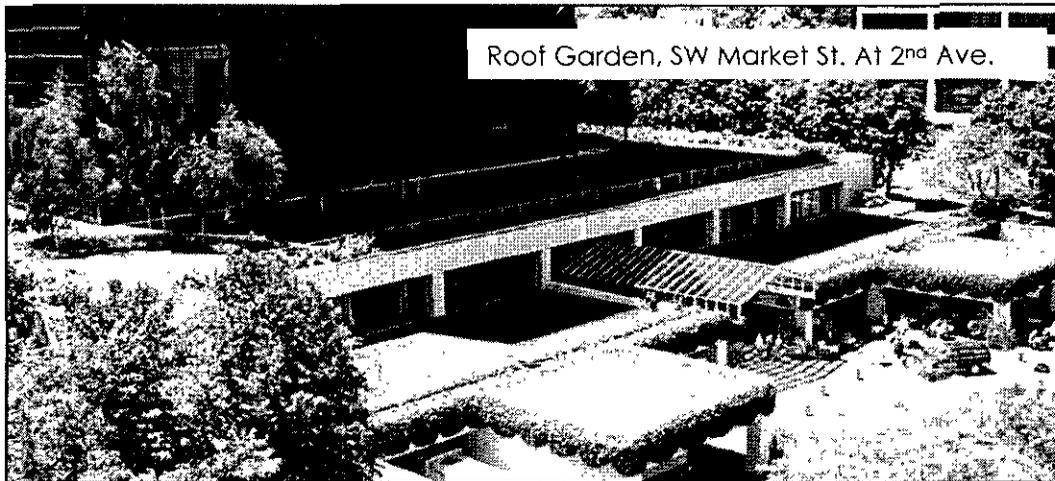
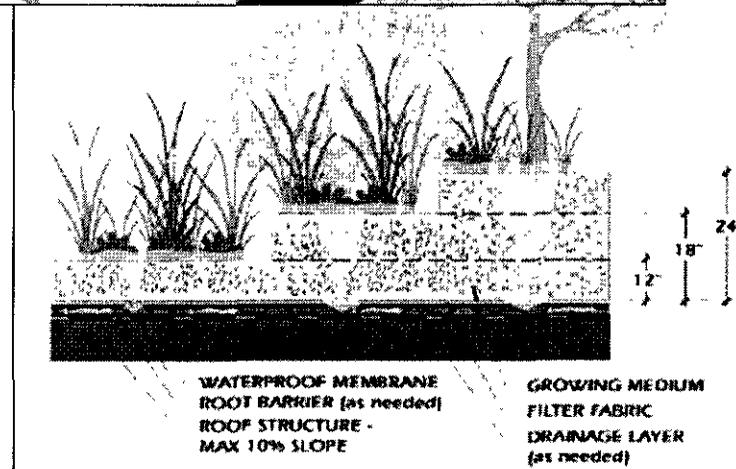


Figure 7-3
Roof garden examples
 Courtesy
 Stormwater
 Management Manual,
 Bureau of Environmental
 Services, City of Portland



7.3 Roof Rainwater Collection Systems / Water Storage and Harvesting

Typically, the collection or harvesting of rainwater from rooftops is applied to landscaping and sometimes used as domestic, non-drinking water supplemental supply. The practice is particularly applicable in medium to high-density development where the roof is likely to be equal to or greater than the road, driveway and sidewalk impervious surface contribution. The practice serves the purpose of water conservation and elimination or a large reduction of the stormwater contribution from rooftops. This LID technique can be used for new or retrofit projects in residential, commercial or industrial development. Rainwater harvesting technology is well developed and components are readily available, but they should be designed by a qualified engineer or experienced designer. The highest precipitation occurs during the time when the lowest demands for irrigation exist, so to make rainwater harvesting effective at reducing storm flows and to provide a summer water source the system requires use of large storage reservoirs or cisterns. Therefore large reservoirs or cisterns are needed to make rainwater harvesting effective for the dual purpose of reducing storm flows and providing a summer irrigation supply.

A general rule for sizing rain barrels or cisterns is that one inch of rainfall on a 1,000 square foot roof will yield approximately 600 gallons of runoff.



Figure 7-4 Rain barrel and cistern examples

Courtesy Stormwater Solutions Handbook, Bureau of Environmental Services, City of Portland

7.4 Bioretention Cells

Bioretention cells are also called rain gardens. These are very similar to current stormwater detention facilities. They are typically shallow landscaped depressions with a designed soil mix and plants adapted to the local climate and soil moisture conditions that receive stormwater from small contributing areas. These facilities are designed to closely mimic natural conditions; they are small-scale, dispersed facilities that are integrated into the site as a landscape amenity. These landscaped amenities can be applied to individual lots for rooftop, driveway and other on-lot impervious surfaces; shared facilities located in common areas for individual lots, areas within loop roads or cul-de-sacs, landscaped parking lot islands, within rights-of-way along roads and in common landscaped areas in apartment complexes or other multi-family housing designs.

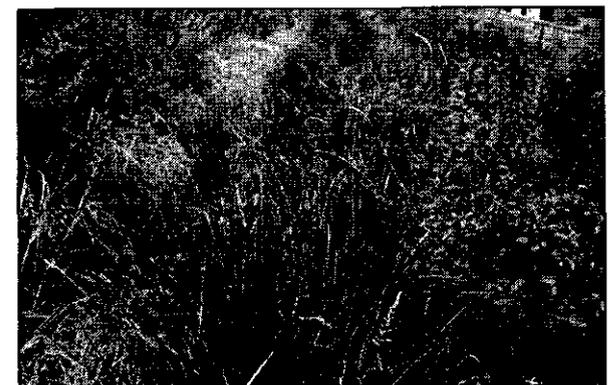
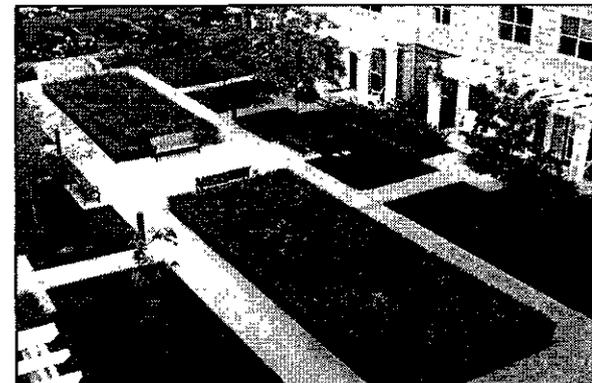
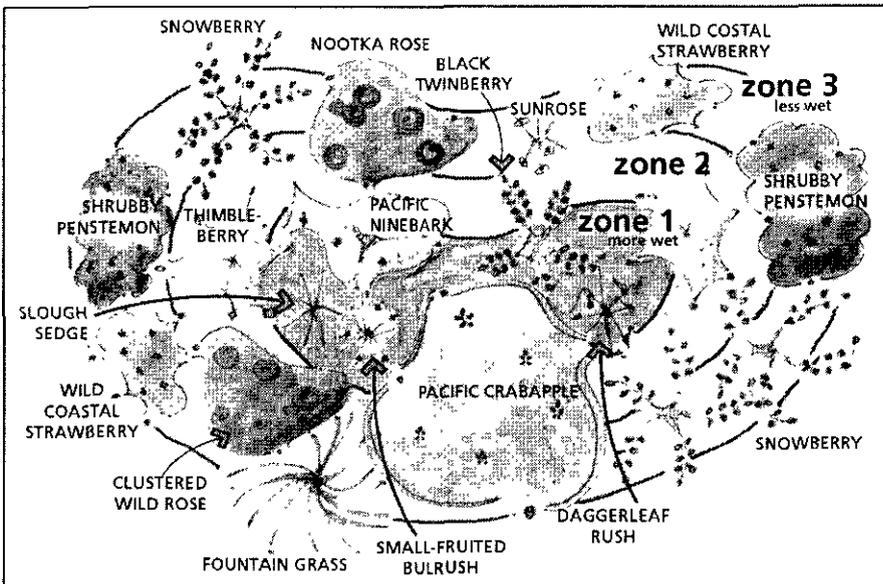


Figure 7-5 Bioretention cell examples

Courtesy (above) Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005; (upper right) Buckman Heights, City of Portland; (right) Clean Water Services, City of Beaverton

Bioretention cells include an overflow drain piped to the stormwater system. They incorporate the same design features as the cells, have gentle side slopes and flow depths less than 12 inches. Biodetention is a design that uses vegetated barriers arranged in hedgerows across a slope to disperse, infiltrate and treat stormwater. Common design elements include pretreatment, flow entrance, ponding area, under-drain, filter materials, surface overflow, hydraulic restriction layers, plant material, mulch layer, soil and compost.

Infiltration requires suitable soils. Bioretention cells should be setback a minimum 10' and located down grade from home foundations and property lines. This application functions best in drainage areas with relatively flat slopes (5%) but will work in slopes greater than 1% to less than 33%. Drainage area for filtration design is 2 acres maximum per 1 acre maximum impervious.

NRCS soil types A and B work well for infiltration while soil types C and D require an underdrain. The drainage area for infiltration design is 2 acres maximum per ½ acre maximum impervious. The minimum depth to bedrock and seasonally high water table is 3 feet. Side slopes of the cell shall not be greater than 3:1, slope of the surface shall not exceed 1%, ponding depth should be no greater than 6 inches, and maximum allowable pooling depth is 18 inches. The elevation difference from the inflow to the outflow should be approximately 4-6 feet when an underdrain is used.

Soils used in construction of the Bioswale should be a well blended homogenous mixture of 50-60 % construction sand (AASHTO M-6 or ASTM C-33 with grain size of 0.02" to 0.04"); 20-30% top soil (sandy loam, loamy sand, or loam texture per USDA textural triangle with less than 5 % clay content); and 20-30% organic leaf compost is necessary to provide a soil medium with a high infiltration/filtration capacity. Soil shall be a minimum depth of 30 inches. Underdrain gravel blanket shall be double washed stone, 1 ½ inch in size. Pea gravel shall be washed, river-run, round diameter, ¼ - ½ in size. Mulch shall be fresh shredded bark not exceeding 3" in depth.

The following graphics depict different cross-sections for installation of bio-retention cells.

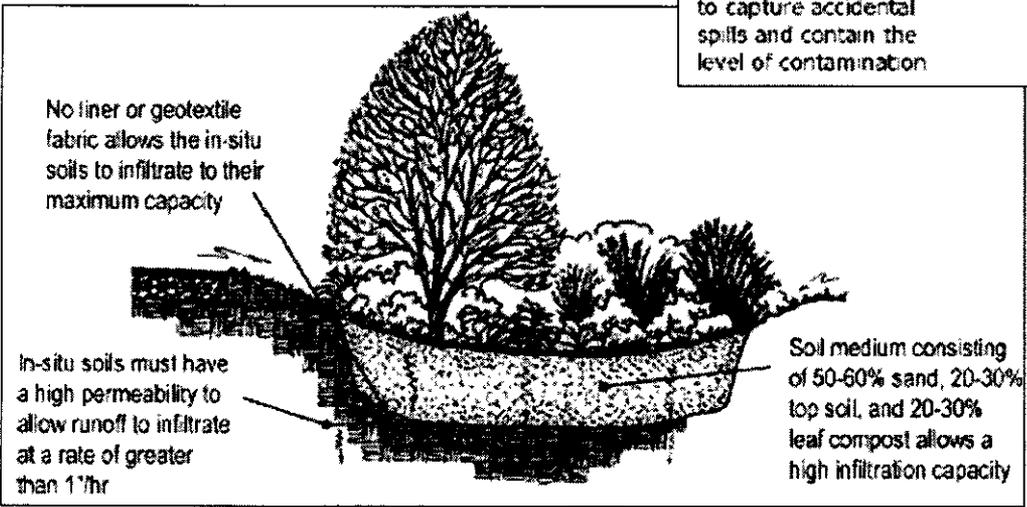
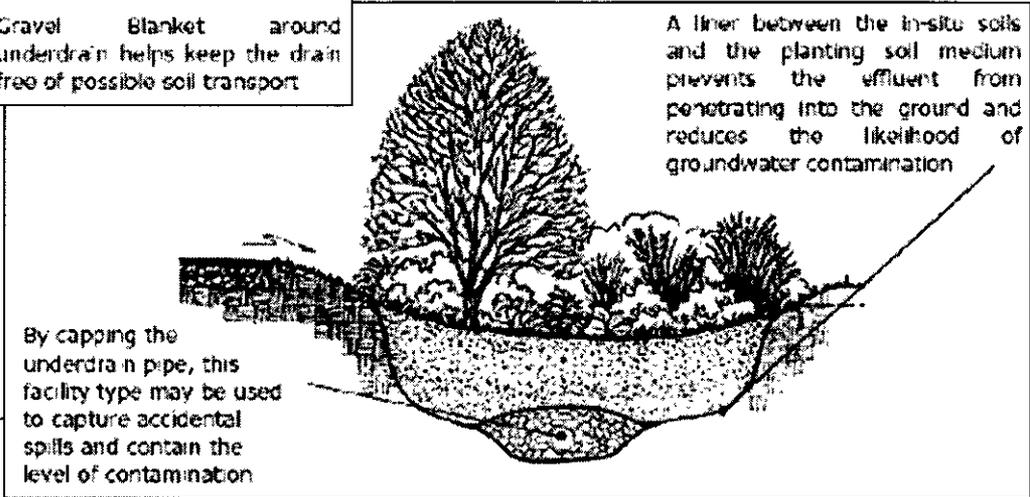
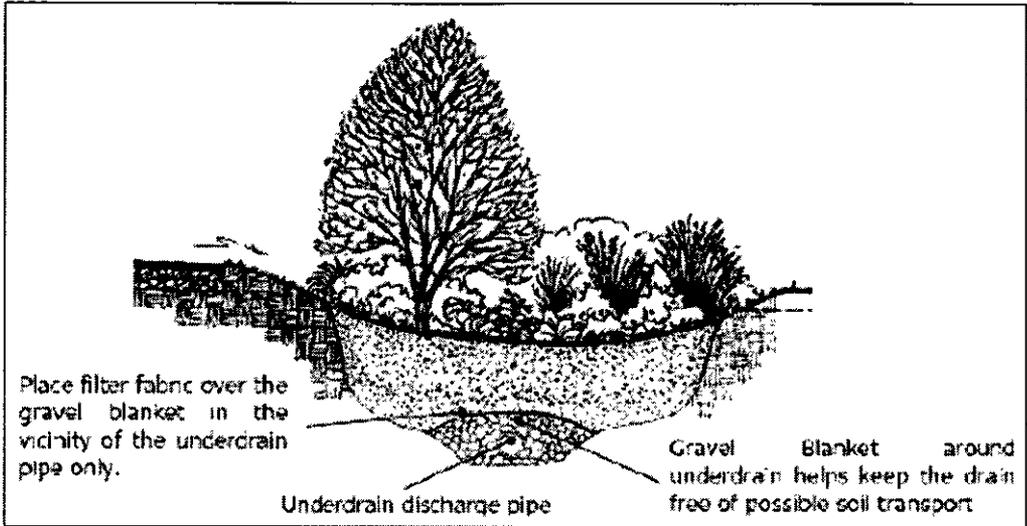
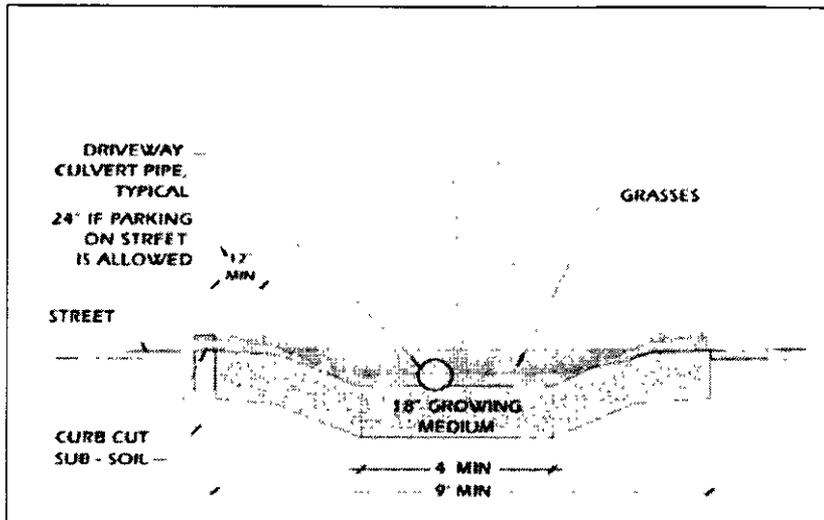
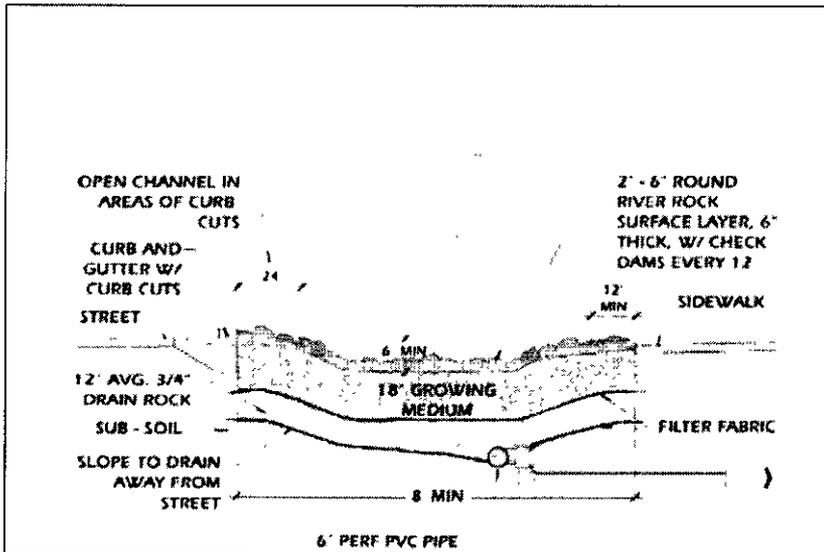


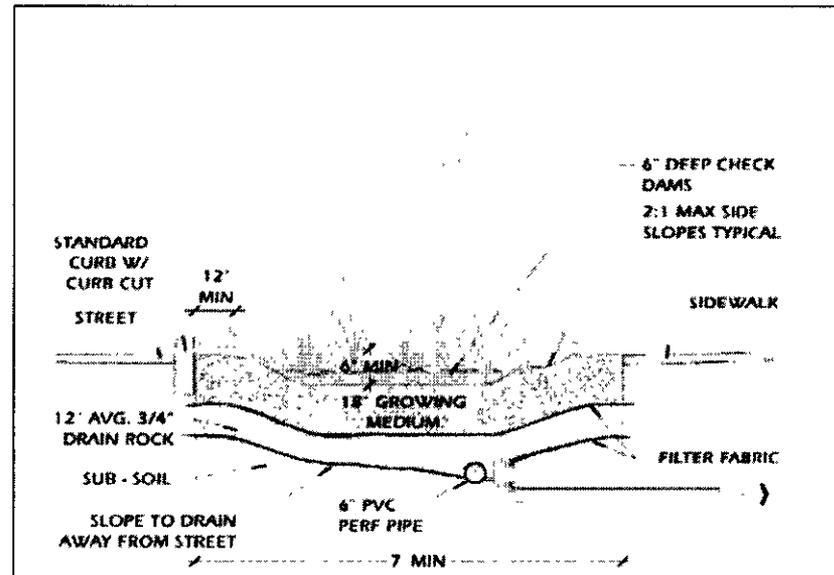
Figure 7-6 Bioretention cell cross-sections
 Courtesy Prince Georges County, Maryland, 2002



SIDE SWALE - CROSS SECTION



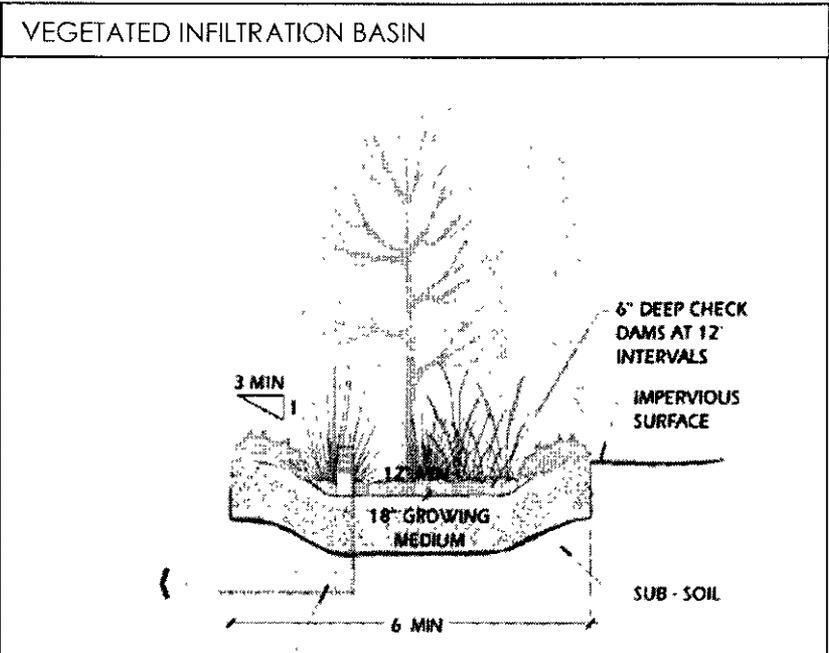
LOWERED PLANTER STRIP - Parking Allowed



LOWERED PLANTER STRIP - Private Street Design

Figure 7-7 Simplified Approach Design Criteria

Courtesy City of Portland Stormwater Management Manual



OVERFLOW SET INLET AT LEAST 3" BELOW TOP OF BASIN. ADJUST FOR SOIL INFILTRATION RATES.

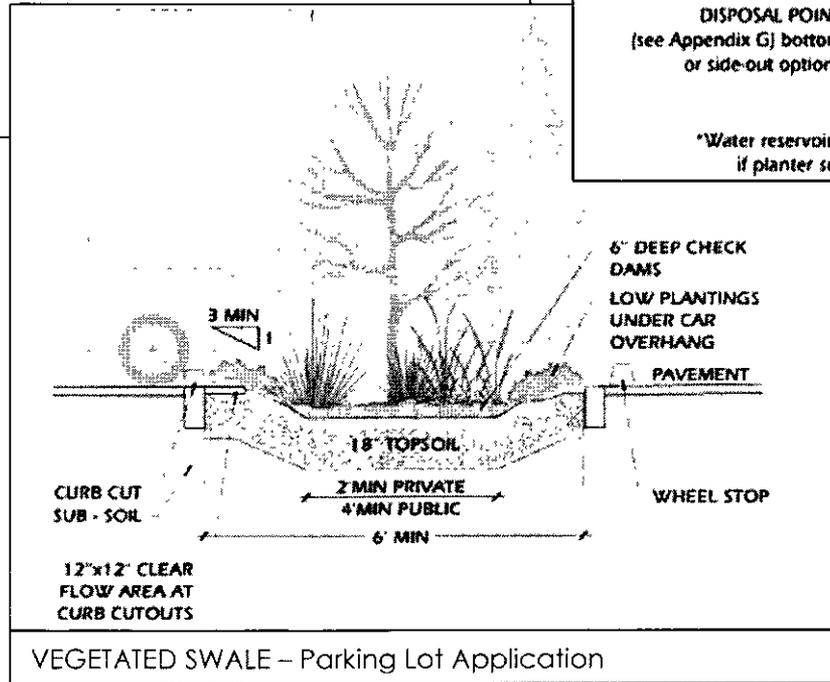
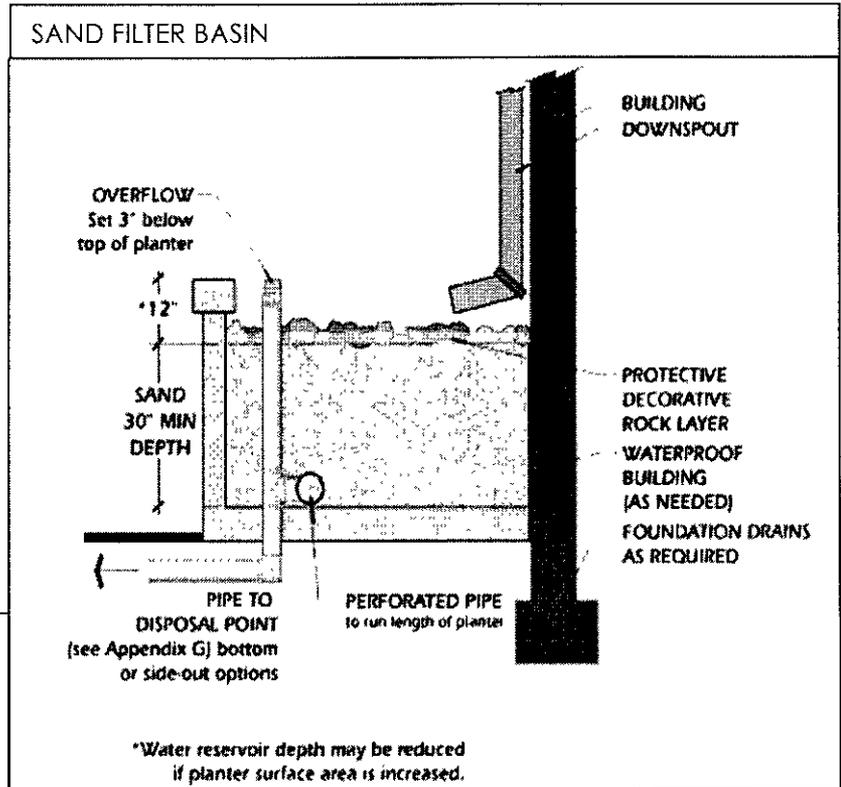


Figure 7-8 Basins and Swales
 Courtesy City of Portland

7.5 Amending Construction Site Soils

Construction practices typically remove the upper layers of soil, compact exposed sub-soils low in organic matter, and alter the site's hydrology by converting the predominately subsurface flow to predominantly surface flow. These areas can be enhanced with the addition of organic matter. The landscape component of the project enhances water storage, attenuates storm flows and when properly installed and maintained, incorporates compost into the disturbed soils and can restore hydrologic functions, pollutant absorption and biofiltration, reducing erosion, and increasing sediment infiltration as well as other functions. To effectively enhance the hydrologic capability of the soils, the topsoil should have a minimum organic content of 10% by dry weight for all planting beds and other landscaped areas, pH should be between 5.5 and 7.0 or as required by the individual plants selected for the site, minimum depth should be 8 inches, except within dripline of trees where it should be 3 to 4 inches in depth, planting beds should be mulched within 2 to 3 inches of organic material and subsoils (except around trees) should be scarified to a depth of at least 4 inches and some topsoil should be mixed to prevent stratification.

7.6 Alternate Pavement Surfaces

Alternate pavement surfaces are designed to accommodate pedestrian, bicycle and motor vehicle traffic while allowing infiltration, treatment and storage of stormwater. Alternate pavement surfaces are designed with aggregate storage to function as infiltration facilities with relatively low infiltration rates (as low as 0.1 inch/hour). When water is not introduced from adjacent areas, these systems have a lower contribution to infiltration area ratio than conventional infiltration facilities (1:1) and are less likely to have excessive hydraulic loading. Directing surface flows to permeable paving surfaces from adjacent areas is not recommended due to potential sediment loading. Flows from buildings can be piped underground to a quality facility and slowly released into the infiltration facility, if the facility is designed to accommodate the additional flows. Types of alternate pavement surfaces include open-graded concrete (Portland cement permeable concrete), hot-mix asphalt pavement (permeable hot-mix asphalt), aggregate pavers (EcoStone permeable interlocking concrete pavers), and plastic grid systems (Gravelpave2 flexible plastic grid system). (Low

Types C and D soils require summer storm quality treatment of pervious pavement drainage.

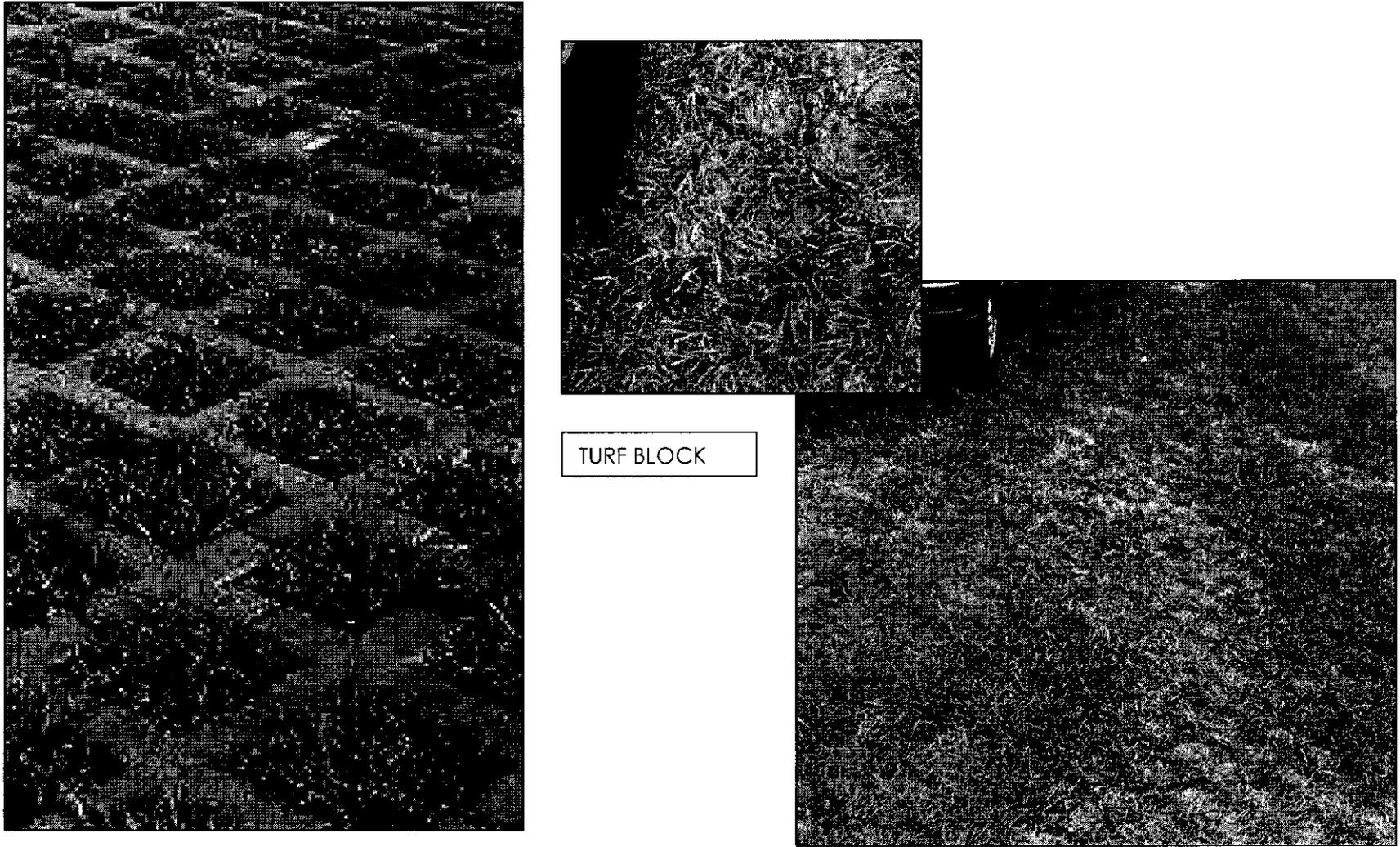


Figure 7-9 Alternate pavement surfaces
Courtesy City of Portland

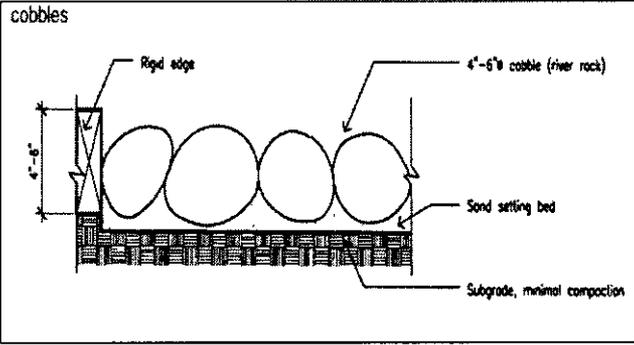
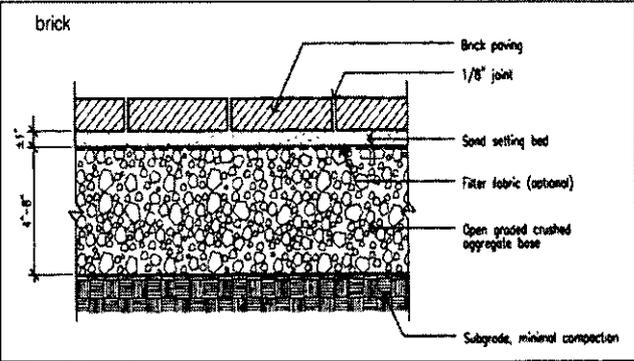
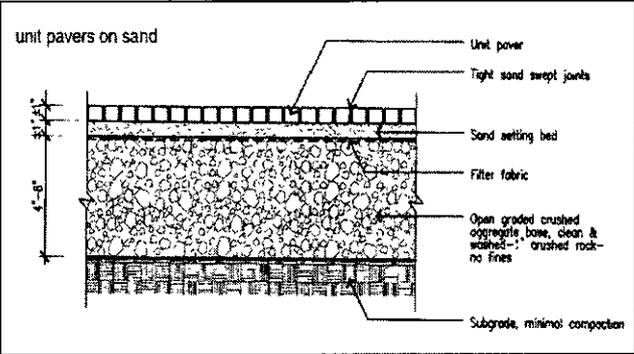
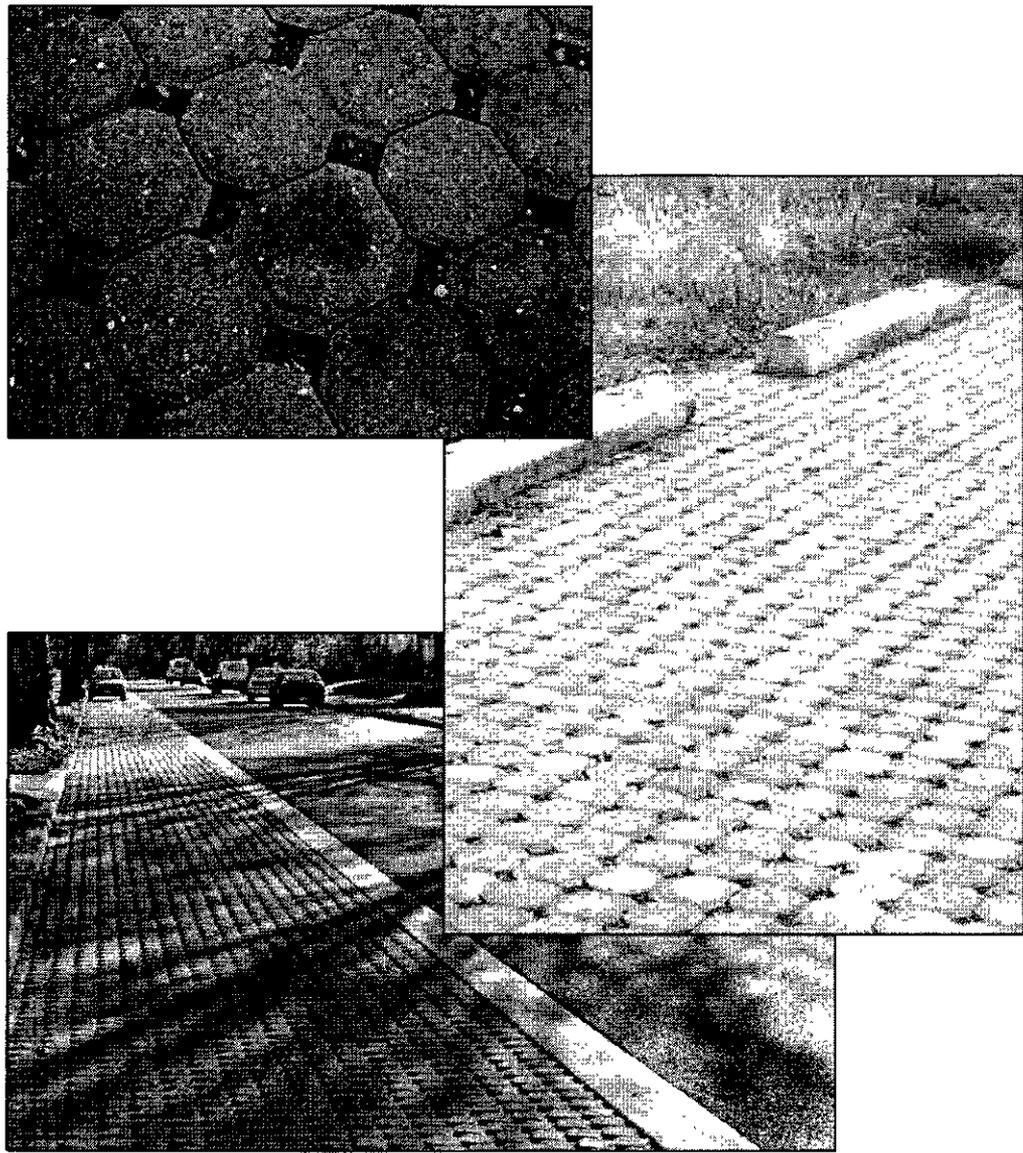


Figure 7-10 Alternate pavement surfaces
 Courtesy (upper left) City of Beaverton;
 (all others) Stormwater Management Manual, Bureau of Environmental Services, City of Portland

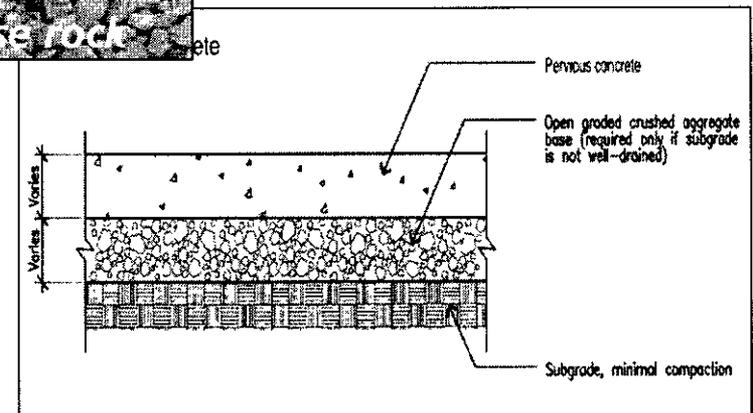
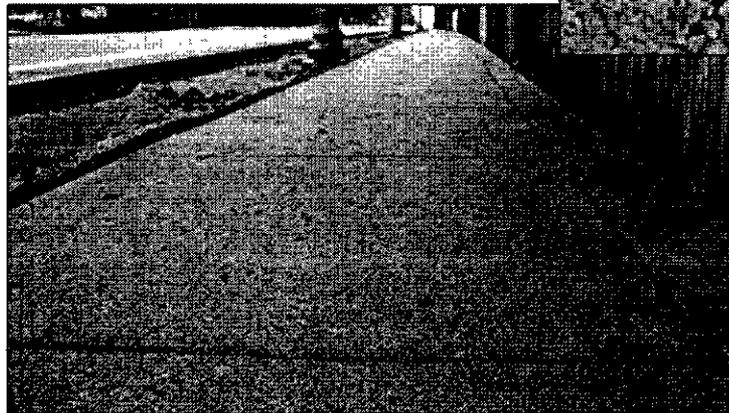
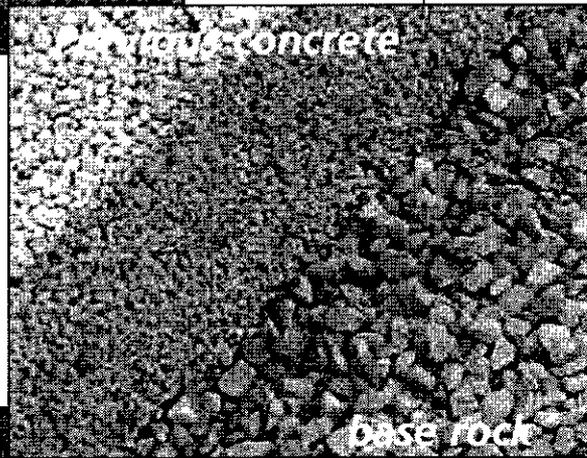
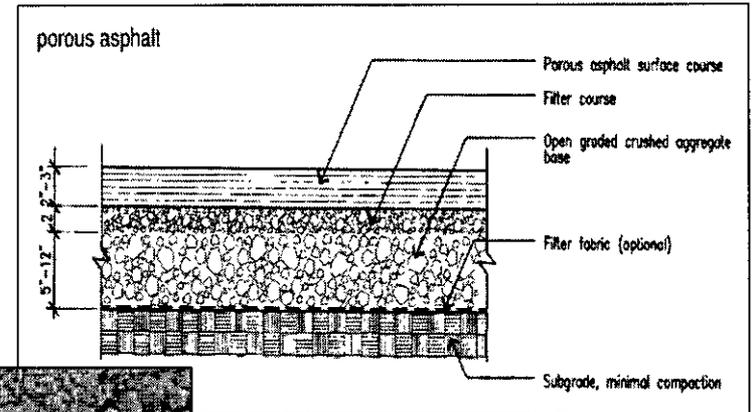
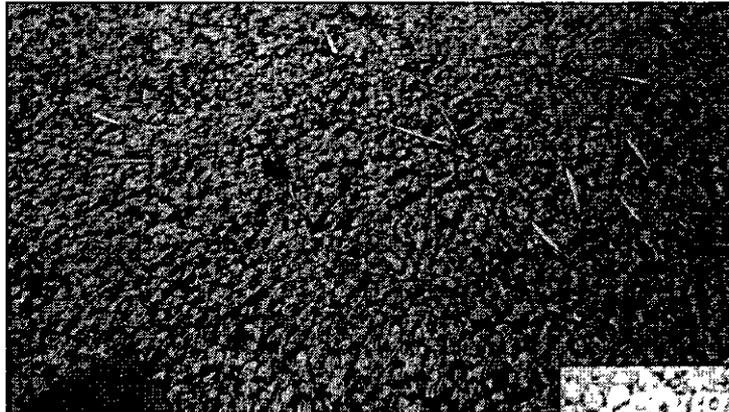


Figure 7-11 Pervious concrete

Courtesy (above left) City of Beaverton; (middle, above right) City of Portland

Alternate pavement surfaces may substitute for conventional pavement on parking areas and areas with light traffic, provided that the grades, subsoils, drainage characteristics, and groundwater conditions are suitable. Slopes should be flat or very gentle. Soils should have field-verified permeability rates of greater than 1.3 centimeters (0.5 inches) per hour, and there should be a 1.2 meter (4-foot) minimum clearance from the bottom of the system to bedrock or the water table. Two common modifications made in designing porous pavement systems are (1) varying the amount of storage in the stone reservoir beneath the pavement and (2) adding perforated pipes near the top of the reservoir to discharge excess storm water after the reservoir has been filled. The use of alternate pavement surfaces is highly constrained, requiring highly permeable soils, restricted traffic, and specific maintenance agreements.

The base layer is often composed of larger aggregate (1.5 to 2.5 inches) with smaller stone (leveling or choker course) between the larger stone and the surface. Typical void space in base layers ranges from 20 to 40 percent. Depending on the target flow control standard and physical setting, retention or detention requirements can be partially met in the aggregate base. Aggregate base depths of 18 to 36 inches are common depending on storage needs and provide the additional benefit of increasing the strength of the surface by isolating underlying soil movement and imperfections that may be transmitted to the surface. The final layer is the separation and water quality treatment layer. The separation layer is a non-woven geotextile fabric that provides a barrier to prevent fine soil particles from migrating up and into the base aggregate. If required, the water quality treatment layer filters pollutants from surface water and protects groundwater quality. The treatment media can consist of a sand layer or an engineered amended soil. (Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005)

7.7 Trees

Tree surfaces provide stormwater management by intercepting, evaporating and storing rainfall before the rainfall can accumulate as surface runoff. The City of Beaverton protects certain trees through its tree preservation program. Groves and individual trees designated as significant are regulated. Community trees are limited to removal of up to 4 trees per year without a development permit. For more information about the City's tree program, refer to the Trees and Vegetation section within Chapter 60 of the City of Beaverton Development. Additionally, a tree permit is required for tree removal in the right-of-way. Other points to consider when developing around trees are:

- Voluntary preservation of trees that are not regulated is encouraged.
- To preserve the health of the tree during construction, the fencing requirements in Chapter 60 of the Development Code, [link found above](#), should be followed. The fence is located outside the tree canopy.
- Trees of all kinds should not be topped.
- Homeowners with Oregon white oak trees should limit watering under the canopy of the tree and should limit planting to native vegetation under the tree canopy. Planting grass can invite disease in these oak species.
- Regular inspection of the trees should be made to ensure that the tree is healthy. If in doubt, contact an arborist for an evaluation of your tree.
- Trees should be selected based on soil type, intensity of sunlight and space. Tree canopy provides the main benefit for stormwater quality.

Tree Box Filters are used in urban areas as bioretention facilities. Water is directed to the tree box filter where it is filtered through the vegetation and soil before entering a catch basin. Trees are irrigated with the water runoff entering the tree box filter. Tree box filters include a container filled with a soil mixture, a mulch layer, under-drain system and a shrub or tree. Runoff is directed into filter media and can include storage underneath to control volume.

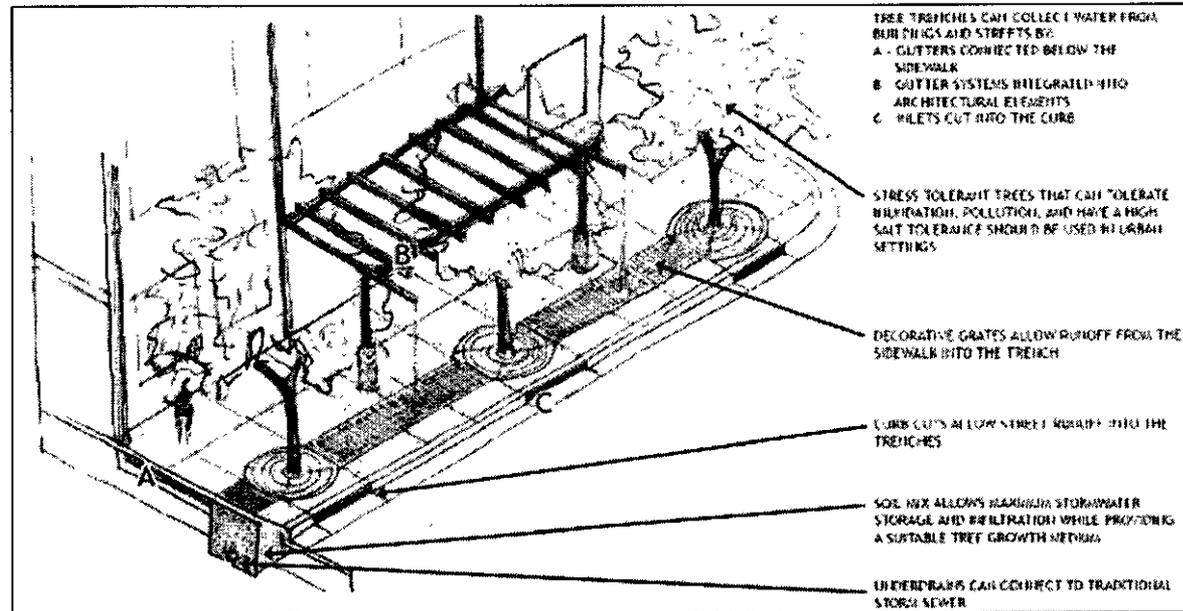
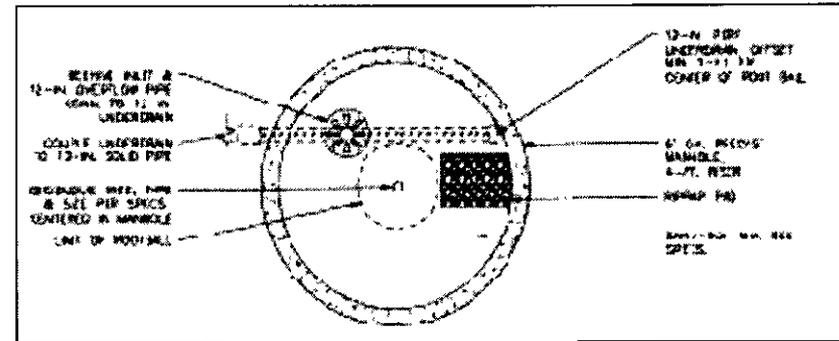
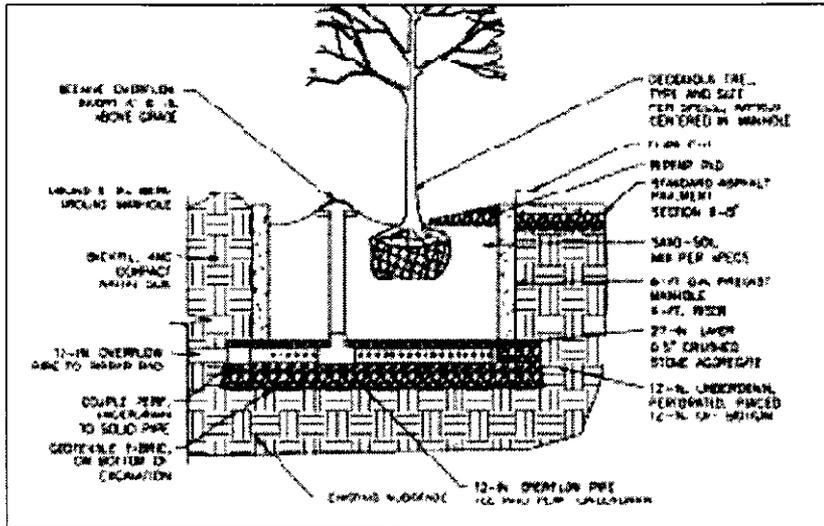


Figure 7-12 Tree Box Filters

Courtesy (upper left & right) Center for Technology Evaluation
(lower) Minnehaha Creek watershed District

7.8 Contained planter

Contained planters are basically plants in a planter at least 12 deep with a growing mix and filter fabric. Contained Planters can be used in ultra urban locations to provide additional filtration and aesthetic features. While the contained planters do not provide nearly as much stormwater quality and quantity relief that the other techniques in this chapter provide, contained planters do reduce the overall effective impervious area of hardscapes where they are used.

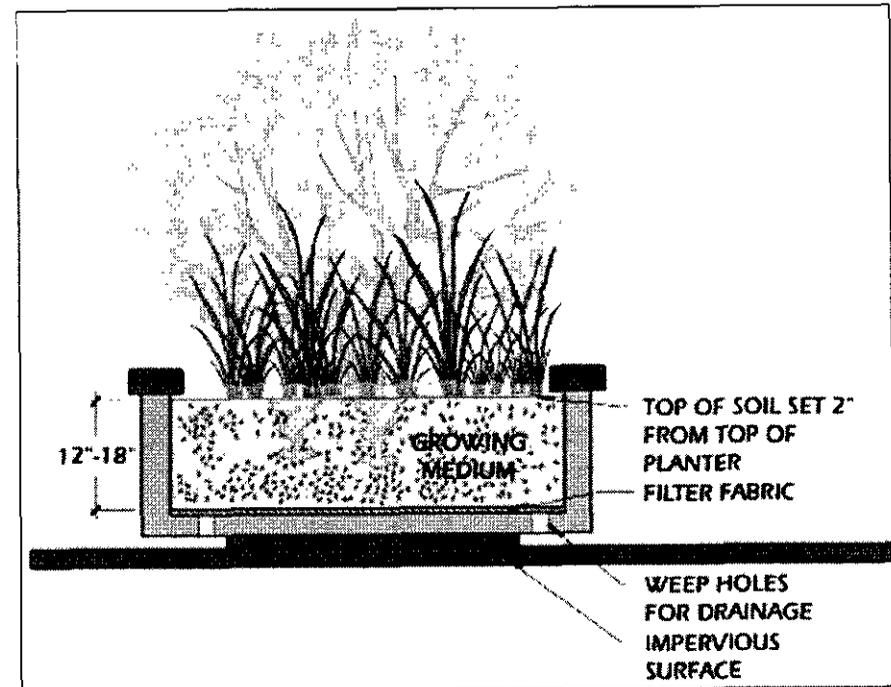
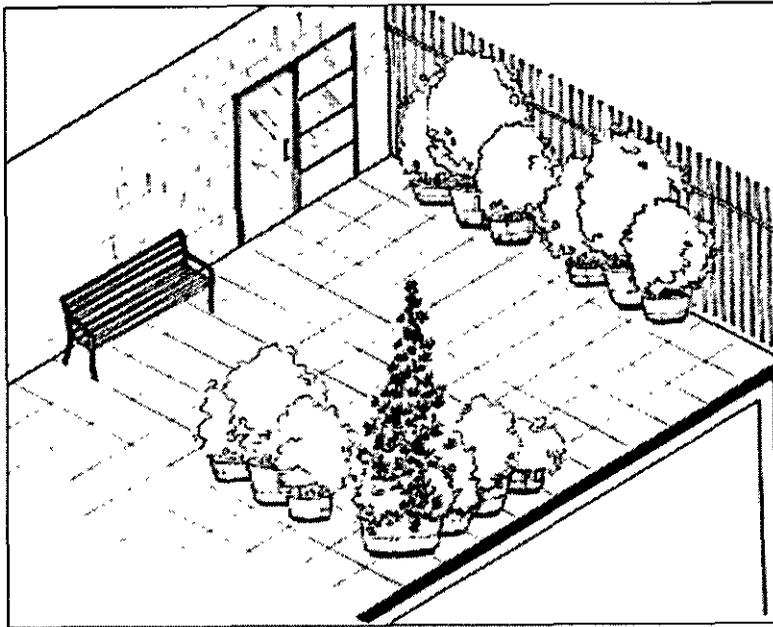


Figure 7-13 Contained planters

Courtesy Stormwater Management Manual, Bureau of Environmental Services, City of Portland

7.9 Flow-through planters

Flow-through planters typically slow and detain stormwater runoff from a roof, street, sidewalk or site in general. Planters can be incorporated into the landscape in developments, especially ultra urban landscapes to provide attenuation and water quality treatment. Flow-through planters are fully contained so they are ideal for soil conditions C and D and for retrofit sites with compacted soils. Examples include Liberty Parking Garage, SW 12th Street (shown in Roads and Parking, Chapter 6), and Portland State University.

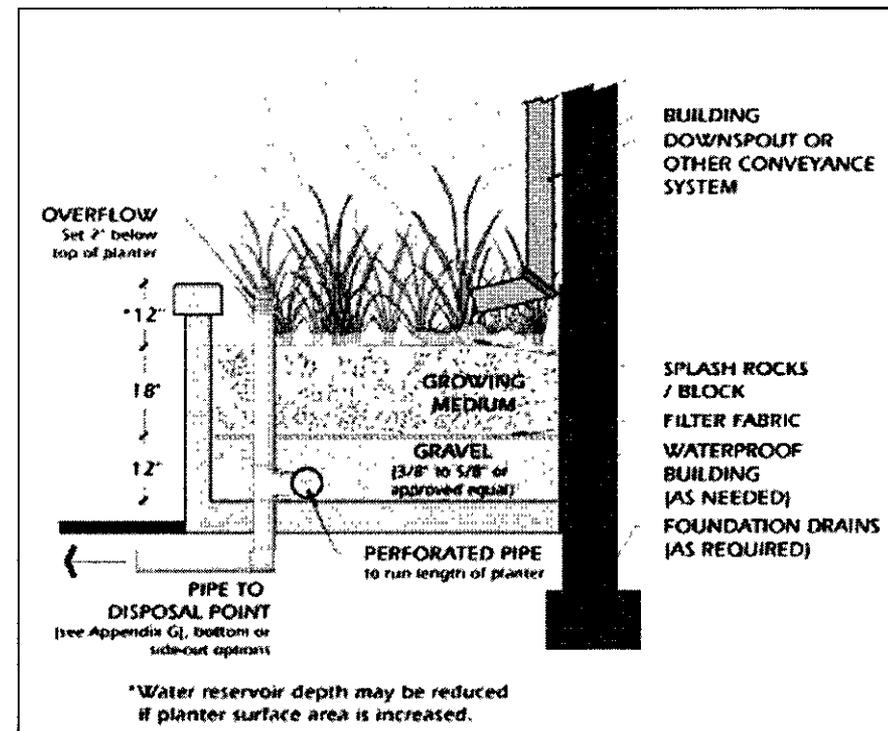
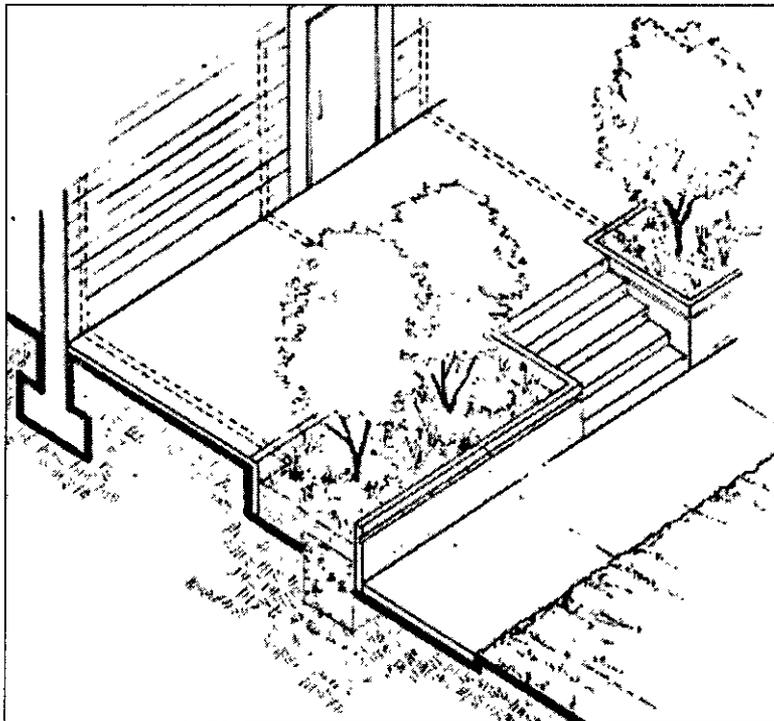


Figure 7-14 Flow-through planters

Courtesy Stormwater Management Manual, Bureau of Environmental Services, City of Portland

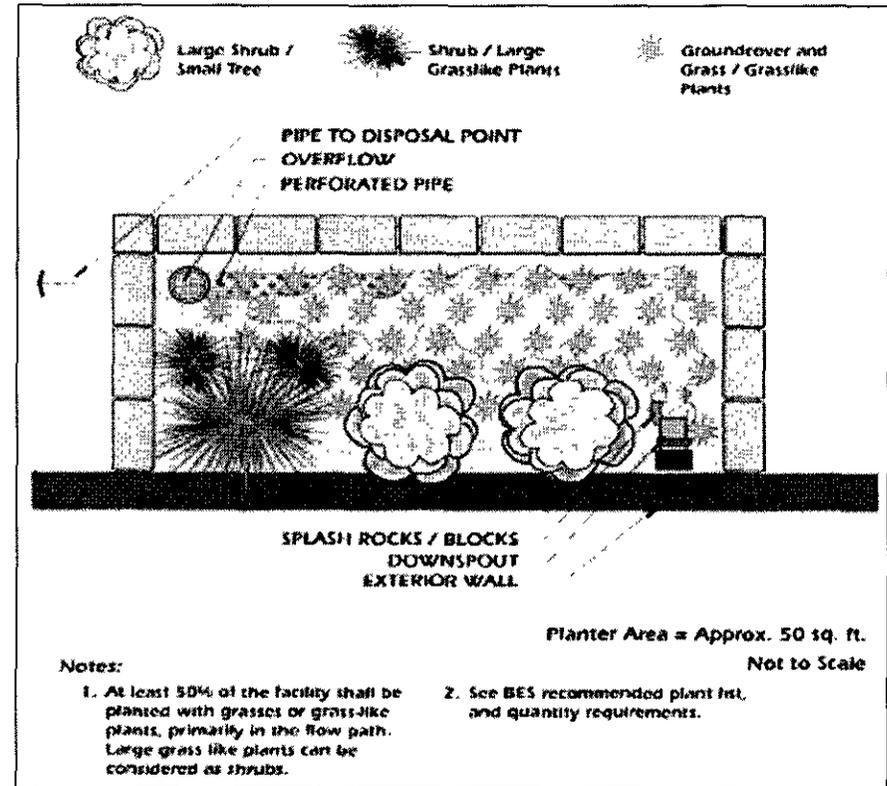
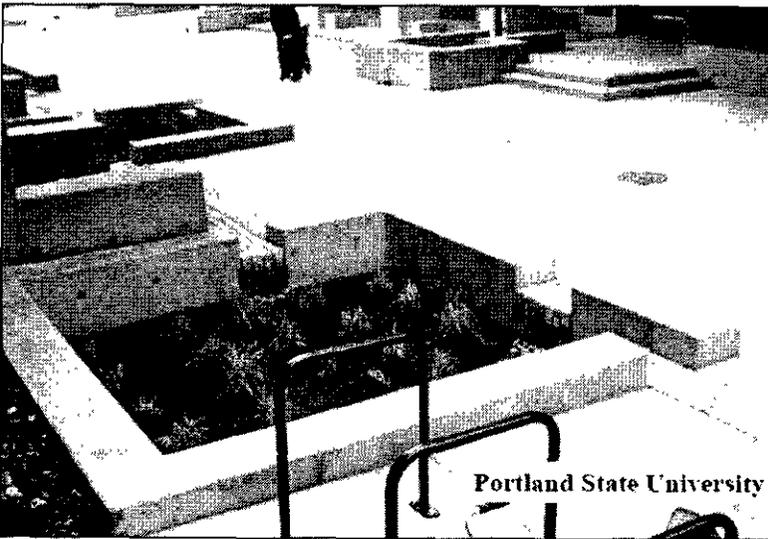


Figure 7-15 Flow-through planters

Courtesy Stormwater Management Manual, Bureau of Environmental Services, City of Portland

7.10 Infiltration planters

Beaverton soils in hydrologic groups C and D limit the applicability of infiltration planters. In areas where soils drain well, hydrologic groups A and B, infiltration planters effectively return stormwater to the ground instead of the storm system. Infiltration planters are not recommended next to building unless there is adequate fall away from the building to prevent long term saturation of the soils.

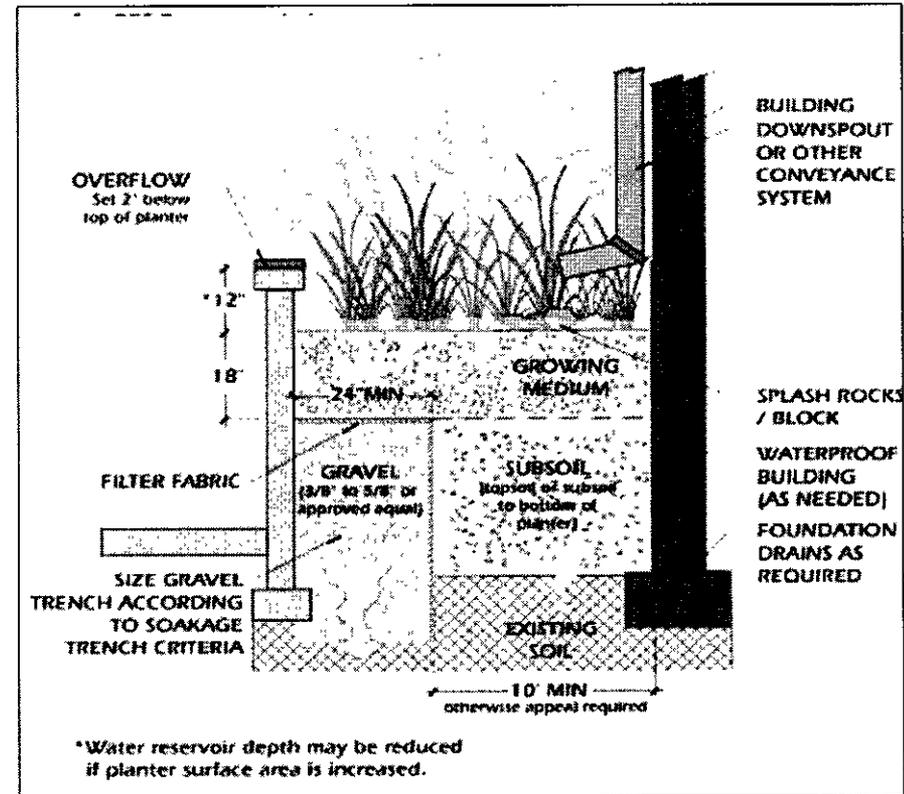
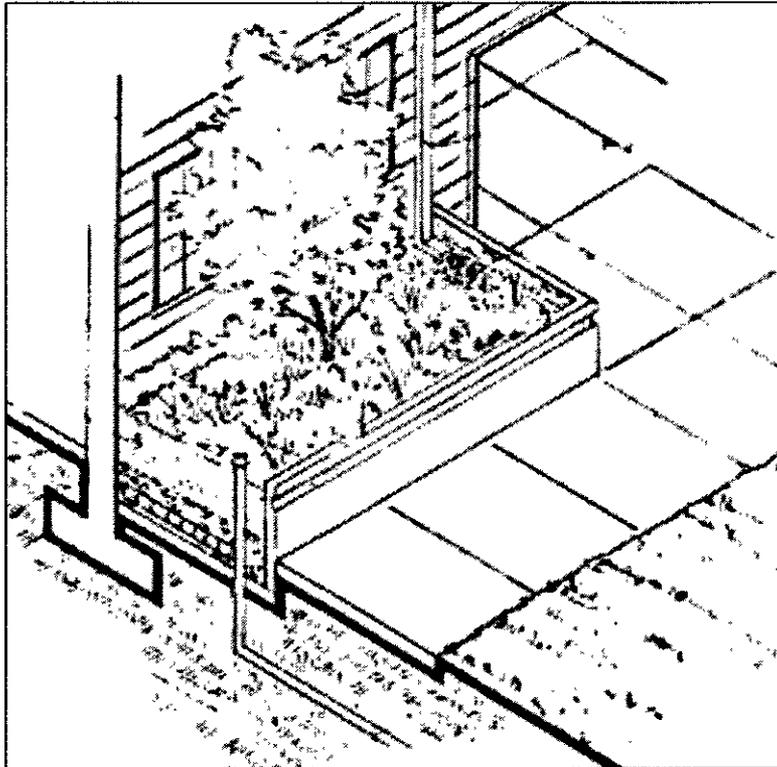


Figure 7-16 Infiltration planters

Courtesy Stormwater management Manual, Bureau of Environmental Services, City of Portland

8. CREDITS

The City of Beaverton encourages use of the LID techniques through a credit program administered in the Beaverton Development Code, Chapter 60. This section is titled "Habitat Friendly Development". In order to approve a requested credit, engineered drawings and calculations need to be completed and submitted with the land use application for development review. Credits may be earned through preservation of habitat or by using LID techniques. Credits must be used on site. Use of credits is limited to the amount of credit given on a particular project. Preservation credits are commensurate with the amount of land preserved. Credits toward landscape standard, parking lot island standard, or open space standard, the cumulative credit value cannot exceed 50 percent of the standard for the project site, with the exception of credit for installation of a rain garden, which is 75 percent.

In exchange for preserving habitat, enhancing habitat, mitigating habitat loss or creating habitat, the building envelope may be moved, up to 5 feet from the property line, in order to preserve an equal amount of habitat on the opposite side of the offset. Additionally, the lot sizes can be averaged in exchange for preservation. In order to qualify for lot size averaging, the preservation area must equal one lot within the underlying zoning district. No lot can be reduced below 80 percent of the minimum lot size and no lot may be increased greater than 120 percent of the underlying zoning district lot area standard. If the preservation is equal to two or more lots, then the applicant can use both lot size averaging and offset set backs.

Preservation of habitat also qualifies for an open space requirement reduction. The reduction cannot exceed 50 percent of the open space standards in the Development Code.

A building height increase of 12 feet is given for Eco-roofs, Roof top gardens and habitat preservation. In Multiple-Use zoning districts the height can be increase up to 3, 12-foot increments. For proposals abutting the R4, R5, R7, R10, and RA zoning districts the additional building height must be set back two feet for every one feet of height increase. For example, a 36 foot height increase, would require a 72 foot setback for the building height area.

9. Maintenance

Operation and maintenance of facilities is the key to success. In order to obtain approval for LID techniques, site designers must prepare an Operations and Maintenance Manual for owners and maintenance staff to reference when they have questions about the techniques used on the project. Contents should include: as-built plans, operating instructions for weirs and valves, a vegetation list, vegetation maintenance schedule and maintenance checklists. A legally binding and enforceable maintenance agreement will be executed between the technique owner and the City.

Operation and Maintenance Responsibility for Stormwater Management Facilities by Land Use and Facility Storm Event Size			
STORM EVENTS	New residential		New commercial, industrial, multiple-use
	single-family	multi-family	
SMALL EVENTS < 2 year storms on-site retention (on lots)	property owners or home owners' association (on lots)	property owner	property owner
SMALL EVENTS < 2 year storms on-street retention (public streets)	City of Beaverton	City of Beaverton	City of Beaverton
MEDIUM EVENTS 2 to 25 year storms detention	City of Beaverton property owner (single Lot)	property owner (single lot)	property owner (single lot)
FLOOD RISK MANAGEMENT EVENTS >25 year storms contain and convey	City of Beaverton property owner	City of Beaverton property owner	City of Beaverton Property owner

**Table 9-1 Operation and Maintenance Responsibility for Stormwater Management Facilities
by Land Use and Facility Storm Event Size**
Courtesy City of Beaverton

9.1 Eco Roofs and Roof Gardens

Maintenance is important and the system should be inspected for proper operation throughout its life span. At a minimum, eco-roofs should be inspected twice annually and roof gardens should be inspected four times annually. The facility owner should keep a maintenance log recording inspection dates, observations and important horticultural cycles. Structural and drainage components must be maintained as well as drain inlets. Vegetation should be maintained at a minimum of 90 % coverage. Weeding, plant removal and replacement, and invasive or nuisance plant removal should be completed regularly according to the manufacturer's recommendations. Irrigation is generally not required, but should be applied to the subsurface or by drip irrigation, if need. Written guidance and training for operating and maintaining roof gardens should be provided along with operation and maintenance agreement to all property owners and tenants.

9.2 Roof rainwater collection systems

Maintenance is specialized and must be completed regularly. Maintenance includes debris removal from the roof, gutter cleaning, downspout screens cleaned and in good condition, pre-filters cleaned monthly, filters changed every six months, UV units cleaned every six months and bulb changed at 12 months (for potable water), storage tanks should be chlorinated quarterly and inspected and debris removed. Additional maintenance may be required.

9.3 Raingardens and bioretention cells

Maintenance includes some watering until plants are established, erosion control of flow entrances, ponding area, and surface overflow areas, weeding and occasional plant material replacement and annual mulching. Nutrient amendments and pesticide application should not be needed.

Activity	Schedule
Remulch void areas, Treat diseased trees and shrubs, Mow turf areas	As needed
Water plants daily for 2 weeks	At project completion
Inspect soil and repair eroded areas, Remove litter and debris	Monthly
Remove and replace dead and diseased vegetation	Twice per year
Add mulch, Replace tree stakes and wires	Once per year

Table 9-2 Typical maintenance activities for bioretention areas
Courtesy ETA and Biohabitats, 1993

9.4 Soil Amendment

Maintenance predominantly focuses on minimizing foot traffic and equipment to prevent compaction and erosion, planting immediately after amending soil, and minimizing or eliminating the use of pesticides and fertilizers.

9.5 Alternative Pavements

Annual or semi-annual sweeping or vacuuming of surface debris is recommended for pavement or pavers. If clogging occurs, the filtration media below the surface may need to be replaced. Manufacturers should be consulted for specific maintenance requirements. Porous pavements need to be maintained. Maintenance should include vacuum sweeping at least four times a year (with proper disposal of material), followed by high-pressure hosing to free pores in the top layer from clogging. Potholes and cracks can be filled with patching mixes unless more than 10 percent of the surface area needs repair. Spot-clogging may be fixed by drilling 1.3 centimeter (half-inch) holes through the porous

pavement layer every few feet. The pavement should be inspected several times during the first few months following installation and annually thereafter. Annual inspections should take place after large storms, when puddles will make any clogging obvious. The condition of adjacent pretreatment devices should also be inspected. (US EPA Office of Water EPA 832-F-99-023)

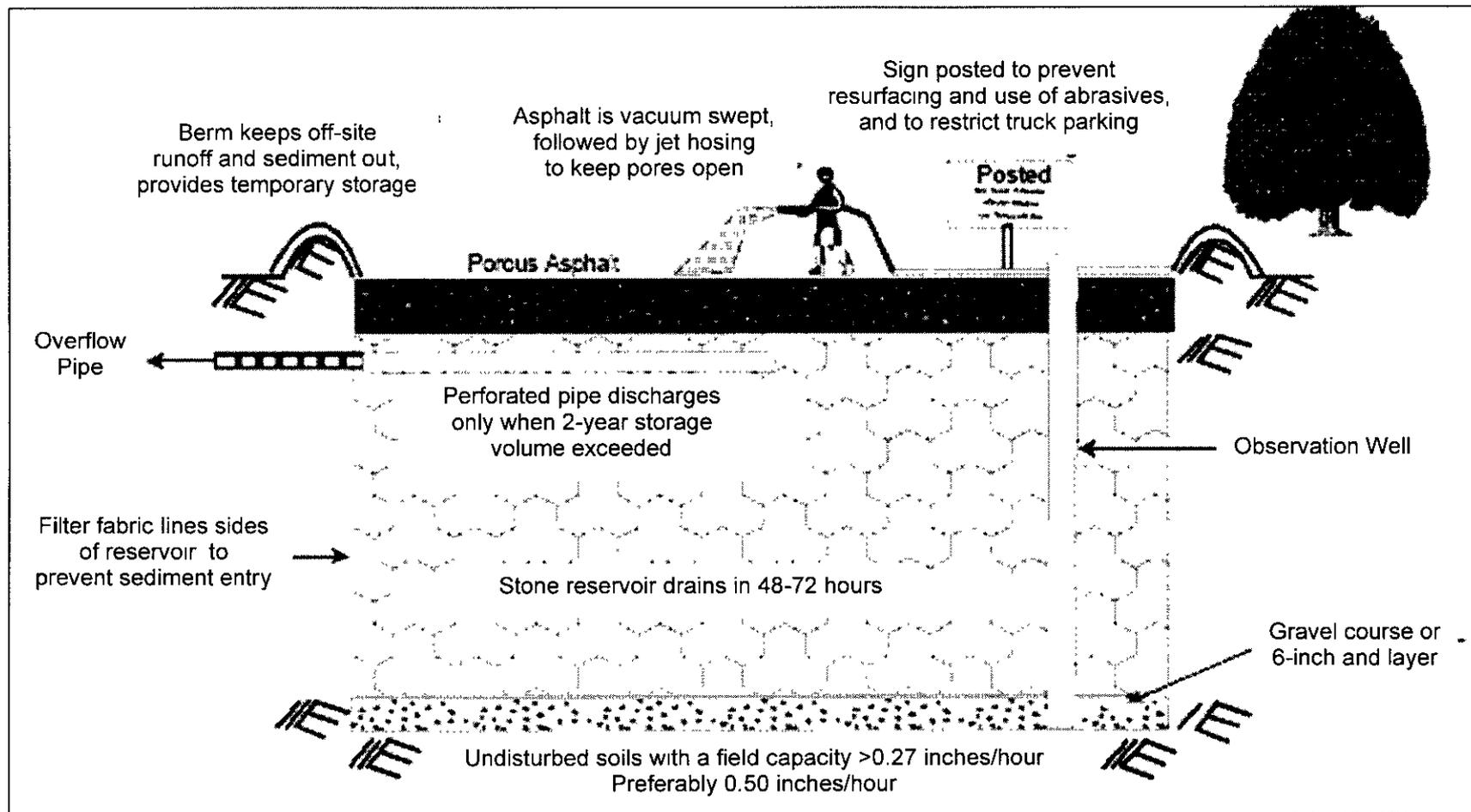


Figure 9-1 Typical Porous Pavement Installation

Courtesy Storm Water Technology Fact Sheet - Porous Pavement, EPA 832-F-99-023, Office of Water, US EPA, September 1999

9.6 Trees

Tree maintenance includes watering in the summer during the first one to three years. Annual maintenance requires raking and disposing of leaves and debris, weeding, pruning dead branches and controlling pests.

9.7 Contained Planters

Maintenance includes occasional watering, weeding, and checking drainage.

9.8 Flow-Through Planters

Maintenance includes replacing overgrown or dead plants, removing sediment, cleaning and repairing pipes, and maintaining proper drainage. Inlet areas require periodic debris removal.

9.9 Infiltration Planters

Replace overgrown or dead plants, remove sediment, clean and repair pipes, and clear debris from inlets.

10. CASE STUDIES

10.1 CLEAN WATER SERVICES, OPERATIONS & MAINTENANCE FACILITY

Location: 2025 SW Merlo Court, Beaverton Oregon

Summary: This project represents a state of the art stormwater facility. The building is a showcase and model for those wishing to use alternative stormwater techniques.

Site Area: 5.08 Acres

Design: WBGS in Eugene Oregon

Owner: Clean Water Services

General Contractor: Baugh-Skanska

Date Completed: Fall of 2003

Stormwater Benefits: The facility employs a green roof, porous pavement, green street without curbs swales, gardens, reinforced gravel in storage yard and the traditional roof directs runoff to scupper gardens. All aspects of the site are functioning well. About 2/3 of the plants on the green roof were replaced because they weren't spreading to cover the roof. Some of the soil medium was replaced to achieve the proper pH. Native plants from the Tualatin Hills Park and Recreation District to the south have migrated to the site. The porous pavement is used by employees only and has held up to use and has not needed vacuuming maintenance. The site has been oversized to accommodate stormwater and impervious surfaces from the proposed low income development to the north of the site.



Figure 10-1 Clean Water Services, Operations and Maintenance Facility, Beaverton Oregon

Courtesy City of Beaverton

10.2 BUCKMAN HEIGHTS AND TERRACE

Location: 430 and 303 NE 16th Avenue, Portland Oregon

Summary: These two projects represent an example of green, mixed use and mixed income developments. The buildings have been widely recognized locally and nationally, particularly for their transportation/land use strategies and stormwater management techniques.

Site Area: 2.8 acres

Units: 274

Density: 72 units per acre and 152 units per acre

Parking: 128

Design: Murase

Developer: Prendergast & Associates

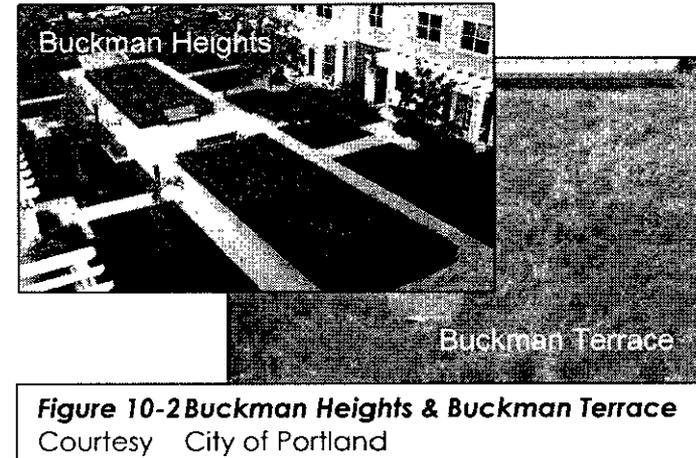
Owner: Prendergast & Associates

General Contractor: Walsh Construction

Date Completed: 1998, 2000

Stormwater Benefits: Stormwater infrastructure includes: landscape infiltration, landscaped swales, permeable surfaces, stormwater planters, a 2,000 square foot green roof, and a back-up dry well. Native plants in landscaped areas reduce the need for irrigation. Rain sensors in irrigation system shut off irrigation when it isn't needed.

Parking Strategies: Bicycle facilities provide incentives not to use a car. Included in the facilities are the following: secure indoor bike storage for 90 bikes, a loaner bike, a bike repair work stand, tire pump, lockers, and the presence of bike lanes in the surrounding area. Another alternative to owning a car (and parking it) is the car sharing program offered by the development. When residents cannot get somewhere via the four high-frequency bus lines, light rail, bike lanes or pedestrian routes, then can call and reserve a car, enter a code to access it in the garage, and return it when finished (trip data is sent wirelessly to the service provider). The parking that is offered at the apartments is mostly under-building parking to reduce impervious surface coverage.



10.3 NEW SEASONS, DIVISION STREET

Location: Corner of SE Division and 10th Avenue, Portland Oregon

Summary: The project exemplifies sustainable stormwater management by integrating stormwater into building and site development.

Parking: 78 spaces

Owner: New Seasons Market

Stormwater Benefits: The interconnected stormwater facilities ring the building and received runoff from the building's rooftop, outdoor plaza and parking lot. Three stormwater planters within a 6-foot planting strip between the curb and sidewalk slows and filters runoff from Division Street. Stormwater from a roof downspout showers a sculpture at the buildings entrance. The design has the potential to removed about 1,000,000 gallons of stormwater runoff from the sewer system. Landscape spaces are designed to manage stormwater runoff as a resource instead of a waste.

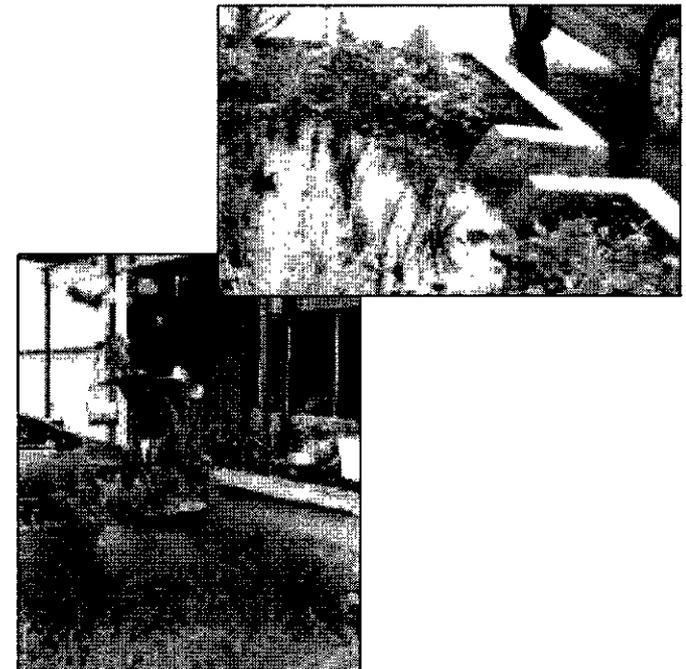
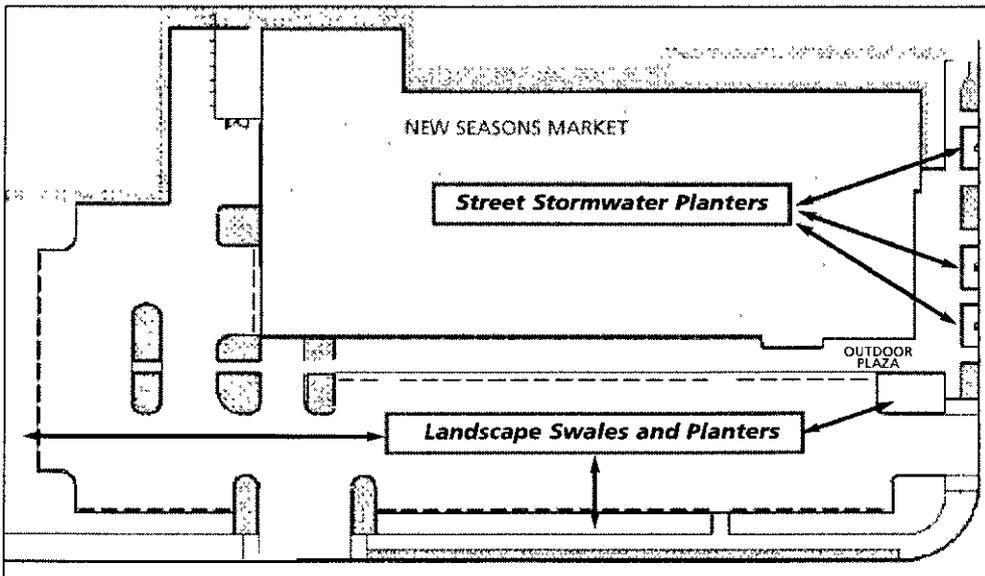


Figure 10-3 New Seasons Market, Division Courtesy City of Portland

10.4 NEW COLUMBIA

Location:	South Columbia Boulevard, North Portland Oregon
Summary:	An affordable housing project with rental, senior, and for sale units. The site includes new parks and public facilities.
Site Area:	82 acres
Units:	850
Design:	ABHT Structural Engineers, Blumac International, Greenworks, KPFF Consulting Engineers, Micheal Willis Architects, Mithun, Inc., Murase Associates, Parametrix, Inc., Robertson Merryman Barnes Architects, Urbsworks, Inc.
Owner:	Housing Authority of Portland
General Contractor:	Walsh Construction
Date Completed:	2005, 2006

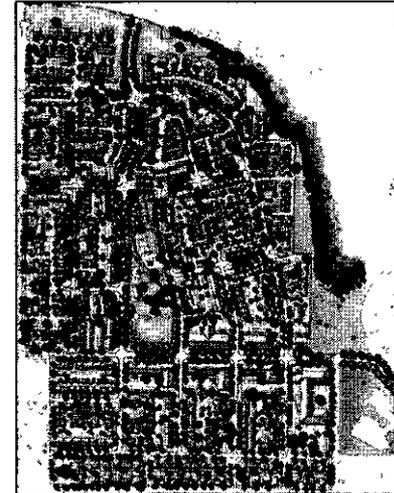


Figure 10-4New Columbia
Courtesy HAP

Stormwater Benefits: Seven acres of land is set aside in park space with a 4 acre park featured in the middle of the development. The site uses a 28' wide skinny street to reduce impervious area. The stormwater design includes an education exhibit, the irrigation system uses no potable water, and landscaping and building envelopes are designed to reduce heat islands. Low Impact Development used on site includes 101 pocket swales, 31 flow-through planters boxes and 40 public infiltration dry wells. Storm water from the public streets is treated in biofiltration areas, located within the public rights-of-way. Additionally, the alleys in the project use porous pavement. At the centerline of the alleys a strip of porous pavers sits on top of a soakage trench. Stormwater from the private property enters the soakage trench through the pavers and filters to 30' deep drywells located at either end of the alley. Finally, mature broad-canopy trees were preserved on site to reduce stormwater runoff and reduce soil erosion.

GLOSSARY

A **Alternate Pavement Surfaces:** are permeable surfaces such as permeable hot mix asphalt, porous concrete, concrete and plastic grid systems, and pavers.

Assessment Techniques: Methods to identify the site opportunities and constraints and the hydrologic functions of the site. The Assessment Techniques enable the site designer to determine the Habitat Friendly Development Practices and Low Impact Development Practices that best fit the site.

Best Management Practices: A stormwater Best Management Practice (BMP) is a technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of storm water runoff in the most cost-effective manner. BMPs can be either engineered and constructed systems (“structural BMPs”) that improve quality and/or control the quantity of runoff such as detention ponds and constructed wetlands, or institutional, education or pollution prevention practices designed to limit the generation of storm water runoff or reduce the amounts of pollutants contained in the runoff (“non-structural BMPs”). No single BMP can address all stormwater problems. Each type has certain limitations based on drainage area served, available land space, cost, pollutant removal efficiency as well as a variety of site-specific factors such as soil types, slopes, depth of groundwater table, etc. Careful consideration of these factors is necessary in order to select the appropriate BMP or group of BMPs for a particular location. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

B **Biodetention Cells:** Detention facilities designed to store and slowly release stormwater following a precipitation event by means of an excavated pond, enclosed depression, or tank with the use of vegetation to provide additional pollutant removal and filtering functions. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Bioremediation: The use of plant material to filter water and remove pollutants.

Bioretention Cells: Retention facility designed to allow infiltration of stormwater runoff into the ground with the use of chemical, biological, and physical properties of plants, microbes, and soils to provide additional pollutant removal and filtering functions. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Bioswales: Bioswales are linear biodetention or bioretention cells.

Building Envelope: Building envelope is the internal area of a lot that remains after the minimum yard setbacks are applied. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Building Footprint: Building footprint is the area of a lot that is covered by parking structures, buildings or other roofed structures. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

C Capital Improvements: Physical assets constructed or purchased to provide, improve or replace a public facility and that are large in scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. (Appendix 2 Glossary of Comprehensive Plan Terms, Comprehensive Plan, Ordinance 4187, as amended)

Cisterns: Large tanks used to store roof runoff that can be used for irrigation or plumbed to the toilet system in a building.

Clean Water Services (CWS): A public agency holding the National Pollution Discharge Elimination System and Municipal Separate Storm Sewer System permits from the Oregon Department of Environmental Quality.

Community Trees: A healthy tree of at least ten inches (10”) DBH located on developed, partially developed, or undeveloped land. Community Trees are not those trees identified as Significant, Historic, Landscape or mitigation Trees, trees within a Grove or a Significant Natural Resource Area, or trees that bear edible fruits or nuts grown for human consumption. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Credits: Credits are allowances to deviate from existing development standards when employing habitat friendly development practices and low impact development techniques. The credit program is identified in the Beaverton Development Code (See Chapter 60.12, Beaverton Development Code, Ordinance 2050, as amended).

CWS Design and Construction Standards: Standards developed by Clean Water Services (CWS) to minimize pollution in the stormwater system and stream networks feeding the Tualatin River.

D Department of Environmental Quality: The Oregon Department of Environmental Quality is the agency charged with implementing the Environmental Protection Agency regulations including the Clean Water and Clean Air Acts.

E Eco-Roof: A vegetated roof constructed for water quality and quantity control. Eco-roofs are vegetated roof covers with growing media and plants taking the place of bare membrane, gravel ballast, shingles or tiles. The number of layers and the layer placement vary from system to system and roof type, but all Eco-roofs include a single to multi-ply waterproofing layer, drainage, growing media and the plants, covering the roof deck surface. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Effective Impervious Area (EIA): A subset of Total Impervious Area that is hydrologically connected via sheet flow or discrete conveyance to a drainage system or receiving body. EIA contributes significantly to changes in hydrologic function of a watershed. EIA is determined by assessing the level of connectivity of each sublevel land use type (e.g., residential curb and gutter versus residential ditch system) and then tallying by percentage in each sub-watershed. EIA is more difficult to assess than total impervious area or mapped impervious are but provides a more precise measure of actual watershed imperviousness. (Chapter 90, Beaverton Development Code, as amended)

Effluent: Discharge of fluids into the stormwater system, stream network or riverine systems.

Erosion Control Practices: Practices that reduce or eliminate erosion within development sites and onto adjacent properties.

Enhancement: To improve existing conditions by increasing the quantity or quality of natural resources.

Environmental, Social, Economic, and Energy Consequences Analysis: An analysis of the environmental, social, economic and energy consequences of allowing, limiting or prohibiting conflicting uses in resource and impact areas.

Evapotranspiration: is the sum of evaporation and plant transpiration. Evaporation accounts for the movement of water to the air from sources such as the soil, canopy interception, and water bodies. Transpiration accounts for the movement of water within a plant and the subsequent loss of water as vapor through its leaves. Evapotranspiration is an important part of the hydrologic cycle.

F Federal Clean Water Act: Requirements at the federal level to improve and maintain the water quality of freshwater throughout the United States.

Federal Endangered Species Act: Requirements at the federal level to protect and restore habitat for species listed as endangered and Threatened by the US Fish and Wildlife Service or the National Oceanic and Atmospheric Administration Fisheries Department.

Floodplain: The zone along a watercourse enclosed by the outer limits of land which is subject to inundation in its natural or lower revised contours by the base flood. Synonymous with Area of Special Flood Hazard and Flood Management Area. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Flow-Through Planters: Planters that allow stormwater to flow through ending at the storm sewer system. The purpose of the planter is to remove pollutants and to attenuate and detain stormwater.

Fragipan: A dense, natural subsurface layer of hard soil with relatively slow permeability to water, mostly because of its extreme density or compactness rather than its high clay content or cementation.

G Groundwater Recharge: Recharge of water under the earth's surface, often confined in aquifers, capable of supplying wells and springs.

Grove: A stand of three or more trees of the same or mixed species. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

H Habitat Benefit Area (HBA): An area of land determined to provide a benefit to wildlife. Identification of HBA is accomplished by referencing the *Comprehensive Plan Volume III Habitat Benefit Area Map* that is included in the *Comprehensive Plan of the City of Beaverton Volume III: Statewide Planning Goal 5 Inventory Resource Documents*. Habitat resource classification delineation methodologies are included in the *Comprehensive Plan of the City of Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*. HBAs are in addition to any areas required for natural resource protection by other jurisdictional regulations. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Habitat Friendly Development Practice: A development technique or activity that reduces detrimental impacts on fish and wildlife habitat resulting from traditional development practices. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Healthy Streams Plan: A Clean Water Services (CWS) Plan to use scientific knowledge and innovation to improve watershed and stream health for community benefit. This Plan is a comprehensive update and expansion of CWS previous watershed planning efforts that will help improve water quality, manage water quantity and support aquatic habitat over a 20-year period. (CWS Healthy Streams Plan)

High-intensity Storms: Storms that produce greater than 1.0 inches of rainfall in a 24-hour period.

Hydrologic Cycle: Cycle that involves the continuous circulation of water in the Earth-atmosphere system. Water is transferred from the oceans through the atmosphere to the continents and back to the oceans by means of evaporation, transpiration, precipitation, interception, infiltration, subterranean percolation, overland flow, runoff, and other complex processes. Although the total amount of water within the cycle remains essentially constant, its distribution among the various processes is continually changing.

I Impacts: Effects of actions.

Impervious Surface: A surface that cannot be penetrated by water and thereby prevents infiltration and generates runoff. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Individual Trees: Trees listed on the Significant Tree and Grove Inventory.

Infiltration Rates: The rate at which water percolates from the land surface into the ground.

L Landscape Standards: Standards in the Development Code, Chapter 60, for development in the City.

Lot Area: The computed area contained within the lot lines, exclusive of street or alley rights-of-way. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Lot Size Averaging: A credit for preserving Habitat Benefit Areas. This credit allows a project proponent to modify the lot sizes of the development provided the overall average lot size meets the underlying zone.

Low Impact Development (LID): A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. LID tools are designed to reduce environmental impacts of development, such as increased storm water runoff due to impervious areas, poor water quality and inconsistent water quantity in streams and rivers. LID techniques control storm water runoff volume and reduce pollutant loadings to receiving waters. Not all sites are suitable for LID. Considerations such as soil permeability, depth of water table and slope shall be considered, in addition to other factors. LID techniques may not completely replace the need for conventional stormwater controls. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Low-intensity storms: Storms resulting in less than 0.5 inches of rainfall in a 24-hour period.

M Maintenance: The act of keeping the habitat friendly development practice or low impact development technique proper condition. Expected upkeep.

Metro Water Quality, flood management, and fish and wildlife conservation regulations: Title 3 of the Metro Urban Growth Management Function Plan, Section 3.07.310 to 3.07.370 of the Metro Code.

Mitigation: The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Moderate-intensity storms: Storms resulting in 0.5 to 1.0 inches of rainfall in a 24-hour period.

N Natural Resource Conservation District: An agency under the US Department of Agriculture tasked with developing soil surveys for the US.

Nature in the Neighborhoods Program: A program developed by Metro to conserve and protect natural resources in the Portland metropolitan region through stewardship and voluntary use of habitat friendly development practices.

P Peak Discharge: The maximum volume flow rate passing a particular location during a storm event.

Pervious Surfaces: Pervious surfaces that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

Porosity: The ability to admit the passage of gas or liquid through pores or interstices.

Precipitation: Any form of water, such as rain, snow, sleet, or hail, that falls to the earth's surface.

Pre-Screen Site Assessment: A requirement in the CWS Design and Construction Standards.

Preservation Credits: Credits to deviate from Development Code standards in return for preserving Habitat Benefit Areas.

R Rainwater Harvesting: Rainwater harvesting is the collection and storage of rain from roofs or from a surface catchment for future use. The water is generally stored in rainwater tanks or directed into mechanisms which recharge ground water.

Retention Basins: A retention basin, sometimes called a retention pond, is a type of constructed wetland that is used to contain stormwater or rain runoff. A retention basin provides an area to hold water from a small surrounding drainage area that would otherwise flow into other areas. The water remains in the local area that it was deposited in. This is opposed to a detention basin that holds water for a limited period of time from a larger basin area to prevent flooding and releases all the water contained in a short period of time.

These structures are frequently used to act as a replacement for the natural absorption of a forest or other natural process that was lost when an area is developed. Often, the structures are built to filter the water through bioremediation.

Riparian Corridors: The water influence area adjacent to a river, lake or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. IT can be identified primarily by a combination of geomorphologic and ecologic characteristics. (Metro Code 3.07.1010(iii)) Riparian Corridor Class I are rivers, streams, wetlands, undeveloped floodplains, forested areas within 100 feet of streams or within 200 feet of streams in steep areas and unique, rare or at-risk streamside habitats known as habitats of concern. Riparian Corridor Class II includes Rivers, streams, areas within 50 feet of developed streams, areas with trees and other vegetation within 200 feet of streams and portions of undeveloped floodplains. These areas provide fewer ecological values than Class I areas but are still important for stream health. Riparian Corridor Class III are developed floodplains, grassy areas within 300 feet of streams, and small forested areas that are further away from streams but still influence them. Many Riparian Class III areas are degraded due to development but still provide some important ecological values and opportunities for restoration.

Roof Gardens: A vegetated roof constructed for water quality and quantity control as well as passive recreation or active recreation or both. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

S Salmonid Species: Salmonidae is a family of ray-finned fish, the only living family of the order Salmoniformes. It includes the well-known salmons and trouts; the Atlantic salmons and trouts of genus *Salmo* give the family and order their names.

Service Provider Letter: A letter required by Clean Water Services indicating that a project has received approval by Clean Water Services.

Setback: The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required dedication or a special or reservation line if one is required pursuant to this ordinance. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Significant Riparian Corridors Classes I, II and III: Classifications of riparian corridors on Metro's Inventory of Regionally Significant Fish and Wildlife Habitat. Class I habitat includes water resources such as water courses and wetlands, Class II is within 50 feet of the water course and Class III includes low structure vegetation, forest patches and floodplains beyond the Class II riparian areas.

Stormwater Connection Permit: A permit required by Clean Water Services.

Subbasin: Watersheds for creeks throughout the City of Beaverton. There are twenty subbasins in Beaverton. The subbasins include: Beaverton Creek, Ash Creek, Ash Creek North Fork, Bronson Creek, Butternut Creek, Cedar Mill Creek, Erickson Creek, Fanno Creek, Golf Creek, Hall Creek, Hall Creek North Fork, Hiteon Creek, Johnson Creek North, Johnson Creek South, Summer Creek, Sylvan Creek, Vermont Creek, Willow Creek, Willow Creek South Fork, and Woods Creek.

Surface runoff: Precipitation runoff which travels over the soil surface to the nearest stream channel. When rain hits saturated or impervious ground it begins to flow overland downhill. It is easy to see if it flows down your driveway to the curb and into a storm sewer, but it is harder to notice it flowing overland in a natural setting. During a heavy rain you might notice small rivulets of water flowing downhill. Water will flow along channels as it moves into larger creeks, streams, and rivers. When runoff flows along the ground, it can pick up soil contaminants such as petroleum, pesticides, or fertilizers that become discharge or overland flow.

Sustainable Stormwater Management: Maintaining the hydrologic balance that existed before development.

T Total Maximum Daily Load: It is used extensively by the U.S. Environmental Protection Agency in implementing the Clean Water Act by establishing maximum pollution limits for industrial waste dischargers. It is a value of the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards; alternatively TMDL is an allocation of that pollutant deemed acceptable to the subject receiving waters.

Tree Box Filter: Tree box filters are essentially 'boxed' bio-retention cells that are placed at the curb (typically where storm drain inlets are positioned). They receive the first flush of runoff along the curb and the stormwater is filtered through layers of vegetation and soil before it enters a catch basin. (Chapter 90, Beaverton Development Code, Ordinance 2050, as amended)

Tree Permit: A permit to remove a tree as required through the Beaverton Development Code, Ordinance 2050, as amended and the Beaverton City Code. Street tree permitting is completed through the Site Development Division of the Community Development Department while the other tree permitting is accomplished through the Development Services Division of the Community Development Department.

Tualatin River Watershed: The Tualatin River watershed in northwest Oregon drains 712 square miles and ranges from the densely populated areas of southwest Portland, Hillsboro, Tigard and Beaverton to agricultural areas near Scholls, Gaston, Banks, Mountindale and North Plains to the forests of Oregon’s Coast Range, Tualatin Mountains and Chehalem Mountains. Most of the fast-growing urban population -- approximately 500,000 residents -- resides on 15% of the watershed’s area. Agricultural uses take up 35% and 50% of the watershed is forest.

U Upland Habitat Classes A, B, and C:

- Upland wildlife class A (highest value) 21% Very large forested areas (for example, Forest Park) and upland habitats of concern that are further away from streams, lakes or wetlands.
- Upland wildlife class B (moderate value) 13% Medium-sized and large forested areas that are not habitats of concern, and non-forested habitat areas that allow wildlife to access water or move from one habitat area to another.
- Upland wildlife class C (lowest value) 8% Smaller forested areas, plus smaller non-forested areas somewhat near, but no more than 300 feet from, streams and rivers that allow wildlife to move from one area to another.

V Vegetated Corridor: A corridor adjacent to a water quality sensitive area that is preserved and maintained to protect the water quality functions of the water quality sensitive are. (CWS Design and Construction Standards)

W Washington County Soil Survey: Soil Survey of Washington County conducted by the United States Department of Agriculture Natural Resources Conservation Service in cooperation with the Oregon Agricultural Experiment Station. The survey contains information that can be applied in managing farms and woodlands; in selecting sites for roads, ponds, buildings and other structures; and in judging the suitability of tracts of land for farming, industry and recreation. (Soil Survey of Washington County)

Wetland: Those area that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted from life in saturate soil conditions. Categories of wetlands include:

- a) **Created Wetlands:** those wetlands developed in an area previously identified as non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.
- b) **Constructed Wetlands:** those wetlands developed as a stormwater facility, subject to change and maintenance and such. These areas must be clearly defined or separated from existing or created wetlands. Constructed wetlands shall be regulated as created wetlands only if they serve as wetland mitigation.
- c) **Existing Jurisdictional Wetlands:** jurisdictional wetlands as determined by the Department of State Lands (DSL) or the US Army Corps of Engineers (COE). (CWS Design and Construction Standards)

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APPENDIX 1: STREET TREE LIST

All trees shall be healthy grown nursery stock, be a minimum of 1-1/2 inch caliper at 6 inches above ground level, and be at least 8-10 feet high. All trees shall have a single straight trunk, a well- developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

Bare root stock shall leave a root system sufficient to insure survival and healthy growth. Balled and burlap (B&B) stock shall leave a natural sound ball sufficient to insure survival and healthy growth. All trees that are grafted are to be grafted at a minimum height of 7 inches above ground level.

<http://www.beavertonoregon.gov/departments/publicworks/opsmaintenance/streettrees.aspx>

Street Trees

1. Trees permitted in minimum 3-foot planting area with no overhead utility wire conditions:

- Cherry, Columnar Sargent Flowering - *Prunus sargentii* 'Columnaris'
- Dogwood, Cornelian Cherry - *Cornus mas*
- Dogwood, Eastern - *Cornus florida*
- Dogwood, Kousa - *Cornus kousa* 'chinesis'
- Hornbeam, Pyramidal European - *Carpinus betulus* 'Fastigiata'
- Maple, Norwegian Sunset - *Acer truncatum* x *A. platanoides* 'Keithsform'
- Maple, Pacific Sunset - *Acer truncatum* x *A. platanoides* 'Warrenred'
- Oak, Skyrocket English - *Quercus robur* 'Fastigiata'
- Pear, Aristocrat Flowering - *Pyrus calleryana* 'Aristocrat'
- Pear, Autumn Blaze Flowering - *Pyrus calleryana* 'Chanticleer'
- Pear, Capital Flowering - *Pyrus calleryana* 'Capital'
- Pear, Princess Flowering - *Pyrus calleryana* 'Princess'
- Pear, Redspire Flowering - *Pyrus calleryana* 'Princess'
- Plum, Krauter's Vesuvius Flowering - *Prunus cerasifera* 'Krauter's Vesuvius'
- Plum, Newport Flowering - *Prunus cerasifera* 'Newport'
- Plum, Thundercloud Flowering - *Prunus cerasifera* 'Thundercloud'

2. Trees permitted in minimum 4-foot planting area where no overhead utility wire conditions exist:

- Ash, Flowering - *Fraxinus ornus*
- Ash, Globe European - *Fraxinus excelsior* 'Globosum'
- Ash, Golden Desert - *Fraxinus oxycarpa aureafolia* 'Golden Desert'
- Cherry, Shubert Select Flowering or Canada Red Chokecherry - *Prunus virginiana* 'Shubert'
- Cherry, Yoshino Flowering - *Prunus x yedoensis*
- Chokecherry, Red Canada or Shubert Select Flowering - *Prunus virginiana* 'Shubert'
- Crabapple, Profusion - *Malus* 'Profusion'
- Crabapple, Red Baron - *Malus* 'Red Baron'
- Crabapple, Royalty - *Malus* 'Royalty'
- Crabapple, Spring Snow - *Malus* 'Spring Snow'
- Crabapple, Sugar Tyme - *Malus* 'Sugar Tyme'
- Ginkgo, Mayfield - *Ginkgo biloba* 'Mayfield'
- Glorybower, Harlequin - *Clerodendrum trichotomum*
- Goldenrain - *Koelreuteria paniculata*
- Goldenrain, Columnar - *Koelreuteria paniculata* 'Fastigiata'
- Hawthorn, Columnar - *Crataegus monogyna* 'Stricta'
- Hawthorn, Lavalley - *Crataegus x lavalleyi*
- Hawthorn, Washington - *Crataegus phaenopyrum*
- Lilac, Japanese Tree - *Syringa reticulata*
- Maple, Crimson Sentry Norway - *Acer platanoides* 'Crimson Sentry'
- Maple, Doric Red - *Acer rubrum* 'Doric'
- Maple, English Hedge - *Acer campestre*
- Maple, Flame Amur - *Acer ginnala* 'Flame'
- Maple, Globe Norway - *Acer platanoides* 'Globosum'
- Maple, Paperbark - *Acer griseum*
- Maple, Tatarian - *Acer tataricum*
- Olive, Russian - *Elaeagnus angustifolia*
- Pear, Chanticleer Flowering - *Pyrus calleryana* 'Chanticleer'
- Pear, Cleveland Select Flowering - *Pyrus calleryana* 'Cleveland Select'
- Pear, Trinity Flowering - *Pyrus calleryana* 'Trinity'
- Redbud, Eastern - *Cercis canadensis*
- Serviceberry, Cumulus - *Amelanchier laevis* x *grandiflora* 'Cumulus'
- Serviceberry, Pyramidal Shadblow - *Amelanchier canadensis* 'Pyramidalis'
- Serviceberry, Robin Hill Apple - *Amelanchier x grandiflora* 'Robin Hill'
- Snowbell, Japanese - *Styrax japonica*

3. Trees permitted in minimum 6-foot planting area with no overhead utility wire conditions:

- Ash, Flame - *Fraxinus osycarpa* 'Flame'
- Ash, Raywood - *Fraxinus osycarpa* 'Raywood'
- Beech, Tricolor European - *Fagus sylvatica* 'Purpurea Tricolor'
- Ginkgo - *Ginkgo biloba*
- Ginkgo, Autumn Gold - *Ginkgo biloba* 'Autumn Gold'
- Ginkgo, Fairmont - *Ginkgo biloba* 'Fairmont'
- Ginkgo, Princeton Sentry - *Ginkgo biloba* 'Princeton Sentry'
- Ginkgo, Shangri-la - *Ginkgo biloba* 'Shangri-la'
- Honeylocust, Skyline - *Gleditsia triacanthos* 'Skyline'
- Horsechestnut, Briotii Red - *Aesculus x carnea* 'Briotii'
- Horsechestnut, Ruby Red - *Aesculus x carnea* 'Ruby Red'
- Katsura - *Cercidiphyllum Japonicum*
- Linden, DeGroot Littleleaf - *Tilia cordata* 'DeGroot'
- Linden, Glenleven Littleleaf - *Tilia cordata* 'Glenleven'
- Linden, Redmond Crimean - *Tilia cordata* 'Greenspire'
- Locust, Globe - *Robinia pseudocacia* 'Umbraculifera'
- Magnolia, Southern - *Magnolia grandiflora*
- Maple, Armstrong - *Acer x freemanii* 'Armstrong'
- Maple, Bowhall Red - *Acer rubrum* 'Bowhall'
- Maple, Cavalier Norway - *Acer platanoides* 'Cavalier'
- Maple, Columnar Norway - *Acer platanoides* 'Columnare'
- Maple, Crimson King Norway - *Acer platanoides* 'Crimson King'
- Maple, Green Mountain Sugar - *Acer saccharum* 'Green Mountain'
- Maple, Greencolumn Black - *Acer nigrum* 'Greencolumn'
- Maple, Karpick Red - *Acer rubrum* 'Karpick'
- Maple, Legacy Sugar - *Acer saccharum* 'Legacy'
- Maple, Parkway Norway - *Acer platanoides* 'Columnarbroad'
- Maple, Scanlon Red - *Acer rubrum* 'Scanlon'
- Oak, Skymaster English - *Quercus robur* 'Pyramich'
- Pagoda Tree, Regent Japanese - *Sophora japonica* 'Regent'
- Stewartia, Japanese - *Stewartia pseudocamellia*
- Tuliptree, Arnold - *Liriodendron tulipifera* 'Fastigiatum'

4. Trees permitted in minimum 8-foot planting area with no overhead utility wire conditions:

- Ash, Autumn Applause White - *Fraxinus americana* 'Autumn Applause'
- Ash, Autumn Purple White - *Fraxinus americana* 'Autumn Purple'
- Ash, Bergeson Green - *Fraxinus pennsylvanica* 'Bergeson'
- Ash, Patmore Green - *Fraxinus pennsylvanica* 'Patmore'
- Ash, Summit Green - *Fraxinus pennsylvanica* 'Summit'
- Birch, Jacquemontii - *Betula jacquemontii*
- Birch, River - *Betula nigra*
- Blackgum, Sourgum, or Black Tupelo - *Nyssa sylvatica*
- Coffeetree, Kentucky - *Gymnocladus dioicus*
- Cork Tree, Amur - *Phellodendron amurense*
- Elm, Chinese or Lacebark Elm - *Ulmus parvifolia*
- Elm, Homestead - *Ulmus* 'Homestead'
- Elm, Lacebark or Chinese Elm - *Ulmus parvifolia*
- Filbert, Turkish - *Corylus*
- Hackberry, Common - *Celtis occidentalis*
- Hophornbeam, American - *Ostrya virginiana*
- Linden, Green Mountain Silver - *Tilia tomentosa* 'Green Mountain'
- Linden, Redmond - *Tilia americana* 'Redmond'
- Linden, Redmond Crimean - *Tilia euchlora* 'Redmond'
- Linden, Sterling Silver - *Tilia tomentosa* 'Sterling'
- Maple, Arrowhead Sugar - *Acer saccharum* 'Arrowhead'
- Maple, Autumn Blaze - *Acer rubrum* x *A. saccharinum* 'Autumn Blaze'
- Maple, Autumn Flame Red - *Acer rubrum* 'Autumn Flame'
- Maple, Celebration - *Acer x freemanii* 'Celzam'
- Maple, Cleveland Norway - *Acer platanoides* 'Cleveland'
- Maple, Emerald Queen Norway - *Acer platanoides* 'Emerald Queen'
- Maple, October Glory Red - *Acer rubrum* 'October Glory'
- Maple, Red Sunset Red - *Acer rubrum* 'Red Sunset'
- Maple, Schwedleri Norway - *Acer platanoides* 'Schwedleri'
- Maple, Spaethii Sycamore - *Acer pseudoplatanus* 'Atropurpureum'
- Maple, Superform Norway - *Acer platanoides* 'Superform'
- Mulberry, Kingan Fruitless - *Morus alba* 'Kingan'
- Oak, Burr - *Quercus macrocarpa*
- Oak, English - *Quercus robur*
- Oak, Forest Green Hungarian or Italian - *Quercus frainetto* 'Schmidt'

- Oak, Northern Red - *Quercus rubra*
- Oak, Pin - *Quercus palustris*
- Oak, Sawtooth - *Quercus acutissima*
- Oak, Scarlet - *Quercus coccinea*
- Oak, Shingle - *Quercus imbricaria*
- Oak, Shumard - *Quercus shumardii*
- Oak, Swamp White - *Quercus bicolor*
- Oak, Westminster Globe - *Quercus robur* 'Michround'
- Poplar, Yellow or Tuliptree - *Liriodendron tulipifera*
- Rubber Tree, Hardy - *Eucommia ulmoides*
- Sourgum, Black Tupelo, or Blackgum - *Nyssa sylvatica*
- Sweetgum - *Liquidambar styraciflua*
- Sweetgum, Festival - *Liquidambar styraciflua* 'Festival'
- Sweetgum, Golden - *Liquidambar styraciflua aurea* 'Golden'
- Tuliptree or Yellow Poplar - *Liriodendron tulipifera*
- Tupelo, Black, Blackgum or Sourgum - *Nyssa sylvatica*
- Yellow Wood - *Cladrastis kentuckia*
- Zelkova, Green Vase - *Zelkova serrata* 'Green Vase'
- Zelkova, Village Green - *Zelkova serrata* 'Village Green'

5. Trees permitted by PGE and City of Beaverton for use under power wires:

- Amur Maple - *Acer ginnala*
- Hedge Maple - *Acer campstre*
- Paper Bark Maple - *Acer griseum*
- Apple Service Berry - *Amelanchier*
- Shadblow Servicel Berry - *Amelanchier canadensis*
- Eastern Redbud - *Cercis canadensis*
- Glorybower - *Clerodendrum trichotomum*
- Flowering Dogwood - *Cornus florida*
- Japanese Dogwood - *Cornus kousa*
- Washington Hawthorn - *Crataegue phaenopyrum*
- Lauelle Hawthorn - *Crataegus x lavallei*
- Globe-Headed European Ash - *Fraxinus excelsior globosum*
- Flowering Ash - *Fraxinus ornus*
- Golden Desert Ash - *Fraxinus oxycarpa aureopolia*
- Golden Rain Tree - *Koelreuteria paniculata*
- Golden Chain Tree - *Laburnum x waterii*
- Flowering Crabapple - 'Spring snow' or 'indian magic' - *malus*
- Flowering Cherry - 'Mt. fugi' - *prunus*
- Flowering Pear - 'Cleveland select' - *pyrus calleryana*
- Japanese Snowball - *Styrax japonia*

APPENDIX 2: PLANT LISTS

Lists and photos of native plants can be found at the following web sites:

<http://www.portlandonline.com/planning/index.cfm?c=decfb&a=fjadj#threelists>

<http://www.portlandonline.com/bes/index.cfm?c=32142&a=40732>

<http://www.cleanwaterservices.org/EducationAndOutreach/NativePlantFinder/default.aspx>

<http://www.metro-region.org/article.cfm?ArticleID=13547>

Noxious Species

Noxious species are those found in the most current version of Oregon Department of Agriculture Noxious Weed List and Portland Plant List.

Invasive Species

When planting native plants pursuant to Chapter 60 of the Development Code, consult the lists cited above to be sure that nuisance, invasive, noxious, and prohibited plants are not used. Invasive species are limited to Himalayan or evergreen blackberry (*Rubus discolor, lacinatus*), reed canarygrass (*Phalaris arundinacea*), teasel (*Dipsacus fullonum*), Canada or bull thistle (*Cirsium sp.*), Scotch broom (*Cytisus scoparius*), purple loosestrife (*Lythrum salicaria*), Japanese knotweed (*Polygonium cuspidatum*), morning glory (*Convolvulus sp.*), giant hogweed (*Heracleum mantegazzianum*), English ivy (*Hedra helix*), nightshade (*Solanum sp.*), and clematis (*Clematis ligusticifolia* and *C. vitifolia*).

Metro's Trees for Green Streets: An Illustrated Guide

This guide provides examples of trees that are suitable for Green Streets and parking lots. Many of the trees are not suitable for narrow parking strips or areas with powerlines. Carefully review the guide and consult with city staff if you have questions.

See staff listings in the Information Section after the Reference Section of this document.

Appendix 3: Alternate Pavement Surfaces Design Specifications

The general categories and specifications of paving systems include:

A. Open-graded concrete or hot-mix asphalt pavement

These are similar to standard pavement, but with reduced or eliminated fine material (sand and fines) and special admixtures incorporated (optional). As a result, channels form between the aggregate in the pavement surface and allow water to infiltrate.

1. Permeable hot-mix asphalt is similar to standard hot-mix asphalt; however, the aggregate fines (particles smaller than No.30 sieve) are reduced, leaving a matrix of pores to conduct water to the underlying aggregate base and soil. This surface can be used for light to medium duty applications including residential access roads, driveways, utility access, parking lots and walkways; however, porous asphalt has been used for heavy applications such as highways. (Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005)

Properly installed and maintained permeable asphalt has a service life that is comparable or longer than conventional asphalt. As long as runoff is not directed to the permeable asphalt from adjacent surfaces, the estimated long term infiltration rate may be as low as 0.1 inch/hour. Soils with low infiltration rates should have under-drains to prevent prolonged saturated soil conditions at or near the ground surface within the pavement section. (Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005)

Specifications from the Low Impact Development Technical Guidance Manual for Puget Sound:

Subgrade

- Soil conditions should be analyzed by a qualified engineer for load bearing given anticipated soil moisture conditions.
- After grading, the existing subgrade should not be compacted or subjected to excessive construction equipment traffic.
- If using the base course for retention in parking areas, excavate the storage bed level to allow even distribution of water and maximize infiltration across entire parking area.
- Immediately before base aggregate and asphalt placement, remove any accumulation of fine material from erosion with light equipment and scarify soil to a minimum depth of 6 inches.

Aggregate base/storage bed

- Minimum base depth for structural support should be 6 inches (Washington State Department of Transportation, 2003).
- Maximum depth is determined by the extent to which the designer intends to achieve a flow control standard with the use of a below-grade storage bed. Aggregate base depths of 18 to 36 inches are common depending on storage needs.
- Coarse aggregate layer should be a 2.5 to 0.5 inch uniformly graded crushed (angular) thoroughly washed stone (AASHTO No. 3).
- Choker course should be 1 to 2 inches in depth and consist of 1.5 inch to U.S. sieve size number 8 uniformly graded crushed washed stone for final grading of base reservoir. The upper course is needed to reduce rutting from construction vehicles delivering and installing asphalt and to more evenly distribute loads to the base material (Diniz, 1980)

Installation of aggregate base/storage bed

- Stabilize area and install erosion control to prevent runoff and sediment from entering storage bed.
- Install approved non-woven filter fabric on subsoil according to manufacturer's specifications. Where installation is adjacent to conventional paving surfaces, filter fabric should be wrapped up sides to top of base aggregate to prevent migration of fines from densely graded material to the open graded base, maintain proper compaction, and avoid differential settling.
- Overlap adjacent strips of fabric at least 24 inches. Secure fabric 4 feet outside of storage bed to reduce sediment input to bottom of area storage reservoir.
- Install coarse (1.5 to 2.4 inch) aggregate in maximum of 8 inch lifts and lightly compact each lift.
- Install a 1 to 2 inch choker course evenly over surface of coarse aggregate base.
- Following placement of base aggregate and again after placement of the asphalt, the filter fabric should be folded over placements to protect installation from sediment inputs. Excess filter fabric should not be trimmed until site is fully stabilized (U.S. Army Corps of Engineers, 2003).

Top Course

- Parking lots: 2 to 4 inches typical.
- Residential access roads; 2 to 4 inches typical.
- Permeable asphalt has similar strength and flow properties as conventional asphalt; accordingly, the wearing course thickness is similar for either surface given equivalent load requirements (Diniz, 1980)
- Choker course should be 1 to 2 inches in depth and consist of 1.5 inch to U.S. sieve size number 8 uniformly graded crushed washed stone for final grading of base reservoir. The upper course is needed to reduce rutting from construction vehicles delivering and installing asphalt and to more evenly distribute loads to the base material (Diniz, 1980).
- A small percentage of fine aggregate is necessary to stabilize the larger porous aggregate fraction. The finer fraction also increases the viscosity of the asphalt cement and controls asphalt drainage characteristics.
- Total void space should be approximately 16 percent (conventional asphalt is 2 to 3 percent) (Diniz, 1980).

Bituminous asphalt cement

- Content: 5.5 to 6.0 percent by weight dry aggregate. The minimum content assures adequate asphalt cement film thickness around the aggregate to reduce photo-oxidation degradation and increase cohesion between aggregate. The upper limit is to prevent the mixture from draining during transport.
- Grade: 85 to 100 penetration recommended for northern states (Diniz, 1980).
- An elastomeric polymer can be added to the bituminous asphalt to reduce drain-down.
- Hydrated lime can be added at a rate of 1.0 percent by weight of the total dry aggregate to mixes with granite stone to prevent separation of the asphalt from the aggregate and improve tensile strength.

General installation

- Install permeable asphalt system toward the end of construction activities to minimize sediment problems. The subgrade can be excavated to within 6 inches of final grade and grading completed in later stages of the project (Cahill et al., 2003).
- Erosion and introduction of sediment from surrounding land uses should be strictly controlled during and after construction. Erosion and sediment controls should remain in place until area is completely stabilized with soil amendments and landscaping.
- Adapting aggregate specifications can influence bituminous asphalt cement properties and permeability of the asphalt wearing course. Before final installation, test panels are recommended to determine asphalt cement grade and content compatibility with the aggregate. (Diniz, 1980).
- Insulated covers over loads during hauling can reduce heat loss during transport and increase working time (Diniz, 1980). Temperatures at delivery that are too low can result in shorter working times, increased labor for hand work, and increased cleanup from asphalt adhering to machinery (personal communication Leonard Spodoni, April 2004).

2. Portland cement permeable concrete is used extensively for stormwater management in Florida and Georgia. The cities of Seattle and Olympia have tested materials and installed several projects including parking lots, sidewalks and driveways. Permeable Portland cement is similar to conventional concrete without the fine aggregate (sand) component. The mixture is a washed coarse aggregate (3/8 or 5/8 inch), hydraulic cement, admixtures and water, yielding a surface with a matrix of pores that conducts water to the underlying aggregate base and soil. Permeable concrete can be used for light to medium duty applications including residential access roads, driveways, utility access, parking lots and walkways. Permeable concrete can also be used in heavy load applications. The City of Renton Washington is testing sections in their aggregate recycling yard within preliminary results of good structural performance after being subjected to regular 50,000 to 100,000 pound vehicle loads for three years. As with the asphalt surface, if properly installed and maintained, the surface should have a surface life comparable to conventional concrete.

Three classes of permeable concrete are prevalent: (1) the standard mix using washed coarse aggregate (3/8 or 5/8 inch), hydraulic cement, admixtures and water; (2) a Stonecrete mixture which is similar to the standard mix, but incorporates a strengthening additive; and (3) Percocrete which uses a higher percentage of sand, incorporates an additive to enhance strength and the pore structure, and produces a smoother surface texture. Specifications for Stonecrete and Percocrete can be obtained from the manufacturers. As long as runoff is not directed to the permeable asphalt from adjacent surfaces, the estimated long term infiltration rate may be as low as 0.1 inch/hour. (Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005)

Specifications from the Team Low Impact Development Technical Guidance Manual for Puget Sound:

Subgrade

- Soil conditions should be analyzed by a qualified engineer for load bearing given anticipated soil moisture conditions.
- After grading, the existing subgrade should not be compacted or subjected to excessive construction equipment traffic.
- Immediately before base aggregate and asphalt placement, remove any accumulation of fine material from erosion with light equipment and scarify soil to a minimum depth of 6 inches (U.S. Army Corps of Engineers, 2003).

Aggregate base/storage bed

- Minimum base depth for structural support should be 6 inches (FCPA, n.d.).
- Maximum depth is determined by the extent to which the designer intends to achieve a flow control standard with the use of a below-grade storage bed. Aggregate base depths of 18 to 36 inches are common when designing for retention or detention.
- The coarse aggregate layer varies depending on structural and stormwater management needs. Typical placements include round or crushed washed drain rock (1 to 1.5 inches) or 1.5 to 2.5 inch crushed washed base rock aggregate (e.g., AASHTO No.3).
- The concrete can be placed directly over the coarse aggregate or a choker course (e.g., 1.5 inch to US Sieve size number 8, AASHTO No. 57 crushed washed stone) can be placed over the larger stone for final grading.

Installation of aggregate base/storage bed

- Stabilize area and install erosion control to prevent runoff and sediment from entering storage bed.
- If using the aggregate base for retention in parking areas, excavate storage bed level to allow even distribution of water and maximize infiltration across entire parking area.
- Install approved non-woven filter fabric on subsoil according to manufacturer's specifications. Where installation is adjacent to conventional paving surfaces, filter fabric should be wrapped up sides to top of base aggregate to prevent migration of fines from densely graded material to the open graded base, maintain proper compaction, and avoid differential settling.
- Overlap adjacent strips of fabric at least 24 inches. Secure fabric 4 feet outside of storage bed to reduce sediment input to bottom of area storage reservoir.
- Install coarse (1.5 to 2.4 inch) aggregate in maximum of 8 inch lifts and lightly compact each lift.
- If used, install a 1 to 2 inch choker course evenly over surface of coarse aggregate base (typically No. 57 AASHTO) and lightly compact.

- Following placement of base aggregate and again after placement of the asphalt, the filter fabric should be folded over placements to protect installation from sediment inputs. Excess filter fabric should not be trimmed until site is fully stabilized (U.S. Army Corps of Engineers, 2003).

Top Course

- Parking lots: 2 to 4 inches typical.
- Residential access roads; 2 to 4 inches typical.
- Unit weight: 120 to 130 pounds per cubic foot (permeable concrete is approximately 70 to 80 percent of the unit weight of conventional concrete) (FCPA, n.d.)
- Void space: 15 to 21 percent according to ASTM C 138.
- Water cement ratio: 0.27 to 0.35.
- Aggregate to cement ratio: 4:1 to 5:1.
- Aggregate: several aggregate specifications are used including:
 - 3/8 inch to No. 16 washed crushed or round per ASTM C 33.
 - 3/8 inch to No. 50 washed crushed or round per ASTM D 448.
 - 5/8 inch washed crushed or round
- In general the 3/8 inch crushed or round produces a slightly smoother surface and is preferred for sidewalks, and the 5.8 inch crushed or round produces a slightly stronger surface.
- Portland cement; Type I or II conforming to ASTM C 150 or Type IP or IS conforming to ASTM C 595.
- Admixtures: Can be used to increase working time and include: Water Reducing/Retarding admixture in conformance with ASTM C 494 Type D and Hydration stabilizer in conformance with ASTM C 494 Type B.
- Water: Use potable water.
- Fiber mesh can be incorporated into the cement mix for added strength.

Installation of top course

- See testing section below for confirming correct mixture and proper installation.
- If mixture contains excess water the cement paste can flow from the aggregate, resulting in a weak surface layer and reduced void space in the lower portion of surface. With the correct water content, the delivered mix should have a wet metallic sheen, and when hand squeezed the mix should not crumble or become a highly plastic mass (FCPA, n.d.)
- Cement mix should be used within 1 hour after water is introduced to mix, and within 90 minutes if an admixture is used and concrete mix temperature does not exceed 90 degrees Fahrenheit (U.S. Army Corps of Engineers, 2003).
- Base aggregate should be wetted to improve working time of cement.
- Concrete should be deposited as close to its final position as possible and directly from the truck or using a conveyor belt placement.
- A manual or mechanical screed can be used to level concrete at ½ inch above form.

- Cover surface with 6-mil plastic and use a static drum roller for final compaction (roller should provide approximately 10 pounds per square inch vertical force).
- Edges that are higher than adjacent materials should be finished or rounded off to prevent chipping (standard edging tool is applicable for pervious concrete).
- Cement should be covered with plastic within 20 minutes and remain covered for curing time.
- Curing: 7 days minimum for Portland cement Type I and II. No truck traffic should be allowed for 10 days (US Army Corps of Engineers, 2003).
- Placement widths should not exceed 15 feet unless contractor can demonstrate competence to install greater widths.
- High frequency vibrators can seal the surface of the concrete and should not be used.
- Jointing: shrinkage associated with drying is significantly less for permeable than conventional concrete. Florida installations with no control joints at 60 foot spacing cut to ¼ the thickness of the pavement (FCPA, n.d. and US Army Corps of Engineers, 2003) Expansion joints can also facilitate a cleaner break point if sections become damaged or are removed for utility work.

Testing

Differences in local materials, handling, and placement can affect permeable concrete performance. The following tests should be conducted even if the contractor has experience with the material to ensure proper performance.

- The contractor should place and cure two test panels, each covering a minimum of 225 square feet at the required project thickness, to demonstrate that specified unit weights and permeability can be achieved on-site (Georgia Concrete and Products Association [GCPA], 1997).
- Test panels should have two cores taken from each panel in accordance with ASTM C 42 at least 7 days after placement (GCPA, 1997).
- Untrimmed cores should be measured for thickness according to ASTM C 42.
- After determining thickness, cores should be trimmed and measured for unit weight per ASTM C 140.
- Void structure should be tested per ASTM C 138.
- If the measured thickness is greater than ¼ inch less than the specified thickness, or the unit weight is not within ± 5 points per cubic foot, or the void structure is below specifications, the panel should be removed and new panels with adjusted specifications installed (US Army Corps of Engineers, 2003). If test panel meets requirements, panel can be left in place as part of the completed installation.
- Collect and sample delivered material once per day to measure unit weight per ASTM C 172 and C 29 (FCPA, n.d.).
-

B. Aggregate or plastic pavers that include cast-in-place or modular pre-cast blocks.

The cast-in-place systems are reinforced concrete made with reusable forms. Pre-cast systems are either high-strength Portland cement concrete or plastic blocks. Both systems have wide joints or openings that can be filled with soil and grass or gravel.

1. Eco-Stone permeable interlocking concrete pavers are high-density concrete pavers that allow infiltration through a built-in pattern of openings filled with aggregate. When compacted, the pavers interlock and transfer vertical loads to surrounding pavers by shear forces through fine aggregate in the joints. Eco-stone interlocking pavers are placed on open-graded sub-base aggregate topped with a finer aggregate layer that provides a level and uniform bedding material. Properly installed and maintained, high-density pavers have high load bearing strength and are capable of carrying heavy vehicle weight at low speeds. Properly installed and maintained pavers should have a service life of 20 to 25 years. This system is applicable to industrial and commercial parking lots, utility access, residential access roads, driveways and walkways. As long as runoff is not directed to the permeable asphalt from adjacent surfaces, the estimated long term infiltration rate may be as low as 0.5 inch/hour. Soils with lower infiltration rates should have under-drains at the bottom of the base course and the drain-down time for the base should not exceed 24 hours. (Low Impact Development Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce County, 2005)

Specifications from the Low Impact Development Technical Guidance Manual for Puget Sound:

Subgrade

- Soil conditions should be analyzed by a qualified engineer for load bearing given anticipated soil moisture conditions. California Bearing Ratio Values should be at least 5 percent.
- For vehicle traffic areas, grade and compact to 95 percent modified proctor density (per ASTM D 1557) and compact to 95 percent standard proctor density for pedestrian areas (per ASTM D 698) (Smith, 2000). Soils with high sand and gravel content can retain useful infiltration rates when compacted; however, many soils become essentially impermeable at this compaction rate. For detention designs on compacted soils that will provide very low permeability, adequate base aggregate depths and under-drain systems should be

incorporated to reduce risk of continued saturation that can weaken subgrades subject to vehicle traffic (Smith, 2000)

Aggregate base/storage bed

- Minimum base thickness depends on vehicle loads, soil type, and stormwater storage requirements and freeze thaw conditions. Typical depths range from 6 to 22 inches; however, increased depths can be applied for increased storage capacity (Smith, 2000). Interlocking concrete Paver Institute guidelines for base thickness should be followed.
- Minimum base depth for pedestrian and bike applications should be 6 inches (Smith, 2000)
- ASTM No. 57 crushed aggregate or similar gradation is recommended for the sub-base (Smith, 2000).
- ASTM No. 8 is recommended for the leveling or choker course.

Installation of Aggregate Base/Storage Bed

- Stabilize area and install erosion control to prevent runoff and sediment from entering storage bed.
- If using the base course for retention in parking areas, excavate storage bed level to allow even distribution of water and maximize infiltration across entire parking area.
- Install approved non-woven filter fabric on subsoil according to manufacturer's specifications. Where installation is adjacent to conventional paving surfaces, filter fabric should be wrapped up sides to top of base aggregate to prevent migration of fines from densely graded material to the open graded base, maintain proper compaction, and avoid differential settling.
- Overlap adjacent strips of fabric at least 24 inches. Secure fabric 4 feet outside of storage bed to reduce sediment input to bottom of area storage reservoir.
- Install No. 57 aggregate in 4 to 6 inch lifts
- Compact the moist No. 57 aggregate with at least 4 passes of a 10-ton (minimum) steel drum roller. Initial passes can be with vibration and the final two passes should be static (Smith, 2000). Testing for appropriate density per ASTM D 698 or D 1557 will likely not provide accurate results. The Interlocking Concrete Pavement Institute specification recommends that adequate density and stability are developed when no visible movement is observed in the open-graded base after compaction (personal communication, Dave Smith ICPI).
- Install three inches of No.8 aggregate for the leveling or choker course and compact with at least 4 passes of a 10-ton roller. Surface variation should be within $\pm \frac{1}{2}$ inch over 10 feet. The No. 8 aggregate should be moist to facilitate compaction into the sub-base (Smith, 2000).
- Asphalt stabilizer can be used with the No.57 stone if additional bearing support is needed, but should not be applied to the No.8 aggregate. To maintain adequate void space, use a minimum of asphalt for stabilization (approximately 2 to 2.5 percent by weight of aggregate). An asphalt grade of AC20 or higher is recommended. The addition of stabilizer will reduce storage capacity of base aggregate and should be considered in the design (Smith, 2000).

- Following placement of base aggregate and again after placement of pavers, the filter fabric should be folded over placements to protect installation from sediment inputs. Excess filter fabric should not be trimmed until site is fully stabilized.
- Designs for full infiltration of stormwater to the subgrade should have a positive overflow to prevent water from entering the surface layer during extreme events. Designs with partial or no exfiltration require under-drains. All installations should have an observation well (typically 6 inch perforated pipe) installed at the furthest downslope area (Smith, 2000)

Top Course Installation

- Pavers should be installed immediately after base preparation to minimize introduction of sediment and to reduce the displacement of base material from ongoing activity (Smith, 2000).
 - Loosen and evenly smooth $\frac{3}{4}$ to 1 inch of the compacted No. 8 stone.
 - Place pavers by hand or with mechanical installers and compact with a 5000 lbf, 75 to 90 Hz plate compactor. Fill openings with No.8 stone and compact again. Sweep to remove excess stone from surface. The small amount of finer aggregate in the No.8 stone will likely be adequate to fill narrow joints between pavers in pedestrian and light vehicle applications. If the installation is subject to heavy vehicle loads, additional material may be required for joints. Sweep additional material (ASTM No. 89 stone is recommended) and use vibratory compaction to place joint material (Smith, 2000).
 - Do not compact within 3 feet of unrestrained edges (Pentec Environmental, 2000).
 - Sand placed in paver openings or used as a leveling course will clog and should not be applied for those purposes.
 - Cast-in-place or pre-cast concrete (approximately 6 inches wide by 12 inches high) are the preferred material for edge constraints. Plastic edge confinement secured with spikes is not recommended (Smith, 2000).
2. Gravelpave2 flexible plastic grid system is a lightweight grid of plastic rings in 20" wide x 20" long x 1" high units with a geotextile fabric heat fused to the bottom of the grid. Flexible grid systems conform to the grade of the aggregate base, and when backfilled with appropriate aggregate top course, provide high load bearing capacity and has an expected service life of 20 years when properly installed and maintained. Typical uses include alleys, driveways, utility access, loading areas, trails and parking lots with low traffic speeds (15 to 20 mph maximum). If runoff is not directed to the system from adjacent surfaces, the estimated long-term infiltration rate may be as low as 0.5 inch/hour. Soils with lower infiltration rates should have underdrains in the base course to prevent prolonged saturated soil conditions within the top course section. (Low Impact Development

Technical Guidance Manual for Puget Sound, Puget Sound Action Team and Washington State University Extension Pierce county, 2005).

Specifications from the Low Impact Development Technical Guidance Manual for Puget Sound:

Subgrade

- Soil conditions should be analyzed by a qualified engineer for load bearing given anticipated soil moisture conditions.
- After grading, the existing subgrade should not be compacted or subject to excessive construction equipment traffic.
- Immediately before base aggregate and top course, remove any accumulation of fine material from erosion with light equipment.

Aggregate base/storage bed

- Minimum base thickness depends on vehicle loads, soil type, and stormwater storage requirement. Typical minimum depth is 4 to 6 inches for driveways, alleys, and parking lots (less base course depth is required for trails) (personal communication, Andy Gersen, July 2004). Increased depths can be applied for increased storage capacity.
- Base aggregate is a sandy gravel material typical for road base construction (Invisible Structures, 2003).

Aggregate Grading:	U.S. Standard Sieve	Percent Passing
	3/4	100
	3/8	85
	4	60
	8	15
	40	30
	200	<3

Base Course

- Stabilize area and install erosion control to prevent runoff and sediment from entering storage bed.
- If using the base course for retention in parking areas, excavate storage bed level to allow even distribution of water and maximize infiltration across entire parking area.
- Install approved non-woven filter fabric on subsoil according to manufacturer's specifications. Where installation is adjacent to conventional paving surfaces, filter fabric should be wrapped up sides to top of base aggregate to prevent migration of fines from densely graded material to the open graded base, maintain proper compaction, and avoid differential settling.
- Overlap adjacent strips of fabric at least 24 inches. Secure fabric 4 feet outside of storage bed to reduce sediment input to bottom of area storage reservoir.
- Install in 4 to 6 inch lifts maximum.

- Compact each lift to 95 percent modified proctor.

Top Course Aggregate

Aggregate should be clean, washed angular stone with a granite hardness.

Aggregate Grading:	U.S. Standard Sieve	Percent Passing
	4	100
	8	80
	16	50
	30	30
	50	15
	100	5

Top Course Installation

- Grid should be installed immediately after base preparation to minimize introduction of sediment and to reduce the displacement of base material from ongoing activity.
- Place grid with rings up and interlock male/female connectors along unit edges.
- Install anchors at an average rate of 6 pins per square meter. Higher speed and transition areas (for example where vehicles enter a parking lot with a plastic grid system from an asphalt road() or where heavy vehicles execute tight turns will require additional anchors (double application of pins). Loosen and evenly smooth ¾ to 1 inch of the compacted No.8 stone.
- Aggregate should be back dumped to a minimum depth of 6 inches so that delivery vehicle exists over aggregate. Sharp turning on rings should be avoided.
- Spread gravel using power brooms, flat bottom shovels or wide asphalt rakes. A stiff bristle broom can be used for finishing.
- If necessary, aggregate can be compacted with a plate compactor to a level no less than the top of the rings or no more than 0l.25 inch above the top of the rings (Invisible Structures, 2003).
- Provide edge constraints along edges that may have vehicle loads (particularly tight radius turning). Cast-in-place or pre-cast concrete edging is preferred.
- Do not compact within 3 feet of unrestrained edges (Pentec Environmental, 2000).
- Sand placed in paver openings or used as a leveling course will clog and should not be applied for those purposes.
- Cast-in-place or pre-case concrete (approximately 6 inches wide by 12 inches high) are the preferred material for edge constraints. Plastic edge confinement secured with spikes is not recommended (Smith, 2000).

C. Limitations of the alternate pavement systems

Limitations of the alternate pavement systems include construction and landscaping material yards and other similar places that can deposit excessive sediment on the surface, steep erosion prone areas, concentrated pollutant spill areas such as gas stations, stuck stops, and industrial chemical storage sites, seasonally high groundwater areas, fill soils, areas where maintenance is unlikely, uses where sealing the surface may be performed, where regular, heavy application of sand is used to maintain traction in winter, and placement with less than 2 feet clearance above bedrock. Performance has been tested over a size-year period at the University of Washington. Typical rainfall rates are approximately 0.05 inch/hour in the Puget Sound region with brief downpours of 1 to 2 inches/hour. Porous asphalt infiltrated 13 in/hr after 3 years of service with NO MAINTENANCE. Pervious concrete infiltrated 240 in/hr after 6 years of service with NO MAINTENANCE. Pervious pavers infiltrated 0.58 in/hour (no information on length of service or maintenance regime). In terms of pollutant removal, a six-year parking lot demonstration project found toxic concentrations of copper and zinc in 97 percent of the surface runoff samples from an asphalt control parking stall. Copper and Zinc in 31 of 36 samples from the permeable parking stall – that produced primarily subsurface flow – fell below toxic levels and a majority of samples fell below detectable levels. Motor oil was detected in 89 percent of the samples from the surface flow off the asphalt stall. No motor oil was detected in any samples that infiltrated through the permeable paving sections.

Permeable pavement should have field-verified minimum permeability rates greater than 0.3 inches/hour. Contributing runoff from offsite should be limited to a 3:1 ratio of impervious area to pervious pavement area. Design storms should be infiltrated within 48 hours. 2% maximum slope. 3 foot minimum depth to bedrock and depth to water table. SCS Soil Type A, B.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: LIQUOR LICENSES

FOR AGENDA OF: 02/12/07 BILL NO: 07027

NEW OUTLET

Pacific Coast Wine Club
1470 NW Lancashire Ct

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 01/30/07

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$ 0	APPROPRIATION REQUIRED \$ 0
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HISTORICAL PERSPECTIVE:

Background investigations have been completed and the Chief of Police finds that the applicants meet the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license requests.

INFORMATION FOR CONSIDERATION:

Pacific Coast Wine Club, Inc. has made application for an Off-Premises Sales License under the trade name of Pacific Coast Wine Club. The establishment is a wine club. It will operate Wednesday from 9:00 a.m. to 5:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

RECOMMENDED ACTION:

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC licenses.

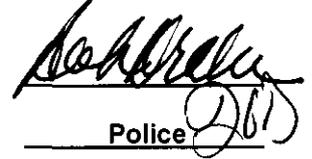
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: LIQUOR LICENSE RENEWALS
ANNUAL RENEWALS

FOR AGENDA OF: 02/12/07 BILL NO: 07028

MAYOR'S APPROVAL:



DEPARTMENT OF ORIGIN: Police

DATE SUBMITTED: 01/30/07

PROCEEDING: Consent Agenda

EXHIBITS: List of Applicants

BUDGET IMPACT

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$ 0	APPROPRIATION REQUIRED \$ 0
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HISTORICAL PERSPECTIVE:

Background investigations have been completed and the Chief of Police finds that the applicants meet the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license renewal requests.

INFORMATION FOR CONSIDERATION:

All of the following businesses have operated according to the City standards and criteria throughout the past year:

- | | |
|---|--|
| 1. 7-Eleven Store #2352-18950B
6000 SW Hall Blvd | 7. Abhiruchi S & N Indian Cuisine
3815 SW Murray Blvd |
| 2. 7-Eleven Store #2352-22510B
9510 SW 125th | 8. Albertson's Food Center #559
8155 SW Hall Blvd |
| 3. 7-Eleven Store #2352-23153C
4715 SW Murray Blvd | 9. Albertson's Food Center #582
11070 SW Barnes Rd |
| 4. 7-Eleven Store #2352-25516A
10069 SW Nimbus | 10. Allen Market
5970 SW Hall Blvd |
| 5. 7-Eleven Store #2352-27388D
8106 SW Hall Blvd | 11. AM/PM # 4461
14555 SW TV Hwy |
| 6. 88 Asia Market
4265 SW Cedar Hills Blvd | 12. AM/PM #6070
10975 SW Bvtn-Hillsdale Hwy |

Agenda Bill No: 07028

- | | |
|---|---|
| 13. AM-PM Mini Market
11925 SW Allen Blvd | 31. Canyon Pearl Restaurant
12275 SW Canyon Rd. |
| 14. Applebee's Neighborhood Grill & Bar
1220 NW 185 th Ave. | 32. Casa Colonial Bar & Grill
8640 SW Canyon Rd. |
| 15. Asia Supermarket
12350 SW Broadway St. | 33. Chang's Mongolian Grill II
1935 NW 167th Place |
| 16. Asian Gardens
14280 SW Allen Blvd. | 34. Chevron #1123
11015 SW Canyon Rd. |
| 17. Ay, Caramba Fresh Mexican Grill
16055 SW Regatta Ln #500 | 35. Chevron #1189
13675 NW Cornell Rd. |
| 18. Baja Fresh Mexican Grill
2625 SW Cedar Hills Blvd. | 36. Chevron #1192
14850 SW Murray Scholls Dr. |
| 19. Banya Japanese Restaurant
8166 SW Hall Blvd. | 37. Chili's Grill and Bar #008
12025 SW Canyon Rd. |
| 20. Beaverton Grocery Outlet
3855 SW Murray | 38. Chili's Grill and Bar #019
1520 NW Bethany Blvd. |
| 21. Beaverton Pawn
12905 SW Beaverdam Rd | 39. China Bay Restaurant
13281 SW Canyon Rd. |
| 22. Beaverton Tobacco Warehouse
12625 SW Canyon Rd | 40. China Moon
10743 SW Bvtn-Hillsdale Hwy. |
| 23. Benihana of Tokyo
9205 SW Cascade Ave. | 41. Chipotle Mexican Grill
3380 SW Cedar Hills Blvd. |
| 24. Best Mart
3565 SW Hall Blvd. | 42. Chipotle Mexican Grill
9120 SW Hall Blvd #D |
| 25. Big KMART Store #4455
3955 SW Murray Blvd. | 43. Chuck E. Cheese
4145 SW 110th |
| 26. Big Red's
11485 SW Scholls Ferry Rd | 44. Circle K Store #2705452 dba BP
2420 SW Cedar Hills Blvd. |
| 27. BI-MART #662
4750 SW Western Ave. | 45. Circle K Store #2705453 dba BP
75 NW 158th Ave. |
| 28. Black Bear Diner
13435 Tualatin Valley Hwy | 46. Co-Ho Imports Oregon
10905 SW Denney Rd |
| 29. Broadway Saloon & Steakhouse
12434 SW Broadway #2 | 47. Copper Monkey
6540 SW Fallbrook PI |
| 30. Bugatti's
2905 SW Cedar Hills Blvd | 48. Cost Less
11527 SW Canyon Rd. |

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| 49. Courtyard by Marriott
8500 SW Nimbus | 67. Golden Crown Restaurant
10655 SW Bvtn-Hillsdale Hwy. |
| 50. DécOr International
14723 SW Teal Blvd | 68. Haerim Restaurant
11729 SW Bvtn-Hillsdale Hwy |
| 51. Denny's Restaurant #6803
8787 SW Scholls Ferry Rd | 69. Haggen Food & Pharmacy #31
9055 SW Murray Blvd |
| 52. Dessert Noir Café and Bar
3205 SW Cedar Hills Blvd. #22 | 70. HAKATA MON Japanese Restaurant
4130 SW 117th Ave., Suite H |
| 53. Dolphin II
10860 SW Bvtn-Hillsdale Hwy | 71. Hall Street
3775 SW Hall Blvd. |
| 54. Dotty's # 006
2654 SW Cedar Hills Blvd. | 72. Hart Road Pizza & Pub
16300 SW Hart Rd. |
| 55. Dotty's # 017
14304 SW Allen Blvd. | 73. Highland Food Market
14470 SW Allen Blvd. |
| 56. Du Kuh Bee
12590 SW 1st St. | 74. Hilton Garden Inn
15520 NW Gateway Ct. |
| 57. Eastern Pearl Inc
8651 SW Canyon Dr. | 75. Hooter's Restaurant
11995 SW Bvtn-Hillsdale Hwy |
| 58. El Perico Y Taqueria
12000 | 76. Hot Plate Asian Cuisine
14795 SW Murray Scholls Dr. #112 |
| 59. El Ranchito Alegre III
4120 SW Cedar Hills Bvd | 77. House of Good Fortune
14603 SW Teal Blvd. |
| 60. El Tapatio Mexican Restaurant
8220 SW Hall Blvd | 78. Ickabods
12475 SW First |
| 61. Elmer's Restaurant
3455 SW Cedar Hills Blvd. | 79. Ikenohana
14308 SW Allen Blvd. |
| 62. Elmer's Restaurant
1250 NW Waterhouse Ave | 80. Izo Wine Company
7783 SW Cirrus Dr |
| 63. Ernesto's Italian Restaurant
8544 SW Apple Way | 81. Izzy's Pizza
11900 SW Broadway |
| 64. Fred Meyer #00035
11425 SW Bvtn-Hillsdale Hwy | 82. Jang Choong Dong
3492 SW Cedar Hills Blvd |
| 65. Fred Meyer #00482
15995 SW Walker Rd. | 83. Jin Wah Restaurant
12175 SW Canyon Rd. |
| 66. Giovanni's Restaurant
12390 SW Broadway St. | 84. Juan Colorado Mexican Restaurant
14795 SW Murray Scholls Dr. #111 |

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|---|--|
| 85. Juan Colorado Mexican Restaurant
16755 SW Baseline Rd #110 | 103. Mingo
12600 SW Crescent St. |
| 86. Kingstad Meeting Center
15450 SW Millikan Way | 104. Mio sushi
12600 SW Crescent Way |
| 87. Koreana Restaurant
9955 SW Bvtn-Hillsdale Hwy #140 | 105. Monteaux's Public House
16165 SW Regatta Lane |
| 88. La Fogata Mexican Restaurant
3905 SW 117 th Ave., Suite H | 106. Monty's Tavern
13095 SW Canyon Rd. |
| 89. La Nortena
6109 SW 124 th St. | 107. Nak Won Korean Restaurant
4600 SW Watson Ave |
| 90. Latino Imports
3905 SW 117 th Ave., Suite D | 108. New Seasons Market
3495 SW Cedar Hills Blvd |
| 91. Lin's China Jade
4050 SW Cedar Hills Blvd | 109. Noodles & Company
4655 SW Griffith Dr #135 |
| 92. Macheezmo Mouse & The Hottest Dog
10950 SW Barnes Rd | 110. Original Thai Cuisine
12406 SW Broadway |
| 93. Maguffy's Pub
3805 SW Murray Blvd | 111. Pal Do World #4
3975 SW 114th Avenue |
| 94. Malone's Bar and Grill
14709 SW Teal Blvd | 112. Papa's Pizza Parlor #8
15700 NW Blueridge Drive |
| 95. Mandarin Palace Restaurant & Lounge
9225 SW Allen Blvd | 113. Peking Restaurant
11923 SW Canyon Rd. |
| 96. Marie Callender's #244
16261 NW Cornell Rd | 114. Pepita's Mexican Restaurant & Cantina
4190 SW Cedar Hills Blvd |
| 97. Marinepolis Sushi Land
4021 SW 117th Ave C | 115. Pho Van
11651 SW Bvtn-Hillsdale Hwy |
| 98. Mayuri Indian Restaurant
16175 SW Walker Rd. | 116. Pizza Schmizza
9206 SW Bvtn-Hillsdale Hwy. |
| 99. McCormick's Fish House
9945 SW Bvtn-Hillsdale Hwy | 117. Pizzicato Gourmet Pizza
14845 SW Scholls Ferry Road #101 |
| 100. McGrath's Fish House
3211 SW Cedar Hills Blvd | 118. Plaid Pantry # 126
3120 SW Cedar Hills Blvd |
| 101. McMenamins
2927B SW Cedar Hills Blvd | 119. Plaid Pantry # 14
13875 SW Farmington Rd |
| 102. McMenamins
6179 SW Murray Blvd | 120. Plaid Pantry # 15
12775 SW Walker Rd |

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|---|---|
| 121. Plaid Pantry # 170
16300 SW Hart Rd | 139. Safeway #1073
6194 SW Murray Blvd |
| 122. Plaid Pantry #214
8615 SW Canyon Rd. | 140. Safeway #2631
14555 SW Teal Blvd |
| 123. Progress Grocery & Deli
8624 SW Hall Blvd | 141. Sambhi
10500 SW Bvtn-Hillsdale Hwy |
| 124. Pyung Yang Myunoak
12055 SW First Street | 142. Sandovals Mexican Restaurant
14775 SW Teal |
| 125. Qdoba Mexican Grill
4655 SW Griffith Dr | 143. Santana's & Pho Saigon
3655 SW Hall Blvd. |
| 126. Quik Shop Minit Mart #21
14295 SW Allen Blvd. | 144. Scholls & Allen Market
9460 SW Allen Blvd |
| 127. Rama Thai Restaurant
12874 SW Canyon Road | 145. Shari's Restaurant
6035 SW Murray Blvd |
| 128. Red Robin Burger & Spirits
4105 SW 117th St A | 146. Shell #311
1220 NW Waterhouse |
| 129. Redtail Golf
8200 SW Scholls Ferry Rd | 147. Shell #312
11850 SW Canyon Rd |
| 130. Richard's
6155 SW Murray Blvd | 148. Shell #320
8725 SW Hall Blvd |
| 131. Ringo's Tavern
12750 SW Farmington Rd | 149. Star Sushi Japanese Cuisine
2800 SW Cedar Hills Blvd. |
| 132. Rite Aid #5322
12575 SW Walker Road | 150. Stars Cabaret & Steakhouse
4570 SW Lombard |
| 133. Rite Aid #5323
14625 SW Allen Blvd | 151. Sunset Bingo
4800 SW Western Ave |
| 134. Rite Aid #5356
11190 SW Barnes Rd | 152. Sunset Lanes
12770 SW Walker Rd. |
| 135. Riverwood Pub
8136 SW Hall Blvd | 153. Sushi Boat
14800 SW Murray Scholls Dr #101 |
| 136. Round Table Pizza
10150 SW Bvtn-Hillsdale Hwy | 154. Sushitime
8610 SW Hall Blvd |
| 137. Round Table Pizza
14342 SW Allen Blvd | 155. Tara Thai House
4545 SW Watson Ave |
| 138. Ruby Tuesday
14550 SW Murray Scholls Dr | 156. Thai Angel Restaurant
3829 SW Hall Blvd. |

157. Thai Apsara Restaurant
11793 SW Bvtn-Hillsdale Hwy
158. Thai Flavor
11461 SW Scholls Ferry Rd
159. Thai Kitchen
2840 SW Cedar Hills Blvd
160. Thailand Restaurant
15915 NW Schendel Avenue #103
161. The Olive Garden #1213
11650 SW Canyon Rd
162. The Sports Page
8590 SW Hall Blvd
163. The Stockpot Restaurant
8200 SW Scholls Ferry Rd
164. Tienda La Perla
12020 SW Allen Blvd.
165. Tienda y Carniceria Palacios
6110 SW Lombard
166. Trader Joe's #141
11753 SW Bvtn-Hillsdale Hwy
167. Treasure Island Buffet
15930 SW Regatta Ln
168. TYPHOON! Inc
12600 SW Crescent Street
169. Uptown Market
6620 SW Scholls Ferry Rd
170. Urban Rhythms Coffee Co
12600 SW Screscent St #110
171. Uwajimaya
10500 SW Bvtn-Hillsdale Hwy
172. Valley Lanes Bowling
9300 SW Bvtn-Hillsdale Hwy
173. Valley Theatre & Pub
9360 SW Bvtn-Hillsdale Hwy
174. Waka Sushi Restaurant
3205 SW Cedar Hills Blvd #16
175. Walker Road Chevron
18335 NW Walker Rd.
176. Winco #14
3025 SW Cedar Hills Blvd
177. Winestyles
4655 SW Griffith Dr #160
178. Yuzu Japanese Restaurant
4130 SW 117th Ave #H
179. Za Majestic
16055 SW Regatta Lane #1000
180. Zupan's Market
8235 SW Apple Way

RECOMMENDED ACTION:

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license renewals.

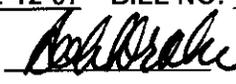
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issue No. :

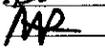
- TC 604: Stop Signs on SW Palomino Place and SW Saddle Drive at Stallion Drive
- TC 607 Revise Adopted Priorities for Consideration of New Traffic Signals
- TC 608: Revise Stop Control at the Intersection of SW Stratus Street and Creekside Place
- TC 610: Speed Limits on SW Koll Parkway and SW Greystone Court

FOR AGENDA OF: 2-12-07 **BILL NO:** 07029

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Public Works 

DATE SUBMITTED: 1-30-07

CLEARANCES: Transportation 
City Attorney 

PROCEEDING: Consent

- EXHIBITS:**
1. Vicinity Map
 2. City Traffic Engineer's reports on Issues TC 604, 607, 608 and 610
 3. Final Written Orders on TC 604 and 610
 4. Draft minutes of the meetings of December 7 and January 4 (excerpts)

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On January 4, 2007, the Traffic Commission considered the subject traffic issues. The staff reports are attached as Exhibit 2.

The Commission also held a hearing on Issue TC 609 regarding a traffic signal at Brockman and Sorrento. That decision has been appealed. Issue TC 609 will be presented in a separate agenda bill after the appeal hearing has been scheduled.

INFORMATION FOR CONSIDERATION:

The Commission held a hearing on Issue TC 604 at the December meeting. At the January meeting, the Commission adopted a final written order denying the request for stop sign control at the intersection.

On consent agenda, the Commission approved the staff recommendations for Issues TC 607 and 608.

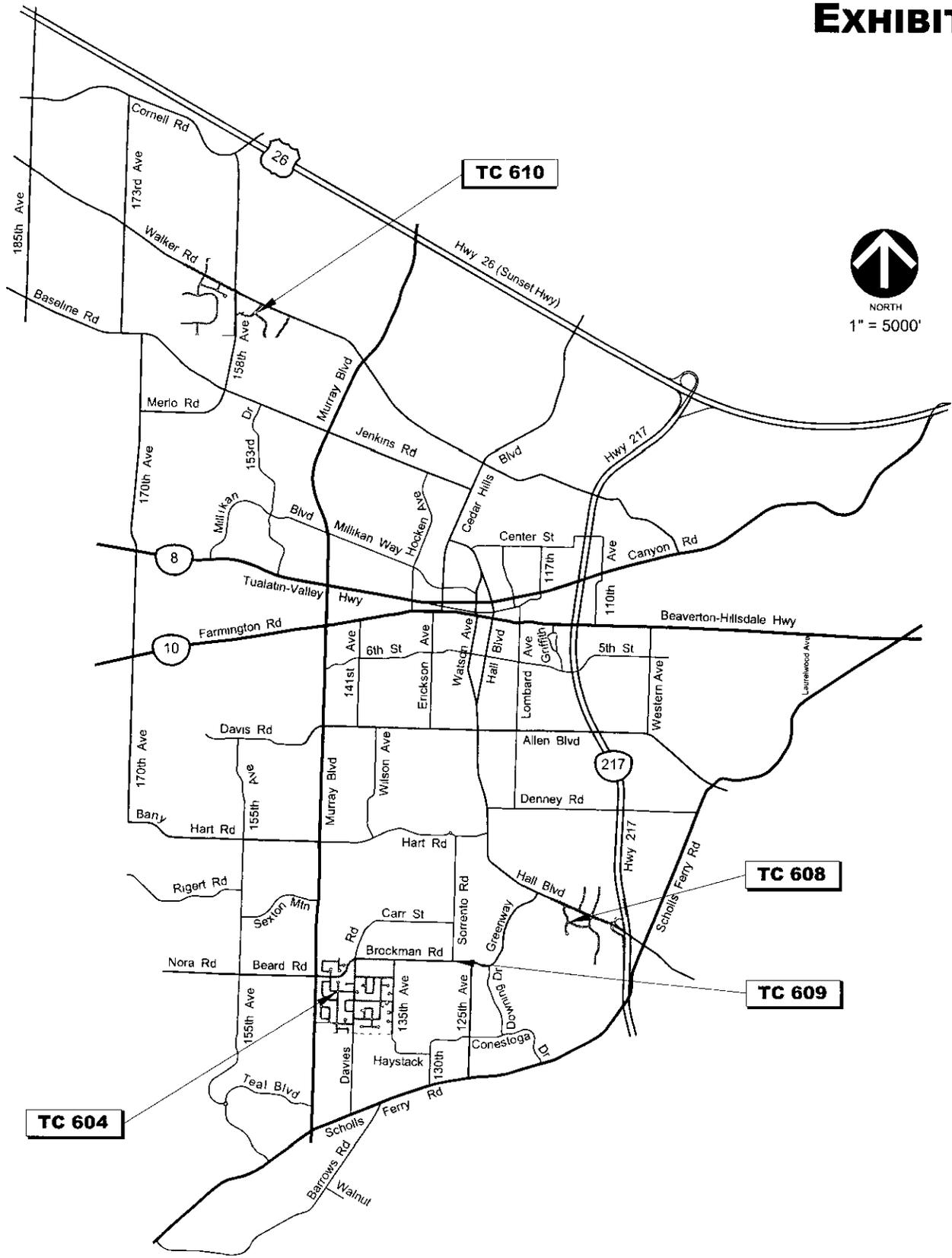
Agenda Bill No: 07029

Following a hearing, the Commission unanimously approved the staff recommendation on Issue TC 610 to formally establish the existing posted speed limit on two streets where the City recently assumed jurisdiction.

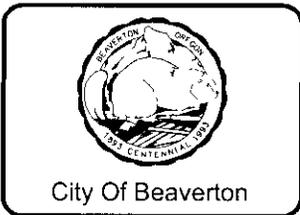
RECOMMENDED ACTION:

Approve the Traffic Commission recommendations on Issues TC 604, 607, 608 and 610.

EXHIBIT 1



Y:\Traffic\Drawings\TC Vicinity Map\VICINITY MAP TC 604_608-610_12-06.dwg



Vicinity Map for January 2007
 TC Issues: 604, 608-610

**PUBLIC WORKS DEPARTMENT
 ENGINEERING DIVISION
 TRANSPORTATION SECTION**

Drawn By: JM Date: 12/19/06
 Reviewed By: _____ Date: _____
 Approved By: _____ **1**

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 604

(Stop Signs on SW Palomino Place and SW Saddle Drive at Stallion Drive)

November 15, 2006

Background Information

Mr. Tony Schmidt requested stop signs on SW Palomino Place and SW Saddle Drive at SW Stallion Drive (see attached e-mail). He is concerned about safety and the right-of-way assignment at the intersection. City staff were also contacted by residents near the subject intersection who expressed their concern about the increase in noise and pollution levels associated with the installation of stop signs. They indicated that the intersection is operating well without requiring traffic to come to a complete stop. A hearing has been scheduled so that both viewpoints can be heard and considered by the Commission.

The intersection of Palomino Place and Saddle Drive at Stallion is a four legged intersection. There is currently no traffic control at the intersection. The traffic volume at the intersection is low. A traffic count taken in October 2006 showed in a 24 hour period approximately 153 vehicles entered the intersection from the east, 112 vehicles entered from the west, 47 vehicles entered from the north and 101 vehicles entered from the south. No crashes were reported during the most recent 3 year period of crash records.

Typically in residential areas, stop or yield signs are not installed at low volume, low speed intersections. Such intersections operate satisfactorily without traffic controls. However, the sight distance at the subject intersection is limited by landscaping and retaining walls on properties at the corners of the intersection, especially for traffic entering from Palomino Place.

The Manual on Traffic Control Devices (MUTCD) guidance provides for the installation of stop signs when there is restricted view. The MUTCD also recommends minimizing the number of vehicles having to stop by installing the stop sign on the street with the lowest volume of traffic.

It appears that stop signs on Palomino Place and Saddle Drive would meet the MUTCD guidance since the traffic volume entering the intersection from Palomino and Saddle is the lowest.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1g (carry anticipated traffic volumes safely).
- 2 (all proposed new traffic control devices shall be based on the standards of the MUTCD)

Conclusions:

1. The installation of stop signs on Palomino Place and Saddle Drive would improve safety and would clarify the assignment of right-of-way at the intersection, satisfying Criterion 1a, 1b and 1g.

2. The stop signs meet the guidance of the MUTCD satisfying criterion 2.

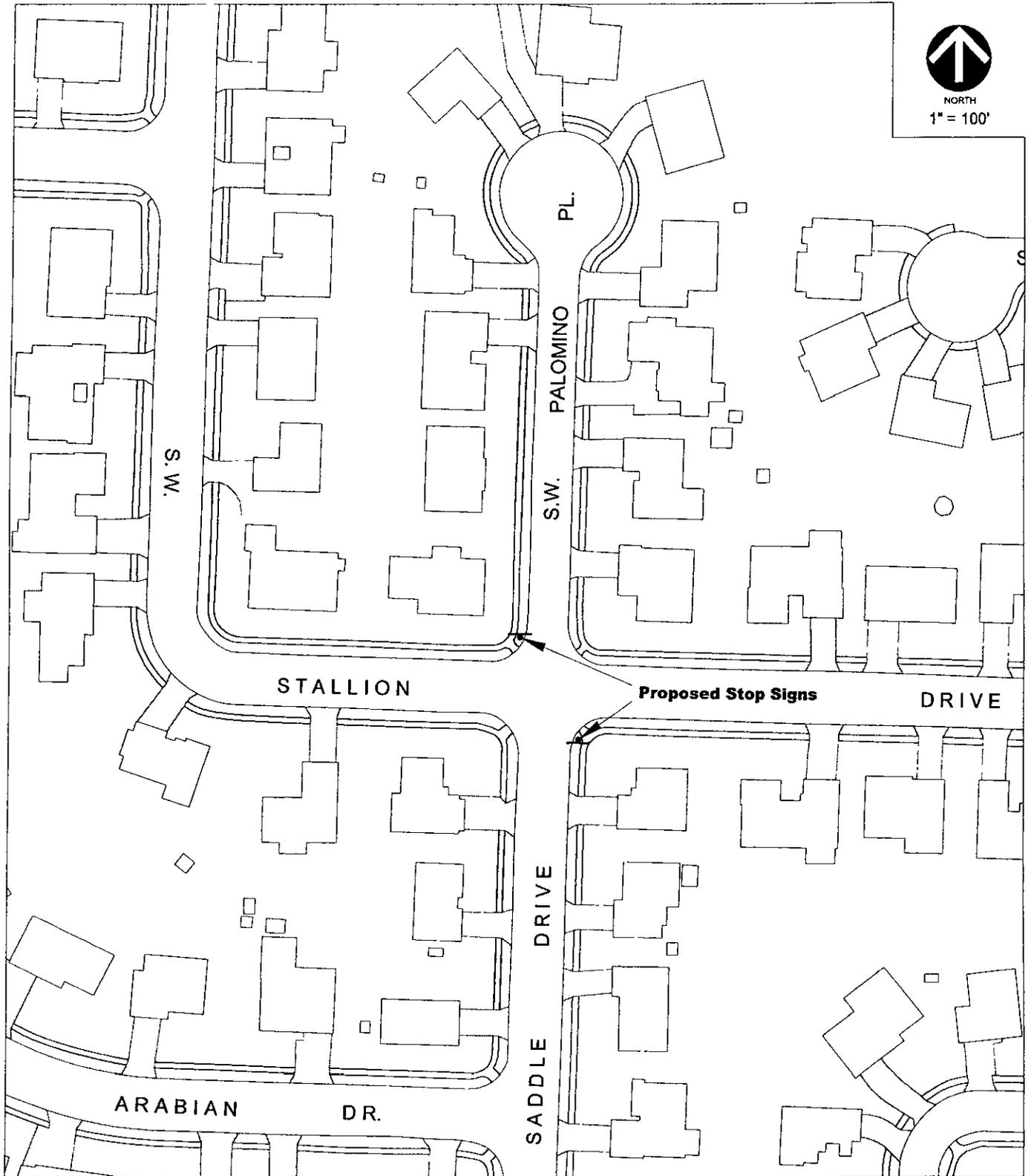
Recommendation:

1. Install stop signs on SW Palomino Place and SW Saddle at SW Stallion Drive.

TC 604



NORTH
1" = 100'



Y:\Traffic\Drawings\ 2006\ 06-98 Proposed Stop Control TC 604



City of Beaverton

Proposed Stop Signs
On SW Palomino Pl and SW Saddle Dr at Stallion Dr

PUBLIC WORKS DEPARTMENT
TRANSPORTATION SECTION

Drawn By: JM Date: 11/06/06

Reviewed By: Date:

Approved By:

4

Randy Wooley

From: Randy Wooley
Sent: Monday, September 18, 2006 5:16 PM
To: 'tonyschm@yahoo.com'
Subject: FW: City of Beaverton Problem Report Form

Mr. Schmidt:

Thank you for bringing your traffic safety concerns to our attention.

We will review the intersection and your concerns. After our review, we will tell you what action will be taken by City staff.

In the meantime, please be aware that state law says that each driver must yield to any traffic approaching from the right at an uncontrolled intersection such as the one at Saddle and Stallion (ORS 811.275).

Randy Wooley
City Traffic Engineer
503-526-2443
rwooley@ci.beaverton.or.us

-----Original Message-----

From: webmanager@ci.beaverton.or.us [mailto:webmanager@ci.beaverton.or.us]
Sent: Monday, September 18, 2006 4:54 PM
To: Mailbox Citymail
Subject: City of Beaverton Problem Report Form

City of Beaverton Problem Report:

Date Submitted: 09/18/2006 16:54:08
Report Type: Traffic Signals and Street Signs
Department: Operations

Location: Intersection of Palomino & Saddle with Stallion

Problem Description:

I drive on Stallion street quite often and I noticed that there seems to be a need for some stop signs on Palomino & Saddle street when it intersects with Stallion street. It seems that most of the traffic is on Stallion; so a stop sign on Palomino & Saddle I think could reduce the chance of a serious accident. Last year I was almost hit head-on by someone coming out the the culdesac on Palomino. I am sure they felt they did not need to stop since there was no stop sign, but based on the traffic in that area I think this is a place where we could have a serious accident with no one really at fault. Please consider my request and feel free to call me if you like.

Submitted By

Name: Tony Schmidt
Address: 9350 SW Davies Rd, Beaverton
Phone: 503-681-0462
Email: tonyschm@yahoo.com

RECORD COPY

RECEIVED

NOV 21 2006

ENGINEERING DEPT.

Beaverton Traffic Commission
C/o City Traffic Engineer
City of Beaverton
P.O. Box 4755
Beaverton, Oregon 97076-4755

Dear Beaverton Traffic Commission:

I am writing in regards to the attached letter on Issue # TC604 that is requesting a stop sign on SW Palomino Place & SW Saddle Dr at Stallion Drive. I have lived in the area for over 17 years now (I live at 9350 SW Davies Rd; just a few blocks away) and it has been my observation that Stallion Drive has received much more traffic over the years because of all the traffic at the intersection SW Brockman Road and Davies Road and the difficulty in turning left (West) off Davies Rd next to the fire station onto Brockman Road. Because of the congestion at that intersection many people use Stallion Drive to by-pass that intersection when they want to turn left (West) onto Brockman Road. Because of the increased traffic on Stallion Drive I would agree that the side streets of Palomino & Saddle should have stop signs in order to reduce the possibility of a serious accident.

Thank you for considering my input and feel free to contact me at 503-524-9631 if you have any questions.

Sincerely,



Anthony Schmidt



TRAFFIC COMMISSION PUBLIC HEARING NOTICE

On **Thursday, December 7, 2006**, at **7:00 p.m.** the Beaverton Traffic Commission will hold a public hearing to receive public comment on the following issue:

**Issue No. TC 604: Stop Signs on SW Palomino Place
and SW Saddle Driver at Stallion
Drive**

The Traffic Commission will consider a request to install stop signs requiring traffic on Palomino Place and Saddle Drive to stop at Stallion Drive.

The Traffic Commission meets in the Council Chamber at Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, Oregon.

The Traffic Commission welcomes public comment related to the above issue. Please arrange for your written comment to be received prior to the hearing. Mail written comments to:

**Beaverton Traffic Commission
c/o City Traffic Engineer
City of Beaverton
P.O. Box 4755
Beaverton, Oregon 97076-4755**

You are also welcome to comment in person at the **December 7, 2006**, meeting. The Traffic Commission agenda and staff report will be available for your review 10 days before the public hearing.

For more information, please phone Debra Callender at 503-526-3726.

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: November 22, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 604

TC 604. I concur with the recommendation to install stop signs on SW Palomino Place at SW Stallion Drive.

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 607

(Revise Adopted Priorities for Consideration of New Traffic Signals)

December 14, 2006

Background Information

In September of 2002, the Commission adopted a list of Priorities for Consideration of New Traffic Signals, which established a list of intersections that would be considered for installation of new traffic signals and a priority for consideration. As funding became available, staff was to provide more detailed analysis of each intersection so that the Commission could decide if a signal would be installed.

The original list included six intersections. In August 2003 the Commission added a seventh intersection, Hall and Ridgecrest, at the request of a neighborhood resident and gave this location the Number 3 priority.

To date, signals have been installed at two of the locations. The other five have been rejected for signal control based on additional analysis and neighborhood input. The attached History summarizes the actions taken on each location.

Staff is recommending that all seven intersections be removed from the priority list since final decisions have been made on each intersection and that one additional intersection be added. The additional intersection is Brockman and Sorrento.

Hall and Broadway

Based on data from recent traffic counts, the intersection of Hall and Broadway does not meet any of the signal warrants of the MUTCD (Manual on Uniform Traffic Control Devices). Traffic volumes fall below the signal warrant levels. There are few reported crashes at the intersection. In the past five years, only one reported crash was of a type that might have been prevented by a signal. The speed limits on both streets are 20 mph.

The intersection is only 160 feet north of Farmington Road and less than 140 feet from the railroad crossing. Queuing from a signal at Broadway would cause operational problems at Farmington and at the railroad.

Staff observation is that the intersection is working satisfactorily without a signal. Staff receives few complaints about this intersection.

Therefore, staff recommends that this intersection be removed from the signal priority list.

Brockman and Sorrento

This intersection was considered previously by the Commission in TCB Issue 340 in 1996 and 1997. The Commission recommended against the signal installation at that time; the feeling was

that any funding available should be directed to the 125th Extension project. Now, ten years later, the intersection still meets signal warrants and funding is still not adequate to proceed with construction of the 125th Extension project. Funding for a signal is available through the Traffic Enhancement Fund. The 125th Extension project is not eligible for Traffic Enhancement Fund money. Therefore, staff recommends that the Brockman/Sorrento intersection again be considered for installation of a traffic signal.

Applicable Criteria

- 1c (meet the overall circulation needs of the City);
- 1g (carry anticipated traffic volumes safely);
- 2 (all new traffic devices shall be based on the standards of the MUTCD).

Conclusions:

- Of the seven intersections on the signal priority list, two have had new signals installed; these intersections no longer need to be included when considering additional intersections for signalization. After more review, it appears that the remaining five intersections either do not meet MUTCD signal warrants or would not meet the overall circulation needs of the City. Based on review of collision records and on citizen input at hearings, it appears that it is not necessary to add a signal at the five remaining intersections in order to carry traffic volumes safely. Therefore, Criteria 1c, 1g and 2 are satisfied by removing all seven projects from the signal priority list.
- The intersection of Brockman and Sorrento does meet the MUTCD warrants for installation of a signal. The potential impacts of a signal on circulation and safety will be considered further through a Traffic Commission hearing. Therefore, Criteria 1c, 1g and 2 are satisfied by adding this intersection to the signal priority list.

Recommendation:

- Delete all seven existing projects from the list of Priorities for Consideration of New Traffic Signals.
- Add the intersection of Brockman and Sorrento to the list of Priorities for Consideration of New Traffic Signals.

History of Past Actions on the Traffic Signal Priority List

1. Cedar Hills and Fairfield: Signal installed.
2. Brockman and Davies: Removed from the priority list at the request of the neighborhood following a public hearing (Issue TC 532 in October 2003). The intersection did not meet signal warrants.
3. Hall and Ridgecrest: Removed from the priority list due to concerns about cut-through traffic, potential conflicts with the nearby Greenway signal and sight distance. (Issue TC 569 in January 2005).
4. Farmington and Erickson: Signal installed.
5. Denney and Lombard: Removed from the priority list due to marginal satisfaction of warrants, problems with an offset intersection and evidence that a signal might actually increase delays. (Issue TC 584 in October 2005)
6. Hall and Creekside: At the July 2006 meeting, the Commission voted unanimously to remove this intersection from the list due to failure to meet signal warrants and revisions to the Park District plans for routing of the Fanno Creek Trail.
7. Hall and Broadway: Proposed to be removed from the priority list due to failure to meet signal warrants, potential conflicts with the nearby railroad crossing and observations that the intersection is working satisfactorily without traffic signal control. The Commission expressed consensus on this conclusion at the December 2006 meeting. Issue TC 607 would formally adopt this decision.

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: December 20, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 607

TC 607. I concur with the recommendation to delete all seven existing projects and adding the intersection of Brockman and Sorrento to the list of Priorities for Consideration of New Traffic Signals.

CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 608

(Revise Stop Sign Control at the Intersection of SW Stratus Street and Creekside Place)

December 14, 2006

Background Information

During the December 2006 meeting of the Traffic Commission, Mr. George Kyler requested that the Commission review the stop control signing at Stratus and Creekside. This is a tee intersection, with Creekside being the through street. Currently the northbound and westbound vehicles are required to stop at the intersection, except that westbound traffic turning right onto northbound Creekside is not required to stop.

In response to Mr. Kyler's request, staff is recommending that signing be revised to require all westbound traffic on Stratus to stop and removing all stop controls for Creekside. The attached drawings show existing and proposed stop controls.

Traffic counts from 2005 and 2006 indicate traffic volumes of approximately 1100 vehicles per day on Stratus and approximately 1600 vehicles per day on Creekside. Peak-hour traffic was observed at the intersection on December 11, 2006. During the morning peak period, between 7:30 a.m. and 8:00 a.m., the traffic volume on the Creekside approaches was more than three times the approach volume on Stratus. In the evening peak, between 4:45 p.m. and 5:15 p.m., the approach volume on Creekside was more than four times the approach volume on Stratus, with northbound traffic being the predominate movement.

During the peak hour observations, some driver confusion appeared to occur with the existing signing. Some southbound drivers stopped when they were not required to do so. Some northbound drivers failed to yield to southbound left-turn vehicles.

Staff concludes that it would be less confusing to have Stratus stop for all Creekside traffic in the standard arrangement for a tee intersection. This arrangement would meet the MUTCD recommendation to place the stop control on the street with the lower traffic volume.

The traffic volume on Creekside is low enough to provide adequate gaps for Stratus traffic to enter from the stop sign with little delay.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
- 1g (carry anticipated traffic volumes safely)
- 2 (traffic control to be based on the standards of the MUTCD).

Conclusions:

1. Revising intersection controls to require Stratus traffic to stop for Creekside traffic will reduce confusion and better accommodate the predominate traffic movements, thereby satisfying Criteria 1a, 1b and 1g.
2. Placing the stop control on Stratus, the lower volume approach, meets the guidelines of the MUTCD, satisfying Criterion 2.

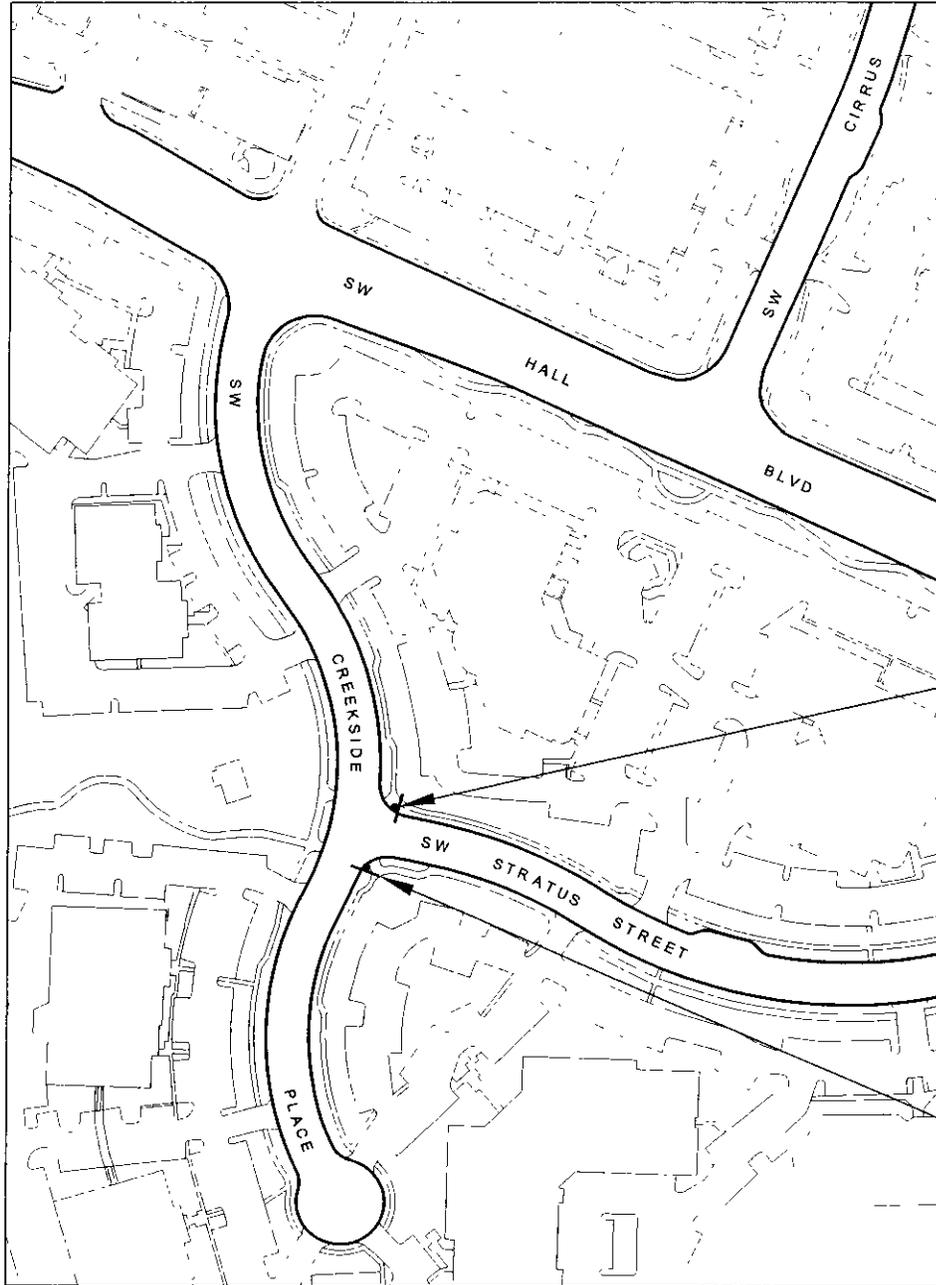
Recommendation:

- Require all westbound traffic on SW Stratus Street to stop at the intersection with SW Creekside Place.
- Remove the existing signing that allows westbound right turning traffic to proceed without stopping.
- Remove existing stop controls on SW Creekside Place at Stratus Street.

TC 608



NORTH
1" = 200'



Existing Stop Controls

Y:\Traffic\Drawings\2006\06-130 Status at Creekside Signing.dwg



City Of Beaverton

Revise Stop Control at the Intersection
SW Stratus Street and SW Creekside Place

**ENGINEERING DIVISION
TRANSPORTATION SECTION**

Drawn By: MC Date: 12/13/06

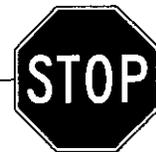
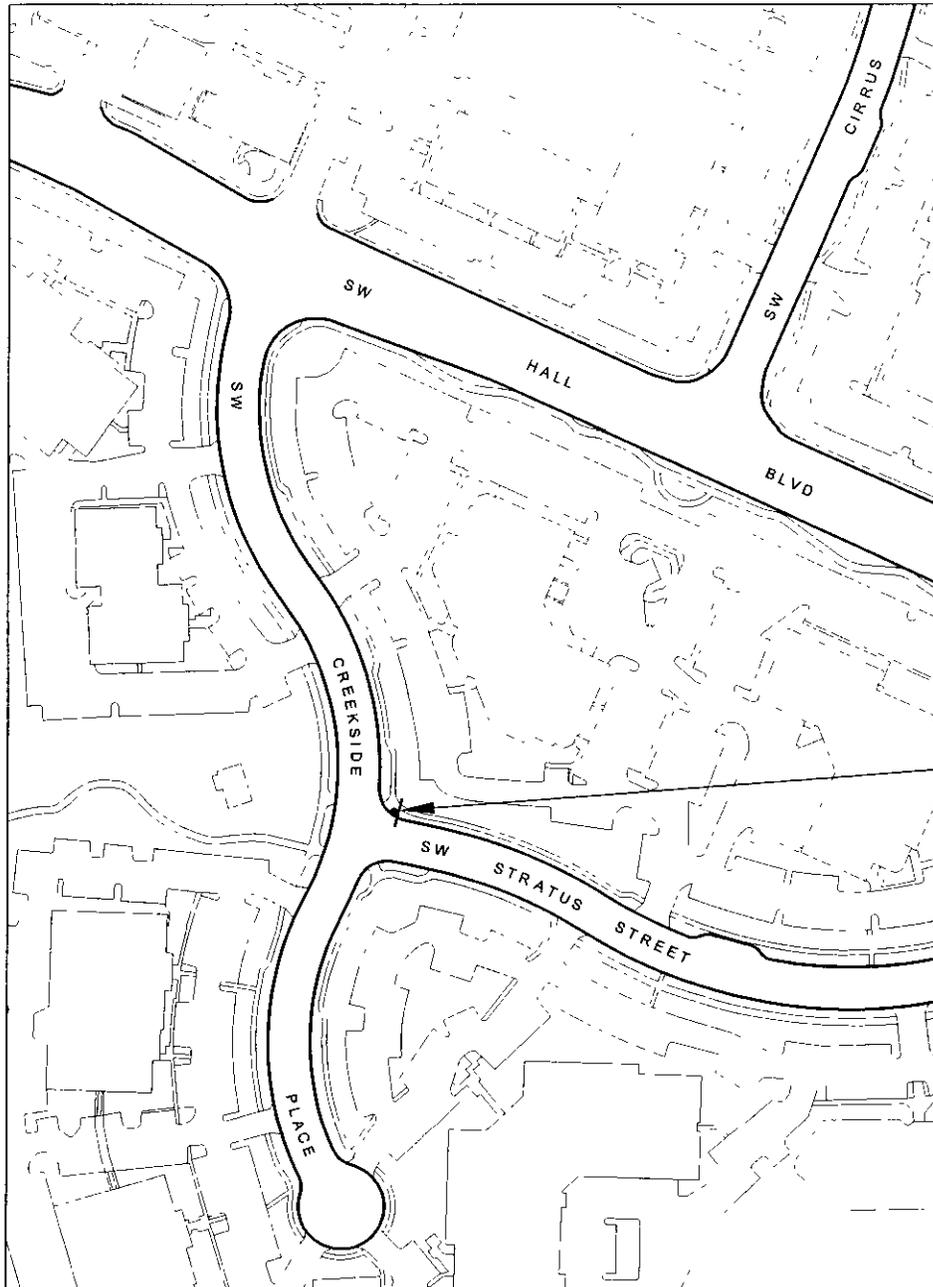
Reviewed By: _____ Date: _____

Approved By: _____

TC 608



NORTH
1" = 200'



Proposed Stop Control

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City Of Beaverton

Revise Stop Control at the Intersection
SW Stratus Street and SW Creekside Place

ENGINEERING DIVISION
TRANSPORTATION SECTION

Drawn By: MC Date: 12/13/06

Reviewed By: _____

Approved By: _____

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: December 20, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 608

TC 608. I concur with the recommendation as outlined in the City Traffic Engineer's Report dated December 14, 2006 for revised stop sign control at the intersection of SW Stratus Street and SW Creekside Place.

CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 610
(Speed Limits on SW Koll Parkway and SW Greystone Court)

(December 12, 2006)

Background Information

Ms. Janice Ostlund, Property Manager of the GVA Kidder Mathews Real Estate Solutions, requested lowering the posted speed limit to 20 mph on SW Koll Parkway and on SW Greystone Court.

Currently the posted speed on Koll Parkway and Greystone Court is 25 mph. This speed was posted by Washington County before annexation to the City. The properties adjoining SW Koll Parkway and Greystone Court are zoned Station Community – Employment District (a mix of light industrial, office and specialty retail). Under State statutes the posted speed limit in a “business area” is 20 mph. To establish any other speed limit, it will be necessary for the Oregon Department of Transportation (ODOT) to investigate the speed zone and issue a formal speed order. Currently Koll Parkway and Greystone Court do not have a formal speed order.

In April 2006, traffic surveys and speed studies were conducted on SW Koll Parkway and SW Greystone Court at the locations shown on the attached drawing. The average daily traffic on SW Koll ranged between 1260 and 490 vehicles per day. The measured 85th percentile speed ranged between 29 and 33 mph. The average daily traffic on Greystone was 1370 vehicles per day and the measured 85th percentile speed was 30 mph. The 85th percentile speed means that 85 percent of the vehicles were traveling at or below this speed. No crashes were reported on Koll or Greystone during the most recent three year period of crash records.

The 85th percentile speed is typically used as an indicator to the upper limit of speeds for responsible and prudent drivers. Other factors include roadway geometry, sight distance, design speed, land use and amount of direct access. It is not unusual for a street to have a 5 mph difference between the 85th percentile speed and the posted speed limit. However, very large variance between the posted speed and the 85th percentile speed may result in noncompliance with the posted speed.

Koll Parkway has two roadway classifications. The part that runs north-south is designated as a collector street and the part that runs east-west is designated as a local street. The reason for this designation is the Connectivity Plan shows Koll will be connected with Burlington Drive to the south in the future to establish a north-south collector street between Walker Road and Jay Street. Greystone is designated as a local street. Koll and Greystone have 22 ft. travel lanes, 8 ft. planted median islands, sidewalks and several access driveways.

Based on the measured 85th percentile speed, land use, the geometry of the street, and the amount of access, staff is proposing to reject the request for lowering the posted speed and forward to the State a request for a speed zone investigation on SW Koll Parkway and SW Greystone Court with a recommendation of maintaining existing 25 mph posted speed limit.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

Conclusions

1. Forwarding to the State a request for a speed zone investigation on SW Koll Parkway and SW Greystone Court with a recommended speed of 25 mph would comply with State regulations, satisfying Criterion 1h.
2. If the recommended speed was approved by the State, it would provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a and 1b.

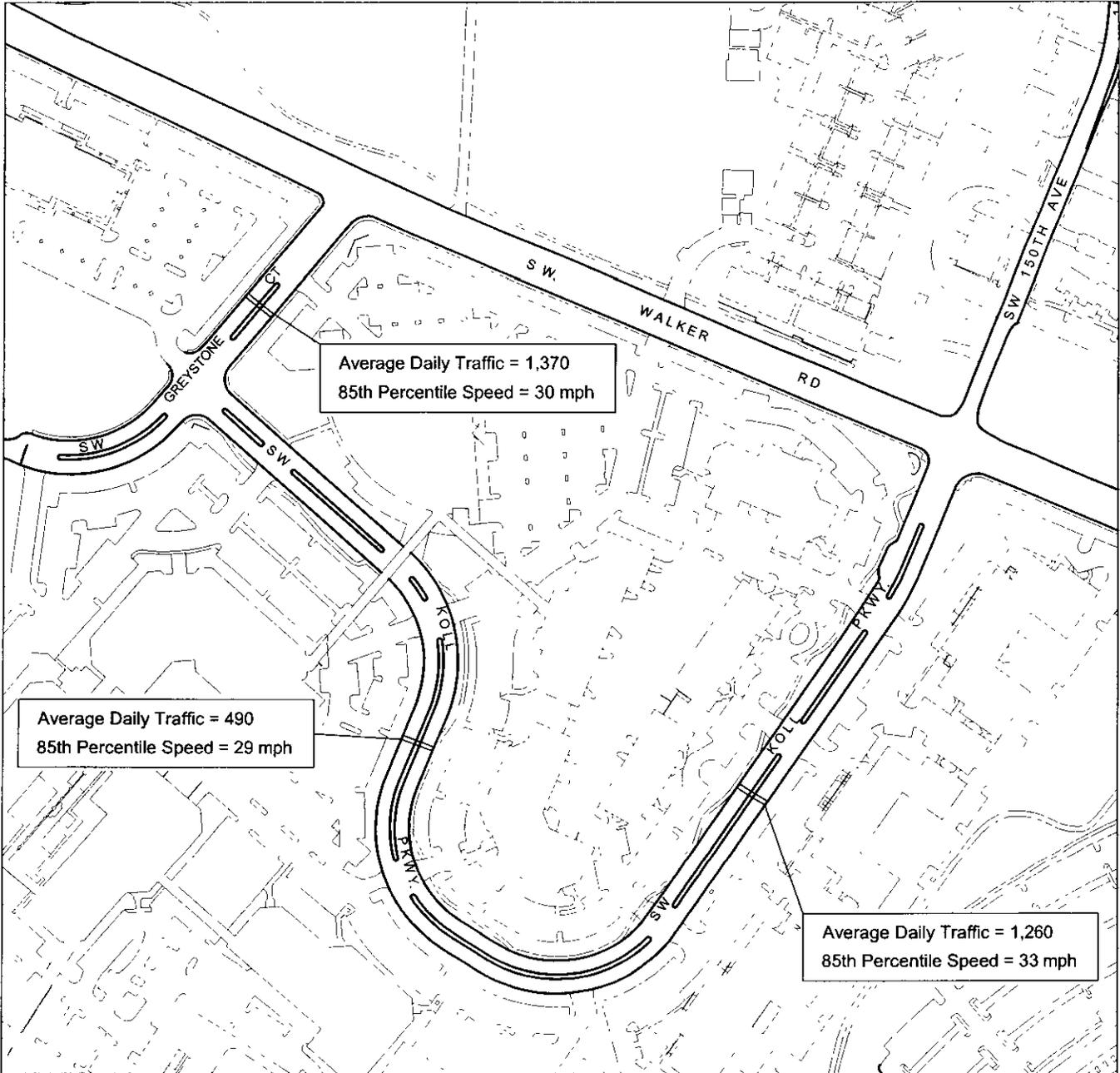
Options

Four options are available to the Commission on this issue:

1. Direct staff to post a speed limit of 20 mph as authorized by state statute. No ODOT review is required for this option.
2. Request ODOT to issue a speed order adopting the 25 mph limit currently posted. This is the option recommended by staff.
3. Request ODOT to issue a speed order adopting a 30 mph speed limit. Based on the speed data, staff could easily justify a speed limit of 30 mph.
4. Request some other speed limit and provide findings to support that limit.

Recommendation

Reject the request to lower the posted speed to 20 mph on SW Koll Parkway and Greystone Court and forward to the State a request for a speed zone investigation with a recommendation of maintaining existing 25 mph posted speed limit.



Y:\Traffic\Drawings\2006\06-28 Koll at Greystone Signing.dwg



City Of Beaverton

Speed Limits On
SW Koll Parkway and SW Greystone Court

ENGINEERING DIVISION
TRANSPORTATION SECTION

Drawn By: MC Date: 12/12/06

Reviewed By: _____ Date: _____

Approved By: _____ **20**

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: December 20, 2006
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 610

TC 610. I concur with the recommendation as outlined in the City Traffic Engineer's Report dated December 12, 2006 to reject the request to lower the posted speed to 20 mph on SW Koll Parkway and SW Greystone Court and to forward to the State a request for a speed zone investigation with a recommendation of maintaining the existing 25 mph posted speed limit.

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

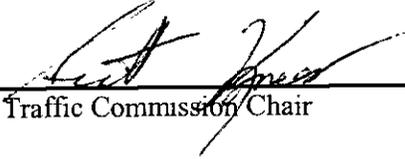
REGARDING ISSUE NUMBER TC 604

(Stop Signs on SW Palomino Place and SW Saddle Drive at Stallion Drive)

1. A hearing on the issue was held by the Traffic Commission on December 7, 2006.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
 - 1g (carry anticipated traffic volumes safely);
 - 2 (all proposed new traffic control devices shall be based on the standards of the MUTCD).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The stop signs were requested by a resident of the neighborhood.
 - The City Traffic Engineer finds that the stop signs are authorized under MUTCD criteria due to limited sight distance at the intersection; however, the MUTCD does not specifically require stop signs.
 - In testimony at the hearing, nearby residents indicated that the intersection has worked well without stop control for at least 30 years.
 - Traffic volumes at the intersection are low.
 - The most recent 3-year period of traffic records shows no reported crashes at the intersection.
 - Nearby residents oppose the installation of stop control due to a perception that stop control will increase noise and pollution levels.
 - The City may be able to improve intersection safety by working with property owners to trim shrubbery near the intersection, thereby reducing the warrants for stop signs.
4. Following the public hearing, the Traffic Commission voted (7 aye, 0 nay) to recommend the following action:
 - Deny the request for stop signs on SW Palomino Place and on SW Saddle Drive at SW Stallion Drive.
5. The Traffic Commission decision was based on the following findings:
 - The intersection is working well without stop control with no reports of any safety problems. Traffic volumes are low. Therefore, Criteria 1a, 1b and 1g are satisfied without any changes to the intersection.
 - The stop signs are allowed but not required by the MUTCD, satisfying Criterion 2.

6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 4th DAY OF JANUARY 2007



Traffic Commission Chair

CITY OF BEAVERTON

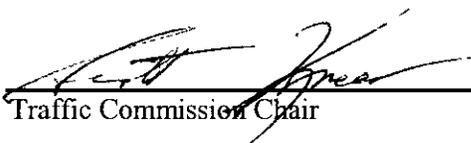
FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 610

Speed Limits on SW Koll Parkway and SW Greystone Court

1. A hearing on the issue was held by the Traffic Commission on January 4, 2007
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
 - 1h (comply with Federal and State regulations).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The streets are currently posted for a speed limit of 25 mph.
 - A search has revealed no formal order adopting the existing posted limit.
 - The 85th percentile speeds of existing traffic were measured between 29 and 33 mph. ODOT standards would likely accommodate either 25 or 30 mph as the posted speed.
 - Owners of adjoining business properties have requested a lower speed limit.
 - The City Traffic Engineer has recommended that ODOT be requested to formally establish the existing posted speed limit of 25 mph.
4. Following the public hearing, the Traffic Commission voted (7 aye, 0 nay) to recommend the following action:
 - Reject the request to lower the posted speed to 20 mph on SW Koll Parkway and Greystone Court and forward to the State a request for a speed zone investigation with a recommendation of maintaining the existing 25 mph posted speed limit.
5. The Traffic Commission decision was based on the following findings:
 - Forwarding to the State a request for a speed zone investigation on SW Koll Parkway and SW Greystone Court with a recommended speed of 25 mph would comply with State regulations, satisfying Criterion 1h.
 - If the recommended speed is approved by the State, it will provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a and 1b.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 4th DAY OF JANUARY 2007


Traffic Commission Chair

DRAFT

City of Beaverton

TRAFFIC COMMISSION

Minutes of the December 7, 2006, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:00 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

ROLL CALL

Traffic Commissioners Scott Knees, Carl Teitelbaum, Bob Sadler, Ramona Crocker, Kim Overhage, Maurice Troute and Tom Clodfelter constituted a quorum. Alternate Member Tom Wesolowski was in the audience to observe.

City staff included City Traffic Engineer Randy Wooley, Traffic Sergeant Jim Monger, Project Engineer Jabra Khasho, Project Engineer Baotu Ho and Recording Secretary Debra Callender.

-- START EXCERPT --

ISSUE TC 604: STOP SIGNS ON SW PALOMINO PLACE AND SW SADDLE DRIVE AT STALLION DRIVE

Chairman Knees opened the public hearing on Issue TC 604.

Staff Report

Mr. Khasho said the request for stop signs came from Mr. Tony Schmidt who thought drivers might be confused about who has the right of way. Mr. Khasho said staff working at the intersection were approached by a neighbor who was worried that a stop sign would increase pollution from car exhaust.

Mr. Khasho said this is a four-legged intersection with a low traffic volume of only about 400 vehicles in a 24-hour period. There are no traffic control signs at the intersection. Typically, neighborhood intersections with low traffic volumes and good sight distance do not need stop signs.

Mr. Khasho is concerned about the sight distance on the north/south leg of the intersection. A neighbor built a retaining wall topped with shrubbery that might block the view for some drivers. The MUTCD warrants the placement of stop signs if the sight distance is restricted. This intersection meets that warrant. The MUTCD also recommends minimizing the number of vehicles having to stop at a controlled intersection by installing the stop sign on the street with the lowest traffic volumes. In this case, Palomino Place and Saddle Drive have the lowest traffic volumes.

Mr. Khasho said approving the stop signs would increase safety and clarify the right-of-way assignment.

Commissioner Troute asked if the retaining wall and shrubbery violate City building codes. Mr. Khasho said residents can build a wall or fence up to four feet high without permits.

Commissioner Clodfelter asked why staff wanted to install a stop sign on Saddle Drive. He sees no sight distance problem there.

Mr. Khasho said that four-legged intersections typically need to have stop signs in two directions. Posting only one sign creates confusion for drivers.

Commissioner Overhage asked if staff considered installing a yield sign.

Mr. Khasho said stop signs are more appropriate when there is a sight distance problem. This forces the drivers to stop and look. Yield signs do not.

Public Testimony

The Commission reviewed written testimony submitted for this hearing from Traffic Sergeant Jim Monger of the Beaverton Police and Anthony Schmidt.

John Addis, Beaverton, Oregon, said he is against installing stop signs. Mr. Addis said the northeast corner of Palomino at Stallion does have a potential sight distance problem. He believes the shrubbery causes the problem, not the retaining wall. Cars parked on that corner can also block sight distance. He believes this problem can be resolved without resorting to stop signs.

Mr. Addis said stop signs would also bring more car noise and pollution into the neighborhood. He has lived on Palomino Drive for 26 years and he had never seen a collision at this intersection. He thinks the City would be better served to spend the stop sign money elsewhere.

Commissioner Clodfelter said the juniper bushes growing in the parking strip block the sight distance for drivers making a left or right turn out of Palomino. Even if the property owner trimmed the bushes, he still believes sight distance is obscured. He thinks a stop sign is needed.

Mr. Addis responded that he knows this corner very well. He pulls onto Stallion slowly to get a better view of oncoming traffic. If a stop sign is installed, he will still have to roll slowly out onto Stallion to view oncoming traffic. He stated that a stop sign is not the solution to this problem.

Commissioner Teitelbaum asked how many properties are located on Palomino Place.

Mr. Addis said there are ten driveways on Palomino Place.

Commissioner Overhage asked if Mr. Addis would prefer a yield sign instead of stop signs.

Mr. Addis said adding a yield sign will not change how Palomino residents approach the intersection. Drivers will still need to roll out slightly onto Stallion to see if there are cars approaching. Mr. Addis thinks it is the City's responsibility to ask the corner neighbor to trim the overgrown shrubbery.

Susan Spencer, Beaverton, Oregon, is against installing stop signs. Mrs. Spencer has lived on Saddle Drive for 30 years and she sees no need to install stop signs at this quiet intersection. Mrs. Spencer said she is outdoors in her garden nearly every day. She emphasized that this is an extremely quiet neighborhood and she sees few cars driving by on the streets.

Mrs. Spencer said Oregon law is clear that drivers must yield to traffic approaching from the right. That law fully answers any right-of-way questions.

As an avid walker, Mrs. Spencer said she noticed more auto emission pollution when a three-way stop was installed on Davies Road at Weir. She also remembered a day when traffic was detoured from Murray Boulevard to Stallion Drive while Murray was closed with a serious collision. She smelled the increased air pollution even before she was aware of the detour through her neighborhood.

Mrs. Spencer said the man who requested this change lives out of the neighborhood and he likely uses Stallion Drive as a cut-through route. People who live in the neighborhood understand that this is a quiet residential street and they approach the intersection with that in mind. As for the overgrown shrubbery in the parking strips, she thought the City had the power to regulate that. The overgrown shrubbery should be cut back before considering stop signs.

Mrs. Spencer said the ten homeowners on the Palomino Drive cul-de-sac all know they need to use reasonable caution at this intersection. She reiterated that this intersection is not a problem for people living in the neighborhood. She asked the Commission to not install stop signs in this quiet neighborhood. She has seen no crashes in 30 years.

Chairman Knees asked where Mrs. Spencer lives in relation to this intersection.

Mrs. Spencer said she lives two houses south of the intersection. She can clearly see the intersection from her front garden.

Commissioner Crocker asked if Palomino is sloped.

Mrs. Spencer answered that there is a very slight up grade to the north. It is a very short street.

Don Spencer, Beaverton, Oregon, said if this was a real safety issue, the people who live near the intersection would be here tonight asking the City for stop signs. This request came from a man who lives outside of the immediate neighborhood. Mr. Spencer said this person is cutting through their neighborhood instead of driving on the main roads.

Staff Comments

Staff had no additional comments.

Chairman Knees closed the public hearing on Issues TC 604.

Commission Deliberation

Commissioner Troute said the neighborhood does not support this request and the person who made the request lives outside the immediate neighborhood. He opposes the recommendation.

Commissioner Teitelbaum agreed. Installing stop signs would be an overreaction. He said residents living on Palomino know about the sight distance problem. They also know how to enter the intersection without having a collision. He does not support the recommendation. The Commissioner asked staff to contact the City's Municipal Code Services and have them request that the homeowner cut back the overgrown shrubbery.

Mr. Khasho said staff will work with Municipal Code Services regardless of what the Commission decides.

Commissioner Clodfelter believes there is a sight distance problem at this intersection, yet there is no history of accidents. He sees no justification for placing a second stop sign on Saddle Drive. Based on testimony, he does not support the recommendation on TC 604.

Commissioner Sadler also opposes the recommendation. He wants to keep it simple; after all, the intersection has worked well for 30 years.

Commissioner Sadler **MOVED** and Commissioner Troute **SECONDED** a **MOTION** to oppose the staff recommendation on TC 604.

Mr. Wooley said the draft final written order will be rewritten and returned for Commission approval at the next meeting.

The **MOTION CARRIED** unanimously, 7:0.

-- END EXCERPT --

DRAFT

City of Beaverton

TRAFFIC COMMISSION

Minutes of the January 4, 2007, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:05 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

ROLL CALL

Traffic Commissioners Scott Knees, Carl Teitelbaum, Thomas Wesolowski, Bob Sadler, Ramona Crocker, Kim Overhage and Maurice Troute constituted a quorum. Alternate Member Patrick Reynolds was in the audience to observe.

City staff included City Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, Project Engineer Baotu Ho and Debbie Martisak sitting in for the recording secretary.

-- START EXCERPT --

CONSENT ITEMS

Chairman Knees reviewed the January consent agenda comprised of Issue TC 604 "Stop Signs on SW Palomino Place and Saddle Drive at Stallion Drive" (adoption of final written order); Issue TC 607 "Revise Adopted Priorities for Consideration of New Traffic Signals;" and Issue TC 608 "Revise Stop Control at the Intersection of SW Stratus Street and Creekside Place."

The Commission pulled Issue TC 608 for separate consideration.

Commissioner Teitelbaum **MOVED** and Commissioner Troute **SECONDED** a **MOTION** to approve Issues TC 604 and 607 as presented. There was no discussion.

The **MOTION CARRIED**, unanimously, 7:0.

Regarding Issue TC 608, Commissioner Wesolowski thought staff misunderstood comments made by Mr. Kyler at the December 7 meeting. The Commissioner thought Mr. Kyler was asking for a three-way stop at the intersection of Stratus Street and Creekside Place. Staff has proposed requiring Stratus traffic to stop for

Creekside traffic. Commissioner Wesolowski would like staff to talk with Mr. Kyler again to clarify the his request.

Mr. Wooley understood that Mr. Kyler requested the changes described in the TC 608 staff report. The traffic on Stratus Street is not heavy enough to justify a three-way stop. The Commission could bring the issue back next month, if they wish. The December meeting minutes will be available for review by then.

Commissioner Overhage noted that during peak afternoon hours, northbound Creekside has four times more traffic than Stratus. Creekside should be the through street and Status should not have a free left turn. Based on traffic volume, she supports staff's recommendation on TC 608.

Commissioner Sadler said his December 7 meeting notes show that Mr. Kyler recommended a stop sign northbound on Creekside. His notes support the staff request in TC 608.

Commissioner Wesolowski said he might have misunderstood Mr. Kyler's comments. He said there is pedestrian traffic in this area and there are no marked crosswalks. The current stop sign on Stratus provides some protection for pedestrians. He just wants to be sure Mr. Kyler's concerns were addressed.

Commissioner Sadler **MOVED** and Commissioner Wesolowski **SECONDED** a **MOTION** to accept TC 608 as written. There was no further discussion. The **MOTION CARRIED**, unanimously, 7:0.

PUBLIC HEARING

ISSUE TC 610: SPEED LIMITS ON SW KOLL PARKWAY AND SW GREYSTONE COURT

Chairman Knees opened the public hearing on Issue TC 610.

Staff Report

Mr. Khasho said Koll and Greystone are now posted at 25 mph. That speed was posted before the these streets were annexed to Beaverton. Mr. Khasho said the Oregon statutory speed in business districts is 20 mph. A state speed order is required to post a business district at a speed other than 20 mph. He added that there is no speed order for Koll and Greystone.

Mr. Khasho said this request came from Ms. Janice Ostlund, Property Manager of GVA Kidder Mathews Real Estate Solutions. Ms. Ostlund requested a 20 mph speed limit. Staff studied the current speed on Koll and found that the 85th percentile speed was 29-33 mph. The 85th percentile speed on Greystone was nearly 30 mph. He said the currently posted 25 mph speed is close enough to the actual 85th percentile speed to be an appropriate speed for these streets.

Mr. Khasho said the staff recommendation is to keep the posted speed limit at 25 mph and to ask the state for a formal speed order approving this speed.

Chairman Knees noticed that the staff report does not contain a letter of request from Ms. Ostlund. He asked why Ms. Ostlund wants a 20 mph limit.

Mr. Khasho said he received a phone call on this issue. He then met with the property manager. Ms. Ostlund said a lower speed limit would make the business park look and feel quieter to prospective tenants. She also has safety concerns.

Based on current vehicle speeds and the low traffic volume, Mr. Khasho said there is no engineering justification to lower the speed. A lower speed limit would only lead to less compliance.

Commissioner Teitelbaum asked if the current speed limit should revert to 20 mph until the state can conduct a speed study.

Mr. Khasho said the posted 25 mph is a reasonable speed. Signs should remain posted unless the state says otherwise.

Commissioner Wesolowski asked if parking is allowed on either of these streets.

Mr. Khasho said the roadways are wide enough to allow parking; though he has never observed cars parked on the streets during field visits.

Commissioner Wesolowski said he only saw one "Speed Limit 25" sign. Are more signs needed?

Mr. Khasho said short streets generally need only one speed sign posted near the street entry. Staff can install more signs if the Commission wants more signs.

Commissioner Overhage asked why staff did not choose 30 mph as the appropriate speed. It is close to the 85th percentile speed.

Mr. Khasho said he leans toward 25 mph because the property manager requested a 20 mph speed. He described 25 mph as a "happy medium." It is close to the requested speed and it is also close to the 85th percentile.

Commissioner Overhage observed no on-street parking and no truck traffic. She noted that drivers enter the area from 45 mph Walker Road and she believes it would be difficult to get drivers to obey a 20 mph speed.

Commissioner Teitelbaum asked what is involved in a state speed study.

Mr. Khasho said the state crew comes out and takes the same measurements that Beaverton staff took. They use a different measurement method, but the data

compiled is nearly the same. The key is that the state traffic engineer has confirmed the data. They do not hold a public hearing or listen to public requests. The state looks at the recommendation and the reasons behind the recommendation.

Mr. Wooley added that the state conducts speed studies only at the request of cities or counties. They do not seek public input. There is an appeal process that cities can use if they disagree with the state's decision. When the state's decision has been different from the City request in the past, staff asked the Commission if they would like to accept the state recommendation or appeal it.

Commissioner Teitelbaum said it is difficult to make a decision without written testimony from the business explaining their reasons for this request.

Mr. Khasho said speed is always a matter of perception.

Public Testimony

The Commission reviewed written testimony submitted for this hearing from Traffic Sergeant Jim Monger of the Beaverton Police.

No one came forward to give testimony.

Staff Comments

Staff had no additional comments.

Chairman Knees closed the public hearing on Issues TC 610.

Commission Deliberation

Commissioner Wesolowski said the roadway is wide and the recommended speed limit makes sense. He asked staff to consider installing more speed limit signs.

Commissioner Overhage said it is very hard to drive at 20 mph on such a wide, clear street with few driveways. She added that IBM has a sky bridge crossing the street between two of their buildings. Employees can avoid crossing the street as they move between buildings, so there are few pedestrians. She supports the 25 mph recommendation; she would also support a 30 mph recommendation.

Commissioner Wesolowski **MOVED** and Commissioner Sadler **SECONDED** a **MOTION** to accept the staff recommendation on TC 610 "Speed Limits on SW Koll Parkway and SW Greystone Court" and the draft final written order as written. The **MOTION CARRIED** unanimously, 7:0.

-- END EXCERPT --

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Waiver from Sealed Bidding - Award Contract
for Collection Agency Services From the State
of Oregon Price Agreement #5250

FOR AGENDA OF: 2/12/07 **BILL NO:** 07030

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: HRnet

DATE SUBMITTED: 01-31-07

CLEARANCES: Finance *[Signature]*
Purchasing *[Signature]*
City Attorney *[Signature]*

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS Agenda Bill 02108

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$85,000	BUDGETED \$85,000*	REQUIRED \$-0-

*Account Number 001-45-0571-511 General Fund – Municipal Court Program – Professional Services Account. The anticipated fees are expected to be approximately \$85,000 based upon the billings received for the first six months of this fiscal year.

HISTORICAL PERSPECTIVE:

On April 22, 2002, City Council approved Agenda Bill 02108 (copy attached) which authorized the City to enter into a contractual agreement with AllianceOne for the purposes of collecting delinquent monetary judgments. As indicated in the Agenda Bill, the contract award was based upon the Oregon State Price agreement for collection agency services that was in existence at the time. When the agenda bill was approved, there was no expenditure appropriation required at that time. The collection agency's charges for services were going to be deducted from the amounts collected. However, the payment method to the collection agency changed. Before an account is sent to the collection agency, 25 percent of the balance due is added to the account for collection fees pursuant to ORS 137.118.

INFORMATION FOR CONSIDERATION:

The State of Oregon has new price agreements with ten (10) firms to provide collection agency services. The State of Oregon price agreements were initiated through a competitive process. The price agreements permit other public agencies in the State to use these collection agencies for its collection services. Oregon Law and the City's purchasing code provide for an exemption to competitive bidding if:

- (a) The contract uses an existing solicitation from another public agency;
- (b) The original contract allows other governmental bodies to use it;
- (c) The contractor agrees to extend the terms, conditions and prices to other public agencies; and
- (d) No material change is made in the terms, conditions or prices of the original contract.

Staff finds all of the above conditions have been met.

AllianceOne is one of the ten approved collection agencies, and its collection performance has been acceptable to the City. Staff recommends that the City continue to use AllianceOne for its municipal court collections.

A new agreement with AllianceOne will include an option to extend the contract up to an additional four years based upon AllianceOne's continuing approval through the State's Price Agreement, the City's review of collection services and pricing structure each year and the Council's approval of each subsequent year's budget for Collection Expense.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, waive the sealed bidding procedures and authorize a contract, in a form approved by the City Attorney, with AllianceOne Incorporated of Gig Harbor, Washington, for the purchase of collection services for Fiscal Year 2006-07, as described above from the State of Oregon Price Agreement; and permit extension of the contract for up to an additional four years based upon AllianceOne's continuing approval through the State's Price Agreement, the City's review of collection services and pricing structure each year, and the Council's approval of each subsequent year's budget for collection Expenses.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Exemption from Competitive Solicitation - Award Two Contracts for Collection Agency Services From the State of Oregon Price Agreement

FOR AGENDA OF: 04/22/02 **BILL NO:** 02108

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Finance *[Signature]*

DATE SUBMITTED: 04/11/02

CLEARANCES: Purchasing *[Signature]*
Finance *[Signature]*
Risk Mgmt *[Signature]*
Municipal Court *[Signature]*
City Attorney *[Signature]*

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: Evaluation Matrix

BUDGET IMPACT

EXPENDITURE REQUIRED \$-0-	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED \$-0-
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*No expenditure appropriation for the two collection agency contracts is required at this time. The collection agency's charges for services are usually deducted from the amounts collected on accounts. However, should the City select a different payment option as detailed in this agenda bill, an appropriation may be required for collection services and a budgetary consideration would be forwarded at that time.

HISTORICAL PERSPECTIVE:

During the past two years, the City has experienced an increase in damages to City property (mainly through traffic accidents) from uninsured parties. In-house attempts to collect payments from the uninsured parties are not always successful and staff recommends that a collection agency could greatly increase recovery of our costs to repair or replace the damaged property. Our utility programs also experience non-payment of accounts where the resident has moved out of a property leaving a utility account balance owing. Although our utility bad-debt rate is low, a collection agency would assist in recovering these types of accounts. Also, the City's municipal court is now in a position to evaluate non-payment of citations and these accounts will be turned over to a collection agency.

INFORMATION FOR CONSIDERATION:

Oregon State Law provides for an exemption to competitive bidding if the contract uses an existing solicitation from another public agency. The State of Oregon has price agreements with eight (8) firms to provide collection agency services. The State of Oregon price agreements for collection services were initiated through a competitive process and the price agreements permit other public agencies in the State to use these firms for their collection service needs.

Staff contacted four of these firms (having local offices in our metropolitan area) for a presentation on providing collection services to the City of Beaverton specifically for property damage claims, unpaid utility accounts, and municipal court citations. Staff contacted the following firms:

- AllianceOne, Incorporated, Local Office, Portland, Oregon; Government Services Headquarters, Gig Harbor, Washington; Corporate Headquarters, Exton, Pennsylvania.
- Capital Credit and Collection Service, Incorporated, Portland, Oregon.

Ag nda Bill No: 02108

- Professional Credit Service, Vancouver, Washington.
- Collections West, Incorporated, Local Office Portland Oregon; Corporate Headquarters Roseburg, Oregon.

Each collection agency presented their firm's services to a three-member panel consisting of the City's Risk Manager, Court Administrator, and Finance Director. The firms were evaluated using the criteria on the attached evaluation matrix. Based upon the presentations and the evaluation, two firms were tied for the top ranking: AllianceOne, Incorporated, and Collections West, Incorporated.

Staff has determined that either firm could perform collection services for the City and recommends that the City's collection services be shared between these two firms, based upon each firm's area of collection expertise. During the presentations, information and data was presented that supported Collections West, Incorporated, as the firm best suited to provide collection services for property damage claims and unpaid utility accounts and AllianceOne, Incorporated, as the firm best suited to provide collection services for unpaid court citations.

Each firm's fees for providing collection agency services are calculated based upon a flat percentage applied to the amount collected on each account. However; the fees are paid to the collection agency, at the City's option, under one of two methods;

- the full amount collected on the accounts is remitted to the City and the City then pays the collection agency its fee based upon the contractual percentage, or
- the collection agency deducts their contractual collection percentage from the amounts collected and remits the balance (net amount) to the City.

The City will select the method of payment that best meets the City's needs based upon the type of account.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, authorize an exemption from competitive solicitation and authorize contracts, in a form approved by the City Attorney, with the following two collection agencies from the State of Oregon Price Agreement:

- AllianceOne, Incorporated, for municipal court collection services
- Collections West, Incorporated, for property damage claims and unpaid utility accounts.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Waiver of Sealed Bidding - Authorization for Rental of Copy Machines from Various Price Agreements **FOR AGENDA OF:** 2-12-07 **BILL NO:** 07031
Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Mayor's Office *[Signature]*

DATE SUBMITTED: 1-29-07

CLEARANCES: Purchasing *[Signature]*
Finance *[Signature]*
City Attorney *[Signature]*

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS:

BUDGET IMPACT

EXPENDITURE REQUIRED \$	AMOUNT BUDGETED \$	APPROPRIATION REQUIRED \$0
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*Account Number: 601-25-0721-10-551 Reprographics Fund Rents and Leases Account. No additional appropriation is required for these rental agreements.

HISTORICAL PERSPECTIVE:

The City rents copy machines utilizing price agreements through the State of Oregon, Multnomah County and Oregon State University. The copiers are generally rented on a 48 or 60 month basis, with varying expiration dates. Over the past several years, staff has prepared various agenda bills to approve copier rental price agreements when the cost of the copier rental(s) exceeded \$50,000. Staff is recommending, through this agenda bill, that Council allow a comprehensive approval for copier rentals through the various price agreements for the remainder of this fiscal year and for the next five-year period.

INFORMATION FOR CONSIDERATION:

At the conclusion of each copier rental period, staff evaluates the copy volume, features and cost to select "right sized" copiers from the various government price agreements based upon the best offering prices at the time.

Oregon law, ORS 279A.215, and the City's Purchasing Code, BPC 46-0430, provide an exemption from competitive solicitation if a purchase agreement is made through an existing Permissive Cooperative Procurement and the following conditions are met:

1. The solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified in state law;
2. The solicitation and the original contract allow other contracting agencies to establish contracts or price agreements under the terms, conditions and prices of the original contract;
3. The contractor agrees to extend the terms, conditions and prices of the original contract to the purchasing contracting agency; and

4. No material change is made in the terms, conditions or prices of the contract or price agreement between the contractor and the purchasing contracting agency from the terms, conditions and prices of the original contract between the contractor and the administering contracting agency.

Staff will ensure that all of the above conditions as provided by law are satisfied prior to execution of any future copier rental agreements.

Procuring copier rentals through the various price agreements has well served the City's needs and staff recommends continued use of the available price agreements for the remainder of this fiscal year and for the next five-year period.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, authorize the rental of copy machines from various price agreements for the remainder of FY 2006-07 and through FY 2011-12 subject to Council's approval of future annual appropriations.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: APP 2007-0001 Appeal of Pointer Road
PUD

FOR AGENDA OF: 2-12-07 **BILL NO:** 07032

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: CDD *my*

DATE SUBMITTED: 1-24-07

CLEARANCES: City Attorney *AK*

Devel. Services *AK*

PROCEEDING: Public Hearing

EXHIBITS: 1. Vicinity Map
2. Table of Contents and Exhibit List

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

Mr. Dan Cox, a neighbor, is appealing the Planning Commission's approval of the Pointer Road Planned Unit Development (PUD), specifically in regard to conditions of approval no. 9 and no. 10 of Land Use Order No. 1933. The conditions of approval were based upon Conditional Use Final PUD Criteria 40.15.15.6.C.7 through 9. Condition No. 9 addresses the matter of architectural compatibility, and Condition No. 10 requires posting of signage on a nearby private driveway.

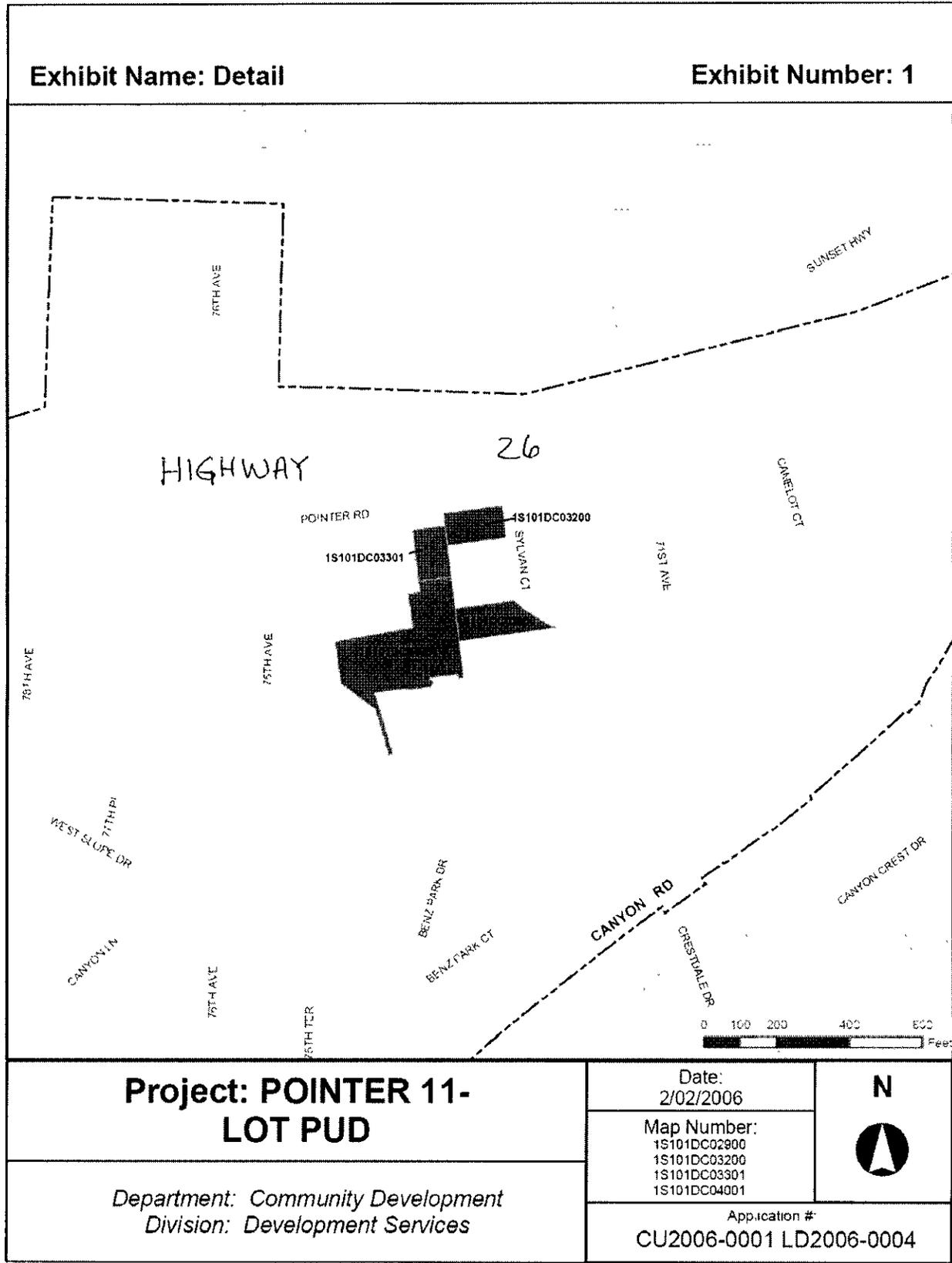
The applicant requested a PUD for the creation of 11 single-family lots. The Commission required the reduction of one lot and approved the PUD with a total of ten lots. The Commission also required that all but one lot be a minimum lot size of 5,000 square feet. Therefore, the applicant's proposal, as modified by the Planning Commission, is a Conditional Use Final Planned Unit Development approval for the creation of ten single-family lots with associated private street and open space. The applicant has received Land Division – Preliminary Subdivision approval through a separate land use application. In order for the Land Division's approval to be implemented, the Conditional Use/PUD must be approved.

INFORMATION FOR CONSIDERATION:

The appellant asserts that the Planning Commission erred in its decision to approve CU2006-0001 pursuant to the appellant's letter dated January 2, 2007. Staff's response to the issues raised by the appellant is in the attached Memorandum dated January 24, 2007. The Commission's Land Use Order on this matter, No. 1933, the Staff Report, minutes, and all exhibits, including letters and materials presented prior to and at the hearings, are attached for the Council's consideration. The final written decision date by the City is due no later than February 23, 2007. This appeal hearing is a *de novo* hearing.

RECOMMENDED ACTION:

Conduct the public hearing and deny the appeal (APP2007-0001) thereby upholding the decision of the Planning Commission to approve CU2006-0001 with the conditions as stated in the Land Use Order No. 1933. Direct staff to prepare findings and a final order that embodies the Council's decision.



**Project: POINTER 11-
LOT PUD**

*Department: Community Development
Division: Development Services*

Date:
2/02/2006

Map Number:
1S101DC02900
1S101DC03200
1S101DC03301
1S101DC04001



Application #
CU2006-0001 LD2006-0004

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SW POINTER ROAD PLANNED UNIT DEVELOPMENT APPEAL TO CITY COUNCIL

APP2007-0001 / CU2006-0001

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13-14	Exhibit C Appeal Acceptance Letter from Liz Jones, Associate Planner, dated January 12, 2007
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17-26	Exhibit E Notice of Planning Commission Decision and Commission's Land Use Order No. 1933, dated December 20, 2006
27-40	Exhibit F SW Pointer Road PUD Planning Commission Minutes of December 13, 2006--DRAFT
41-46	Exhibit G Materials submitted at the December 13, 2006 Planning Commission Hearing: <u>Exhibit G.1</u> Staff Memorandum dated December 13, 2006 with public comments received from Steve Schell dated December 10, 2006 (Exhibit 2.8) <u>Exhibit G.2</u> Revised Landscape Plan, received from the applicant.

0003

47-127	<p>Exhibit H Staff Report packet dated December 6, 2006</p> <p><u>Attachment A.1</u> Facilities Review Committee Technical Review and Recommendation Report and Code Conformance Analysis</p> <p><u>Attachment B.1</u> Staff Report for CU2006-0001 (Pointer Road 11-Lot PUD)</p> <p><u>Attachment C.1</u> Staff Report for LD2006-0004 (Pointer Road 11-Lot PUD)</p> <p><u>Attachment D.1</u> Recommended Conditions of Approval to Planning Commission</p> <p><u>Exhibit 1.0</u> Vicinity Map (See page 3 of this record)</p> <p><u>Exhibit 2.0</u> Public Comments</p> <p>Exhibit 2.1 Kent & Tandra Slack, dated September 4, 2006</p> <p>Exhibit 2.2 MacLloyd Lynn Hayes, dated September 5, 2006</p> <p>Exhibit 2.3 Angel Khalsa, dated September 8, 2006</p> <p>Exhibit 2.4 Maria Pomeroy, dated September 7, 2006</p> <p>Exhibit 2.5 Terence J. Yamada, Anderson and Yamada, P.C. Attorneys at Law, dated September 8, 2006</p> <p>Exhibit 2.6 Patrick Polich, dated September 12, 2006</p> <p>Exhibit 2.7 Julie Draper and Mary Kroger, dated October 4, 2006</p> <p><u>Exhibit 3.0</u> Materials Submitted by Applicant (See Exhibit I)</p> <p><u>Exhibit 4.0</u> Materials Submitted by Staff and Other Agencies</p> <p>Exhibit 4.1 Tualatin Valley Fire and Rescue letter, dated September 6, 2006</p> <p>Exhibit 4.2 City of Beaverton Operations Division email, dated December 4, 2006</p>
128-413	<p>Exhibit I Applicant's Submittal package</p> <p><u>Exhibit I.1</u> Plan Set, dated received by the City November 9, 2006</p> <p><u>Exhibit I.2</u> Applicant's Narrative Packet, dated received by the City August 15, 2006</p> <p><u>Exhibit I.3</u> Easements Across Property for 7360 SW Pointer Road, received by the City July 31, 2006</p> <p><u>Exhibit I.4</u> Architectural Elevations and Plans from RK Wilson Corporation, dated received by the City on July 31, 2006</p> <p><u>Exhibit I.5</u> Letter from Compass Engineering, dated July 31, 2006</p>



MEMORANDUM

City of Beaverton
Community Development Department

"make it happen"

To: Mayor Drake and City Council
From: Liz Jones, Associate Planner *ij*
Date: January 24, 2007
Subject: *APP2007-0001: Appeal of Pointer Road PUD*

Background

Pursuant to Section 50.70.1 of Ordinance 2050 as amended through Ordinance 4188, Mr. Dan Cox has appealed the Planning Commission decision to approve a Conditional Use Final Planned Unit Development (PUD) request submitted by Karl Mawson of Compass Engineering on the behalf of RK Wilson Corporation, the owner of the former Canyon Greenhouse property.

Approval of the PUD request would authorize flexibility in development standards of the R7 zoning district. This flexibility would permit a reduction in lot sizes from the required 7,000 square feet for the proposed lots ranging in size from approximately 3,650 square feet to 5,912 square feet and reduced setbacks. The required setbacks between proposed dwellings and existing property lines around the perimeter of the site would meet Code requirements. Twenty (20) percent of the 2.2 acre site would be dedicated to common open space.

The applicant requested a PUD for the creation of eleven (11) single-family lots. The Commission required the reduction of one lot and approved the PUD with a total of 10 lots. The Commission also required that all but one lot be a minimum lot size of 5,000 square feet.

Therefore, the applicant's proposal, as modified by the Planning Commission, is a Conditional Use Final PUD approval for the creation of ten single-family lots with associated private streets and open space. The applicant has received Land Division – Preliminary Subdivision approval through a separate land use application. In order for the Land Division's approval to be implemented, the Conditional Use/PUD must be approved.

The Community Development Department prepared a written staff report dated December 6, 2006 containing findings of approval for Conditional Use Final PUD application (CU2006-0001). At the public hearing of December 13, 2006, the Planning Commission heard testimony from the Community Development Department outlining the reasons for approval of the PUD request as set forth in

the written staff report. The Commission also heard testimony from the applicant in support of the proposal and heard testimony from members of the public contesting the application. The Commission concluded, with conditions, as reflected in the Land Use Order 1933 (Exhibit E), that the applicant's proposal met the PUD approval criteria identified under Development Code Section 40.15.15.6.C.

Response to Notice of Appeal:

Attached to this Memorandum is Mr. Dan Cox's Notice of Appeal Letter (Exhibit 2.8). Staff has prepared responses to the statements of appeal, as described in the Appeal letter.

Shown in *bold italic* is the appellant's statement of appeal followed by the staff response thereto.

1. Appellant's statement of appeal: *The Planning Commission erred when it approved the development of 10 lots, because this number of lots is incompatible with criteria set out in item 40.15.15.C.5 of the City's guidelines for Preliminary Planned Unit Development Conditional Use Application Process. The development site's size, dimensions and configuration cannot reasonably accommodate 10 lots. Evidence of this fact is provided by existing aerial photography, and by physical inspection of the surrounding neighborhood. Additional evidence will be provided at the hearing.*

Staff Response:

The appellant's letter refers to Preliminary PUD criteria; however, the applicant is requesting approval of a Final PUD. The applicable corresponding criterion for the Final PUD is Development Code Section 40.15.15.6.C.7. Specifically, Criterion #7 requires that:

"The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal"

The applicant has demonstrated that while the site is constrained due to the limited access to public streets and the unique size and shape of the parent parcel, the site can accommodate up to eleven (11) single-family lots. The applicant's plans illustrate eleven (11) single-family lots and a private access street with associated utilities and open space. The PUD application provides for flexibility of the Site Development Requirements, such as reduced lot size and dimensions. PUD Criterion #8 establishes a mechanism to review the "reasonable compatibility" of a proposal as it relates to the location, size, and functional characteristics of the site. The appellant has cited compatibility in item #1 and because compatibility is addressed by PUD Criterion #8, staff cites the findings under item #2 as applicable to appellant item #1.

While the appellant would prefer the lot to be developed with fewer homes, the parcel can be developed to support ten (10) lots through the PUD process. The appellant states that aerial photography and physical inspection of the surrounding properties are evidence that the proposal is not compatible with the surrounding neighborhood. At the time of this memorandum, the appellant has not provided the evidence or documentation that he describes, which would allegedly refute the Commission's approval of ten (10) lots.

2. Appellant's statement of appeal: *In approving 10 lots for this site, The Planning Commission also failed to satisfy item 40.15.15.C.6 of the City's guidelines for Preliminary Planned Unite Development Conditional Use Application Process. This number of lots is not reasonably compatible with the livability of surrounding properties, nor can it promise minimal impact on neighbors. Evidence of this fact is provided by existing aerial photography, and by physical inspection of the site and surrounding neighborhood. Additional evidence will be provided at the hearing.*

Staff Response:

As noted under #1 above, the appellant's letter refers to Preliminary PUD criteria; however, the applicant is requesting approval of a Final PUD. The applicable corresponding criterion for the Final PUD is Development Code Section 40.15.15.6.C.8. Specifically, Criterion #8 requires that:

"The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site."

By the nature of the PUD and its provision for flexibility of the Site Development Requirements, the Code does not intend to define compatibility as being exactly the same in size, dimensions, and setbacks as those of surrounding properties. The purpose of the PUD is to allow uses on a case by case basis which warrant special review because of their size or impact. For constrained sites, the PUD process can provide a balance between the various Site Development Requirements, PUD requirements, density, and land uses, for the creation of development projects that will have minimal impacts to the neighborhood. The PUD is intended to provide an opportunity and to allow the use when there are minimal impacts, and to impose conditions specifying mitigation measures to address identified impacts, or otherwise deny the use if the impacts are substantial and the impacts cannot be mitigated.

In the case of the Pointer Road PUD, it was determined that there would be minimal impacts to surrounding properties. The applicant's site plan demonstrates the site can adequately accommodate the project, as proposed through the PUD. The Commission required the reduction in the number of lots, not because the site could not support that number but to lessen the impacts of development to the surrounding properties. The Commission required one (1) lot to be removed so that the majority of lots could be a minimum of 5,000 square feet in size, which was found to be a reasonably compatible lot size for the R7 zone.

As stated in the staff report dated, December 6, 2006, residential development is subject to meeting minimum density standards of the Comprehensive Plan, as implemented by Section 20.05.60 of the Development Code. Older neighborhoods, such as that surrounding the proposed Pointer Road PUD, are likely to experience increasing residential densities due to re-development opportunities, presented over time, to property owners. In-fill development, whereby relatively small properties are redeveloped at higher densities or in clustered development patterns, are sometimes located within larger lower density areas. This development pattern is likely to continue in the neighborhood. Within that context, the proposed Pointer Road PUD serves as one example of a development proposal that has already occurred, and what may continue in the future, within the West Slope area.

The Planning Commission concluded that due to the variety of development types, ages and patterns of development found in the existing neighborhood, the proposal does not introduce any new land use or substantially different lot patterns than what is currently found in the neighborhood. The development does not need to match exactly the pattern of existing development in the neighborhood for the proposal to be reasonably compatible. The Planning Commission finds that the development of Pointer Road PUD will be reasonably compatible with the surrounding area in terms of the development's size, scale and lot dimensions.

The appellant state that ten (10) lots in not reasonably compatible with the livability of surrounding properties; however, no evidence has been submitted that would verify this statement. There is no indication based upon what has been presented that ten (10) lots, or ten (10) single-family homes would be incompatible at this site.

The staff report dated December 6, 2006, described the surrounding West Slope neighborhood as an existing single family residential area. The neighborhood contains a variety in home sizes, lot sizes, age of homes, and other similar residential neighborhood characteristics where development has occurred over time. Considering the existing surroundings, the Planning Commission found that the introduction of ten (10) new homes will be reasonably compatible with the surroundings. Staff find that, although the Pointer Road PUD would contain small lots and could have homes as close together as ten feet, it should not be assumed

that future homes would necessarily be that close. Specific building footprints have not been determined at this time.

The majority of properties surrounding the site contain lot sizes greater than the Code required 7,000 square foot minimum, which results in fewer homes. Many of those properties are candidates for future redevelopment and as those properties redevelop in the future, it is probable that the densities in the neighborhood will increase; resulting in a larger number of homes. While the proposed development will increase the overall number of homes on the subject site, the proposed setbacks in most cases are equal to or greater than the setbacks of the existing surrounding homes.

The appellant's objection under #2 is essentially the same as the objection stated under #1. Therefore, staff also cite the findings under #1 above as applicable to statement #2.

3. Appellant's statement of appeal: *The Commission found that the negative impact of smaller lot sizes and more lots than normally allowed by R-7 zoning is offset by the inclusion of amenities such as a tot lot and a basketball court. This finding is in error, as it represents a miniscule positive in the face of overwhelming negatives, such as crowding, noise, light at night, increased auto and pedestrian traffic, and challenging fire protection, as will be shown at the hearing.*

Staff Response:

The applicable corresponding criteria to the appellant's statement are Final PUD Criterion #8 and #9. Please refer to staff's findings above for the specific language of Criterion #8. Criterion #9 requires that:

"The lessening of the Site Development Requirements results in benefits to the enhancement of site, building, and structural design or preservation of natural features."

As stated in the staff report, dated December 6, 2006, the PUD allows for the site to be developed in a feasible manner that could not otherwise be achieved. The site is irregular in shape, lacks street frontage and has constrained site access. Due to these constraints, it is not possible to implement a proposed development plan without lessening the Site Development Requirements.

The Commission approved the PUD with ten (10) lots because the applicant had demonstrated appropriate mitigation for the lessening of the Site Development Requirements through the creation of an open space tract with usable amenities and through a lot layout that contained lots of adequate size and dimensions so as

to be reasonably compatible with their surroundings. Without the lessening of Site Development Requirements, twenty (20) percent contiguous open space could not be provided and the resulting lots would likely be shallower and irregular shaped. However, it is likely that without CU/PUD approval, the number of lots developed on the site would have been less, with only the requirement for minimum density (seven lots in this case) affecting the number of lots.

The Facilities Review Committee has reviewed the proposal to ensure the project meets the technical standards outlined in Development Code Section 40.03 and recommended conditions of approval to the Commission. The Commission's decision adopted the Facilities Review Committee conditions of approval and through conditions, the project will have adequate vehicular circulation and access to fire protection.

4. Appellant's statement of appeal: *When the Commission adopted condition of approval #10, it failed to adequately recognize the public safety risk associated with the existing access easement. The posting of signage is an ineffective an unenforceable remedy for a very real safety problem. Signage will not prevent homeowners in the development from using this obvious shortcut to Canyon Lane and Canyon Road. The narrow easement passes within mere feet of home where small children reside. Garage doors open directly onto this easement. Sight lines range from short to non-existent for drivers. This is a uniquely dangerous scenario. Additional evidence will be provided at the hearing.*

Staff Response:

The appellant has cited compatibility in item #4 and because compatibility is addressed by PUD Criterion #8, staff cites the findings under item #2 as applicable to appellant item #4.

The Commission approved the development for ten (10) lots to be accessed via a new private street off SW Pointer Road. The new street will not connect to the existing private driveway that provides existing residents the vehicular connection between SW Pointer Road and SW Canyon Lane. In response testimony received during the public hearing of December 13, 2006, the Commission required the applicant to install signage at the entrance to the existing driveway to communicate the private nature of the access easement. The intent of the signage was to preclude vehicles from using this private access easement to access Canyon Lane from SW Pointer Road.

Appellant concern #4 cites a potential public safety risk associated with the existing access easement. It is important to consider the access easement is existing and is a private driveway; therefore, the potential safety concern is a private matter that

is not the subject of this land use application. Nonetheless, the problems raised by the appellant will not be as serious as indicated and such problems that do exist will be only minimally affected by approval of Pointer Road PUD.

The Commission required this off site signage be installed in response to neighbors concerns. However, the applicant is not proposing any vehicular connections to this private driveway. While a portion of the private driveway crosses over the project site, the applicant is not proposing to utilize the private driveway. The potential for cut through traffic exists today as much as it will exist upon completion of the Pointer Road PUD. The applicant does not have control over the portion of the driveway which accesses SW Pointer Road; therefore, other devices to restrict traffic could not be installed without consent from all properties owning rights to that access.

5. Appellant's statement of appeal: *When the Commission adopted condition of approval #9, it failed to ensure that new homes constructed within the development will be compatible with the age and amount of architectural detail found in homes in the surrounding area. The Commission's own record will show that commissioners acknowledged that there is no way to actually enforce such compatibility on the developer or subsequent homeowners. Further evidence of this will be provided at the hearing.*

Staff Response:

The appellant has cited compatibility in item #5 and because compatibility is addressed by PUD Criterion #8, staff cites the findings under item #2 as applicable to appellant item #5.

As discussed under the findings for appellant's comment #2 above, the West Slope neighborhood contains homes of varying sizes, architectural styles, and ages. The City of Beaverton does not regulate the architectural design of single-family homes; however, through the PUD can adopt conditions of approval to require additional measures to mitigate for the smaller lot sizes and anticipated building mass of future homes.

Contrary to the appellant's statement, the Planning Commission did not find that a substantial amount of architectural compatibility was needed between proposed and existing homes. The Commission supported a contention by neighbors that an effort to achieve some degree of architectural compatibility could be provided by the condition of approval requiring a minimum of four (4) design features listed in Development Codes Section 20.05.55.1 to be integrated into each new home. Code Section 20.05.55.1 requires all detached dwellings to utilize at least two (2) of the following design features: dormers, recessed entries, cupolas, bay or bow windows,

tile or shake roof, gables, attached garage, window shutters, horizontal lap siding, eaves, off-sets on building face or roof, a roof with a pitch greater than nominal 8:12, covered porch or entry with pillars or posts, and garage set at least 10 feet behind the front face of the primary dwelling unit. The Commission acknowledged the limitations of achieving architectural compatibility if there was no condition of approval.

Because the level of architectural detail, style, and age of the surrounding homes varies greatly, the Commission adopted Condition No. 9 to provide a greater level of detail than what would likely be expected of a development without such a condition. As required by Condition No. 9, prior to issuance of a building permit, the applicant will need to incorporate a minimum of four (4) design features listed in Development Codes Section 20.05.55.1. Because the City does not require Design Review for individual single family homes, such a condition of approval is the appropriate method for requiring a higher number of design features be integrated into the architecture of the proposed homes.

The appellant does not provide any information on the architectural character of the surrounding area in order for staff to present an opinion on the degree of compatibility that may be expected. In any case, the Commission found that a substantial amount of architectural features on proposed homes, designed to match those found on surrounding existing homes, was not necessary to achieve reasonable compatibility with the neighborhood.

Conclusions to Statements of Appeal:

Staff find that the five (5) statements of appeal, as described in APP2007-0001 (Appeal of Pointer Road PUD), do not provide a basis for reversing the Planning Commission decision. Therefore, APP2007-0001 should be denied.

Recommendation

Based upon the facts and findings presented in the staff report dated December 6, 2006 and this staff memorandum dated; staff recommend the Council **DENY** the appeal, **APP2007-0001 (Appeal of Pointer Road PUD)**, thereby upholding the decision of the Planning Commission to **APPROVE CU2006-0001 (SW Pointer Road PUD)** as memorialized in Order No. 1933, dated December 20, 2006.



EXHIBIT C

CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

January 12, 2007

Dan T. Cox
8291 SW Canyon Lane
Portland, OR 97225

RE: *REVISED* Appeal of Pointer Road 11-Lot PUD (APP2007-0001)

Dear Mr. Cox:

The purpose of this letter is to inform you that your letter of appeal of case file number CU2006-0001 (Pointer Road 11-Lot PUD) has been accepted as meeting the requirements of the Section 50.75.2 of the Beaverton Development Code. The appeal hearing will be on February 12, 2007. The appellate decision making authority is the Beaverton City Council. The City Council meetings begin at 6:30 PM and are held in Council Chambers at Beaverton City Hall.

If you have any questions about the appeal process, please contact me at 503-350-4082 or by e-mail at ljones@ci.beaverton.or.us.

Sincerely

Liz Jones
Associate Planner

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Tuesday, January 2, 2007

City Council
City of Beaverton
4755 SW Griffith Drive
Beaverton, Oregon 97076

RECEIVED

JAN 02 2007

City of Beaverton
Development Services

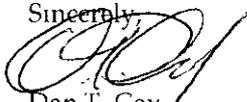
RE: FINAL ORDERS 1933 & 1934
LD2006-0004 / CU2006-0001 / POINTER 11-LOT PUD

Dear City Council:

This is an appeal to the Planning Commission's conditional approval of the Pointer 11-Lot PUD and related subdivision. The fee of \$1,314.00 is enclosed. This basis for this appeal is as follows:

- 1) The Planning Commission erred when it approved the development of 10 lots, because this number of lots is incompatible with criteria set out in item 40.15.15.C.5 of the City's guidelines for Preliminary Planned Unit Development Conditional Use Application Process. The development site's size, dimensions and configuration cannot reasonably accommodate 10 lots. Evidence of this fact is provided by existing aerial photography, and by physical inspection of the surrounding neighborhood. Additional evidence will be provided at the hearing.
- 2) In approving 10 lots for this site, The Planning Commission also failed to satisfy item 40.15.15.C.6 of the City's guidelines for Preliminary Planned Unit Development Conditional Use Application Process. This number of lots is not reasonably compatible with the livability of surrounding properties, nor can it promise minimal impact on neighbors. Evidence of this fact is provided by existing aerial photography, and by physical inspection of the site and surrounding neighborhood. Additional evidence will be provided at the hearing.
- 3) The Commission found that the negative impact of smaller lot sizes and more lots than normally allowed by R-7 zoning is offset by the inclusion of amenities such as a tot lot and a basketball court. This finding is in error, as it represents a miniscule positive in the face of overwhelming negatives, such as crowding, noise, light at night, increased auto and pedestrian traffic, and challenging fire protection, as will be shown at the hearing.
- 4) When the Commission adopted condition of approval #10, it failed to adequately recognize the public safety risk associated with the existing access easement. The posting of signage is an ineffective and unenforceable remedy for a very real safety problem. Signage will not prevent homeowners in the development from using this obvious shortcut to Canyon Lane and Canyon Road. The narrow easement passes within mere feet of home where small children reside. Garage doors open directly onto this easement. Sight lines range from short to non-existent for drivers. This is a uniquely dangerous scenario. Additional evidence will be provided at the hearing.
- 5) When the Commission adopted condition of approval #9, it failed to ensure that new homes constructed within the development will be compatible with the age and amount of architectural detail found in homes in the surrounding area. The Commission's own record will show that commissioners acknowledged that there is no way to actually enforce such compatibility on the developer or subsequent homeowners. Further evidence of this will be provided at the hearing.

Sincerely,



Dan T. Cox
Appellant

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CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

NOTICE OF DECISION

December 20, 2006

To Whom It May Concern:

Attached, please find a copy of the approved Land Use Order finalizing the PLANNING COMMISSION decision for CU2006-0001/LD2006-0004 - POINTER 11-LOT PUD.

The PLANNING COMMISSION decision is final within, but may be appealed within ten (10) calendar days after the date the signed notice is dated and mailed. The appeal closing date is **4:30 p.m., Tuesday, January 2, 2007.** Pursuant to Section 50.70, an appeal application shall contain the following minimum information:

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

The appellate decision making authority on appeal of Type 3 decision shall be the City Council. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.85 through 50.88 except as otherwise required by statute.

Please note that the failure to comply with the requirements of Sections 50.70.1 and 50.70.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.

The current appeal fee due at time of filing is \$1,314.00. The fee amount depends upon the action being appealed and the number of appeals being filed. Furthermore, pursuant to Section 50.70.5.E if the appeal is requested to be on the record, a fee to cover the cost of preparing a transcript of the decision-making authority proceedings is required. The appellant shall remit a fee to cover the cost of the transcript of the decision-making authority's proceedings within five (5) days after the Director estimates the cost of the transcript. Within ten (10) days of the notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. If the estimate exceeds the cost, the balance shall be refunded.

The complete case file is available for review at the Development Services Division, Community Development Department, 2nd Floor, City Hall, 4755 SW Griffith Drive. Hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, except for holidays. For more information about the project, please contact Liz Jones at 503-350-4082.

Sincerely,

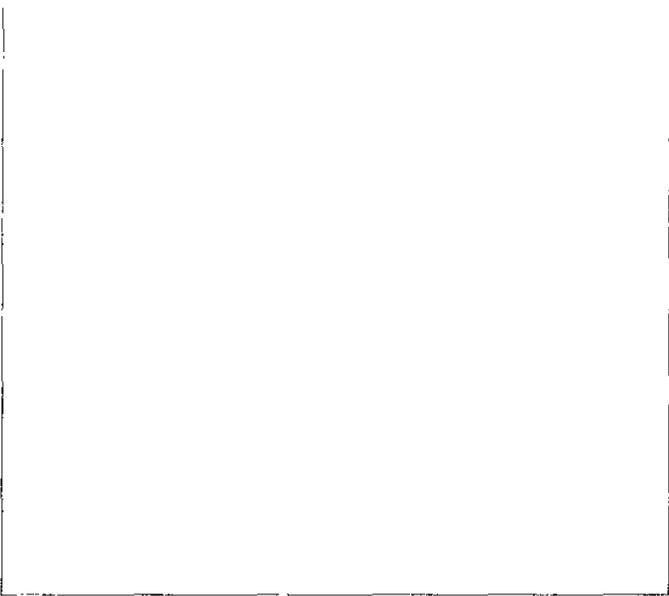


Steven A. Sparks, AICP
Development Services Manager

cc: Ronnie Wilson	Karl Mawson	Sid Snyder
Terence J Yamada	Bruce Goldson	Maria Pomeroy
Dan Cox	Barb Foster	Kent Slack
Julie Draper	Patrick Bissan	Mary Kroger
Dolores & Bow Davis	Jim Duggan	Brad Roast
Nadine Smith	Naomi Vogel-Beattie	Jennifer Garland
Liz Jones	Project File	

**BEFORE THE PLANNING
COMMISSION FOR
THE CITY OF BEAVERTON,
OREGON**

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



IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 1933
ON A CONDITIONAL USE FOR A FINAL) CU2006-0001 ORDER APPROVING
PLANNED UNIT DEVELOPMENT TO PROVIDE) POINTER 11-LOT PUD CONDITIONAL USE
FLEXIBILITY TO THE SITE DEVELOPMENT)
REQUIREMENTS OF THE R-7 ZONE (POINTER 11-))
LOT PUD). COMPASS ENGINEERING,)
APPLICANT.)

The matter came before the Planning Commission on December 13, 2006, on a request for a Conditional Use approval for a final Planned Unit Development (PUD) to provide flexibility to the site development requirements of the R-7 zone. Specifically, the applicant is requesting to reduce the average lot size below the required 7,000 square foot minimum, to deviate from the minimum lot width and depth, and to reduce the building setbacks. The development site is generally located at 7385 SW Canyon Lane and is more specifically identified as Tax Lot's 2900, 3200, 3301, and 4001 on Washington County Tax Assessor's Map 1S1-01DC respectively.

Pursuant to Ordinance 2050 (Development Code) Sections 50.15.2 and 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated December 6, 2006, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.15.15.4.C of the Development Code. The Commission also adopts the following supplemental findings, below, in response to the issues of concern that were identified by the Commission and members of the public, at the hearing.

Number of Proposed Lots. The Commission heard public testimony from neighbors within the West Slope neighborhood, who were concerned that the applicant's request for an 11 lot PUD was excessive with regard to the number of lots and would not be compatible with the existing neighborhood. The Commission made findings that the site is constrained and that the proposed PUD provides usable open space amenities which can mitigate for the site development reductions requested. However, the Commission concurred with the public testimony that the number of lots was excessive, considering that the lots shown on the proposed drawings as lots 6-9 were less than 4,000 square feet in size. Generally, the Commission found that the more the lot size decreases from 7,000 square feet, the potential for incompatibility to its surroundings is increased. Therefore, the Commission made findings that for the development to be reasonably compatible with the surrounding area; one (1) lot should be removed from the plan, in the area comprised of proposed Lots 4-9. Further, the Commission found that for compatibility the new lots in this area need to contain a minimum of 5,000

square of land area. The Commission understood that one lot, identified as Lot 3, could be less than 5,000 square feet in size if it is found to be necessary to reduce the total area of Lot 3 below 5,000 square feet so that the parcel area of the lots to the south of Lot 3 will have a parcel area of no less than 5,000 square feet. Therefore, the Commission adopts Condition of Approval #2, which requires the applicant to revise the development plan for a maximum of ten (10) lots, whereby at least nine (9) of the lots would be greater than 5,000 square feet in size.

Noise and Light Impacts of Basketball Court and Tot Lot. Public testimony was received during the public hearing of December 13, 2006 concerning potential noise and light impacts of the proposed basketball court and tot lot. The Commission concurred that there was the potential for noise and light from the play areas to impact surrounding properties. To address this concern, the Commission adopts Condition of Approval #3 which requires a solid wood fence be constructed along the southern property line of the open space tract, starting in a location approximately 15 feet west of the basketball court and extending past the tot lot. To address the potential for light impacts and to meet Final PUD Criterion #8 and #9, the Commission adopts Condition of Approval #7 which prohibits lighting from being installed at the basketball court and requires the CCR's for the development to include language prohibiting such lighting.

Landscape Details. The Commission expressed concern regarding the landscape details and methods of proposed planting, illustrated on Sheet

L3.3. Specifically, the Commission indicated concern that the planting method of leaving the burlap or wire basket around the root ball of the trees would not be an appropriate planting method because the wire could restrict plant growth. Therefore, in order for the proposal to meet Final PUD Criterion #8, the Commission adopts Condition of Approval #5, which requires the applicant to submit a revised landscape detail sheet illustrating the wire basket and burlap to be removed prior to planting.

Private Street. The Pointer Road PUD lots are proposed to be accessed via a private street. The Commission indicated concern that private streets are not provided the same level of City services as public streets and the Commission made findings that the future homeowners of Pointer Road PUD should be informed that the street will be private. Therefore, the Commission adopts Condition of Approval #6 which requires the applicant to inform the future homeowners that the internal street is private with labels and notes on the subdivision plat indicating such.

Architectural Details. The Commission determined that the homes ultimately constructed in the Pointer Road PUD, might not be architecturally compatible with the age of homes and amount of architectural detail found in homes in the surrounding area. The Commission found that due to the lessening of site development requirements as part of the PUD, additional measures were necessary to mitigate for the smaller lot sizes and expected building mass of the future homes. The Commission noted that Development Code Section 20.05.55.1, requires all detached dwellings to contain a

minimum of two (2) out of twelve specified design features, listed in that Section. The Commission found that to ensure the homes in Pointer Road PUD contain a higher level of architectural detail than a typical detached home, four (4) of the design features should be integrated into the design of each home. Therefore, in order to meet Final PUD Criterion #8 and #9, the Commission adopts Condition of Approval #9, which requires a minimum of four (4) design features listed in Section 20.05.55.1 to be incorporated into the design of the homes.

Access Easement Signage. The Commission heard testimony from Mr. Kent Slack indicating concern that vehicles from the development may use the existing access easement which runs north/south between Pointer Road and Canyon Lane. To minimize unauthorized vehicles from using this private easement, the Commission adopts condition of approval #10 which requires the applicant to install signage communicating the private nature of the access easement.

Tot Lot Design. The Commission indicated concern regarding the proposed design of the active tot lot area in the southeastern corner of the open space. The applicant's materials do not specify the surface material of the tot lot and no elevations are provided for the structure. Therefore, to ensure the tot lot incorporates a soft surface and that there are adequate play facilities incorporated into the design, the Commission adopts Condition of Approval #4 to require the applicant to provide at minimum, a soft surface, a play structure, and two (2) play amenities.

Therefore, IT IS HEREBY ORDERED that CU2006-0001 is APPROVED, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report, as amended, dated December 6, 2006, and the supplemental findings contained herein. The Conditional Use permit shall include the following additional Conditions of Approval:

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

1. Be aware that the conditional use granted shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit. (LJ/Development Services)
2. Submit revised plan illustrating a maximum total of ten (10) lots. The revised lot plan for the area comprised of proposed lots 4 through 9, shall be a minimum of 5,000 square feet in size. The revised plan shall show that proposed Lot 3 is no less than 4,000 square feet in size. (LJ/Planning Commission)
3. Provide revised plans that illustrate solid wood fencing on the southern property line, to extend west 15 feet of the basketball hoop and to continue along the southern property line up the eastern property line, and to extend 10 feet towards the north beyond the tot lot. (LJ/Planning Commission)
4. Provide detailed plans illustrating the tot lot incorporates soft surface in the design with a minimum of one play structure and two play amenities. (LJ/Planning Commission)
5. Provide revised landscape details that specify the wire baskets and burlap are to be removed prior to planting of trees and shrubs. (LJ/Planning Commission)

Prior to Final Plat approval, the applicant shall:

6. Provide clear identification on the plat subject to Washington County authority for subdivision plats, that illustrates the private street on easement to be "private". (LJ/Planning Commission)

7. Submit Conditions, Covenants, and Restrictions document (CCR's) containing language prohibiting lighting on the basketball court. There shall be no lighting on the basketball court. (LJ/Planning Commission)

Prior to building permit issuance, the applicant shall:

8. In accordance with Section 10.65.5.A.6 of the Beaverton Development Code, file a copy of this approved permit with the Washington County Department of Assessment and Taxation. The conditions of approval to be recorded may be in the form of a Land Use Order or other City issued document. The City may conduct the recordation and the applicant shall pay the applicable recording fee. (LJ/Development Services)
9. Provide architectural building elevations as part of the building permit that incorporate a minimum of four (4) design features listed in Development Code section 20.05.55.1. (LJ/Planning Commission)

Prior to occupancy permits for any dwelling unit, the applicant shall:

10. Install signage identifying that the north/south driveway easement, which extends from Pointer Road to Canyon Lane Canyon Lane is a private road with no public access. Signage shall be duplicated at least twice. (LJ/Planning Commission)

Motion CARRIED, by the following vote:

AYES: Maks, Kroger, Bobadilla, Winter, and Johansen.
NAYS: None.
ABSTAIN: None.
ABSENT: Pogue and Stephens.

Dated this 20th day of December, 2006.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1933, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on Tuesday, January 2, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

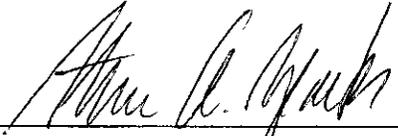


LIZ JONES
Associate Planner

APPROVED:



ERIC H. JOHANSEN
Chairman



STEVEN A. SPARKS, AICP
Development Services Manager

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EXHIBIT F

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PLANNING COMMISSION MINUTES

December 13, 2006

CALL TO ORDER: Chairman Eric Johansen called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Eric Johansen, Planning Commissioners Scott Winter, Wendy Kroger, Melissa Bobadilla, and Dan Maks. Commissioners Ric Stephens and Shannon Pogue were excused.

Senior Transportation Planner Margaret Middleton, City Transportation Engineer Randy Wooley, Associate Planner Liz Jones, Senior Planner Colin Cooper, AICP, Senior Planner John Osterberg, Assistant City Attorney Ted Naemura and Recording Secretary Sheila Martin represented staff.

The meeting was called to order by Chairman Johansen, who presented the format for the meeting.

VISITORS:

Chairman Johansen asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Staff indicated that communications would be addressed later in the meeting.

OLD BUSINESS:

Chairman Johansen opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning

1 **OLD BUSINESS:**

2
3 **II. POINTER 11-LOT PUD**

4 **A. LD2006-0004 – LAND DIVISION**

5 **B. CU2006-0001 – CONDITIONAL USE-FINAL PLANNED UNIT**
6 **DEVELOPMENT**

7 *(Continued from November 8, 2006)*

8 The applicant requests approval of a Conditional Use-Final
9 Planned Unit Development and a Land Division-Preliminary
10 Subdivision. The scope of the Land Division application is for the
11 creation of 11 single family home lots and an open space tract with
12 associated street and access tracts. The applicant is requesting
13 Conditional Use approval for a Final Planned Unit Development to
14 provide flexibility to the site development requirements of the R-7
15 zone. Specifically, the applicant is requesting to reduce the average
16 lot size below the required 7,000 square foot minimum, to deviate
17 from the minimum lot width and depth, and to reduce the building
18 setbacks. For specific modifications, please refer to the applicant's
19 materials on file at City Hall.
20

21 Commissioner's Maks, Winter, and Chairman Johansen indicated that
22 they are familiar with the site and had no contact with any
23 individual(s) regarding this proposal.
24

25 Associate Planner Liz Jones presented the Staff Report, and discussed
26 the two applications associated with this proposal. She explained that
27 the applicant is asking for the PUD application to provide flexibility to
28 the site development requirements, specifically for the deviation of
29 those requirements for the lot size, depth, width, and to reduce the
30 building setback. She noted that the existing lot is irregularly shaped
31 and has limited frontage on Pointer and Canyon, and that the vehicle
32 access is only provided to the proposed 11-lots via the access road, with
33 no vehicular access provided to Canyon Lane. She explained that the
34 applicant is proposing to maintain the existing driveway and the
35 easement and leave it untouched, adding that some of the physical
36 work involved with getting the utilities extended through the site will
37 then result in the repaving of the driveway, and that the driveway will
38 remain open in it's full width for the existing residents surrounding
39 the site and will not be open to the new homes. Concluding, she
40 recommended approval of the two applications subject to the conditions
41 of approval, and pointed out that the majority of the conditions are
42 standard, with the exception of four conditions as follows:
43

- 1 • Condition #17 – requires the applicant to submit a revised
2 landscape plan that illustrates no vegetation within the area of the
3 basketball court/emergency turnaround and that illustrates clearly
4 legible plant symbols.
5 • Conditions #39 through #41 are transportation related and pertain
6 to the dedication of easements and right-of-way.

7
8 Referring to the staff report, page COA-3, Condition of Approval #12,
9 Commissioner Kroger observed that a geotechnical and geo-
10 environmental report of the sight was requested. She questioned
11 whether this report will also request a test for pesticide residue.

12
13 Ms. Jones indicated that potential contaminates may exist on the site
14 based on the previous nursery use and should be part of the analysis.

15
16 Commissioner Kroger stated that she would like to recraft Condition of
17 Approval #12 to ensure that “pesticides” are to be identified as part of
18 the geotechnical and geo-environmental analysis.

19
20 **APPLICANT**

21
22 **KARL MAWSON** with *Compass Engineering* discussed the history of
23 this proposal. Observing that one of the outstanding characteristics of
24 the sight is the amount of impervious surface, he pointed out that this
25 proposal involves an infill project. He described the access issue,
26 noting that while the commercial business had access only to SW
27 Canyon Lane, they did not utilize this access a lot. He discussed
28 changes to the PUD process, emphasizing that this provides an
29 alternative method to create lots. He explained that the applicant had
30 made revisions to “sprinkle” all the houses and not provide a
31 turnaround, noting that this involves what he described as a typical
32 tradeoff with a fire department. He discussed setbacks, observing
33 that the scale of the lots drives the scale of the houses and that this
34 would create smaller houses with smaller setbacks. He pointed out
35 that this would most likely attract professionals who do not tend to
36 have large families, expressing his opinion that this type of residential
37 use does work for this neighborhood much better than if this site
38 continued as a commercial use.

39
40 **BRUCE GOLDSON** with *Compass Engineering* expressed his opinion
41 that the private street fits this development and provides less
42 impervious area than a public street and would facilitate a better
43 control of the storm water facility which is both a detention and water
44 quality facility.

1 **RONNIE WILSON**, representing *R. K. Wilson*, the developer of this
2 site, explained that site had been difficult to work with. Observing
3 that he is willing to work with the neighbors, he offered to respond to
4 questions.

5
6 Observing that this site is not located within the *Beaverton School*
7 *District*, Mr. Mawson pointed out that the *Portland School District* is
8 positive with regard to any impacts to the district.

9
10 Commissioner Mays questioned whether the applicant had considered
11 retaining the R-7 zoning designation and attempting to obtain an
12 adjustment with regard to the lot size dimensions.

13
14 Mr. Mawson advised Commissioner that the applicant had started on a
15 subdivision before determining that a PUD was the most appropriate
16 approach,

17
18 Referring to the landscape plan, Commissioner Kroger questioned
19 where the junipers would be located.

20
21 Mr. Mawson responded that the junipers would be placed around the
22 edge of the site.

23
24 Commissioner Kroger explained that she would like further
25 information with regard to the location of the various types of trees.

26
27 Commissioner Winter pointed out that the compatibility issue had not
28 yet been addressed.

29
30 Mr. Mawson emphasized that the applicant is attempting to maximize
31 the site while meeting the R-7 standards, adding that there are some
32 trade-offs. He explained that there are some open spaces provided in
33 lieu of larger lots.

34
35 Chairman Johansen requested further information with regard to the
36 screening, specifically whether it would include fencing and/or
37 vegetative screening.

38
39 8:23 p.m. through 8:36 p.m. – recess.

40
41 **PUBLIC TESTIMONY**

42
43 **DAN COX** testified in opposition to the requested zoning variances for
44 lot size and setbacks reduction. He expressed his opinion that the

1 Variance proposal does not satisfy the City of Beaverton's approval
2 criteria and fails to satisfy item's No. 5 and 6. He pointed out that 11
3 large homes on 11 small lots with reduced setbacks is not reasonably
4 compatible with the livability of the surrounding properties or the
5 concept of minimal impact on neighbors.

6
7 Mr. Cox expressed his opinion that the proposed homes are upscale
8 and in stark contrast to the existing historic neighborhood, adding that
9 the developer sometimes describes his residential projects as
10 "American opulence", which does not sound like West Slope. He also
11 expressed his opinion that the developer's other projects showcase
12 elitist homes that are completely incompatible with the West Slope
13 neighborhood, adding that if past projects predict the potential future
14 for West Slope, it is gentrification that they don't need.

15
16 Mr. Cox stated that it is bad enough that the proposed development is
17 excessive and intrusive, that it will disrupt the established and historic
18 nature of West Slope, and that these homes could tower over the
19 neighborhood. He expressed concern with the increased noise, car
20 traffic and dramatic increase in pedestrian traffic on the access lane to
21 Canyon Lane, which he considers to be a blind narrow lane with more
22 people using it more than ever before. He also expressed concern
23 regarding the street lights which he believes will shine into the
24 bedroom windows of the neighbors.

25
26 Concluding, Mr. Cox stated that all these bad things would happen
27 with 7 lots or 9 lots, and magnified with 11 lots. He paraphrased
28 Mayor Drake at a neighborhood meeting a few months ago in which he
29 described West Slope as "a special place, refreshingly uncrowded, park
30 like, with plenty of elbow room". He urged the Commission to say no
31 to the Variance and to stand by the R-7 zoning, and reiterated that it
32 does not satisfy items 5 or 6 of the PUD criteria.

33
34 **JULIE DRAPER** testified in opposition of the development. She
35 mentioned that she has lived in the West Slope Development
36 approximately 16 years, and expressed her concern with the number of
37 houses proposed and drainage issues. She also expressed concern
38 regarding the entrance to the proposed development, emphasizing that
39 it is a single family dwelling that provides access right off of Pointer.
40 She described the single family dwelling as a beautiful, old home on a
41 huge lot, with an approximately 50-60 year old maple tree in the back
42 yard. Acknowledging that ledged that development has to occur in her
43 neighborhood, but she would like to see more of the older trees

1 preserved rather than “razzed” and cut down and replaced with
2 saplings that have 20 years to go before they provide shade.

3
4 Ms. Draper expressed her opinion that it is not acceptable to cram so
5 many tall houses into one acre without regarding the neighborhood of
6 mostly single level homes.

7
8 **MARIA POMEROY** testified that she lives adjacent to the proposed
9 development. She stated that she does welcome neighbors, adding that
10 this will be a great addition; however, she expressed her concern
11 regarding the transition from a quiet open area to the proposed 11 lot
12 development. She expressed her opinion that the livability of the
13 neighborhood will be compromised, and mentioned her concerns with
14 the road that approaches Canyon Lane, adding that there is a blind
15 spot and that a lot of children play in this area.

16
17 Ms. Pomeroy explained that she is concerned with fire, adding that
18 when she reviewed the plans, she observed 5 feet between the homes,
19 which she believes to be a fire hazard. Concluding, she emphasized the
20 need for a measure of sensitivity when the proposed houses are built to
21 the whole neighborhood, so that the whole neighborhood can
22 appreciate and respect one another and live in harmony and not have
23 animosity.

24
25 Chairman Johansen questioned whether the pathway to Canyon Lane
26 had street lighting.

27
28 Ms. Pomeroy stated the only lighting available on the pathway is from
29 one of the houses if lights are on, adding that this property is very
30 dark.

31
32 **KENT SLACK** testified that he has lived in this area for 16 years, and
33 expressed his concern with the safety of the easement on 75th, adding
34 that the vehicles from the development may use the access easement
35 which runs north and south between Pointer Road and Canyon Lane.
36 He discussed the street lighting on 75th, emphasizing that it is very
37 dark, and that the vehicles from the development may create a safety
38 problem.

39
40 Observing that Mr. Slack indicated concern pertaining to trespassing
41 through this easement, Commissioner Bobadilla questioned what Mr.
42 Slack proposes that the applicant provide as a form of mitigation.

43

1 Mr. Slack stated that while he is in favor of this development, his
2 biggest concern is the traffic traveling up the easement. He suggested
3 that the applicant provide signage that would prohibit vehicles from
4 using this private easement.

5
6 **BARB FOSTER** testified that she has lived in the area for 20 years,
7 and stated that she is in support of the project. Emphasizing that
8 change is inevitable, and expressing her opinion that the neighborhood
9 has become accustomed to the way that the area is, she pointed out
10 that this project is probably the best of a variety of alternatives. She
11 expressed her opinion that the project had been carefully thought out
12 and reiterated that change is inevitable, and therefore, speaks in favor
13 of the project.

14 **APPLICANT'S REBUTTAL**

15
16
17 Mr. Wilson discussed neighborhood and compatibility issues, and the
18 trend of several other properties in this area, particularly minor
19 partitioner lots. Emphasizing that he knows what he is doing with
20 this proposal, he pointed out that the applicant does plan on creating a
21 project that is compatible with the existing neighborhood.

22
23 Mr. Goldson expressed his opinion that the neighbors have a
24 misconception with regard to the current drive off of SW Canyon,
25 noting that the current plan allows no vehicles to access the site,
26 although this precludes emergency vehicles. He explained that one
27 possible concern with vehicles potentially turning to the west and
28 going down the private access includes appropriate signage, indicating
29 that this is a private drive and not a public street.

30
31 Ms. Jones explained that staff would like some clarification with
32 regard to certain elements of the applicant's proposal that are
33 somewhat conflicting. She pointed out that the sprinkling is not only
34 required, but that it is now being proposed. Referring to the open
35 space and proposed amenities, she noted that while the plan shows a
36 typical symbol for a tot lot, this is not labeled. She noted that the wire
37 basket and burlap issue could be addressed through a Condition of
38 Approval, adding that these should be removed prior to planting.

39
40 Emphasizing that the 240-day deadline for a final decision is
41 approaching, Ms. Jones pointed out that this deadline is February 23,
42 2007. She noted that due to the reduced scheduling that typically
43 occurs during the winter holidays, staff recommends that the

1 Commission make a decision this evening in order to make certain that
2 this deadline is met.

3

4 Commissioner Maks discussed the proposed home designs,
5 emphasizing that the pretty pictures mean absolutely nothing without
6 appropriate Conditions of Approval.

7

8 Commissioner Kroger requested that the applicant provide further
9 information with regard to the number of lots proposed for this
10 development and questioned whether minimum density could be
11 achieved if the number of lots is reduced.

12

13 Observing that the minimum density requirement is only 7, Ms. Jones
14 pointed out that the applicant needs to meet both the minimum and
15 maximum density.

16

17 Commissioner Kroger questioned whether it would be feasible to have
18 9 lots rather than 11 lots.

19

20 Ms. Jones responded that staff would prefer that the Commission
21 make findings to establish how 9 lots would create less of an impact
22 than 11 lots.

23

24 The public portion of the Public Hearing was closed.

25

26 Referring to the 50,000 foot level, Commissioner Winter pointed out
27 that while R-7 means a minimum lot size of 7,000 square feet, none of
28 these proposed lots are close to 7,000 square feet. He pointed out that
29 he would have anticipated more objections by those in the neighboring
30 developments and expressed his opinion that this proposal is really
31 close to the borderline with regard to neighborhood compatibility.

32

33 Commissioner Bobadilla agreed with the comments of Commissioner
34 Winter, adding that she would also prefer some sort of Condition of
35 Approval with regard to Mr. Slack's easement and suggested possible
36 speed humps.

37

38 Referring to the Tualatin Valley Fire & Rescue (TVF&R) issue,
39 Commissioner Maks pointed out that he wants to make certain that
40 there is a Condition of Approval providing that the turnaround and
41 sprinkling is included, adding that he would also like solid fencing
42 around the border of the tot lot adjacent to the other properties and ten
43 feet in each direction. He mentioned the basketball court, adding that
44 he would like to condition a solid wood fence along that property. He

1 explained that he does not have any problem with the proposed
2 number of lots, noting that the applicant has maximized both the
3 density and use of the land. Emphasizing that this proposal is within
4 the Urban Growth Boundary (UGB), he noted that we are supposed to
5 build between 7 and 11 homes on this piece of property in order to
6 maintain this land use vision for the State of Oregon to live and
7 develop within the UGB to preserve our farms and forest lands.
8 Concluding, he noted that change can be difficult and expressed his
9 opinion that this is a good proposal that maximizes the density.

10
11 Observing that this is a very difficult decision, Commissioner Kroger
12 pointed out that we do live within the UGB and that this proposal is
13 better than many she has reviewed. She noted that she would be
14 comfortable with consolidating 4 lots down to 3 lots, and explained that
15 this would create 10 lots, rather than 11 lots. She mentioned that she
16 is still concerned with the fact that this involves a private street,
17 adding that she would like to make certain that every single plat map
18 indicates that this is a private street.

19
20 Agreeing that this is a tough decision, Chairman Johansen expressed
21 his opinion that a key issue involves this R-7 zoning district, adding
22 that in this district, there is a certain expectation with regard to what
23 would be built. Emphasizing his concern with compatibility and
24 creating lots that are close to 7,000 square feet, he expressed his
25 support of consolidating 4 lots into 3 lots.

26
27 Commissioner Maks observed that while he may be able to determine
28 the size of the largest lot that can be built on, he is not able to actually
29 condition the square footage of a lot.

30
31 Assistant City Attorney Ted Naemura agreed with Commissioner
32 Maks' observation.

33
34 The Commission discussed and agreed with the following proposed
35 options:

- 36
37 1. Consolidating the 4 lots into 3 lots;
38 2. TVF&R sprinklers and turnaround;
39 3. 6-foot solid wood fencing on property lines of tot lot and
40 additional 10 feet (from the tot court to the access);
41 4. Removal of the wire baskets and burlap prior to planting;
42 5. Traffic calming devices along the southern easement, *if possible*;
43 6. Design features;
44 7. The CC&Rs will include no lighting on the basketball court;

- 1 8. The plat map must indicate the private street; and
- 2 9. Pesticides are listed.

3
4 9:52 p.m. through 10:06 p.m. – recess.

5
6 Observing that he is attempting to draft Conditions of Approval,
7 Commissioner Maks pointed out that the TVF&R option is already
8 addressed since TVF&R needs to sign off on the project. He explained
9 that while 2 of the design features are required by the Development
10 Code, he would suggest that the applicant be required to provide 4
11 design features. He pointed out that he is working on the private
12 street, pesticide, and wire baskets/burlap removal issues, adding that
13 he is having issues with drafting conditions with regard to the fencing
14 and traffic calming device and suggested that staff make some
15 recommendations.

16
17 The public portion of the Public Hearing was reopened only for the
18 purpose of receiving additional staff comments.

19
20 Referring to the fencing on the southern border of the site, Ms.
21 Shotwell explained that staff's concern involves ensuring exactly what
22 this would address. She pointed out that the 6-foot fence would not
23 necessarily address the lighting issue.

24
25 Commissioner Maks observed that in some locations, the fence would
26 deprive the residents of the opportunity to look at the open space that
27 has been created.

28
29 Ms. Shotwell noted that staff would like to receive input from the
30 neighbors with regard to traffic calming, adding that she had heard a
31 suggestion for signage, rather than speed humps. On question, she
32 advised Commissioner Maks that TVF&R does not need this easement.
33 Commissioner Maks suggested the possibility of conditioning the
34 applicant to install a gate to prevent unauthorized individuals from
35 using this access. He pointed out that the City would have no other
36 options if the signs are put up and they do not work, emphasizing that
37 this would not be reasonably compatible.

38
39 Commissioner Winter noted that westbound Pointer Road leads
40 nowhere and suggested that this might address the easement issue as
41 there is no reason for vehicles to go in that direction.

42
43 Observing that this does not prevent these vehicles from going back
44 out the other direction, Commissioner Maks suggested that this issue

1 be conditioned with signage, adding that if it fails, civil action will be
2 necessary.

3
4 Noting that staff is opposed to the proposed fencing, Chairman
5 Johansen suggested and the Commission agreed that the extent of the
6 fencing should be 15 feet to the west of the basketball hoop to 10 feet
7 north of the tot lot.

8
9 10:20 p.m. through 10:30 p.m. – recess.

10
11 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**
12 a motion to **SUSPEND** the 10:30 rule until 10:45 p.m.

13
14 Motion **CARRIED**, unanimously.

15
16 Commissioner Maks **MOVED** and Commissioner Kroger **SECONDED**
17 a motion to **APPROVE** CU 2006-0001 – Pointer 11-Lot PUD, based
18 upon the testimony, reports and exhibits presented during the public
19 hearings on the matter and upon the background facts, findings and
20 conclusions found in the Staff Report dated November 6, 2006, as
21 amended, including the additional evidence received this evening
22 through correspondence provided by staff and testimony received from
23 the public, and including additional Conditions of Approval, as follows:

- 24
25
- 26 • Applicant shall provide solid wood fencing on the southern
27 property line to extend west 15 feet of the basketball hoop and to
28 continue along the southern property line up the eastern
29 property line and to extend 10 feet towards the north beyond the
30 tot lot;
 - 31 • Tot lot shall be soft surface with 1 play structure and 2 play
32 amenities;
 - 33 • Wire basket and burlap shall be removed from all planting
34 material;
 - 35 • Signage identifying southern easement access to SW Canyon
36 Lane shall be provided identifying such as a private road with
37 no access and shall be duplicated at least twice;
 - 38 • Applicant shall be required to use 4 design features listed in
39 Development Code Section 20.05.55.1;
 - 40 • There shall be no lighting on the basketball court and this shall
41 also be reflected within the CC&Rs;
 - 42 • The plat shall identify the private street within the street cross-
43 section and plan;
 - 44 • Condition of Approval No. 12 shall include the word “pesticide”;
and

- Lots 4 through 9 shown on the submitted plans, a reduction of 1 lot shall occur and minimum lot size shall be 5,000 square feet.

Motion **CARRIED**, 5:0:

- AYES:** Maks, Kroger, Bobadilla, Winter, and Johansen.
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** Pogue and Stephens.

Commissioner Maks **MOVED** and Commissioner Bobadilla **SECONDED** a motion to **APPROVE** LD 2006-0004 – Pointer 11-Lot PUD, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated November 6, 2006, as amended, including the additional evidence received this evening through correspondence provided by staff and testimony received from the public.

Motion **CARRIED**, 5:0:

- AYES:** Maks, Bobadilla, Kroger, Winter, and Johansen.
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** Pogue and Stephens.

MISCELLANEOUS BUSINESS:

Commissioner Maks expressed his appreciation to Commissioner Kroger for her preparedness, expertise, and feistiness, adding that he would miss her. Observing that Commissioner Pogue is not in attendance this evening, he emphasized that he is a fine man, a great citizen, and a phenomenal Planning Commissioner. He advised him to prepare his neighborhood for annexation, pointing out that he will miss him and wants him back.

Commissioner Maks expressed his appreciation to Chairman Johansen for his leadership throughout the last year, noting that he had done a great job because he had been well-trained.

Commissioner Maks **MOVED** to nominate Commissioner Winter to serve as Vice-Chairman for the year 2007.

Commissioner Winter **ACCEPTED** the nomination.

1 Motion **CARRIED** unanimously.

2

3 Observing that he is stepping down as Chairman, Chairman Johansen
4 **MOVED** to nominate Commissioner Maks to serve as Chairman for
5 the year 2007.

6

7 Commissioner Maks **ACCEPTED** the nomination.

8

9 Motion **CARRIED** unanimously.

10

11 **APPROVAL OF MINUTES:**

12

13 Minutes for the November 15, 2006, meeting submitted.
14 Commissioner Winter **MOVED** and Commissioner Kroger
15 **SECONDED** a motion that the minutes be approved as submitted.

16

17 Motion **CARRIED**, unanimously.

18

19 **MISCELLANEOUS BUSINESS:**

20

21 The meeting adjourned at 10:43 p.m.

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MEMORANDUM
City of Beaverton
Community Development Department

"make it happen"

To: Planning Commission
From: Liz Jones, Associate Planner *LJ*
Date: December 13, 2006
Subject: *Pointer Road 11-Lot PUD (CU2006-0001/LD2006-0004)*

The attached email from Steve Schell was received by the City on December 10, 2006 and staff requests to have this email added to the public record as Exhibit 2.8.

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EXHIBIT 2:8**Steven Sparks**

From: Sue Nelson on behalf of Mailbox Citymail
Sent: Monday, December 11, 2006 2:33 PM
To: Steven Sparks
Cc: Joe Grillo; Rob Drake; Linda Adlard
Subject: FW: Pointer 11-Lot PUD

From: Steve Schell [mailto:steveschell@comcast.net]
Sent: Sunday, December 10, 2006 10:46 PM
To: Mailbox Citymail
Subject: Pointer 11-Lot PUD

Planning Staff:

I have reviewed the information on the web site but still don't have a drawing, based on what appears to be the recent reconfiguration as a result of additional property acquisitions, showing how the PUD is to be laid out, where the lots are, where the required open space is, a diagram of what active use will be made of the open space, or where the on-site water retention area is. As an abutting neighbor (7335 SW Canyon Lane (I believe you meant to say Canyon Lane, not Canyon Road in one part of the Staff Report)) I need those drawings to understand the impact of the project on my property. Please provide or have developer's engineer provide copies of the necessary drawings to me by return email. (My sense is that they should have been included as part of your staff report and may I be so bold as to suggest that in the future you add such drawings were there is infill. If you can do a vicinity map, surely you can provide drawings.)

Until I have had an opportunity to review those drawings I must object to the development as violating 40.03.8 and-9; 60.30.10; whether the site can accommodate the proposal; and "whether the proposal can be made reasonably compatible with and have a minimal impact on livability and appropriate development of the properties in the surrounding area."

While I have no objection to the play equipment on the open space, I am particularly concerned with having a basketball court and possible lighting within 20 feet of my bedroom patio door. Please add a condition that would prohibit this kind of active use within 50 feet of any bedroom and would prohibit lighting.

Please add this to the record in this matter for appeal purposes.

Thank you.

Steve Schell

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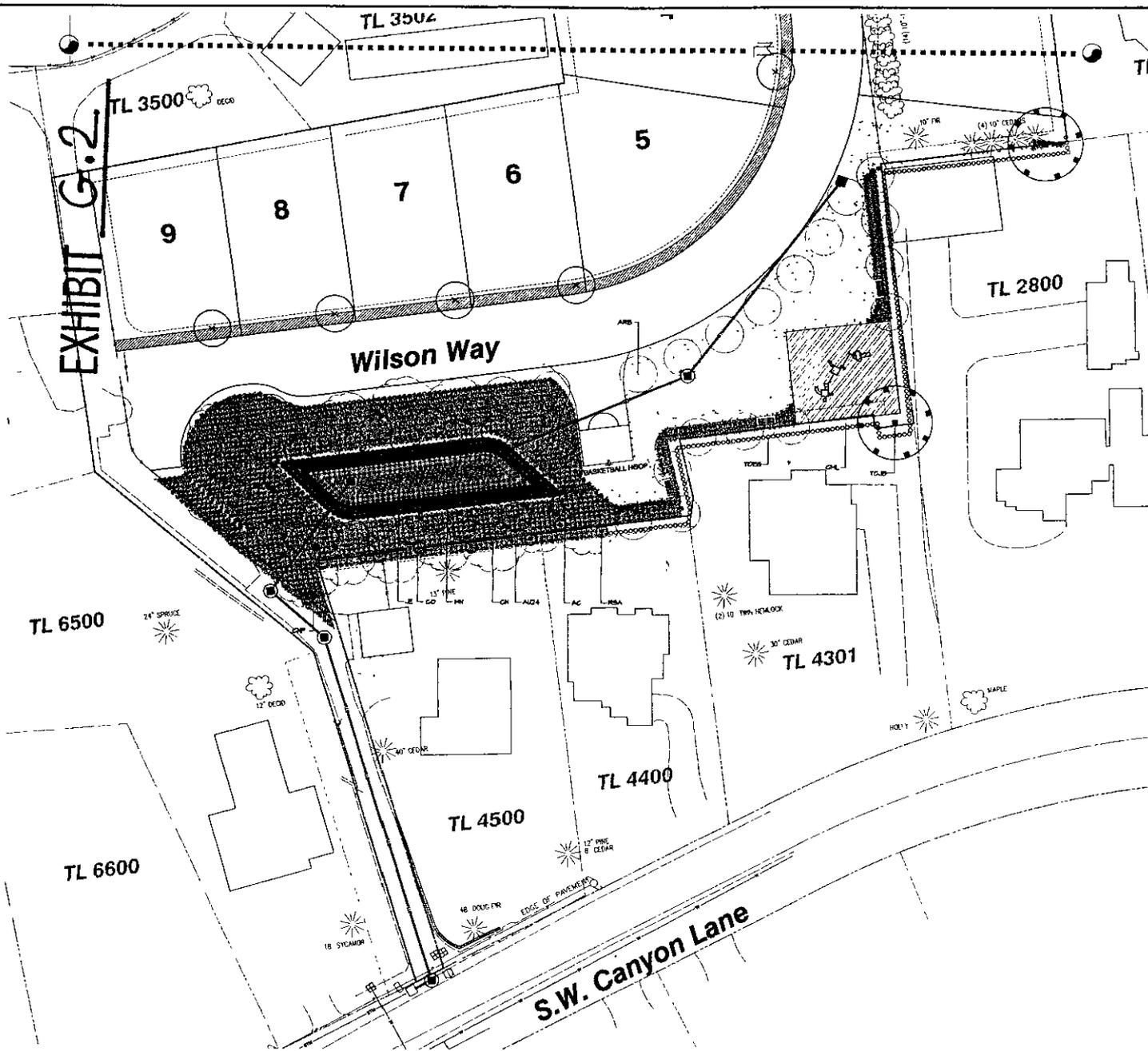


EXHIBIT G-2

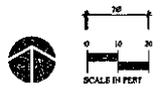
LEGEND LI

SYM	#	BOTANICAL	COMMON	SIZE
AC	30	ACER CREGNATUM	VINE MAPLE	6 FT - 8 FT
ARB	14	ACER RUBRUM 'BONNALL'	COLUMBIAN RED MAPLE	2 IN CAL
ALDA	2084	ARCHITECTURUM BYVAJRESI-3494-O.C.	KINNOCKRICK	4 IN 24" O.C.
CHL	218	ERICACEA N. 'LUXURANT'	OROCOSMA	1 GAL
CH	14	CORNUS INTTALLI	NATIVE PACIFIC DOGWOOD	1-1/2 IN CAL
GAP	1	QUANQUANOPARUS N. 'TENDERLA'	WESTERN ALABAMA CEDAR	6 FT - 8 FT
CO	188	GARDEX OBLIPTA	NATIVE SLOUGH SEDGE	1 GAL
JE	108	JACUS EFFRUS BRACGLIS	NATIVE COMMON RUSH	1 GAL
HN	824	MANOHA TERNIYOSA	CASCADE MANOHA	1 GAL
PCC	5	PITRUS CALLERYANA 'CAPITAL'	COLUMBIAN FLOWERING PEAR	2 IN CAL
RDA	10	REDIS BANQUARIUM	NATIVE CURRYANT	8 GAL
TELB	2	TYLIA GORDATA 'LINE BRIDE'	LITTLE LEAF LINDBERGH	1-3/4 IN CAL
TOEB	37	TYLIA G. 'HERALD GREEN'	HERALD GREEN ANEMONE	4 FT - 5 FT

STORM WATER FACILITY ZONE
 TOTAL NUMBER OF TREES PER ACRE = AREA IN SQUARE FEET X 0.01
 TOTAL NUMBER OF SHRUBS PER ACRE = AREA IN SQUARE FEET X 0.02
 GROUND COVER = PLANT AND SEED TO ACHIEVE 100% AREAL COVERAGE

SYM	BOTANICAL	COMMON
CH	CORNUS INTTALLI	NATIVE PACIFIC DOGWOOD
AC	ACER CREGNATUM	NATIVE VINE MAPLE
HN	MANOHA TERNIYOSA	CASCADE MANOHA
CO	GARDEX OBLIPTA	NATIVE SLOUGH SEDGE
JE	JACUS EFFRUS BRACGLIS	NATIVE COMMON RUSH
ALDA	ARCHITECTURUM BYVAJRESI-3494-O.C.	NATIVE KINNOCKRICK

AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO WATER ALL PLANTING AREAS



ATTENTION: Design law requires you to follow rules adopted by the Oregon Utility Hand/Truck Center. Those rules are set forth in OAR 822-001-2010 through OAR 822-001-2020. You may obtain copies of the rules by calling the center (Phone: the telephone number for the Oregon Utility Hand/Truck Center is (503) 232-1787).



submitted at the hearing of December 13, 2006 **Landscape Plan**

DATE	NO.	REVISION	PLAN 05-5878-2846	5878
------	-----	----------	-------------------	------

MULCH LANDSCAPE ARCHITECTURE
 200 N. W. 10TH AVE. PORTLAND OREGON 97216
 503-227-1470

RK Wilson Corp
 P.O. Box 1489
 Clackamas, Oregon 97015
 503-723-7435

11 Lot - Planned Unit Development
 7360 SW Pointner Road
 Beaverton, Oregon

L1
3

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EXHIBIT H

CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

STAFF REPORT

HEARING DATE: December 13, 2006

TO: Planning Commission

FROM: Liz Jones, Associate Planner *Liz Jones*

PROPOSAL: **Pointer 11-Lot PUD**

LOCATION: 7385 SW Canyon Lane
1S1-01DC, Tax Lot's 2900, 3200, 3301, and 49001

SUMMARY: The applicant requests approval of a Conditional Use-Final Planned Unit Development and a Land Division-Preliminary Subdivision. The scope of the Land Division application is for the creation of 11 single family home lots and an open space tract with associated street and access tracts. The applicant is requesting Conditional Use approval for a Final Planned Unit Development to provide flexibility to the site development requirements of the R-7 zone. Specifically, the applicant is requesting to reduce the average lot size below the required 7,000 square foot minimum, to deviate from the minimum lot width and depth, and to reduce the building setbacks.

APPLICANT'S REPRESENTATIVE: Karl Mawson, Compass Engineering
6564 SE Lake Road
Milwaukie, Oregon 97222

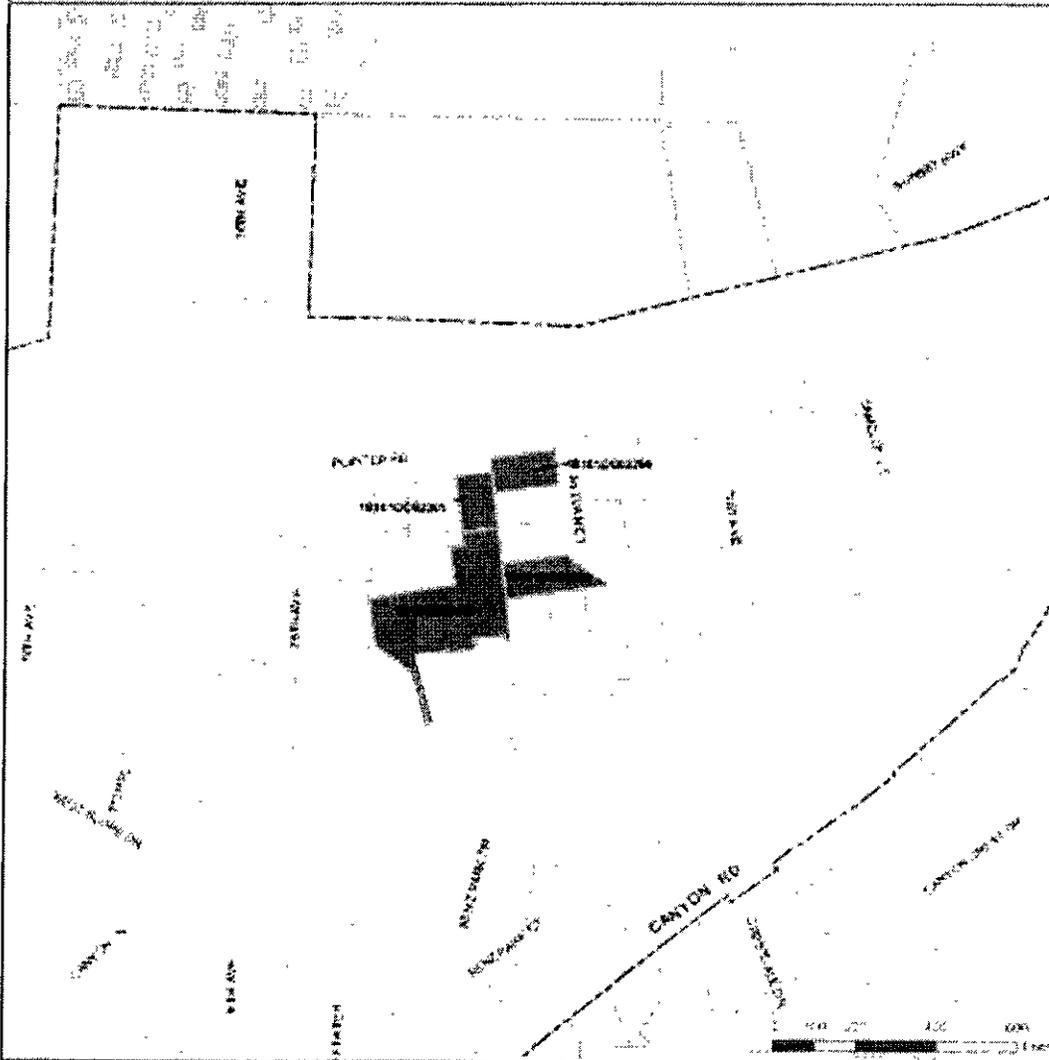
RECOMMENDATIONS: **APPROVAL of CU2006-0001 (Pointer 11-Lot PUD)**, subject to conditions identified at the end of this report.

APPROVAL of LD2006-0004 (Pointer 11-Lot PUD), subject to conditions identified at the end of this report.

Staff recommend that the Board of Design Review review the submitted materials and staff report and render a decision on **CU2006-0001 and LD2006-0004 (Pointer 11-Lot PUD)**, subject to conditions identified at the end of this report.

Exhibit Name: Detail

Exhibit Number: 1



**Project: POINTER 11-
LOT PUD**

Department: Community Development
Division: Development Services

Date
2/02/2006

Map Number
15101003300
15101003300
15101003301
15101003401

N



Application #
CU2006-0001 LD2006-0004

BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>(As-Is Submittal) Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
CU2006-0001	Feb. 1, 2006	July 31, 2006	Feb. 7, 2007	Feb. 23, 2007
TP2005-0005	Jan. 27, 2005	July 31, 2006	Feb. 7, 2007	Feb. 23, 2007

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

Existing Conditions Table

Zoning	Urban Standard Density (R-7)	
Current Development	Underdeveloped parcel with existing home, greenhouse structures, and associated driveways.	
Site Size	Project Area approx. 2.19 acres.	
NAC	West Slope	
Surrounding Uses	<u>Zoning:</u> North: R-7 South: R-7 East: R-7 West: R-7	<u>Uses:</u> North: Single Family South: Single Family East: Single Family West: Single Family

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

	<u>PAGE No.</u>
<u>Attachment A: Facilities Review Committee Technical Review and Recommendation Report and Code Conformance Analysis</u>	FR1-FR18
<u>Attachment B: CU2006-0001 (Pointer 11-Lot PUD)</u> The applicant is requesting Conditional Use approval for a Final Planned Unit Development to provide flexibility to the site development requirements of the R-7 zone. Specifically, the applicant is requesting to reduce the average lot size below the required 7,000 square foot minimum, to deviate from the minimum lot width and depth, and to reduce the building setbacks.	CU1-CU11
<u>Attachment C: LD2006-0004 (Pointer 11-Lot PUD)</u> The scope of the Land Division application is for the creation of 11 single family home lots and an open space tract with associated street and access tracts.	LD1-LD3
<u>Attachment D: Conditions of Approval</u>	COA1-COA7

EXHIBITS

Exhibit 1. Vicinity Map (page 3 of this report)

Exhibit 2 Public Comments

- Exhibit 2.1 Kent & Tandra Slack, dated September 4, 2006
- Exhibit 2.2 MacLloyd Lynn Hayes, dated September 5, 2006
- Exhibit 2.3 Angel Khalsa, dated September 8, 2006
- Exhibit 2.4 Maria Pomeroy, dated September 7, 2006
- Exhibit 2.5 Terence J. Yamada, Anderson and Yamada, P.C. Attorneys at Law, dated September 8, 2006
- Exhibit 2.6 Patrick Polich, dated September 12, 2006
- Exhibit 2.7 Julie Draper and Mary Kroger, dated October 4, 2006

Exhibit 3. Materials Submitted by Applicant

Under separate cover

Exhibit 4. Materials Submitted by Staff and Other Agencies

- Exhibit 4.1 Tualatin Valley Fire and Rescue letter, dated September 6, 2006
- Exhibit 4.2 City of Beaverton Operations Division email, dated December 4, 2006

FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS

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 Planning Commission Decision and Order, the Facilities Review Conditions may be re-numbered and placed in different order.

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

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the two (2) submitted applications as identified below:

- All eleven (11) criteria are applicable to the submitted Conditional Use – Final PUD application, CU2006-0001.
- All eleven (11) criteria are applicable to the submitted Land Division - Preliminary Subdivision application, LD2006-0004.

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

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. Public water is served by West Slope Water District.

City of Beaverton administers the sanitary and storm sewer. The applicant's plans originally illustrated an off-site connection to the sanitary sewer and no property signatures were obtained for this connection and for the corresponding off-site work that will be necessary. The applicant's plans stated this connection is part of a 'Shared City-Applicant Off-Site Improvement'; however, this is not the case. The applicant submitted revised plans dated November 9, 2006 that illustrate the sewer and sanitary connections to the south in SW Canyon Lane with an alternative connection to the north.

The City maintains SW Canyon Road and SW Pointer Road, through a recent change in jurisdiction, which was recorded on May 9, 2006.

A traffic analysis was not required of this development. The trip generation of the proposed 11-lot single family subdivision is not great enough to meet the minimum 200 vehicles per day threshold requirement (Development Code Section 60.55.20.2 Traffic Impact Analysis). SW Pointer Road is classified as a Local Street. The development's private street connects to the south side of SW Pointer Road, a public street that parallels US Highway 26 on the south side. The private street dead-ends approximately 660 feet into the site. It has the potential to be extended to the west to SW 75th Avenue, a private street, when that area redevelops in the future. The application has been conditioned to record a cross access easement over the private street, from SW Pointer Road to the southern terminus of the street to provide access through this property to SW Pointer Road for the benefit of the property owners to the west when redevelopment occurs on the property to the west. The site has a 12 foot wide property stem that connects to SW Canyon Lane that has an existing driveway over it that the adjoining property owners to the east, west and north have access rights to. Transportation staff find that the surrounding street system will adequately accommodate the traffic from this development. Therefore, with conditions of approval, the development will meet the requirements of Development Code Section 60.55.10.

Tualatin Valley Fire and Rescue District serves the site and have provided comments to the project, which are attached at the end of the report and are identified in the issues section at the beginning of the report. As specified in the comments, the proposal will need to comply with the District's requirements for adequate design of the project to ensure critical facilities will be available to the site. In response to TVF&R's comments, the applicant has provided a dual purpose, fire turnaround and basketball court and has stated all buildings will be sprinklered. TVF&R will need to sign off on the site development permit prior to it issuance.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

- 2. Essential facilities and services are available or can be made available prior to occupancy of the development. In lieu of providing essential facilities and services, a specific plan strategy may be submitted that demonstrates how these facilities, services, or both will be provided within five years of occupancy.***

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

Beaverton School District boundaries; therefore, the District had no comments. The City of Beaverton Police Department will serve the site and have provided no comments to the development application.

The applicant's states states that all essential facilities are available, as this is an infill site.

The Regular Service Tri-Met Bus Line #58 serves the site with stops on SW Canyon Road. Weekday peak intervals are of 20 minutes. The Committee has not received comments from Tri-Met regarding any potential transit improvements requirements within the project's scope.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

3. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.*

Staff cite the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the R-7 zone, as applicable to the above mentioned criteria. The applicant is proposing a Planned Unit Development, which provides for flexibility in the Chapter 20 Site Development Requirements. As illustrated on the Code Conformance Analysis chart, the applicant is requesting flexibility on the standards for lot size, dimensions, and setbacks.

Section 20.05.80, Method for Calculating Minimum Residential Density.

The proposed land division contains a total of 55,242 square feet, the required minimum density for this project may be calculated as follows:

96,951 square feet Total Site Area
- 16,496 square feet private street
19,480 square feet open space
60,975 square feet Net Acreage

$60,975 \text{ sf} \times .80 = 48,780 \text{ square feet}$

$48,780 \div 7,000 \text{ sf} = 6.97 \text{ (7 minimum dwelling units required)}$

The applicant is proposing 11 single family lots, which is 4 above minimum density;

therefore meeting the requirement.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

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

Staff cite 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, as applicable to the above mentioned criteria.

Transportation staff have reviewed the proposal and have identified the requirement for dedication of street right of way to the north side of SW Canyon Lane to current Neighborhood Route Standards for the frontage of the site. A condition of approval has been identified at the end of the report to require this dedication per Development Code Section 60.55.10.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

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

The applicant is not proposing drainage ditches, recreation facilities, or garbage and recycling storage areas. The proposal includes common areas such as a private road, stormwater detention, and open space which will be subject to maintenance by a future Homeowners Association (HOA).

The landscape plan which was submitted with the application, contains plant symbols that are not legible, particularly on Sheet L1. In addition, the landscape plan has not been revised to remove proposed vegetation in the area where the emergency turn around is proposed. Therefore, staff have identified a condition of

approval that requires the applicant to submit a revised landscape plan, prior to the issuance of Site Development Permits that shows legible plant symbols and no vegetation in the area of the turnaround.

The applicant states language will be included on the plat which details the means that will be provided to ensure continued periodic maintenance and necessary normal replacement of the private common facilities and areas. A Homeowners Association (HOA) will need to be established to provide the necessary maintenance of the common areas within the proposed development. The HOA will be responsible for the maintenance of all landscaping including ground cover, shrubs, trees, walkways, benches, basketball court, play structures and other elements of the private common areas of the development. Garbage and recycling will be the responsibility of the individual residential owner. The proposal is for garbage and recycling to be stored within the individual garage units of the homes. The applicant will need to provide draft CCR's, prior to final plat approval, which has been identified as a condition of approval. CCR language is a requirement of the final plat application, and is not required at the time of preliminary approval.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

6. *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.*

The applicant is proposing access to the 11-lots via SW Pointer Road in the northern part of the site. The lots will be immediately accessed via a private dead end street. A 4 foot wide sidewalk is proposed along the western edge of the private street, terminating at the dead end. Pedestrians will also have access to the site via SW Canyon Road along the existing private driveway, which is proposed to remain open for vehicles on surrounding properties.

Transportation staff have reviewed the proposal and have identified conditions of approval, to ensure the site will have adequate internal vehicular circulation, in conformance with Development Code Section 60.55.25, and adequate internal pedestrian circulation, in conformance with Development Code Section 60.55.25.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

7. *The on-site vehicular and pedestrian circulation system connects to the surrounding circulation system in a safe, efficient, and direct manner.*

The applicant's proposal is for all vehicular and primary pedestrian circulation to be provided via a private street and sidewalk connection off SW Pointer Road. Transportation staff have reviewed the proposal and have determined a 12 foot wide shared pedestrian / bike access easement over the private street will be necessary to demonstrate compliance with Development Code Section 60.55.25. Therefore, staff have identified a condition of approval to require a 12 foot wide shared pedestrian/bike access easement over the entirety of the private street, from SW Pointer Road to the southern terminus of the street, and over the 12 foot wide driveway access, from the southern terminus of the private street south to SW Canyon Lane.

Page 12 of the applicant's narrative describes the proposal for connections to surrounding street systems. The proposal for the existing driveway to SW Canyon Lane is for 'low speed vehicles and pedestrians'. The applicant describes that this existing driveway will remain open for the surrounding property owners who have legal rights to use the access and that it will be for low speed vehicles from the proposed development. The applicant proposes to 'slow' vehicles by designing a tight turning radius that will force vehicles to slow down. The Committee finds the existing driveway is already substandard and allowing more vehicles to utilize this narrow driveway would not facilitate safe circulation because it would set up more opportunity for conflicts with two-way traffic. The applicant submitted an addendum to the narrative, dated October 27, 2006 that revises the proposal so that no vehicular through movement will be permitted to the existing driveway. The driveway will remain open and unobstructed for use by the existing residents who have rights to the easement; however, there will be no vehicular connection from the proposed Wilson Way.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

8. *Structures and public facilities and services serving the site are designed in accordance with adopted City codes and standards at a level which will provide adequate fire protection, including, but not limited to, fire flow, and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development;*

The City of Beaverton's Building Division has submitted comments in regard to the proposed development, the comments have been incorporated into the Technical and Advisory Notes and have been provided to the applicant. Specific details regarding fire flow and hydrant placement will be reviewed for flow calculations and hydrant locations during site development and building permit stages.

The applicant is proposing to install private street lighting systems within the private street identified as 'Wilson Way', which is illustrated on sheet EL1 of the applicants drawing set. The City of Beaverton Police Department recommend that levels of illumination of ½ footcandle and greater be provided for parking, streets and common areas to prevent dark areas where accident and crime could occur. The applicant's plan illustrates an average light level of 0.48 footcandles will be achieved by the proposal. In addition, conditions of approval are identified which require lighting to be provided to City standard through complying with the standards of the Engineering Design Manual.

The Committee find that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development. The applicant proposes site illumination and will be reviewed further in the Design Review and Conditional Use sections of the Staff Report. The Committee concludes that adequate fire protection, fire flow, turn-around, and site illumination will be adequately designed with conditions of approval.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

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

The plans illustrate grading to accommodate the necessary infrastructure and street layout. Limited grading is shown within the boundaries of the individual lots. If the Planning Commission determines the application meets the criterion for approval and it is ultimately approved, staff have identified conditions of approval that require the applicant or builder to adhere to the submitted grading plans for each individual homesite and for the common and public improvements so that the scope of grading activities is limited to the approved plans. The intent of this condition is to require the builder or applicant to obtain a Subdivision Modification approval or similar review for grading activities which are not consistent with the grading plan.

The applicant states the proposed grading plan, including the stormwater detention facility will address some of the existing storm water deficiencies in the area. Currently, the existing site is largely impervious and undetained flows leave the site at various points. There have been numerous reported drainage problems in this neighborhood. However, the larger neighborhood drainage problems cannot be

solved by this development. There is a planned City capital improvement project that will provide for such a solution that commenced several months prior to the City becoming aware of this proposed redevelopment. However, that plan depends on cooperation from key private property owners to dedicate needed construction easements and to date, these easements have not been granted. These easements will allow for a comprehensive drainage solution that will correct flooding and other negative effects from large storm events that have caused damage in the vicinity of this site. In any event, staff finds that the Pointer PUD's proposed storm water plan will not adversely affect the neighbors and will improve the current situation concerning storm water run-off from the site.

The applicant's plan states that all proposed grading will match that of the existing grades at all property lines. The plan also states that there will be less of a differential of 2 feet within 0-5 feet from the property lines. The applicant is not proposing any walls.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

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

The applicant will be required to meet all applicable accessibility standards of the Uniform Building Code, the Uniform Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee find that as proposed, the site generally appears it can meet accessibility requirements; however through the site development and building permitting reviews, accessibility is thoroughly evaluated. Therefore, the Committee find that by meeting the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.65 and the criterion will be met.

Therefore, the Committee find that by meeting the conditions of approval the criterion for approval will be met.

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

The applicant submitted the applications on February, 1, 2006 and the applicant

requested to have the application be reviewed “as is” on July 31, 2006. In the review of the materials during the application review, the Committee find that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

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

Recommendation By The Facilities Review Committee:

CU2006-0001 / Conditional Use Final PUD

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal, adopt the conditions of approval found in Attachment D:

LD2006-0004 / Land Division – Preliminary Subdivision

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal, adopt the conditions of approval found in Attachment D:

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
R7 Urban Standard Density Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.15			
Use	Detached dwelling.	The applicant proposes to divide the property into 11 lots to accommodate for detached dwellings.	Yes
Development Code Section 20.05.50			
Minimum Lot Area	7,000 square feet	Through the PUD request, the applicant proposes smaller lots, averaging approximately 4,728 square feet in size.	CU
Minimum Interior Lot Dimensions		Applicant is proposing a PUD which provides for the request to modify the dimensional standards, including lot dimensions. Please see the applicant's plan and Subdivision chart in narrative for proposed lot dimensions. As illustrated on the chart, the average lot width is 65.7 feet and the average lot depth is 78.9 feet.	CU
Width	70 feet		
Depth	100 feet		
Minimum Yard Setbacks		Applicant is proposing a PUD, which provides for the request to modify dimensional standards, provided parent parcel setbacks are met. The applicant is proposing to provide the front yard setback along the frontage of Canyon Lane and Pointer Road. The parcel is a "through lot" and is subject to front yard setbacks on both frontages. All other property lines are side setbacks.	CU
Front	20 feet		
Garage	20 feet		
Side			
One Side	5 feet		
Other	5 feet		
Side	20 feet		
Garage	25 feet		
Rear	20 feet		
Garage			
Minimum Yard Setback with			

approved Flexible Setback			
Front	10 feet to dwelling 20 feet to garage		
Side	5 feet to dwelling 20 feet to garage		
Rear	5 feet to dwelling 20 feet to garage		
Maximum Building Height	30 feet	Two story homes proposed. Compliance with building height will be reviewed at time of building permit issuance.	As conditioned
Development Code Section 20.05.60			
Residential Density	Minimum Density Requirement	See the findings under criterion #3 above for minimum density calculations and the applicant's chart in the narrative. 7 dwellings are required at minimum and 11 are proposed.	Yes

Chapter 60 Off-Street Parking and Loading Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.15.10 Land Division Standards			
Easements	-Provide a 6-foot PUE along front lot lines. -Provide a 3-foot utility and drainage easement along all side and rear lot lines.	The applicant will be required to provide easements as conditioned.	As conditioned
Dedications	As applicable to City or appropriate jurisdiction for maintenance.	See staff findings contained under criterion #1 and #2.	Yes
Homeowner Assoc.	Copy of draft CC&R's shall be submitted with final plat.	The applicant will be required to submit draft CCR's with the final plat.	As conditioned
Development Code Section 60.15.15 Compliance with Land Division Approvals			
Requirements Prior to	Developer shall file plans, enter into City contract, and provide required	Developer will provide plans, cost estimate and	As conditioned

Commencement of Work	security.	security.	
Improvement Procedures	Shall comply with the Code and in proper sequence.	Developer will provide plans for review, obtain site development permit, and construct all improvements to the City's satisfaction.	As conditioned
Improvements Required	Development related impacts shall be installed at developer's expense.	Developer will install all reasonably related and roughly proportional impacts of the development.	As conditioned
Maintenance Security	Developer shall enter into a contract with City.	Developer will provide a maintenance agreement of improvements.	As conditioned
Grading	<p>A. When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:</p> <ol style="list-style-type: none"> 1. 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable. 2. More than 5 feet and up to and including 10 feet from property line. Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable. 3. More than 10 feet and up to and including 15 feet from property line. Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable. 4. More than 15 feet and up to and including 20 feet from property line. Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting 	<p>See page 19 of the applicant's narrative and the applicant's Grading Plan. The narrative describes grading only proposed along the parent parcel where it is necessary for road construction. The applicant states the proposed grading does not exceed a 2 foot slope differential for any 5 foot horizontal distance.</p> <p>Proposed grading for the individual lots is minimal and a condition of approval is required in coordination with the finding for criterion #9 to require the applicant to obtain a Subdivision Modification if the grading is to be altered beyond what is shown on the plans.</p>	Yes / As conditioned

	<p>property, whichever is applicable.</p> <p>5. More than 20 feet and up to and including 25 feet from property line. Maximum of ten (10) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.</p> <p>B. Notwithstanding the requirements of subsection A.1. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree. For the purpose of this standard, the tree root zone extends the same distance from a tree trunk as the tree canopy.</p>		
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Development Code Section 60.25.15				
Off-street loading	Residential use.	No Berths	None	Yes

Development Code Section 60.30.10				
Off-street motor vehicle parking Parking Zone A Minimum Maximum	1.0 spaces per unit n/a	Single family homes		Yes
		1.0 n/a	Per the applicant's narrative, each dwelling will have a minimum of 1.0 space.	
Off-street bicycle parking Minimum Short term Long term	Not required for detached dwellings.	N/A	N/A	N/A

Development Code Section 60.35 Planned Unit Development Standards				
Modification of Base Zoning Standards	A. Required setbacks shall continue to apply to	The applicant is proposing to provide the front yard setback along the frontage of Canyon Lane and Pointer		Yes

Dimensional Standards	<p>the parent parcel upon which the proposed PUD will be located.</p> <p>B. The intersection standards in Section 60.55.50 shall continue to be satisfied.</p>	<p>Road. The parcel is a “through lot” and is subject to front yard setbacks on both frontages. All other property lines are side setbacks.</p> <p>The site plan illustrates the required minimum 20 foot front yard setbacks along the frontages and the required 5 yard side setbacks along all other property lines.</p> <p>The applicant’s narrative states the design ensures the intersection standards are met.</p>	
	C. All building setbacks shall continue to meet all applicable building and fire code requirements.	<p>The applicant states building setbacks and the overall development will comply with building and fire codes. Conditions of approval are recommended to ensure building and fire codes are met.</p>	As conditioned
Allowed Uses	<p>A. Except as provided in Section 60.35.10.2.B. below, the uses in a PUD shall comply with the permitted and conditional use requirements of the base zoning district.</p> <p>B. Detached and attached dwellings shall be allowed in any PUD provided the overall residential density satisfies the applicable residential density provisions of this Code.</p> <p>C. In addition to the accessory uses and structures typical of the uses authorized in the subject zoning</p>	<p>The project includes 11 single family detached lots, which is a permitted use in the R-7 zone. 11-lots satisfy the minimum density requirements.</p> <p>Accessory to the residential uses within the PUD proposal, the development includes private open space areas and a water quality facility.</p>	Yes/CU

	<p>district in which the PUD is located, accessory uses approved as a part of a PUD may include the following:</p> <ol style="list-style-type: none"> 1. Private park, lake or waterway. 2. Recreation area. 3. Recreation building, clubhouse or social hall. 4. Other accessory use or structure which the decision making authority finds is designed to serve primarily the residents of the PUD, and is compatible with the neighborhood and to the design of the PUD. 		
<p>Common Open Space</p> <p>A PUD shall be required to provide common open space according to the following rates:</p>	<p>A. An area equal to at least twenty percent (20%) of the subject site when the site is up to and including 10 acres in size.</p>	<p>The site consists of 2.23 acres; therefore, a minimum of 20% of the site must be designated common open space. Page 13 of the applicant's narrative demonstrates 20,430 square feet or 21.1% common open space is proposed.</p>	<p>Yes</p>
	<p>2. Land required to be set aside as setbacks or buffers shall not be included in the calculation of required open space.</p>	<p>Per the applicant's narrative, the proposal provides 21.1% common open space, excluding the land set aside as setbacks and buffers.</p>	<p>Yes</p>
	<p>3. Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently</p>	<p>An Owner's association will maintain the private common open space within the development. The applicant may pursue and agreement with the City to accept the stormwater facility for maintenance responsibilities. Staff cite the findings for technical Facilities Review criterion #5 as applicable to</p>	<p>As conditioned</p>

	<p>maintained by and conveyed to one of the following:</p> <p>A. An association of owners or tenants, created as a non-profit corporation under the laws of the state which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space the City Attorney as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development in the event the association fails to perform as required; or</p> <p>B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.</p>	<p>this Code standard.</p>	
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Development Code Section 60.45			
Solar Access Protection	-At least 80% of the lots in a development shall comply with one or more of the following: Basic Requirements, Protected Solar Line Option, and Performance Option. Lots that comply / Total Lots = 80% or more -If applicable, adjustments of this Design Standard may be granted by the Director.	See page 14 of the applicant's narrative. Adjustment is requested due to the existing road patterns that limit development patterns on the site. Lots 6, 7, and 8 meet the Basic Standard and all other lots are subject to the adjustment request. Due to the irregular shaped parent parcel and due to the constraints of the existing circulation system, staff find an adjustment to the standard is appropriate.	Yes, as adjusted
Development Code Section 60.40			
Signage	Sign permit required for real estate signs, wall signs, freestanding signs, special event signs.	No signs proposed at this time. Signage will be subject to future sign permit approval.	As conditioned
Development Code Section 60.55			
Transportation Facilities		Refer to Facilities Review Committee findings for criterion #2 1, 2, 4, 5, 6, 7, 8, and 9.	N/A
Development Code Section 60.60			
Trees and Vegetation			
Pruning, Removal, and Preservation Standards	Actions regarding trees and vegetation worthy of special regulation. Cannot remove or prune tree's canopy or disturb root zone of protected trees. All pruning shall be done in accordance with the City's Tree Planting and Maintenance Policy. -All removal and	There are no Significant Trees , Significant Groves, or Landscape Trees on the site.	N/A

	<p>planting, including replacement or mitigation planting, of protected trees shall be done accordingly.</p> <p>-Must meet mitigation requirements as appropriate.</p> <p>-Comply with requirements to protect the root zone.</p>		
Tree Protection Standards	Significant Tree and Grove and Landscape Tree shall be protected during development.	There are no Significant Trees, Significant Groves, or Landscape Trees on the site.	N/A
Mitigation Requirements	These standards apply for the removal of Significant Tree or Grove; and the replacement of Landscape or Street Tree.	There are no Significant Trees, Significant Groves, or Landscape Trees on the site.	N/A
Development Code Section 60.65			
Utility Undergrounding	<p>Regulations</p> <p>All existing overhead utilities and any new utility service lines within the project and along any existing street frontage, except high voltage lines (>57kV) must be placed underground.</p>	The Committee find that through site development permitting, the applicant will provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development.	Yes, as conditioned
Development Code Section 60.67			
Significant Natural Resources	Local Wetland Inventory and Significant Riparian Corridors	The site does not contain City identified wetlands or Significant Natural Resource Areas.	N/A

ANALYSIS AND FINDINGS FOR
CONDITIONAL USE – FINAL PUD APPROVAL

Section 40.15.05. Conditional Use Applications; Purpose

The purpose of a Conditional Use application is to allow uses on a case by case basis which warrant special review because of their size or operation. These uses are subject to the conditional use regulations because they may, but do not necessarily, cause significant adverse effects on the environment, overburden public services, change the character of an area, create or foster nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts these uses may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions specifying mitigation measures to address identified impacts, or to deny the use if the impacts are substantial and the impacts cannot be mitigated. A Preliminary, Final, or both Planned Unit Development approval may allow adjustment, variance, or both to Site Development Requirements in Chapter 20 (Land Uses) without the necessity for separate Adjustment or Variance application, findings, and approvals. This Section is carried out by the approval criteria listed herein.

Section 40.15.15.5.C. Approval Criteria:

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

- 1. The proposal satisfies the threshold requirements for a Final PUD application.***

Facts and Findings:

Section 40.15.15.6.A Threshold: An application for Final Planned Unit Development of a Conditional Use shall be required when one or more of the following thresholds apply:

- 1. "A Final Planned Unit Development (FPUD) application is the second application of a two-step application process with a Preliminary PUD as the first step. A Final PUD application may also be a one-step application process which is an alternative to the two-step process required when an applicant chooses to apply for a Preliminary PUD. The option of a one-step or two-step process rests with the applicant. The requirements for a Final PUD may be applied to properties within any City zoning district except Residential-Agricultural."*

Section 20.05.15.2.B identifies Planned Unit Developments (PUD) as a conditional use within the R-7 zoning district. Therefore, the project proposal meets the threshold requirement for a Type Three Conditional Use application. The applicant proposes a Final Planned Unit Development for a single phased 11 lot single family development. Therefore, the proposed Final PUD for the Pointer 11-Lot development meets the threshold criterion for approval.

Therefore, staff find that the criterion is met.

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

Facts and Findings:

The applicant paid the required associated fees of \$2,548.00 for a Conditional Use application on February 1, 2006

Therefore, staff find that the criterion is met.

3. *If a Preliminary PUD has been approved, the Final PUD is filed within two (2) years or the Preliminary PUD has received an extension approval pursuant to Section 50.93 of this Code.*
4. *The final PUD complies with the approved Preliminary PUD, if any.*

Facts and Findings:

No Preliminary PUD approval was obtained for the subject property or project. The applicant has opted to forego the Preliminary PUD process. Section 40.15.15.6.A does not require the applicant to obtain Preliminary PUD approval and instead provides for the PUD process to be approved through the Final PUD application.

Therefore, staff find the criterion is not applicable.

5. *The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance which shall be considered concurrently with the subject proposal.*

Facts and Findings:

Staff cite the findings of the technical Facilities Review criterion as applicable to criterion #5. As demonstrated in the Facilities Review findings, the applicant is not

requesting any reduction to the parent parcel setbacks. The parent parcel setbacks are based on the parent parcel being a through lot, where front yard setbacks are required for the frontage along Pointer Road and the frontage along Canyon Road. Therefore, all other setbacks are determined to be based side yards.

Therefore, staff find that the criterion is met.

6. *The proposal will comply with the applicable policies of the Comprehensive Plan.*

Facts and Findings:

The Beaverton Comprehensive Plan (Plan) is not intended to be a site specific document. Therefore, the Planning Commission must determine whether a particular specific use request, such as approval of the PUD, would be applicable to the Comprehensive Plan. The following policies of the Beaverton Comprehensive Plan have been identified as being applicable to this CU request.

- 3.13.1.a) *Regulate residential development to provide for diverse housing needs by creating opportunities for single and multi-family development of various sizes, types and configurations.*
- 3.13.1.b) *Encourage a variety of housing types in residential areas, by permitting or conditionally permitting any housing type (one, two or more, family dwellings) within any zoning district so long as the underlying residential density of the zoning district is met. Accessory dwelling units shall not be considered in the calculation of the underlying housing density.*

The applicant's proposal for 11 detached dwellings meets the minimum density while not exceeding maximum density, as described in the Code Conformance Chart and within the technical Facilities Review findings. By providing single-family housing and by meeting the minimum density, the proposed development is consistent with the intent of the Planned Unit Development within a residential zoning district. Staff find the policies are met.

- 3.13.1.h) *Foster innovation and variety in design to enhance the visual character of the City's landscape. Innovation in design can include designing infill structures to integrate into existing neighborhoods through compatible scale, similar design features, and similar setbacks.*

The visual character of the subject site is enhanced by providing a unique infill development. The subject site is irregularly shaped and is located in an existing residential district, where single family homes surround the site. The design of the development allows the PUD to meet minimum density requirements of the zoning

district and also provides additional amenities to the abutting property owners to the south by providing approximately 19,000 square feet of landscaped open space area. The site plan illustrates a 15 foot minimum rear yard setback will be maintained for the proposed lots along the north and east property lines, which is 10 feet greater than the parent parcel side yard setback requires.

The applicant's application includes elevations of the proposed houses on the subject site, which illustrates the anticipated character of the architecture within the development. The elevations illustrate a variety of architectural details and styles. The homes are illustrated with architectural features such as pitched roofs, porches, recessed entries, and varying roof lines. The proposed materials are residential in character and are consistent with the existing surrounding homes and should provide variety to a unique site. Staff find the policy is met.

3.13.1.i) *Residential development, in compliance with regional mandates, shall achieve at least 80% of the maximum density allowed in the respective zoning districts as applied through 3.14 Comprehensive Plan and Zoning District Matrix.*

The applicant's proposal meets minimum density requirement for this R-7 zoned parcel by providing 11 dwelling units within the PUD, as demonstrated within the findings in the Code Conformance Analysis Chart. Staff find the policy is met.

3.13.3.a) Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix to allow a variety of housing choices.

The applicant states the matrix designates the R-7 zoning district as an appropriate zone to meet the Standard Density Residential Development goal and that the proposed PUD will provide moderate sized lots for detached single family residences with private open space. The R-7 zoning district allows a PUD to be approved with a Conditional Use application to allow both variety of the housing type and the design of the subdivision. Staff find the policy is met.

5.4.1.a) *The City shall continue to participate in the CWS's Surface Water Management (SWM) program for the urban portion of the Tualatin River watershed. The City shall retain responsibility for planning, construction and maintenance of portions of the local storm water facilities within its incorporated limits.*

5.4.1.b) *On-site detention will be used as a storm water management tool to mitigate the impacts of increased storm water run-off associated with new land development.*

5.4.1.c) *All new land development will be connected to a storm water drainage system. Each new development will be responsible for the construction or assurance of construction of their portion of the major storm water run-*

off facilities that are identified by the SWM program as being necessary to serve the new land development.

- 5.5.1.a) All new land development (residential subdivisions, multiple family dwelling development, and industrial and commercial developments) shall be connected to a public water system.*
- 5.5.1.b) All new development served by the Beaverton Water Division shall be reviewed by the City to determine that the pressure of water available to serve the proposed development meets City standards.*
- 5.5.1.c) The City shall encourage water conservation consistent with current intergovernmental agreements, to prolong existing supplies and to help postpone water system capacity improvements needed to supply expected future demands as a result of projected population increases.*
- 5.6.1.a) All new land development (residential subdivisions, and multiple family dwelling, industrial, and commercial developments) shall be connected to the City sewer system.*
- 5.6.1.b) When sewer service is extended into an area that contains existing development, all existing habitable buildings shall be connected to the new sewer if they are within 100 feet of the sewer line and if gravity lateral sewer lines can serve them.*

Staff cites the findings for technical Facilities Review findings as applicable to the above mentioned policies. As stated in the technical findings, the applicant states that as shown in the Utility Plan, the project will provide storm drainage system to manage surface water runoff and will be designed in accordance with City and CWS standards. The Facilities Review Committee has recommended conditions of approval to ensure that drainage system will comply with the standards.

The applicant states that water and sewer connections will be provided to the development. The Facilities Review Committee has addressed the technical issues of the proposal including adequate essential facilities such as sewer and water access. The Committee has recommended conditions of approval to ensure adequate facilities and services are being provided for this proposal. Staff find that by meeting these conditions of approval, the policies are met.

- 6.2.1.a) Maintain the livability of Beaverton through proper location and design of transportation facilities.*
- 6.2.1.d) Protect neighborhoods from excessive through traffic and travel speeds while providing reasonable access to and from residential areas. Build streets to minimize speeding.*
- 6.2.2.a) Implement Beaverton's public street standards that recognize the multi-purpose nature of the street right-of-way for a combination of utility, pedestrian, bicycle, transit, truck, and auto uses, and recognize that streets are important to community identity and provide a needed service.*
- 6.2.2.b) Develop and provide a safe, complete, attractive, efficient, and accessible*

system of pedestrian ways and bicycle ways, including bike lanes, shared roadways, multi-use paths, and sidewalks according to the pedestrian and bicycle system maps and the Development Code and Engineering Design Manual and Standard Drawings requirements.

- 6.2.2.c) *Provide connectivity to each area of the City for convenient multi-modal access. Ensure pedestrian, bicycle, transit, and vehicle access to schools, parks, employment and recreational areas, and destinations in station areas, regional and town centers by identifying and developing improvements that address connectivity needs.*
- 6.2.2.d) *Develop neighborhood and local connections to provide adequate circulation into and out of neighborhoods.*

The applicant states that due to the unique nature of the access to the site and constraints of the existing lot shape and orientation to public streets, a standard vehicular connection between Pointer Road and Canyon Lane is not possible. The proposal does provide continued vehicular access for the existing users of the private access easement to Canyon Lane and will restrict access for the proposed 11 lots so that additional vehicles will not use the existing access. While vehicles will be restricted from connecting to the private access from Wilson Way, pedestrians and bicycles will be able to walk over the existing access to connect to Canyon Lane. A sidewalk is proposed along Wilson Way on the west side of the street. Therefore, the proposal will provide a connection for pedestrians and bicycles between Pointer Road and Canyon Lane and vehicles accessing the new 11 lots will be limited to the proposed driveway via Pointer Road. Staff find the policies are met.

- 6.2.3.b) *Design streets to serve anticipated function and intended uses as determined by the Comprehensive Plan.*
- 6.2.3.f) *Provide satisfactory levels of maintenance to the transportation system in order to preserve user safety, facility aesthetics, and the integrity of the system as a whole.*

The applicant states the proposed private street design of Wilson Way is appropriate for the 11 residential lots it will serve. The applicant is proposing that a Home Owners Association will maintain the private road within the development. The applicant will be required to submit draft language for the Home Owners Association CCR's prior to final plat approval. Staff find the policies are met.

- 6.2.3.h) *Ensure that adequate access for emergency services vehicles is provided throughout the City.*

Staff cite the findings for technical Facilities Review criteria as applicable to this policy. The applicant is proposing a private street with an emergency turnaround that meets TVF&R standard design for turnarounds. In addition, the applicant is proposing to sprinkler all units. Staff find the policy is met.

- 6.2.4.b) *Limit the provision of parking to meet regional and State standards.*
- 6.2.4.c) *Maintain levels of service consistent with Metro's Regional Transportation Plan and the Oregon Transportation Plan. Applications for Comprehensive Plan Amendments shall comply with the requirements of OAR 660-012-0060 and as appropriate include a Transportation Impact Analysis that shows that the proposal will not degrade system performance below the acceptable two-hour peak demand-to-capacity ratio of 0.98. If the Adopted Comprehensive Plan forecasts a two-hour peak demand-to-capacity ratio greater than 0.98 for a facility, then the proposed amendment shall not degrade performance beyond the forecasted ratio. (Ordinance 4301) Reduce traffic congestion and enhance traffic flow through such system management measures as intersection improvements, intelligent transportation systems, incident management, signal priority, optimization, and synchronization, and other similar measures.*
- 6.2.4.e) *Require land use approval of proposals for new or improved transportation facilities. The approval process shall consider the project's identified impacts.*

The City has established minimum off-street parking requirements for detached dwellings, but no maximum requirement. Pursuant to Section 60.30 of the Development Code, each dwelling is required a minimum of one parking space. The proposed dwellings are anticipated to have two car garages, which would provide adequate parking to meet the minimum off-street parking requirement.

A traffic analysis was not required of this development. The trip generation of the proposed 11 lot single family subdivision is not great enough to meet the threshold requirement (Development Code Section 60.55.10.7 Traffic Analysis). The proposal requests vehicular access from Pointer Road to a private street, which will provide adequate connections to the surrounding street system. Staff find the policies are met.

- 6.2.5.a) *Construct transportation facilities, including access to and within bus stop waiting areas, to meet the requirements of the Americans with Disabilities Act.*
- 6.2.5.b) *Support TriMet, other transit service providers, and employers' and social service agencies' efforts that respond to the transit and transportation needs of elderly, economically disadvantaged, and disabled persons.*

No transit stops exist along the Canyon or Pointer Road frontages of the proposed development. The applicant's proposal will not preclude transit service from being available in the future to this site frontage. Staff find the policies are met.

8.2.1.e) *Protect investments in the City by managing stormwater runoff.*

Staff cite the findings for technical Facilities Review criteria as applicable to this policy. As stated under those findings, the Committee has reviewed the proposal for managing stormwater runoff on the site and have recommended conditions of approval to ensure the design will function adequately. Staff find with conditions of approval, the policy is met.

Therefore, staff find that by satisfying the conditions of approval, the criterion is met.

7. *The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.*

Facts and Findings:

The applicant is proposing an 11 lot single family PUD development to be located on a site where a nursery was operated. The site contains multiple greenhouse and storage buildings, and a network of driveways. The site is nestled within a single family R-7 neighborhood and is surrounded by existing homes on lots greater than 7,000 square feet. Existing access to the site is via Canyon Lane and Pointer Road. Due to the unique nature of the site access, lot shape, and size, the proposal includes a request to reduce the minimum lot size below the minimum of the R-7 zone which is a necessary request to implement the proposed design and layout. A reduction to lot size is an appropriate request to be made within the CU application and the applicant's plans and narrative illustrate that the size, dimensions, configuration, and topography of the site can reasonably accommodate the proposed PUD.

Therefore, staff find that the criterion is met.

8. *The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.*

Facts and Findings:

Location:

The subject site is located between Pointer Road and Canyon Lane, nestled amongst existing single family homes on the site of an abandoned nursery operation. The site contains existing greenhouse and storage buildings with a network of driveways. Currently, the site can be accessed via Canyon Lane and Pointer Road.

The proposal is to access the site and new lots via Pointer Road and to leave the existing driveway off Canyon Lane open to the current homes that contain access easements over that driveway. The new lots will not have vehicular access to this existing driveway off Canyon Lane.

Size:

The applicant states average lot sizes of the surrounding lots are larger than the minimum lot size of the existing R-7 zone and are larger than the proposed lot size of the PUD. The PUD provides a mechanism to allow modifications to the size of the lots, while requiring the development to meet the density requirements of the zone. The applicant's proposal is for lots ranging in size from 3,650 square feet to 5,912 square feet. While the lot sizes are smaller than the adjacent parcels, the unique shape of the parent parcel in combination with the limited access and lack of street frontage warrants the need for smaller lots. The proposed setbacks for the individual lots are in most cases, greater than the required setback for the parent parcel, which should mitigate for the reduction in lot size. In addition, the proposed Pointer Road PUD lot sizes are smaller than any of the lots abutting the site. However, in comparing the approximate home sizes with the prospective home-building 'footprint' in the proposed PUD, the home sizes appear roughly similar in footprint area.

Design:

The applicant's proposal includes elevations of the proposed homes on the subject site. The architectural features illustrated on the elevations, are similar and generally compatible with those found on the surrounding residential homes. The design of the PUD includes an active open space area which will provide play equipment and a basketball court for the residents of this development. The private street is a minimum of 24 feet in width, and will provide for the development adequately, as approved and reviewed through Engineering Design Manual Modifications approved by the City Engineer.

Functional Characteristics:

The subject request is for an 11 lot PUD with associated open space, to be accessed via a private street and to reduce the site development requirements of the zoning district, internal to the site.

The surrounding West Slope neighborhood appears to be an attractive and desirable residential area. It is an attractive and well-maintained area even though the neighborhood contains a variety in home sizes, lot sizes, age of homes, and other similar residential neighborhood characteristics where development has occurred over time. Considering the existing surroundings, the introduction of 11 new homes will be reasonably compatible with the surroundings. Staff find that, although the Pointer Road PUD would contain small lots and could have homes as close together as ten feet, it should not be assumed that future homes would

necessarily be that close. Specific building footprints have been determined at this time.

Residential development is subject to meeting minimum density standards of the Comprehensive Plan, as implemented by Section 20.05.60 of the Development Code. Older neighborhoods, such as that surrounding the proposed Pointer Road PUD, are likely to experience increasing residential densities due to re-development opportunities presented over time to property owners. In-fill development, whereby relatively small properties are redeveloped at higher densities or in clustered development patterns, located within larger lower density areas, is likely to continue in the neighborhood. Within that context, the proposed Pointer Road PUD serves as one example of a development proposal that has already occurred, and what may continue in the future, within the West Slope area.

Staff conclude that due to the variety of development types, ages and patterns, the proposal does not introduce any new land use or substantially different lot patterns than what is currently found in the neighborhood. Staff find that the development of Pointer Road PUD will be reasonably compatible with the surrounding area in terms of the development's size, scale and dimensions.

Therefore, staff find that by satisfying the conditions of approval, the criterion is met.

9. Lessening the Site Development Requirements results in benefits to the enhancement of site, building, and structural design or preservation of natural features.

Facts and Findings:

Due to the irregular shaped lot, lack of street frontage and constrained site access, it is not possible to implement a proposed development plan without lessening the Site Development Requirements. The PUD benefits the site by allowing the site to be developed in a feasible manner that could not otherwise be achieved. The applicant states that a standard subdivision would result in even shallower lots, many of them would be odd shaped and difficult to build on. The lessening of the Site Development requirements also allows the developer to fully preserve the existing access driveway and to restrict vehicles from using this drive for access into the new development.

Another benefit of the PUD is the 20% open space requirement, which as provided will be a benefit to the site and will provide a greater buffer between the development and the existing parcels to the south. Therefore, staff find that the lessening of the Site Development requirements will result in a site layout that will contain more regular shaped lots that will preserve the existing access driveway

and will provide a usable open space tract along the southern perimeter of the site.

Therefore, staff find that the criterion is met.

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

Facts and Findings:

The applicant has submitted the required applications materials for review of the creation of eleven (11) lots in association with the Pointer 11-Lot PUD Conditional Use – Final Planned Unit Development application. The developer has submitted one (1) additional application for a Land Division – Preliminary Subdivision.

Because the applications are being reviewed concurrently the Commission will make a decision on both the applications in a single staff report.

The submission of the Final Planned Unit Development application in concurrence with the associated Land Division - Preliminary Subdivision application is the proper sequence.

Therefore, staff find that the criterion is met.

Recommendation

Based on the facts and findings presented, staff recommend APPROVAL of CU2006-0001 Pointer 11-Lot PUD, subject to the applicable conditions identified in Attachment D.

ANALYSIS AND FINDINGS FOR
LAND DIVISION PRELIMINARY SUBDIVISION

Section 40.45.05 states the following purpose for Land Divisions:

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division of land within the City of Beaverton. This Section is carried out by the approval criteria listed herein.

Section 40.45.15.3.C Approval Criteria

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

- 1. The proposal satisfies the threshold requirements for a Preliminary Subdivision application.***

Facts and Findings:

Section 40.45.15.3.A Threshold: An application for Preliminary Subdivision shall be required when the following threshold apply:

“The creation of four (4) or more new lots from a lot of record in one (1) calendar year.”

The applicant proposes to create a total of seventeen (11) new lots, thereby meeting the threshold for a preliminary subdivision application.

Therefore, staff find that the criterion is met.

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

Facts and Findings:

The City of Beaverton received the appropriate fee on February 1, 2006 for a Preliminary Subdivision application.

Therefore, staff find that the criterion is met.

- 3. Oversized lots shall have a size and shape which will facilitate the future partitioning or subdividing of such lots in accordance with the requirements of this Code. In addition, streets, driveways, and***

utilities shall be sufficient to serve the proposed lots as well as the future development on oversized lots.

Facts and Findings:

The definition of oversized lot in the Development Code reads: "A lot which is greater than twice the required minimum lot size allowed by the subject zoning district." The applicant is not proposing any lots which meet the definition of an oversized lot, as the proposed lots range in size from 3,650 to 5,912 square feet. The water quality and open space tract is proposed to be 19,480square feet in size; however, the tract will not be buildable due to the purpose of the tract.

Therefore, staff find the criterion is not applicable.

4. *If phasing is requested by the applicant, the requested phasing plan can be carried out in a manner which satisfies the approval criteria and provides necessary public improvements for each phase as the project develops.*

The applicant is not proposing any phasing; therefore the criterion is not applicable.

Therefore, staff find the criterion is not applicable.

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

Facts and Findings:

The applicant has submitted the required applications materials for review of the creation of eleven (11) lots in association with the Pointer 11-Lot PUD Land Division-Preliminary Subdivision application. To finalize the creation of the legal lots, the applicant will submit a Final Plat application prior to the recording of the plat document at Washington County. The submission of the Preliminary Subdivision application prior to the Final Plat application is the proper sequence.

The developer has submitted one (1) additional application for Conditional Use Permit-Final Planned Unit Development. Because the applications are being reviewed concurrently the Commission will make a decision on both the applications in a single staff report.

Therefore, staff find that the criterion is met.

RECOMMENDATION

Based on the facts and findings presented, staff recommend **APPROVAL** of **LD2006-0004 Pointer 11-Lot PUD**, subject to the applicable conditions identified in **Attachment D**.

CONDITIONS OF APPROVAL

**POINTER 11-LOT PUD
CU2006-0001 / LD2006-0004**

If the application is ultimately approved, staff recommend the following conditions of approval to the Planning Commission for the Pointer 11-Lot PUD development applications:

CU2006-0001– Conditional Use – Final PUD

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

1. Be aware that the conditional use granted shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit. (LJ/Development Services)

Prior to building permit issuance, the applicant shall:

2. In accordance with Section 10.65.5.A.6 of the Beaverton Development Code, file a copy of this approved permit with the Washington County Department of Assessment and Taxation. The conditions of approval to be recorded may be in the form of a Land Use Order or other City issued document. The City may conduct the recordation and the applicant shall pay the applicable recording fee. (LJ/Development Services)

LD2006-0004 – Land Division - Preliminary Subdivision

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

1. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4303 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (February 2004, Resolution and Ordinance 2004-009), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
2. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev.,

and 4303; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)

3. Have the ownership of the subject property guarantee all public improvements, storm water management (quality and quantity) facilities, site grading, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
4. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. In this case, an off-site public sanitary sewer is required for the submitted utility plan from the adjacent property owner (7430 SW POINTER RD, TL1S101DC03500). (Site Development Div./JJD)
5. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for work within, and/or construction access to the Pointer Road right of way if not already transferred to City maintenance jurisdiction. (Site Development Div./JJD)
6. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans. (Site Development Div./JJD)
7. Submit a copy of issued permits or other approvals needed from the West Slope Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
8. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections. (Site Development Div./JJD)
9. Submit a completed 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the 2006 plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (For more information and to access the new format, see <http://www.cleanwaterservices.org/PermitCenter/1200C/default.aspx> (Site Development Div./JJD)
10. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City

Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. (Site Development Div./JJD)

11. Submit plans that show access for a maintenance vehicle within 6-feet from the front, or within 15-feet from the side of a vehicle to all control structures unless otherwise specifically approved by the City Engineer. A direct worker access route to the structures in the pond area shall be provided no steeper than 4(horizontal) to 1 (vertical) slope. This direct route shall be a minimum of 6-feet wide and have a surface consisting of the equivalent of 3-inches of $\frac{3}{4}$ "-minus crush rock (to allow walking access in winter) and vegetation shall allow easy access. This direct access route shall be delineated on the plans. (Site Development Div./JJD)
12. Submit a geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. The report shall include an assessment of the soil and any toxic contaminants, ground/surface water issues, any needed clean-up action, remediation methods, Oregon Department of Environmental Quality requirements, disposal regulations, and worker safety measures. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules of the Oregon Department of Environmental Quality. (Site Development Div./JJD)
13. Provide plans for street lights (Option C unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
14. Provide plans showing a City standard commercial driveway apron at the intersection of any private, common driveway and a public street. (Site Development Div./JJD)
15. Provide evidence that new street intersections meet City requirements for intersection sight distance. No obstructions shall be placed within the street intersection sight vision triangle except as provided by City Ordinance. New street intersections shall meet sight distance criteria in the City's Engineering Design Manual for the design speed of the roadway. (DRG / Transportation)

16. Provide plans that show the install a Private Street Name sign, identifying the street as a private street, on the street at its intersection with SW Pointer Road, as approved by the City Transportation Engineer. (DRG / Transportation)
17. Submit a revised landscape plan that illustrates no vegetation within the area of the basketball court/emergency turnaround and that illustrates clearly legible plant symbols. (LJ/Development Services)
18. Submit a subdivision final plat application. In accordance with Section 50.90 of the Development Code, submittal of a complete final plat application shall be made within 24 months after preliminary plat approval, unless a time extension is approved. (Development Service/LJ)
19. Provide a final plat which, if applicable, includes common open space, or water quantity or quality areas to be labeled as a Tract (such as Tract A, B, and C). The plat shall include a notation stating the purpose of all tracts and assign a maintenance responsibility. (Development Service/LJ)
20. The Developer shall sign a Subdivision Agreement to provide assurance that all the conditions of approval shall be met. (Development Service/LJ)
21. Submit a final plat drawing which is fully dimensioned and indicates the square footage of all lots and tracts. Plat notes shall state the location, ownership and maintenance responsibilities of all tracts. The location of access restriction strips, as approved by the City, may be described as a plat note or shown on the plat, as determined by the County Surveyor. (Development Service/LJ)
22. Provide written assurance to the Planning Director that each and every lot is buildable without additional variances, under City Ordinances effective as of the date of preliminary plat application submittal. (Development Service/LJ)
23. Pay all City liens, taxes, and assessments, or re-apportion it to individual lots. Any liens, taxes or assessments levied by Washington County shall be paid to the County according to their procedures. (Development Service/LJ)
24. Provide street names shown on the site development plans which are identical with those on the Final Plat. Street name signs shall not be installed prior to final plat approval. Street names shall comply with the City's Community Street Naming Plan. (Development Service/LJ)
25. Submit a scaled, reduced paper copy of the plat, at a size of 8½ x 11 inches. (Development Service/LJ)

26. Submit a copy of the development's CC&R's showing that all public and private maintenance responsibilities and requirements for all common areas are adequately described. (Development Service/LJ)

Prior to building permit issuance , the applicant shall:

27. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
28. Have substantially completed the site development improvements as determined by the City Engineer, including streetlights being fully functional. (Site Development Div./JJD)
29. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at permit issuance. (Site Development Div./JJD)
30. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
31. Submit a paper copy of the recorded plat to the City of Beaverton's Building Division. The paper copy of the recorded plat will need to be submitted prior to the issuance of addresses. (Building Div./BR)
32. Obtain a demolition permit prior the removal of any existing buildings. A plumbing permit is required for removal, abandonment and capping of a septic tank or sewer line. If a septic tank exists, it shall be pumped out and filled in with sand or gravel or completely removed. An inspection shall be obtained from the plumbing inspector after the tank is filled or removed. A copy of the receipt from the pumping company shall be provided. If the building is connected to the public sanitary sewer system, the building's sewer shall be capped off at the property line and inspected by the plumbing inspector. (Section 105, SSC; Section 722, PSC) The removal of existing buildings on the property may provide credits towards some system development (SDC) fees such as water, sanitary sewer, impervious surface, and traffic. (Building Div./BR)
33. Ensure all grading on individual lots conforms to the applicant's grading plan marked Exhibit B. (Development Services/LJ)

34. Demonstrate the buildings are no taller than the maximum permitted building height of the R-7 zone. (Development Services/LJ)
35. Illustrate on the building permit site plans that the approved setbacks are met, per the Planned Unit Development application, file number CU2006-0001. (Development Services/LJ)
36. Provided evidence satisfactory to the Planning Director that conditions herein, set forth and amended thereto have been completed. (Development Services/LJ)
37. Submit a 24 inch by 36 inch paper copy of the recorded plat to the City of Beaverton's Building Division. (Development Services/LJ)

Prior to approval of the final plat, the applicant shall:

38. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./JJD)
39. Dedicate street right of way, a total of 27 feet from centerline, on the north side of SW Canyon Lane to Beaverton Neighborhood Route Standards for the frontage of the site (Development Code Sec. Code 60.55.45). (DRG / Transportation)
40. Record a cross access easement over the private street, from SW Pointer Road to the southern terminus of the street to provide access through this property to SW Pointer Road for the benefit of the property owners to the west when redevelopment occurs on the property to the west. (DRG / Transportation)
41. Dedicate a 12 foot wide shared pedestrian/bike access easement over the private street, SW Pointer Road to the southern terminus of the street, and the 12 foot wide driveway access, from the southern terminus of the private street south to SW Canyon Lane (DRG/Transportation).

Prior to final inspection of any building permit, the applicant shall:

42. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction along the house frontage. (Site Development Div./JJD)

43. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)

Prior to release of performance security, the applicant shall:

44. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
45. Submit any required on-site easements not already granted by the subdivision plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
46. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the landscaping and treatment vegetation within and surrounding the surface water management facility, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Operations Director) within a period of two (2) years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Operations Director prior to release of the security. (Site Development Div./JJD)

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RECEIVED
SEP 21
2006
EXHIBIT
PROPERTY DEVELOP DEPT

September 4, 2006

Liz,

Thank you for the time you spent with us recently reviewing the pending development off Pointer Road.

Below are some questions we would like addressed regarding the planning processes for this development:

1. Will there be vehicular access via existing easements from Pointer Road to Canyon Lane? If so, will that access be restricted to current users of these easements? How will those people in the new development be restricted from use of said easements?
2. We are very interested in the concept of the "breakaway gate" at the end of Wilson Way as is currently shown in the plans. However, it is not clear how large the gate is and if it would be adequate to restrict vehicular traffic from the new development to our current easements.
3. Who has legal access to the easement leading to 75th? Is it required to be unobstructed by vehicles at all times?
4. How will emergency vehicles enter and exit Wilson Way without using the existing easements?
5. Why is our property NOT represented on the platt map, when we live along the easement off of Pointer Road and we pay to maintain it? (7440 S.W. Pointer Road)
6. We strongly support the proposed development of the old Canyon Greenhouses site, provided Wilson Way will be closed off to surrounding easements except for pedestrians.
7. We would welcome clarification in writing on exactly which of the current properties have legal access to which easements as it is revealed in your research. This question has been unclear to the neighbors concerned for decades.

Sincerely,

Kent and Tandra Slack
7440 S.W. Pointer Road
Portland, Oregon 97225
503-297-0949
Slackfamily4@comcast.net

Cc: Ronnie Wilson
RK Wilson Corporation

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EXHIBIT 2.2 RECEIVED
SEP - 6 2006
COMMUNITY DEVELOPMENT DEPT.

City of Beaverton
Development Services Division
PO Box 4755,
Beaverton, Oregon 97076
September 5, 2006

Dear Sirs,

I am writing in regards to a pending development: LD2006-4000 / CU2006-0001 / Pointer 11-Lot PUD, located near 7385 SW Canyon Lane.

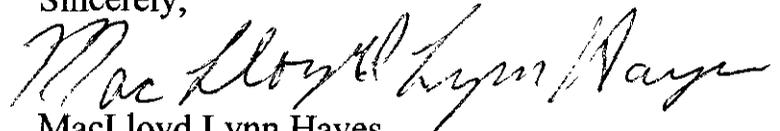
I own a home at 2150 SW 75th. I am against the density of the proposed development for the following reasons.

Most of the established homes in the area are on 10,000 sq ft lots with park like yards. The R-7 zoning is a minimum size lot for the area, much smaller than the average existing lot. Shoehorning in 11 houses where it would appear that 7 or 8 would fit, while deviating from the lot widths and depth and reducing the building setbacks, is not right for the established area. I feel that new homes should fit into the neighborhood and not stick out like eyesores and bringing down existing home values.

I have one other concern and that is flood water drainage from the increased runoff from the development. There is not natural drainage system for that area. On most years the moisture of the area percolates into the soil but with heavy rainfalls the soil cannot take all the moisture and the water floods and across and pools in my and my neighbor's yards before finding a creek. I feel that the new high density development will exacerbate the problem, flooding basements and making roads impassable.

I want to thank you for letting me be a part of the decision making process. Please inform me of your decision.

Sincerely,



MacLloyd Lynn Hayes
36330 NW Uebel Rd.
North Plains, Or. 97133
503 647-2829

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EXHIBIT 2.3
SEP 8 2006
COMMUNITY DEVELOPMENT DEPT

September 7, 2006

City of Beaverton
Community Development Dept.
4755 SW Griffith Dr.
Beaverton, OR 97076

Re: Case File/Project: LD2006-0004/CU2006-0001/Pointer 11-Lot PUD

Dear Sir or Madam:

I am writing to inform you of my opposition to the proposed 11-lot development on the former Canyon Lane Greenhouse property.

The site is zoned R-7 which requires a 7,000 square foot minimum sized lot. The developer of this property is requesting smaller lots in order to build more houses on the site. I disagree with and oppose this strategy, especially having lived in this neighborhood for many years. The neighborhood is varied but many of the homes are single story, smaller structures with large, green, tree-filled lots. Huge, looming, two or three story Mac-Mansions will not fit into the site or the neighborhood. Eleven houses crammed onto this site will diminish and destroy the current neighborhood's livability.

More houses, more cars, more people, and more noise and activity crowded into the quiet, calm, established neighborhood is progress and development at its worst. As a citizen of this community, I see the City of Beaverton supporting more and more of this type of "development" while disregarding the will of the people, the sustainability of neighborhoods, and the livability for future generations.

There are other questions and concerns regarding this proposal which can be addressed in the hearing on October 4th. But for now, I would like to go on the record as opposing this proposed development's lack of foresight and neighborhood environmental sustainability.

Sincerely,



Angel Khalsa
7430 SW Pointer Rd.
Portland, OR 97225

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Thursday, September 7, 2006

City of Beaverton
Community Development Department
Development Services Division
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR 97076

SEP 8 2006

RE: LC2006-0004/CU2006-0001/POINTER 11-LOT PUD

Folks,

I vehemently oppose the applicant's request to reduce the average lot size to less than the 7,000 square foot minimum required by the applicable R-7 zoning. The proposal is excessive, and zealously disrupts the established and historic feel of the West Slope neighborhood, which has always featured larger lots and graceful space between neighbors.

My property adjoins the proposed development. So I, along with my neighbors, have a clear and relevant perspective on the nature of the space that would be developed. The now-defunct commercial greenhouse currently situated there has, for decades, created what amounts to a quiet zone in our neighborhood. Even when it operated, the greenhouse area was still and peaceful during non-business hours. At night, the area is dark, allowing us to see the stars. The greenhouse was a good, quiet neighbor.

It would be challenging enough if just a few homes were built in its place. But 11 tightly packed homes would simply be too much. Imagine the cacophony of 11 families living in an area that previously had none. Imagine the sound of street traffic where before there was hardly any...particularly at night...generated by at least two vehicles at each home, not to mention the comings and goings of visitors. Imagine the incursion of streetlights, house lights and ornamental lights in a spot that was naturally dark at night.

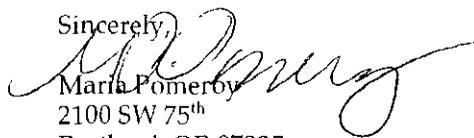
I understand the concept of urban infill. I appreciate that there is political and economic momentum for this type of development. But I strongly urge the deciding body to come down on the side of moderation in this case. Stick with the standard R-7 zoning.

Yes, build new homes. But don't play fast and loose with the livable rhythms of the West Slope neighborhood. Yes, imagine what might be there in place of the old greenhouse. But don't lose sight of the very qualities that make West Slope unique. To paraphrase Mayor Drake during his annual presentation to our neighborhood association, West Slope is a special, refreshingly uncrowded place to live, with a park-like feel and plenty of elbowroom. Don't ruin it by reducing lot sizes and setbacks. Don't lower the quality of life by jamming families together in big city fashion. There's just no need for such a crushing change to our neighborhood.

Who stands to benefit most by force-fitting 11 lots into this tranquil space? The developer, of course. So the whole issue may boil down to this: Where do the City of Beaverton's loyalties lie? With the developer looking to maximize his profits? Or with the constituent citizens who will be living next to this development long after the developer has moved on? My family owns considerable property in this neighborhood, and were they to develop it as well, I'd be every bit as tough on them with regard to the quality of life in West Slope.

I strongly urge you to reject the applicant's request for variations to R-7 zoning.

Sincerely,


Maria Pomeroy
2100 SW 75th
Portland, OR 97225

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**Anderson
and
Yamada, P.C.**
ATTORNEYS AT LAW

EXHIBIT 25

Suite 1020, The 1515 Building 1515 SW 5th Avenue Portland, Oregon 97201 Telephone (503) 227-4586 FAX (503) 227-7044

September 8, 2006
File No. 4452-8

John A. Anderson
Terence J. Yamada
Tyson L. Calvert
OF COUNSEL
Dale H. (Hal) Schofield, P.C.
*OREGON AND IDAHO BARS
*OREGON, WASHINGTON AND
HAWAII BARS

VIA HAND DELIVERY

Ms. Liz Jones, Associate Planner
City of Beaverton
Community Development Department
Development Services Division
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

RECEIVED
SEP 8 2006
CITY OF BEAVERTON

RE: Case File No./Project Name:
LD2006-0004/CU2006-0001/Pointer 11-Lot PUD

Dear Ms. Jones:

Thank you for meeting briefly with me last week. I represent Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust which is the owner of Tax Lot 3502 which is the adjacent lot north of the proposed development under case file no./project name LD2006-0004/CU2006-0001/Pointer 11-Lot PUD (the "Pointer Development"). Grayce M. Pattillo and her husband Charles E. Pattillo owned both Tax Lots 3502 and 4001 at one time. Tax Lot 3502 was transferred to Grayce M. Pattillo as Trustee of the Grayce M. Pattillo Trust and Tax Lot 4001 was transferred to Charles E. Pattillo as Trustee of the Charles E. Pattillo Trust. Tax Lot 4001 is part of the Pointer Development.

The purpose of this letter is to provide you written comments that need to be addressed in the staff report which will be prepared in connection with the Pointer Development and to also request that the undersigned be placed upon the mailing list for all mailings and other information distributed by the City of Beaverton in connection with the Pointer Development.

We have reviewed the initial application submittal by R. K. Wilson ("the Pointer Development Submittal") in connection with the Pointer Development. In several locations of the Pointer Development Submittal, and in particular in discussing chapter 6 (the Transportation Element) which begins on page 5 of the Pointer Development Submittal, there are references made to existing easements for egress to and ingress from SW Canyon Lane on an existing roadway

0099

**Anderson
and
Yamada, P.C.**
ATTORNEYS AT LAW

City of Beaverton
September 8, 2006
Page 2

through Tax Lot 4001 and which therefore legally benefits certain Tax Lots north of Tax Lot 4001, and legally burdens Tax Lot 4001 which is a part of the Pointer Development.

One such parcel which is benefited by an easement for ingress and egress from and to SW Canyon Lane is Tax Lot 3502. Tax Lot 3502 received a grant of an easement across Tax Lot 3500 for vehicular and foot traffic over two driveways existing on Tax Lot 3500. The first driveway runs east and west across Tax Lot 3500 to connect to an existing roadway on Tax Lot 4000 which ultimately leads to SW 75th Avenue. The second driveway for which an easement exists for Tax Lot 3502 is the driveway which runs north and south along the west line of Tax Lot 3500 which connects to the existing driveway on Tax Lot 4001 which extends southward through Tax Lot 4001 to its eventual intersection with SW Canyon Lane.

The Grant of Easement which benefits Tax Lot 3502 and burdens Tax Lot 3500 is attached hereto as Exhibit A and incorporated herein by this reference as is fully forth. This Grant of Easement was recorded in Book 465, page 530, Records of Washington County, Oregon on June 27, 1962.

The easement giving the right to the owners of Tax Lot 3502 to use the existing roadway on Tax Lot 4001 is derived from an Easement Agreement dated January 28, 1998 between Grayce M. Pattillo as Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995 (the owner of Tax Lot 3502) and Charles E. Pattillo as Trustee of the Charles E. Pattillo U/D/T dated December 26, 1995 (the then owner of Tax Lot 4001). This easement was for a perpetual, nonexclusive, easement for ingress and egress by vehicle or on foot on the existing roadway including, but not limited to, the use of such easement for ingress and egress by vehicle or on foot from and to SW Canyon Lane.

This easement is also to be used for a roadway for all fire apparatus and any other police, ambulance or other emergency vehicles of any nature for ingress and egress, as necessary, convenient or required, for the benefit of Tax Lot 3502.

This Easement Agreement which benefits Tax Lot 3502 and burdens Tax Lot 4001 was recorded in the records of Washington County, Oregon on January 29, 1998 as document no. 98-0007881.

This Easement Agreement was amended (only to change the legal description of Tax Lot 4001 due to a dispute with an adjoining property owner) by Amendment to Easement Agreement dated March 1, 1999 and recorded in the records of Washington County, Oregon on March 4, 1999 as document no. 99027065. Copies of the Easement Agreement and Amendment

City of Beaverton
September 8, 2006
Page 3

to Easement Agreement are attached hereto as, respectively, Exhibits B and C, and incorporated herein by this reference as if fully set forth.

There may be other easements existing benefiting Tax Lot 3502 and burdening Tax Lot 4001 for ingress and egress from and to SW Canyon Lane. Such an easement may exist by virtue of a retained easement right by the Grantor for Tax Lot 4001 (Glenn A. Pointer and Carol L. Pointer) when they sold Tax Lot 4001 to Charles E. Pattillo and Grayce M. Pattillo in 1954. Those records are not readily available and we are attempting to acquire those records and we will supplement this letter with this additional information when acquired. The reason we suspect that Mr. and Mrs. Pointer retained an easement for ingress and egress from and to SW Canyon Lane when they sold Tax Lot 4001 to Charles E. Pattillo and Grayce M. Pattillo in 1954 is because it is my understanding that John Pointer and his spouse owned all of this property in question (plus additional adjacent land) and when Glenn A. Pointer and Carol L. Pointer came into ownership of all of this property and began selling portions of the property to other people, Mr. and Mrs. Pointer wanted to insure that all of the land the Pointer's retained (and then subsequently sold) would have ingress and egress access for vehicular and foot traffic from and to SW Canyon Lane and from and to SW 75th Avenue.

While we may find additional easement agreements for ingress and egress from and to SW Canyon Lane which benefit Tax Lot 3502 and burden Tax Lot 4001, it is clear that these Easement Agreements attached as Exhibits A, B, and C, by themselves, grant Tax Lot 3502 the ability to have ingress and egress for vehicular and foot traffic from and to SW Canyon Lane. Any additional easement rights we locate from less readily available records derived from the purchase of Tax Lot 4001 in 1954 from Glenn A. Pointer and Carol L. Pointer would supplement the record with respect to these ingress and egress rights, but by no means are any additional ingress and egress rights to SW Canyon Lane originating in 1954 or at any other time necessary to establish the ingress and egress rights enjoyed by Tax Lot 3502 from and to SW Canyon Lane.

Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust and owner of Tax Lot 3502 is adamant that these easement rights are a valuable property rights and property rights that she is entitled to retain by virtue of the Easement Agreements attached as Exhibits A, B and C. These valuable property rights are not to be diminished or ignored in the course of approving the Pointer Development and we will resist any attempt to do so.

**Anderson
and
Yamada, P.C.**
ATTORNEYS AT LAW

City of Beaverton
September 8, 2006
Page 4

Thank you for the opportunity to submit this information to you. We reserve the right to add additional information to the record in connection with the Pointer Development on the issues expressed in this letter or on any other issue in connection with the Pointer Development.

Please add the undersigned to your mailing list for all mailings and other information distributed by the City of Beaverton in connection with the Pointer Development.

Very truly yours,

ANDERSON AND YAMADA, P.C.



Terence J. Yamada

Enclosures

cc: Grayce M. Pattillo, Trustee

TJY:tp (F \CLIENTS\4452\LTRS\LTR45.doc 9/8/2006)

7857

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That I, NAN A. POINTER, a widow, in consideration of ONE AND NO/100 DOLLARS (\$1.00) to me paid by CHARLES E. PATTILLO and GRACE M. PATTILLO, husband and wife, and GLENN A. POINTER and CAROL L. POINTER, husband and wife, do hereby grant, sell, and convey unto said CHARLES E. PATTILLO and GRACE M. PATTILLO, husband and wife, as tenants by the entirety, their heirs and assigns, and GLENN A. POINTER and CAROL L. POINTER, husband and wife, as tenants by the entirety, their heirs and assigns, a perpetual easement in, to, upon and over those two certain permanent driveways, situate in the County of Washington and State of Oregon, and being a part of that certain tract of land conveyed to the said grantor, NAN A. POINTER by deed recorded in Book 440, Page 169, Deed Records of said county, which driveways are described as follows:

FIRST DRIVEWAY: That certain permanent driveway running East and West across said tract from a point on the East line of said tract, 112.4 feet more or less, from the Northeast corner of said tract, thence continuing Westward across said tract to the West line of said tract, and extending beyond said tract to its eventual intersection with Austin Road (S. W. 75th Ave.);

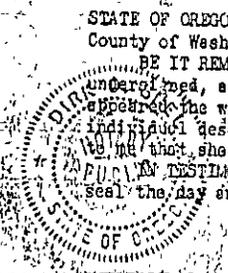
SECOND DRIVEWAY: That certain permanent driveway running North and South along the West line of said tract of land 102.0 feet more or less from the Southwest corner of said tract to its intersection with the first driveway hereinbefore described, and extending Southward beyond said tract to its eventual intersection with Canyon Lane;

said easements in and to both driveways are granted for the purpose of giving to said grantees, their heirs and assigns, tenants and occupants, agents and servants, and any other person or persons for their benefit and advantage, foot and vehicular passage on and over said two driveways. The easement in and to the first driveway further grants to said grantees the right to use and maintain the water line running from Austin Road to any property adjacent to said first driveway which said grantees shall or may hereafter acquire.

It is distinctly agreed and understood, however, that the easement thus granted is not an exclusive easement, but is subject to the equal right on the part of the grantor, her heirs and assigns, tenants and occupants, agents and servants, and any other person or persons for their benefit and advantage, of foot and vehicular passage on and over both of said driveways, and the right to use and maintain the water line, hereinbefore described, under said first driveway.

Witness my hand and seal this 26th day of June, 1962.

Nan A. Pointer (Seal)



STATE OF OREGON }
County of Washington } ss.

BE IT REMEMBERED, That on this 26th day of June, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named NAN A. POINTER, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Neil D. Suss
Notary Public for Oregon
My Commission expires: Mar. 13, 1964

STATE OF OREGON }
County of Washington } ss.

I certify that the within instrument was received for record on the 27 day of June, 1962, at 8:45 o'clock A. M., and recorded in book 465 on page 530, Record of Deeds of said County.

Witness my hand and seal of County affixed.

ROGER THOMSEN, County Clerk

County Clerk -- Records

BOOK 465 PAGE 530

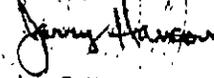
By *Ingemar Hansen* Deputy

0103

EXHIBIT A

STATE OF OREGON } 98
County of Washington }

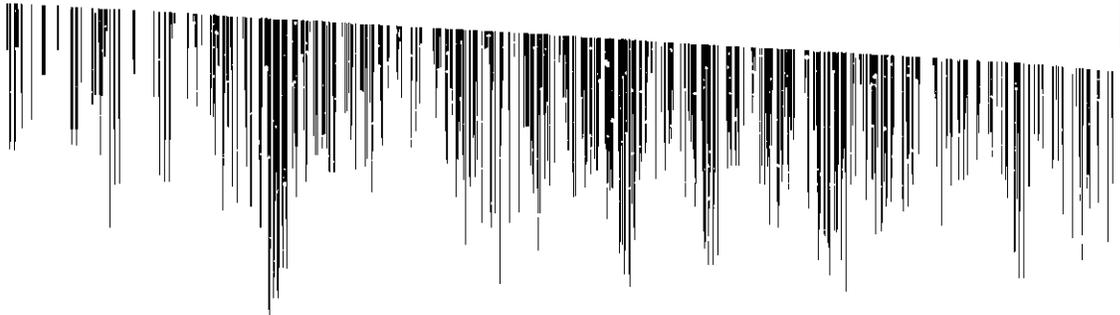
I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.



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

Doc : 98007881
Rect: 202006 68.00
01/29/1998 02:15:40pm

1-8



0104
EXHIBIT B

AFTER RECORDING RETURN TO:
Anderson and Yamada, pc
1515 SW Fifth Avenue #1010
Portland, OR 97201
Terence J Yamada

EASEMENT AGREEMENT

40
28

OREGON TITLE INS. CO. (271865)

This Easement Agreement made this 28th day of January, 1998 by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself and its successors and assigns, of 7420 SW Pointer Road, Portland, Oregon 97225 (hereinafter referred to as "The Grayce M. Pattillo Trust"); and Charles E. Pattillo, Trustee of the Charles E. Pattillo Trust U/D/T/ dated December 26, 1995, for itself and its successors and assigns of 7420 SW pointer Road, Portland, Oregon 97225 (hereinafter referred to as "The Charles E. Pattillo Trust").

RECITALS

WHEREAS, The Grayce M. Pattillo Trust owns and has title to certain real property located in the County of Washington and State of Oregon described as follows:

See the legal description in paragraph 8 of this Easement Agreement; incorporated herein by this reference as if fully set forth; and

WHEREAS, The Charles E. Pattillo Trust owns and has title to certain real property located in the County of Washington and state of Oregon described as follows:

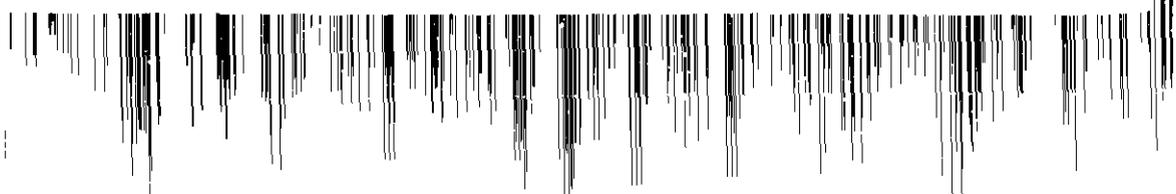
SEE EXHIBIT A, attached hereto and incorporated herein by this reference as if fully set forth; and

WHEREAS, The Charles E. Pattillo Trust intends to sell and convey its property to Thomas J. Holway, but prior thereto desires to grant an easement to The Grayce M. Pattillo Trust as hereinafter provided; and

WHEREAS, the real property described in paragraph 8 owned by The Grayce M. Pattillo Trust and the real property owned by The Charles E. Pattillo Trust described in Exhibit A, owned by The Charles E. Pattillo Trust are adjacent to each other so that the southerly and easterly line of the real property owned by The Grayce M. Pattillo Trust is the northerly and (partially) the westerly line of the real property owned by The Charles E. Pattillo Trust; and

WHEREAS, there exists a roadway and an open area used, in part, as a roadway through the real property owned by The Charles E. Pattillo Trust and described in Exhibit A, with such roadway running generally northerly to southerly through the real property owned by The Charles E. Pattillo Trust and described in Exhibit A to and from S.W. Canyon Lane; and

WHEREAS, The Grayce M. Pattillo Trust desires to acquire from The Charles E. Pattillo Trust an Easement for use of this roadway and area for ingress and egress in connection with the use of its real property; and



WHEREAS, The Charles E. Pattillo Trust desires to convey an easement for such ingress and egress for such use in accordance with the terms hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, The Grayce M. Pattillo Trust and The Charles E. Pattillo Trust agree as follows:

1. Grant of Easement to The Grayce M. Pattillo Trust. In consideration of The Grayce M. Pattillo Trust sharing the costs of maintenance and repair of the roadway contained within the grant of this easement, The Charles E. Pattillo Trust conveys to The Grayce M. Pattillo Trust, its successors and assigns, a perpetual, nonexclusive, easement for ingress and egress all described in section 2. below, over, across, and through the real property as described in Exhibit A.

2. Use by The Grayce M. Pattillo Trust.

(a) The Grayce M. Pattillo Trust, its agents, beneficiaries, Trustees, occupants, employees, independent contractors, suppliers, vendors, and invitees shall use the easement strip for a roadway for ingress and egress by vehicle or on foot in connection with the use and occupancy of the property described in paragraph 8 by The Grayce M. Pattillo Trust, including, but not limited to, the use of such easement for ingress and egress to and from S.W. Canyon Lane.

(b) The Easement shall also be used as a roadway for all fire apparatus, and any other police, ambulance or other emergency vehicles of any nature for ingress and egress, as necessary, convenient or required, for the benefit of The Grayce M. Pattillo Trust, its agents, beneficiaries, Trustees, occupants, employees, independent contractors, suppliers, vendors and invitees.

3. Use by The Charles E. Pattillo Trust. The Charles E. Pattillo Trust reserves the right for itself and for any and all third parties to use the roadway and area used as a roadway located within the easement for any purposes whatsoever so long as such use does not unreasonably interfere with the use of the easement by The Grayce M. Pattillo Trust, including, but not limited to, ingress and egress to or from the property described in Exhibit A, to or from S.W. Canyon Lane; provided, however, that commercial use of the easement roadway shall only be to and from SW Canyon Lane.

4. Cooperation. The Grayce M. Pattillo Trust and The Charles E. Pattillo Trust agree to cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other's use.

5. Maintenance and Repair of Roadway. Until this easement expires, or is terminated, if at all, and to the extent that the roadway is located on the easement granted by this instrument, The Grayce M. Pattillo Trust and The Charles E. Pattillo Trust agree that

maintenance and/or repair of such roadway shall be divided between The Grayce M. Pattillo Trust and The Charles E. Pattillo Trust with The Charles E. Pattillo Trust paying ninety percent (90%) of such maintenance and repair costs and The Grayce M. Pattillo Trust paying ten percent (10%) of such maintenance and repair costs.

6. Easement Appurtenant. This easement is appurtenant to and shall benefit the real property owned by The Grayce M. Pattillo Trust and described in paragraph 8. No sale or other transfer or conveyance, in whole or in part, of the real property described in Exhibit A shall eliminate or in any way diminish the rights of The Grayce M. Pattillo Trust in such easement.

This easement shall be perpetual; however, in the event that it is not used by The Grayce M. Pattillo Trust or other persons described in paragraphs 2(a) or 2(b) above for a period of five consecutive years, or if otherwise abandoned by the Grayce M. Pattillo Trust, The Charles E. Pattillo Trust may demand in writing that The Grayce M. Pattillo Trust execute a recordable document evidencing such expiration of this easement and The Grayce M. Pattillo Trust shall comply with this demand within ten (10) days of receipt of the written demand.

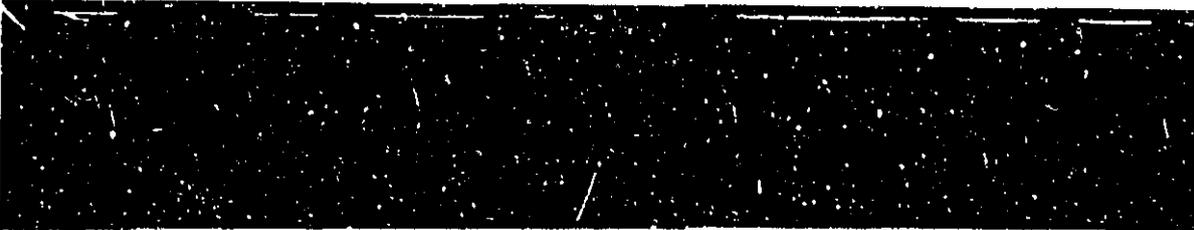
7. Prior Easements or Encumbrances. This easement is granted subject to all prior easements and encumbrances of record.

8. Description. The legal description of the real property owned by the Grayce M. Pattillo Trust to which this easement is appurtenant and for which this easement shall benefit is legally described as follows:

A part of that tract of land that was conveyed to John Pointer, et ux, by deed recorded in Volume 125, page 87, of Washington County Deed Records, and more particularly described as follows:

BEGINNING at the Iron pipe at the NE corner of the tract conveyed to Myrtle Veatch, by deed recorded in Vol. 308, page 347 of said Washington County Deed Records, said point being 580.0 feet N and 1255.1 feet E of the NE corner of the A.W. Hart D.L.C.; thence S 7° 10' E, 114.77 feet to an iron bar at the SE corner of the said Veatch Tract; thence S 11° 52' W, 6.85 feet to an iron rod at the true point of beginning of the parcel herein described; thence S 11° 52' W, 105.55 feet to an iron pipe; thence S 38° 05' E, 55.40 feet to an iron pipe; thence N 79° 12' E, 102.20 feet to an iron rod; thence N 08° 10' W, 133.40 feet to an iron rod; thence S 87° 25' W, 94.00 feet to an iron rod and true point of beginning of the parcel herein described.

Together with easements for ingress and egress as recorded June 9, 1961 in Deed Book 445, p. 166, and recorded June 27, 1962, in Deed Book 465, p. 530, and recorded June 27, 1962, in Deed Book 465, p. 531



For a diagram of the real property owned by The Grayce M. Pattillo Trust to which this easement is appurtenant and for which this easement shall benefit, SEE EXHIBIT B, attached hereto and incorporated herein by this reference as if fully set forth.

9. Attorneys Fees. In the event that any action is filed in relation to the enforcement of this agreement, the unsuccessful party, in the action shall pay to the successful party in addition to all of the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees, including any costs and attorneys fees on appeal.

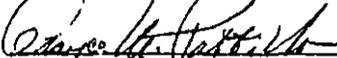
10. Successor and Assign. This Easement Agreement shall bind and inure to the benefit of the parties hereto and to their respective successors, including successors in ownership and assigns.

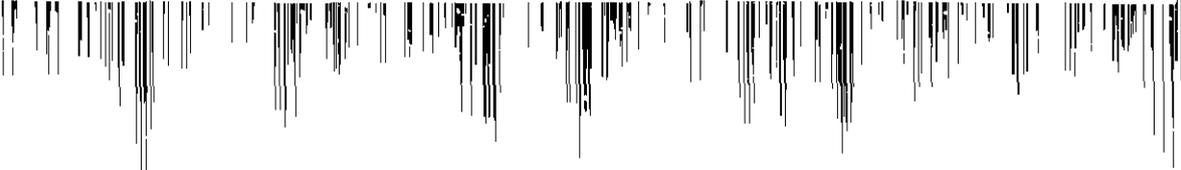
IN WITNESS WHEREOF, The Grayce M. Pattillo Trust and The Charles E. Pattillo Trust have caused this instrument to be executed on the day and year first above written.

THE CHARLES E. PATTILLO TRUST
U/D/T dated December 26, 1995


Charles E. Pattillo, Trustee

THE GRAYCE M. PATTILLO TRUST
U/D/T dated December 26, 1995


Grayce M. Pattillo, Trustee



FORMERLY:
**LAYNE CASWELL
SURVEYOR, INC.**

REGISTERED LAND SURVEYOR
Oregon - Washington - Idaho

6120 S.W. Lombard Avenue
Seaverton, Oregon 97008-4738

Telephone 503/644-3179
FAX 503/644-3190

December 10, 1997
Job 5812-1

LEGAL DESCRIPTION
for the
CHARLES E. PATTILLO TRUST
including a TRIANGLE owned by
CHARLES EDWIN AND GRAYCE M PATTILLO

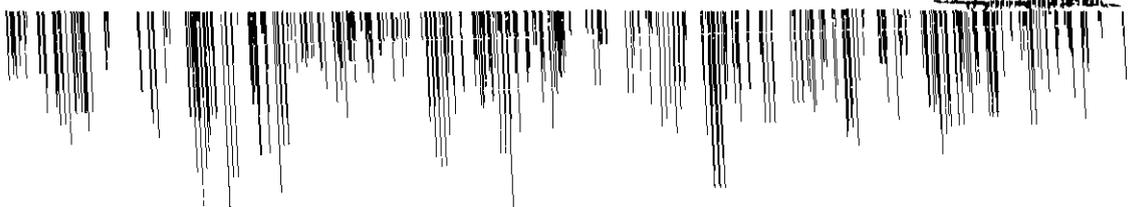
A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER
DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A
DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE
S07°21'18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN
POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE
WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF
INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS";
THENCE S07°16'14"E, A DISTANCE OF 106.96 FEET TO AN IRON ROD SET IN
SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE
S82°27'59"W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN
SAID SURVEY NUMBER 24282; THENCE N07°16'20"W, A DISTANCE OF 5.71
FEET TO A BRASS SCREW AS SET IN SAID SURVEY; THENCE S82°26'05"W, A
DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE
S13°14'20"E, A DISTANCE OF 24.21 FEET TO AN IRON ROD AS SET IN SAID
SURVEY; THENCE S06°05'18"W, A DISTANCE OF 12.29 FEET TO AN IRON ROD
AS SET IN SAID SURVEY; THENCE S82°29'20"W, A DISTANCE OF 148.25
FEET TO AN IRON ROD; THENCE S17°10'40"E ALONG THE EASTERLY EDGE OF
A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE
OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY
LINE OF SW CANYON LANE; THENCE CONTINUING S17°10'40"E, A DISTANCE
OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE
S62°30'05"W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE
N17°10'40"W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID
NORTH RIGHT OF WAY LINE; THENCE CONTINUING N17°10'40"W, A DISTANCE
OF 140.19 FEET TO AN IRON PIPE; THENCE N50°02'20"W ALONG THE
NORTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO MARION ROGERS BY
A DEED RECORDED IN BOOK 309 PAGE 373, A DISTANCE OF 114.51 FEET TO
AN IRON PIPE; THENCE N08°25'10"W, A DISTANCE OF 121.57 FEET TO AN
IRON ROD AS SET IN SURVEY NUMBER 8074; THENCE N78°55'47"E, A
DISTANCE OF 208.18 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER
8697; THENCE N08°28'23"W, A DISTANCE OF 91.34 FEET TO AN IRON ROD;
THENCE N81°23'57"E, A DISTANCE OF 32.74 FEET TO AN IRON ROD (ALSO
REFERRED TO AS AN IRON BAR); THENCE N07°21'18"W, A DISTANCE OF
33.14 FEET TO AN IRON ROD; THENCE N82°38'42"E, A DISTANCE OF 90.30
FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL
CONTAINS 72,236 SQUARE FEET OR 1.658 ACRES MORE OR LESS.

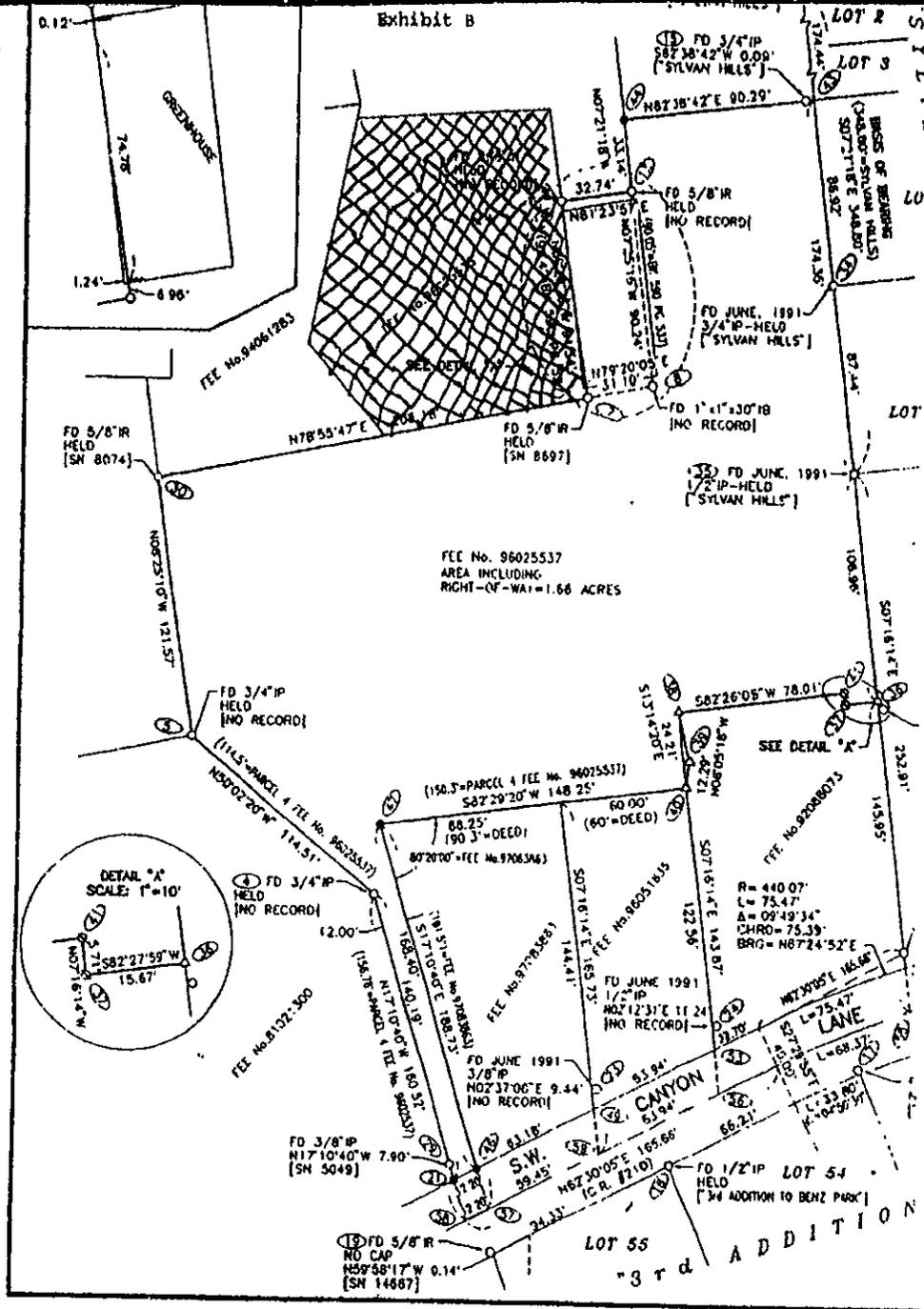
EXHIBIT "A"

BOUNDARY SURVEYS • SUBDIVISIONS • TOPOGRAPHIC MAPPING • CONSTRUCTION STAKE-OUT

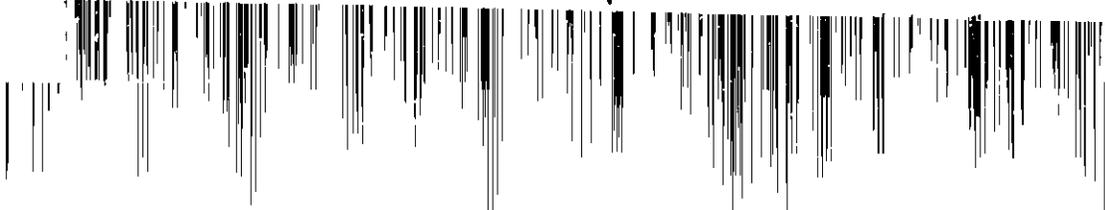
6



0109
EXHIBIT B



7



STATE OF OREGON)
) ss.
County of Multnomah)

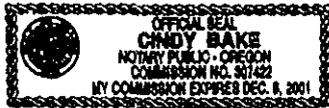
On this 28th day of January 1998,
Personally appeared the above named Charles E. Pattillo who, being duly sworn did say that he is the Trustee of the Charles E. Pattillo Trust and that said instrument was signed on behalf of said Trust and he acknowledged the foregoing instrument to be its voluntary act and deed.



Cindy Bake
Notary Public for Oregon
My Commission expires: 12-9-2001

STATE OF OREGON)
) ss.
County of Multnomah)

On this 28th day of January 1998,
Personally appeared Grayce M. Pattillo who, being duly sworn did say that she is the Trustee of The Grayce M. Pattillo Trust and that said instrument was signed on behalf of said Trust and she acknowledged said instrument to be its voluntary act and deed.



Cindy Bake
Notary Public for Oregon
My Commission expires: 12-9-2001

MAR 04 1999

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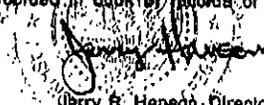
Space Reserved
for
Recorder's Use

After Recording Return to:

Terence J. Yamada, Attorney at Law
1515 SW Fifth Avenue, Suite 1020
Portland, OR 97201

STATE OF OREGON } 88
County of Washington }

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

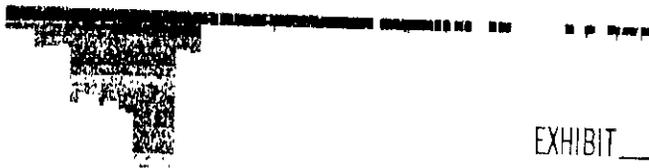


Jerry R. Hanson, Director of Assessment and Taxation, Ex-Clatsop County Clerk

Doc : 99027065
Rect: 227121 36.00
03/04/1999 01:22:29pm

(w: f:\clients\forms\clatsco\county recorders cover page.doc 3-3-99)

1-6



0112
EXHIBIT C

MAR 04 1999

AMENDMENT TO EASEMENT AGREEMENT

This Amendment to Easement Agreement (the "Amendment Agreement") is made this 1 day of March, 1999, by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself, and its successors and assigns, of 7420 SW Pointer Road, Portland, Oregon 97225 (hereinafter referred to as "the Grayce M. Pattillo Trust"); and Charles E. Pattillo, Trustee of the Charles E. Pattillo Trust U/D/T dated December 26, 1995, for itself and its successors and assigns of 7420 SW Pointer Road, Portland, Oregon 97225 (hereinafter referred to as the "Charles E. Pattillo Trust").

RECITALS

WHEREAS, the Grayce M. Pattillo Trust and the Charles E. Pattillo Trust entered into an Easement Agreement on the 28th day of January, 1998, recorded on January 29, 1998 under Instrument No. 98007881 (hereinafter referred to as the "Pattillo Trust/Pattillo Trust Easement Agreement"); and

WHEREAS, Reference is made in the Pattillo Trust/Pattillo Trust Easement Agreement to a parcel of real property to be purchased under a Contract of Sale by Thomas J. Holway from Charles E. Pattillo, Trustee of the Charles E. Pattillo Trust, a memorandum of which was eventually recorded on January 29, 1998 under Instrument No. 98007882, records of Washington County, Oregon; and

WHEREAS, The real property to be purchased by Holway under the Contract of Sale was legally described on the attached Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement; and

WHEREAS, Under Section 1 of the Pattillo Trust/Pattillo Trust Easement Agreement, the Charles E. Pattillo Trust conveyed to the Grayce M. Pattillo Trust, its successors and assigns, a perpetual, non-exclusive, easement for ingress and egress over, across and through the real property described in Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement, as specifically limited in the Pattillo Trust/Pattillo Trust Easement Agreement; and

WHEREAS, Pursuant to a Judgment by Stipulation entered into between Thomas J. Holway, as Plaintiff and Arthur Dean Jones, III, as Defendant, under Case No. C99-0089CV, recorded on February 23, 1999 under Instrument No. 99022367, records of Washington County, Oregon, the property subject to the Contract of Sale diminished in size by approximately 405 square feet, more or less; and

WHEREAS, The legal description attached as Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement is no longer accurate because of the Judgment by Stipulation;

Page 1 (w: f:\ollente\4452\corp\amendment to easement agreement3.doc 2-23-99)

2

0113

EXHIBIT

C

F

MAR 04 1999

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, the Grayce M. Pattillo Trust and the Charles E. Pattillo Trust agree as follows:

1. Exhibit 1 to Amendment Agreement. The Grayce M. Pattillo Trust and the Charles E. Pattillo Trust agree that the legal description attached as Exhibit 1 to this Amendment Agreement shall supersede and replace the legal description attached as Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement.

The Grayce M. Pattillo Trust and the Charles E. Pattillo Trust agree that the new legal description superseding and replacing the legal description attached as Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement is as follows:

See Exhibit 1 attached hereto and incorporated herein by this reference as is fully set forth.

2. Other Terms and Conditions of Pattillo Trust/Pattillo Trust Easement Agreement to Remain the Same. Except as herein provided with respect to the legal description of the property described in Exhibit 1 to this Amendment Agreement, the terms and conditions of the Pattillo Trust/Pattillo Trust Easement Agreement entered into on January 28, 1998, recorded on January 29, 1998 under Instrument No. 98007881, are ratified and affirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Grayce M. Pattillo Trust and the Charles E. Pattillo Trust have caused this Amendment Agreement to be executed on the day and year first above written.

CHARLES E. PATTILLO TRUST

By *Charles E. Pattillo Trustee*
Charles E. Pattillo, Trustee

GRAYCE M. PATTILLO TRUST

By *Grayce M. Pattillo Trustee*
Grayce M. Pattillo, Trustee

STATE OF OREGON)
) ss.
County of Washington)

3

0114

EXHIBIT C

1

On this 1st day of March, 1999, personally appeared Charles E. Patillo, who being duly sworn, did say that he is the Trustee of the Charles E. Patillo Trust and that the foregoing instrument was signed on behalf of said Trust, and he acknowledged the foregoing instrument to be its voluntary act and deed.



Kathy M. Fode
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-18-2000

STATE OF OREGON)
) ss.
County of Washington)

On this 1st day of March, 1999, personally appeared Grayce M. Patillo, who, being duly sworn, did say that she is the Trustee of the Grayce M. Patillo Trust and that the foregoing instrument was signed on behalf of said Trust and she acknowledged the foregoing instrument to be its voluntary act and deed.



Kathy M. Fode
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-18-2000

MAR 04 1999

EXHIBIT 1

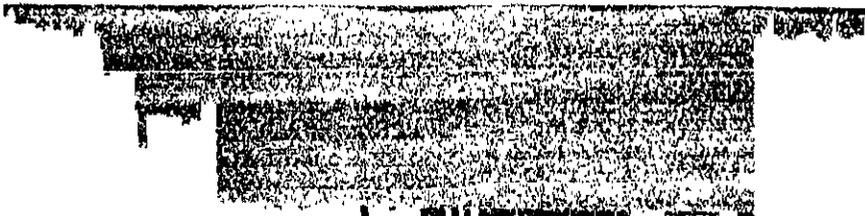
A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE S07° 21' 18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS;" THENCE S07° 16' 14"E, A DISTANCE OF 106.96 FEET TO IRON ROD SET IN SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE S 82° 27'59" W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN SAID SURVEY NUMBER 24282; THENCE N07° 16' 20" W, A DISTANCE OF 5.71 FEET TO A BRASS SCREW AS SET IN SAID SURVEY; THENCE S82° 26' 05" W, A DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S 13° 14'20" E, A DISTANCE 24.21 FEET TO AN IRON ROD AS SET IN SAID SURVEY; S 06° 05'18" W, A DISTANCE OF 12.29 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S82° 29'20" W, A DISTANCE OF 148.25 FEET TO AN IRON ROD; THENCE S17° 10'40" E ALONG THE EASTERLY EDGE OF A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY LINE OF SW CANYON LANE; THENCE CONTINUING S 17° 10'40" E, A DISTANCE OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE S 62° 30' 05" W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE N 17° 10'40" W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING N 17° 10' 40" W, A DISTANCE OF 140.19 FEET TO AN IRON PIPE; THENCE N 50° 02' 20" W ALONG THE NORTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO MARION ROGERS BY A DEED RECORDED IN BOOK 309 PAGE 373, A DISTANCE OF 114.51 FEET TO AN IRON PIPE; THENCE N08° 25' 10" W, A DISTANCE OF 121.57 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8074; THENCE N 78° 55' 47" E, A DISTANCE OF 208.18 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8697; THENCE N 8° 28'23" W, A DISTANCE OF 91.34 FEET TO AN IRON ROD; THENCE N 81° 23'57" E, A DISTANCE OF 32.74 FEET TO AN IRON ROD (ALSO REFERRED TO AS AN IRON BAR); THENCE N 07° 21' 18" W, A DISTANCE OF 33.14 FEET TO AN IRON ROD; THENCE N 82° 38' 42" E, A DISTANCE OF 90.30 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 72,236 SQUARE FEET OR 1.658 ACRES MORE OR LESS.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTY:

Page 1 (w:\a_y\sys\clients\4452\corp\exhibit a (2).doc 7-2-98)

5



0116

EXHIBIT

C

1

A TRACT OF LAND BEING PART OF THE LAND DESCRIBED IN PARCEL FOUR OF FEE NO. 96025537, WASHINGTON COUNTY DEED RECORDS, BEING LOCATED IN THE NW ¼ OF THE NE ¼ OF SECTION 12, T.1S, R.1W, W.M., WASHINGTON COUNTY, OREGON, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTERLINE OF SW CANYON LANE (COUNTY ROAD #210), SAID POINT BEING THE MOST SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN FEE NO. 97083863, WASHINGTON COUNTY DEED RECORDS; THENCE N17°10'40"W, ALONG THE WEST LINE OF THEREOF, A DISTANCE OF 188.73 FEET TO THE NORTHWESTERLY CORNER OF SAID FEE NO. 97083863 AND THE TRUE POINT OF BEGINNING; THENCE N08°58'46"W, A DISTANCE OF 4.58 FEET; THENCE N82°29'20"E, PARALLEL TO THE NORTH LINE OF SAID FEE NO. 97083863, A DISTANCE OF 88.39 FEET; THENCE S07°16'14"E, ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID FEE NO. 97083863, A DISTANCE OF 4.58 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE S82°29'20"W, ALONG THE NORTH LINE OF SAID FEE NO. 97083863, A DISTANCE OF 88.25 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 405 SQUARE FEET, MORE OR LESS.

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0117

EXHIBIT

C

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Re: Case File # Project Name: LD2006-0004/CU2006-0001/Pointer 11-Lot PUD

Public Hearing Date: October 4, 2006

Developmental Service Division,

I have been a resident at 7050 SW Canyon Lane –Portland, Oregon 97225 For the past 49 years. At the present time egress on SW Canyon Lane (East) to Canyon Road (East) is overloaded. Many times I have been unable to exit from my garage to Canyon Lane. Especially morning hours 8:45 AM to 9:15 AM. Also in the Afternoon hours from 3:15 PM to 4:00 PM. Often times earlier in the morning because commuters try to find the quickest route to Canyon Road and Portland.

According to a US Census, residents outside the city limits such as Portland, have more then one automobile per household because of working parents. It is conceivable that as many as 11 single family residents could add an additional 20 Cars to egress onto Canyon Lane. I hope that the committee will give consideration To limiting automobiles from entering on Canyon Lane.

Patrick J. Polich

Patrick J. Polich
7050 SW Canyon Lane
Portland, Oregon 97225

September 12, 2006

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EXHIBIT 2.7

RECEIVED
OCT 04 2006
City of Beaverton
Development Services

RECEIVED
OCT 02 2006
City of Beaverton
Development Services

October 4, 2006

To: City of Beaverton, Planning & Developments

Re: Proposed development at old Canyon Lane Greenhouses location/Pointer Rd.

Dear Sir/Madam:

We understand there is a proposed housing development for 11 new homes at the former location of the Canyon Lane Greenhouses. We also understand that the entrance to this new development is proposed to be off Pointer Rd. where a single-family dwelling now exists.

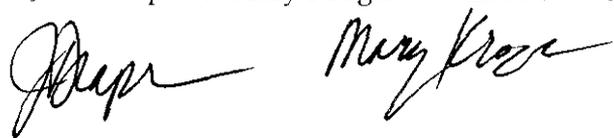
We wish to voice our concerns over several issues regarding this development which we feel need to be brought to the City of Beaverton's attention.

First, 11 houses seems like too many, especially considering existing law dictates seven. We go on record as opposing 11, and seven seems too many, from our perspective. Here is something to consider: Pointer Road is essentially a little used road for vehicular traffic, BUT numerous bikes and pedestrians utilize the road and sidewalk as part of the new, extensive bike path from the Zoo to Cedar Hills. Seven, 12, or more vehicles using Pointer Road will make a noticeable negative impact for the many people traversing through on the bike path.

Second, in the backyard of the home (which is supposed to be moved to make room for an entrance into the new development off Pointer Rd.), there is a beautiful old Maple tree and two Laurel hedges. Please note we will do everything possible to see that they remain and are incorporated into the entrance to this seemingly GATED community. Given the developer wishes to be exempted from existing zoning laws, what do we neighbors need to do to keep him in line with the law?

With his request for exemptions, let's ask: Are there ample green spaces, including new trees to be included? NO. How about the homes themselves? Has this developer and the City of Beaverton considered approaching this construction utilizing modern, green and sustainable building practices? NO. The surrounding homes in the neighborhood are mostly single-level, large-lot homes. Can we expect to have similar structures in this development? NO, we will see the huge, multi-level, mega-Mac Mansions developers seem to favor simply because they bring in more money. The developer may be in it for the money, no surprise. We as residents (sixteen years, this year), want to see sustainable, future-reaching designs which incorporate people first, not profit for the developers (and more tax-base monies for the city and county). We intend to continue to monitor this development.

Sincerely,
Julie Draper & Mary Kroger 2065 SW 75th Avenue Portland, OR 97225



0121

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September 6, 2006

Liz Jones, Associate Planner
 City of Beaverton Development Services Department
 4755 SW Griffith Drive
 P.O. Box 4755
 Beaverton, OR 97076

Re: Pointer 11-Lot PUD LD2006-0004 / CU2006-0001

Dear Liz,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

- 1) **DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (IFC 503.2.5)

The breakaway gate at the end of the street providing access to the Pedestrian and Low-speed Vehicle Access is not acceptable. The fire district does not accept any type of breakaway gate and the roadway providing access to SW Canyon Drive is too narrow.

- 2) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (IFC 503.1.1)

The fire district would consider this option in lieu of the required turnaround. If the applicant chooses to exercise this option, all dwellings in the project would require sprinklers.

- 3) **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 26 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted. (IFC 503.2.1)

The fire district does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided.

- 4) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (IFC D103.6)



- 5) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (IFC D102.1)
- 6) **GATES:** Gates securing fire apparatus roads shall comply with all of the following: (IFC D103.5)
 - Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island.
 - Gates serving one- or two-family dwellings shall be a minimum of 12 feet in width.
 - Gates shall be set back at minimum of 30 feet from the intersecting roadway.
 - Gates shall be of the swinging or sliding type
 - Manual operation shall be capable by one person
 - Electric gates shall be equipped with a means for operation by fire department personnel
 - Locking devices shall be approved.
- 7) **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to IFC Appendix B. (IFC B105.1)

The fire hydrant shown on the drawings must be capable of providing the necessary fire flow. The hydrant must be flow tested prior to the issuance of any site development permits.
- 8) **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (IFC 508.5.1)
- 9) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (IFC 1410.1 & 1412.1)

We trust this letter will be helpful with the design of this proposal insofar as fire apparatus access and firefighting water supplies are concerned. If there is anything about this letter you do not understand, disagree with, or wish to discuss further, please call me.

Sincerely,

John K. Dalby

John K. Dalby, Deputy Fire Marshal II
Tualatin Valley Fire & Rescue, North Division
14480 SW Jenkins Road
Beaverton, OR 97005-1152
(503) 356-4723

0124

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Liz Jones

From: Teri Cunningham
Sent: Monday, December 04, 2006 8:12 AM
To: Liz Jones
Cc: Steve Brennan
Subject: LD2006-0004/CU2006-0001 Pointer 11 Lot PUD

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

Operations has no conditions.

B. Prior to building permit issuance, the applicant shall:

Operations has no conditions.

C. Prior to occupancy permit issuance, the applicant shall:

Operations has no conditions

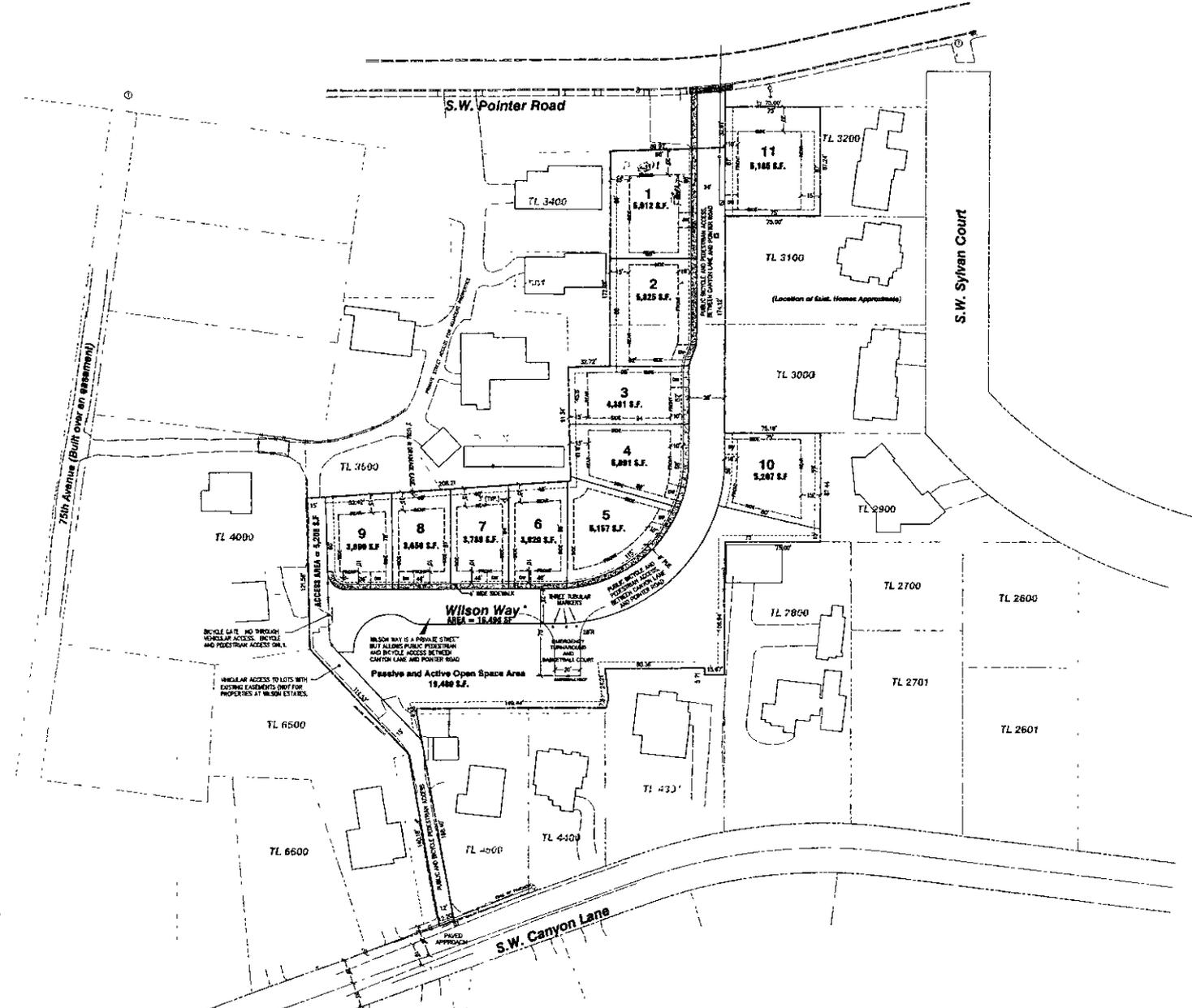
D. Prior to release of performance security, the applicant shall:

Install a commercial driveway on Wilson Way at Pointer Rd., see page 2 of 5. Identify Wilson Way and ped path as private on plans. Install two ped path barrier posts on Canyon Ln.

E. Technical and/or advisory comments:

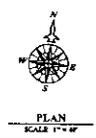
Operations has no comments

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Preliminary Areas

Lots	53,388 s.f.	55%
Street and Access Way	21,701 s.f.	22%
Countable Open Space	19,480 s.f.	20%
Setback Open Space	2,482 s.f.	3%
Total Area	97,051 s.f.	100%



Preliminary Dimension Site Plan, Lot Information and Planned Unit Development

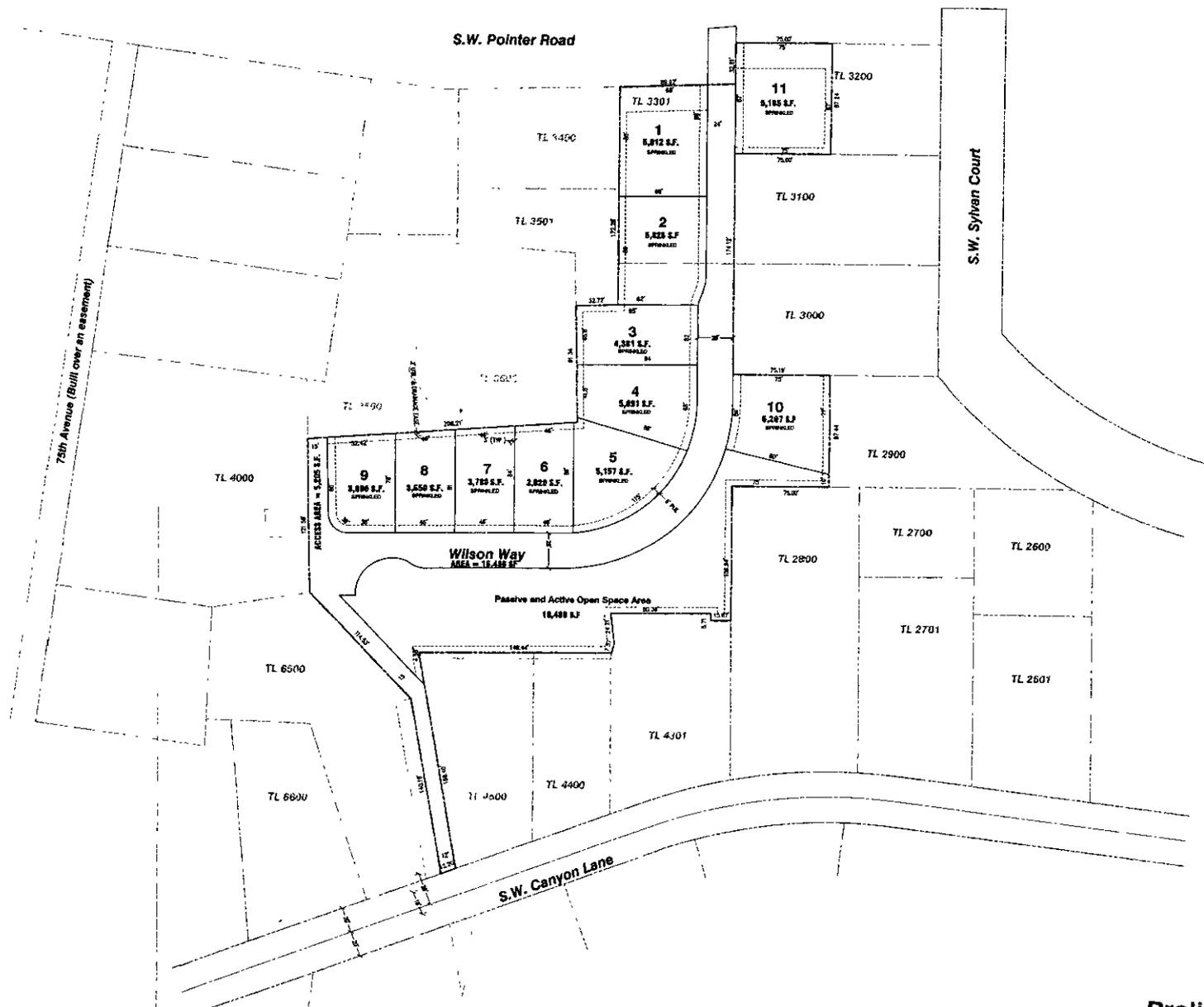
NO.	DATE	REVISION
2	REVISED PER REVIEW	
1	REVISED PER REVIEW	

DESIGNED: KHM	CHECKED: KHM
SCALE: 1" = 40'	DATE: DECEMBER 2005
PLAN: 05-5019-2346	5678 Des Rev 2

COMPASS ENGINEERING
 ENGINEERING * SURVEYING * PLANNING
 4100 SW INTERNATIONAL WAY SUITE 601
 BEAVERTON, OREGON 97005

RK Wilson Corp
 P.O. Box 1489
 Clackamas, Oregon 97015
 503-723-7435

Wilson Estates - 11 Lot P.U.D.
 7360 SW Pointer Road
 Beaverton, Oregon



Preliminary Areas

Lots	53,388 s.f.	55%
Street and Access Way	21,701 s.f.	22%
Countable Open Space	18,488 s.f.	20%
Setback Open Space	2,482 s.f.	3%
Total Area	97,051 s.f.	100%



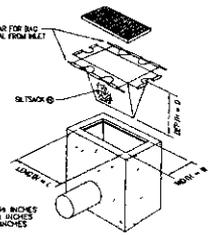
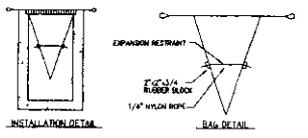
Preliminary Plat

DATE	NO.	REVISION
11/29/08	1	REMOVED PER REVIEW

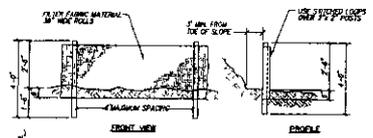
COMPASS ENGINEERING
 ENGINEERING * SURVEYING * PLANNING
 400 SW INTERNATIONAL WAY SUITE 201
 BEAVERTON, OREGON 97005
 www.compass-engineering.com
 503-638-8888

RK Wilson Corp
 P.O. Box 1489
 Clackamas, Oregon 97015
 503-723-7435

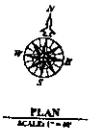
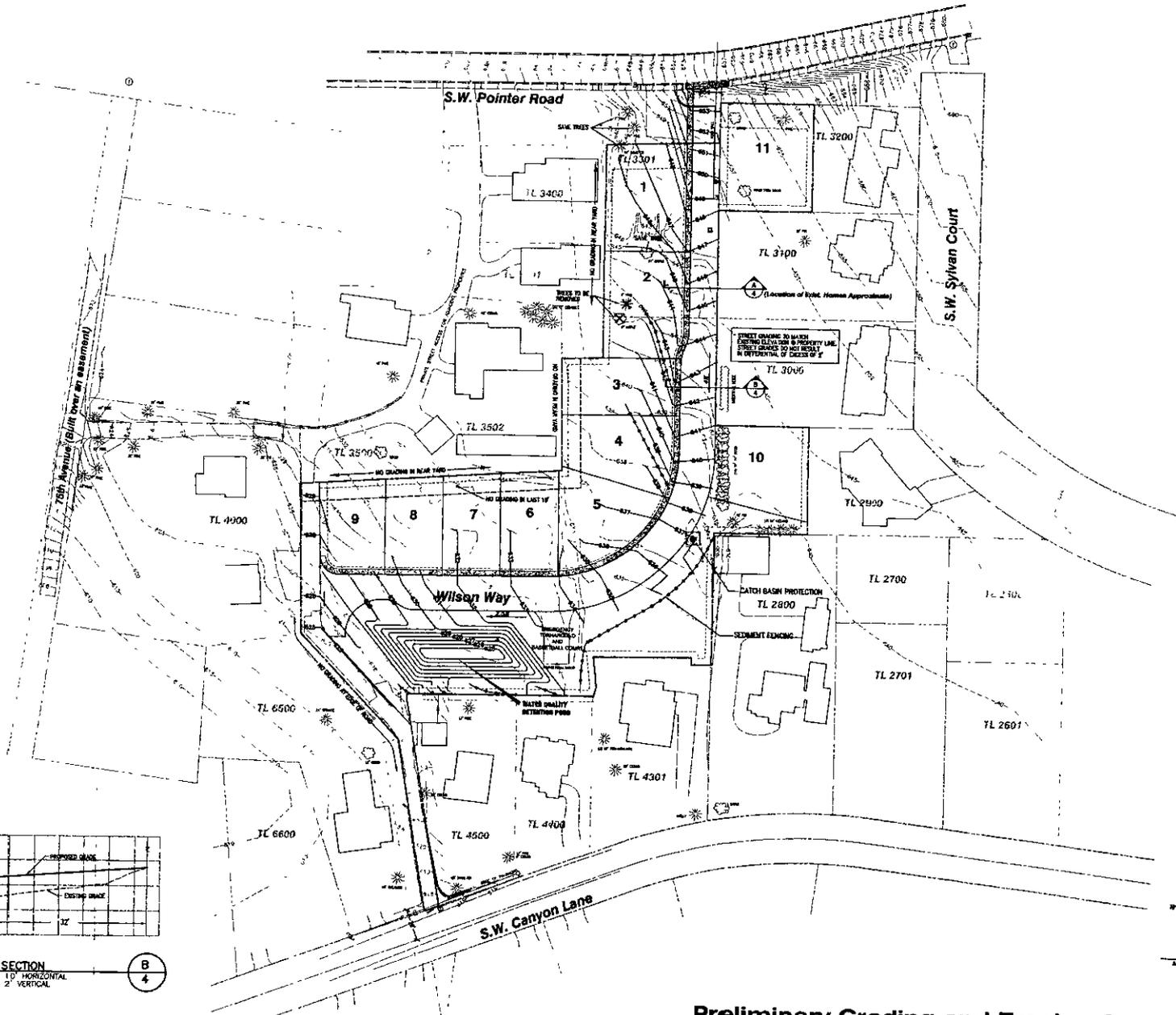
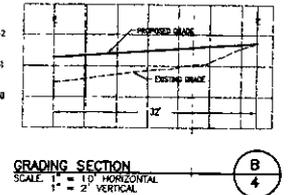
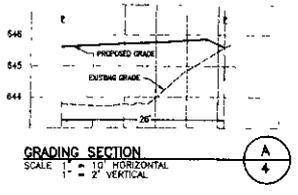
Wilson Estates - 11 Lot P.U.D.
 7360 SW Pointer Road
 Beaverton, Oregon



FILTER BAG INLET ENTRANCE
SCALE: NTS



SEDIMENT FENCE
SCALE: NTS



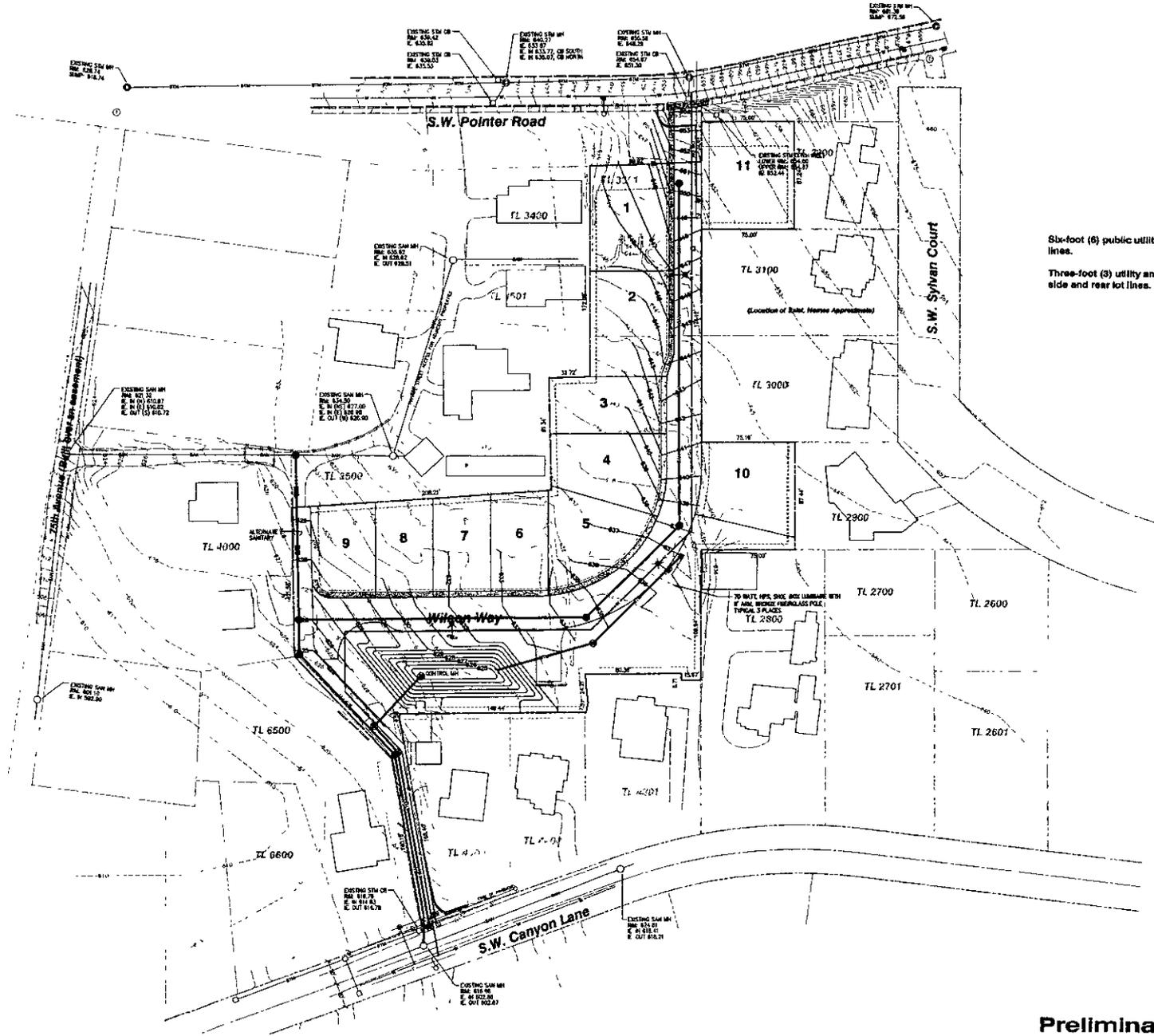
Preliminary Grading and Erosion Control Plan

NO.	REVISION	DATE
2	REVISED PER REVIEW	DECEMBER 2005
1	REVISED PER REVIEW	
NO.	DESIGNER	DATE
	NEILSON	5/27/05

COMPASS ENGINEERING
ENGINEERING * SURVEYING * PLANNING
1100 SE OREGON AVENUE SUITE 100
BEAVERTON, OREGON 97005
503-266-8800

RK Wilson Corp
P.O. Box 1489
Clackamas, Oregon 97015
503-723-7435

Wilson Estates - 11 Lot P.U.D.
7360 SW Pointer Road
Beaverton, Oregon



Six-foot (6) public utility easement along all front lot lines.
 Three-foot (3) utility and drainage easement along all side and rear lot lines.

SHARED CITY-APPLICANT OFF-SITE IMPROVEMENTS



Preliminary Utility Plan

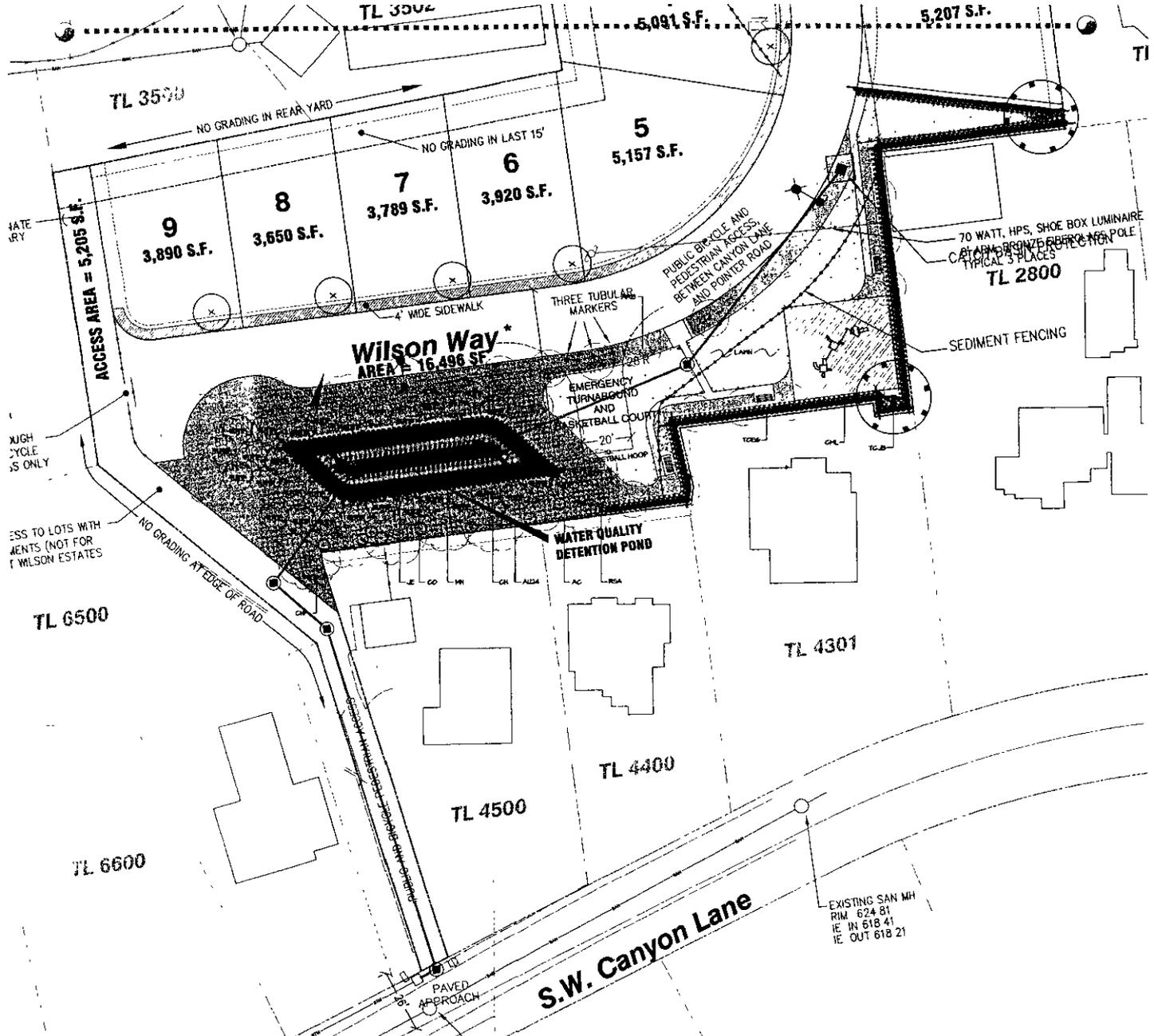
1/26/06	2	PROVIDE PER REVIEW	DESIGNED: NIM	CHECKED: KRM
2/17/06	1	REVISED PER REVIEW	DATE: ENOVIEMBER 2005	
DATE	NO.	REVISION	PLAN: 05-5878-2546	5878-001 Rev 2



COMPASS ENGINEERING
 ENGINEERING * SURVEYING * PLANNING
 6102 SE INTERNATIONAL WAY SUITE 601
 MILWAUKEE, OREGON 97127 www.compass-engineering.com 503-684-0241 PHONE 503-684-0041 FAX

RK Wilson Corp
 P.O. Box 1489
 Clackamas, Oregon 97015
 503-723-7435

Wilson Estates - 11 Lot P.U.D.
 7360 SW Pointer Road
 Beaverton, Oregon



LEGEND LI

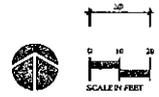
SYM	BOTANICAL	COMMON	SIZE
AC	ACER GRACILISTM	VINE MAPLE	6 FT - 8 FT
AG	ACER RUBRA 'TRICHVALL'	COLLONIARE RED MAPLE	2 IN CAL
AR24	ARCHTOSTAPHYLOS VALENZ-24H-O-C	BURCHINGHAM	4 IN 24" O-C
CHL	CASCOSHIA N. 'LUGER'	CASCOSHIA	1 GAL
CH	CORNUS NUTALLII	NATIVE PACIFIC DOGWOOD	1/2 IN CAL
GP	GRANACEPTARIS N. 'TENDULA'	HEPPING ALASKAN CEDAR	6 FT - 8 FT
GO	GARDA OMBIFIA	NATIVE SLOUGH SEDGE	1 GAL
JE	JUNCUS EFFLUS GRACILIS	NATIVE GORSEBUSH	1 GAL
MA	MANOKIA NERVOSA	CASCADE MANOKIA	1 GAL
PG	PIRIS GALLERIFLORA 'CAPITAL'	COLLONIARE FLORESING PEAR	2 IN CAL
RS	RUBUS SAMARANGA	NATIVE CURRANT	3 GAL
TL28	TELA GORDANA 'SANE BRICK'	LITTLE LEAF LINDEN	1/2 IN CAL
TR28	TRIALA C 'EMERALD GREEN'	EMERALD GREEN ARBOVITAE	4 FT - 5 FT

SEWER WATER FACILITY ZONES

TOTAL NUMBER OF TREES PER ACRE = AREA IN SQUARE FEET X 0.01
 TOTAL NUMBER OF SHRUBS PER ACRE = AREA IN SQUARE FEET X 0.02
 BRONDCOVER = PLANT AND SEED TO ACHIEVE 100% AREAL COVERAGE

SYM	BOTANICAL	COMMON
CH	GORDON NUTALLII	NATIVE PACIFIC DOGWOOD
AC	ACER GRACILISTM	NATIVE VINE MAPLE
MA	MANOKIA NERVOSA	CASCADE MANOKIA
GO	GARDA OMBIFIA	NATIVE SLOUGH SEDGE
JE	JUNCUS EFFLUS GRACILIS	NATIVE GORSEBUSH
AR24	ARCHTOSTAPHYLOS VALENZ-24H-O-C	NATIVE KIRKBOBINCK

AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO WATER ALL PLANTING AREAS

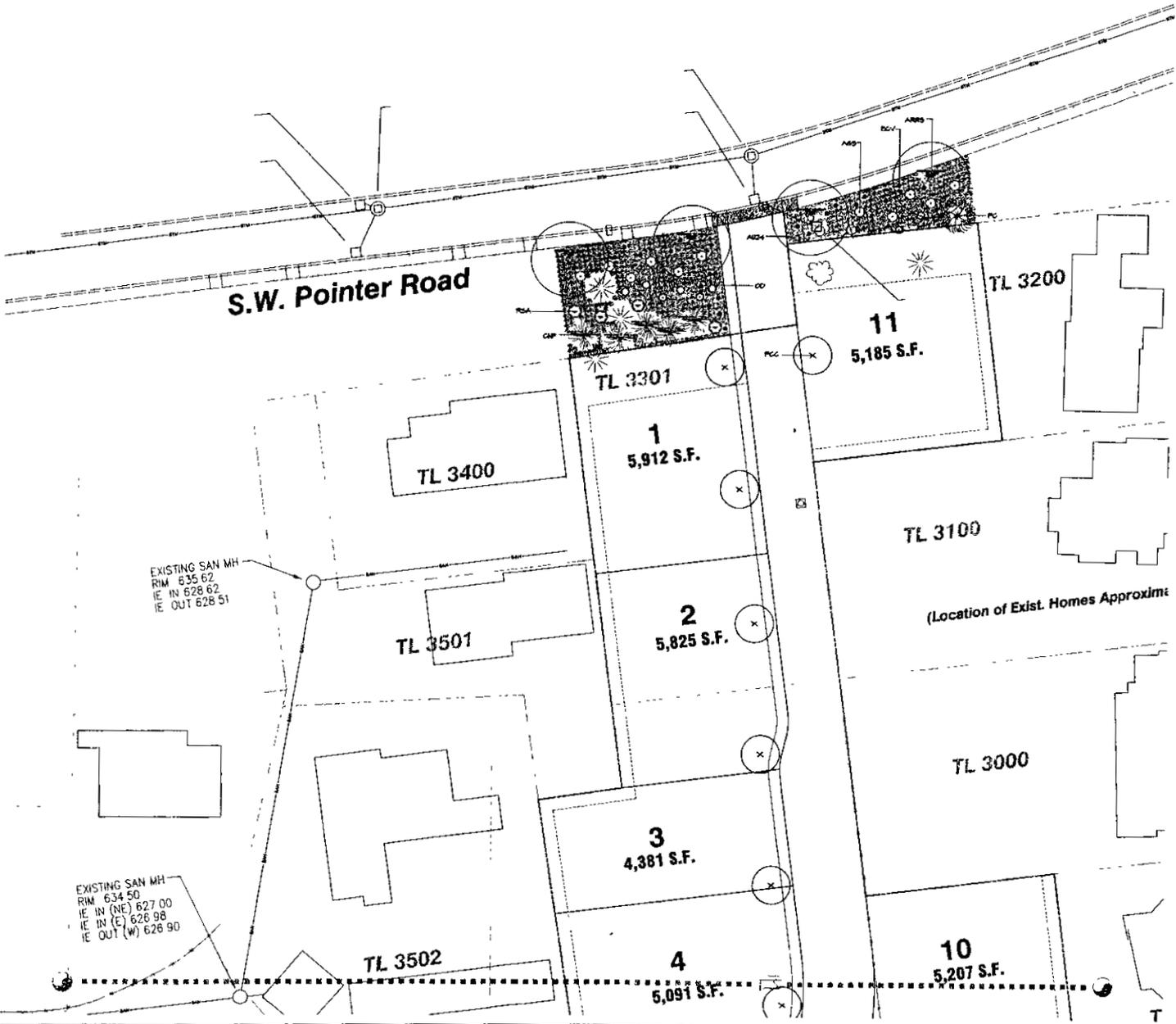


ATTENTION: Oregon law requires plants follow water supplied by the Oregon Utility Notification Center. These plants are not listed on OAR 921-001-0000. You may obtain copies of the index by calling the nearest Clear the Wilderness member for the Oregon Utility Notification Center at (503) 312-1987.



Landscape Plan

7.21.08	DESIGNED BY: [Blank]	DESIGNED BY: [Blank]	DESIGNED BY: [Blank]	MULCH LANDSCAPE ARCHITECTURE 1000 SW 14TH AVENUE PORTLAND, OREGON 97204 (503) 222-7435 FAX	RK Wilson Corp P.O. Box 1489 Clackamas, Oregon 97015 503-723-7435	11 Lot - Planned Unit Development 7360 SW Pioneer Road Beaverton, Oregon	L1 3
DATE: [Blank]	SCALE: 1" = 20'	DATE: MARCH 2008	DRAWN BY: [Blank] CHECKED BY: [Blank]				



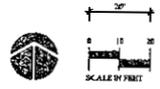
EXISTING SAN MH
RIM 635.62
IE IN 628.62
IE OUT 628.51

EXISTING SAN MH
RIM 634.50
IE IN (NE) 627.00
IE IN (E) 626.98
IE OUT (W) 626.90

LEGEND L2

SYM	#	BOTANICAL	COMMON	SIZE
AGS	14	ABELIA GRANDIFLORA 'SUNSHEDD'	WILDY ABELIA	8 GAL
AGS	4	ACER RUBRA 'RED SUNSET'	RED MAPLE	2 IN CAL
AZD	19B	ARCHONTOPHYLLON OVALIS-3-IN-0-2	KUMINGKONG	4 IN 2IN O.C.
CHP	1	CAHAMANTOPHYLLON 'L. TRODOLA'	SPRING HEATHER	6 FT - 8 FT
BCV	54	ERICA CARNEA 'VIVELLI'	HEPPING ALABAMA CEDAR	1 GAL
DO	12	OSMUNDIS DELAVAY	DELAWARE OSMUNDIS	2 GAL
PC	1	PRUNUS GONDIOLA	SHRUB PINE	6 FT - 8 FT
PGG	9	PYRUS CALLERYANA 'CAPITAL'	COLUMBIAN FLOWERING PEAR	2 IN CAL
ROA	1	REINER SANDERWICH	NATIVE CURRYANT	5 GAL

AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO WATER ALL PLANTING AREAS



ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Nursery Nurseries Council. These rules are on file at OAR 622-001-0810 through OAR 622-001-0899. You may obtain copies of the rules by calling the center (781) the telephone number for the Oregon Nursery Nurseries Council at (503) 232-1987.



Landscape Plan

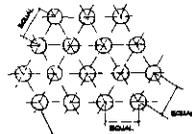
DATE	NO.	REVISION	DRAWN: DM	DESIGNED: DM	CHECKED: DM
			SCALE: 1" = 20'	DATE: March, 2006	
			PLAN: 05-5678-2548	5878	

MULCH LANDSCAPE ARCHITECTURE
ADD ME WITH ALL PORTFOLIO INFORMATION
ORIG TEL: 784-9896

RK Wilson Corp
P.O. Box 1489
Clackamas, Oregon 97015
503-723-7435

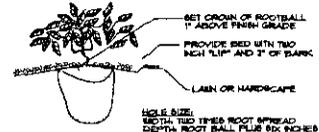
11 Lot - Planned Unit Development
7360 SW Pointer Road
Beaverton, Oregon

L2/3



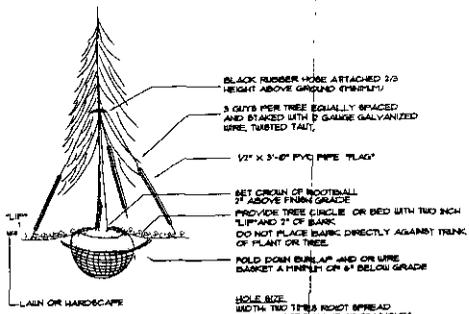
(1) ALL GROUND COVER SHALL BE PLANTED AT EQUAL TRIANGULAR SPACES FROM ON CENTER SPACING AS SPECIFIED ON PLANTING PLAN
 (2) LOCATE GROUND COVER ONE HALF OF SPECIFIED SPACING DISTANCE FROM ANY CURB, SIDEWALK, OR OTHER HARD SURFACE

1 GROUNDCOVER DETAIL
 L3 NOT TO SCALE



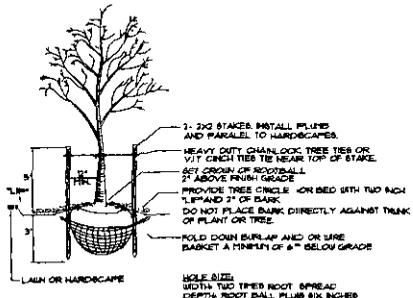
HOLE SIZE:
 WIDTH TWO TIMES ROOT SPREAD
 DEPTH: ROOT BALL PLUS SIX INCHES
 DO NOT PLACE BARK DIRECTLY AGAINST TRUNK OF PLANT. INSTALL LIFT WITH SQUARE POINT SHOVEL. SMOOTH BARK USING A LEAF RAKE WITH CLEAN STRAIGHT LINES AGAINST ALL WALLS

3 SHRUB PLANTING DETAIL
 L3 NOT TO SCALE



HOLE SIZE:
 WIDTH TWO TIMES ROOT SPREAD
 DEPTH: ROOT BALL PLUS SIX INCHES

2 CONIFEROUS TREE DETAIL
 L3 NOT TO SCALE



HOLE SIZE:
 WIDTH TWO TIMES ROOT SPREAD
 DEPTH: ROOT BALL PLUS SIX INCHES

4 TREE PLANTING DETAIL
 L3 NOT TO SCALE

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Workforce Center. These rules are set forth in OAR 822-001-0010 through OAR 822-001-0090. You may obtain copies of the rules by calling the center (hour, the telephone number for the Oregon Utility Workforce Center is (503) 522-1977)



Landscape Details

DATE	NO.	REVISION

MULGH LANDSCAPE ARCHITECTURE

DESIGNED: DM
 CHECKED: DM
 SCALE: 1" = 20'
 DATE: MARCH, 2006
 PLAN: 05-3678-2946 5678

RK Wilson Corp
 P.O. Box 1489
 Clackamas, Oregon 97015
 503-723-7435

11 Lot - Planned Unit Development
 7360 SW Painter Road
 Beaverton, Oregon

L3
 3

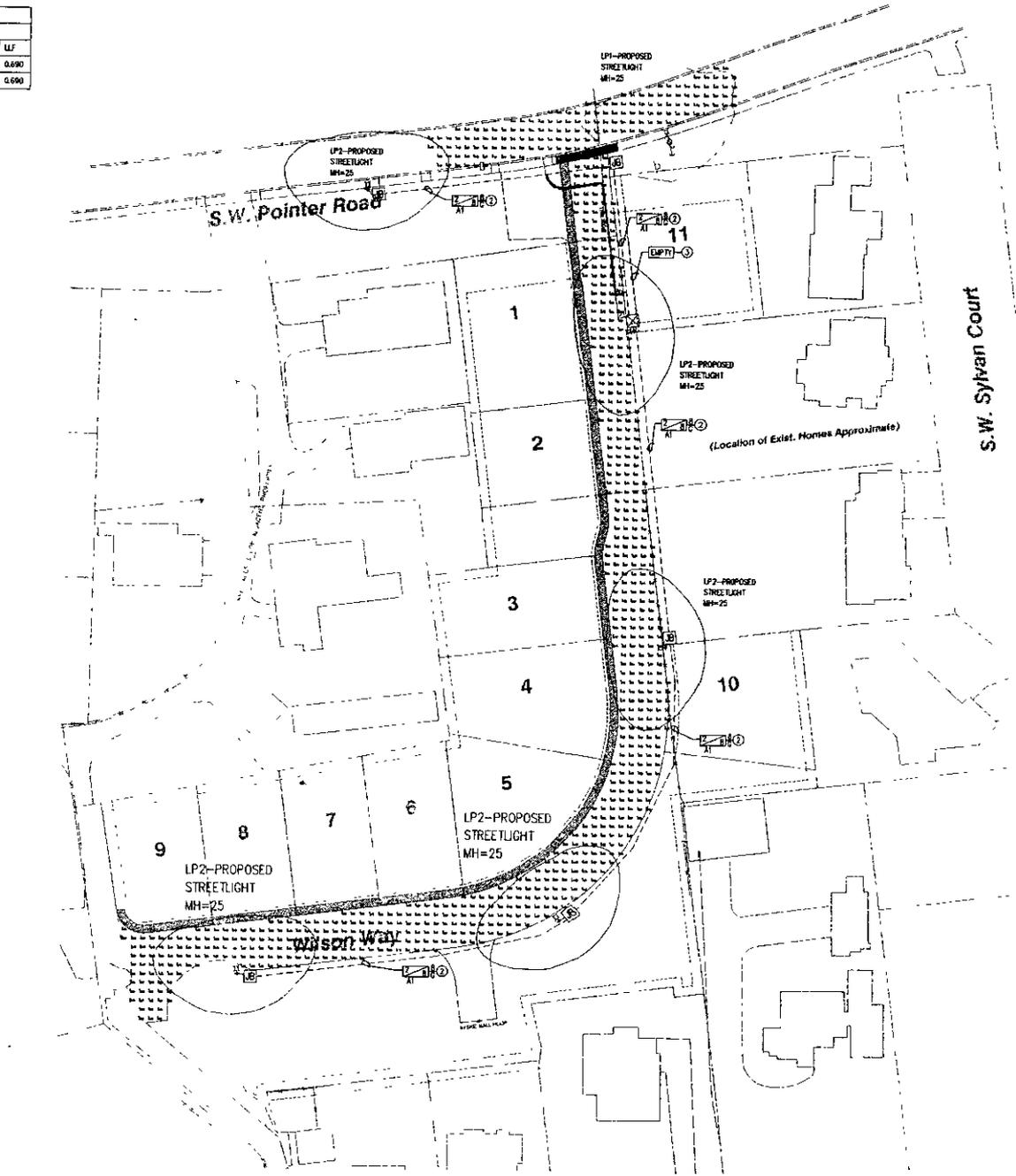
LUMINAIRE SCHEDULE							
PROJECT: POINTER ROAD							
QTY	LABEL	DESCRIPTION	WATTS	LUMENS	ARM	ARRANGEMENT	LLF
1	LP1-PROPOSED STREETLIGHT	MPS, "COBRA" STYLE, FLAT LENS LUMINAIRE MOUNTED 25 ON A WOOD POWER POLE	100	9500	6	SINGLE	0.690
5	LP2-PROPOSED STREETLIGHT	MPS, "SHOEBOX" STYLE LUMINAIRE MOUNTED ON A 25' BRONZE FIBERGLASS POLE	100	9500	1	SINGLE	0.690

NUMERIC SUMMARY							
PROJECT: POINTER ROAD							
LABEL	CLASS TYPE	UNITS	AVG	MAX	MIN	AVG/ARM	MAX/ARM
SW POINTER ROAD	ILLUMINANCE	Fc	0.46	2.48	0.12	3.83	20.67
SW WILSON WAY	ILLUMINANCE	Fc	0.48	2.1	0.1	4.80	21.00

LIGHT LEVEL REQUIREMENTS				
ROADWAY	CLASSIFICATION	TARGET	LIGHT LEVEL	UNIFORMITY
SW POINTER ROAD	LOCAL	TARGET	0.4 FC AVG	0.1 AVG/ARM
		ACHIEVED	0.46 FC	3.83:1
SW WILSON WAY	LOCAL	TARGET	0.4 FC AVG	0.1 AVG/ARM
		ACHIEVED	0.48 FC	4.80:1

LEGEND

- JUNCTION BOX
- STREET LIGHT CONTROLLER
- SHOEBOX FIXTURE
- COBRA-HEAD FIXTURE
- CONDUIT TAG
 - A - NUMBER OF WIRES
 - B - WIRE SIZE
 - C - GROUND WIRE SIZE
 - D - CONDUIT SIZE
 - E - CIRCUIT NUMBERS



STREET LIGHTING DESIGN
Scale AS NOTED

0136

Norstar Electrical Contractors
1940 S.W. Copico Road, Suite 107
Tualatin, Oregon 97062-7111
Phone 303-612-0840
Fax 303-612-0891



POINTER ROAD
BEAVERTON, OR

Title:	STREET LIGHTING	REV. DATE	NO.	REV. DISCUSSION
Designed by	DOUGLAS B. SEDIVY			
Checked by		10/09/06	1	ISSUE FOR REVIEW
Date		OCT 18, 2006		

DWG NO
EL1

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11-Lot PUD (Between Pointer Rd. & SW Canyon Lane)

R.K. Wilson, Compass #5878 (Canyon Greenhouse PUD)

Site Address: 7360 SW Pointer Road
Assessor Map: T1S-R1W-1DC, Tax Lot 3301 & 4001
Zoning: R7 **Area:** 96951

Initial Submittal

Applicant/Owner

Ronnie Wilson (TL 4001,3301)
RK Wilson Corporation
P.O. Box 1489
Clackamas, Oregon 97015
503 723-7435, Fax 503 643-5517

Additional Owners

TL 3200, C&Desiree Bova
7300 SW Sylvan Ct. Ptld 97225

TL 2900, Larry&Barbara Foster
7250 SW Sylvan Ct. Ptld 97225

Consultant & Representative

Karl Mawson AICP, Compass Engineering
6564 SE Lake Road, Milwaukie, Oregon 97222
Tel: (503) 653-9093, Fax: (503) 653-9095
Email: karlm@compass-engineering
Job #5878, Drawing # 2946

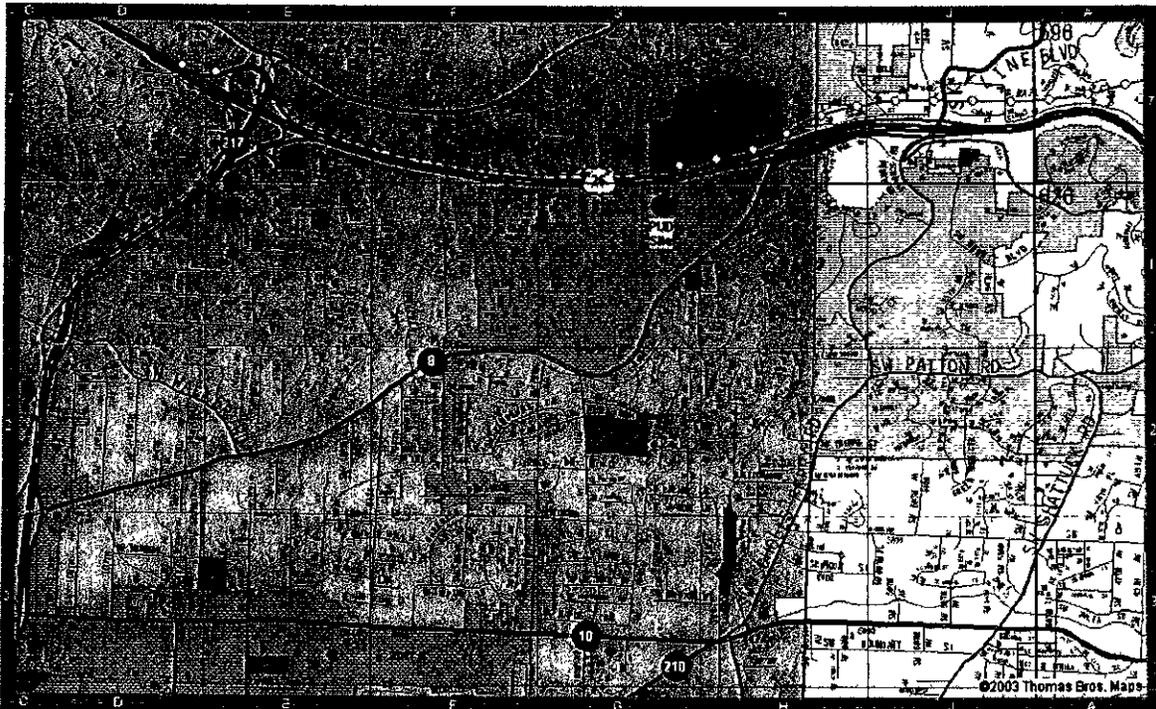
RECEIVED
AUG 15 2006
City of Beaverton
Development Services

Jurisdiction: Beaverton. Pre-App on 5/25/05. Present included Todd Knepper, Ronnie Wilson, Scott Whyte, Mark Boguslawski, Randy Wooley and John Dalby.

Project

Eleven lot Planned Unit Development

Vicinity Map



*started - 11/29/05
modified - 1/30/06*

Narration

Introduction [CU/PUD & Land Div.]

The site consists of four parcels, tax lots 4001, 3301, 3200, and 2900 which total approximately 96,951 square feet or 2.226 acres. The majority of the site has been occupied for at least the last 20 years with the Canyon Greenhouses, a wholesale nursery business. Access to the business has been from Canyon Lane to the South, although there are private roads (not owned by the owner of this property) to the North and West. In addition there is one single-family lot (allowing access to Pointer Road), and the backyard areas of two lots facing Sylvan Court. Over two-thirds of the property is covered with buildings, and over four-fifths of the largest lot is impervious surface when street asphalt and unpaved roads and parking areas are added to the building total. There is very little vegetation on the on that lot, and only a few trees on the entire site. The site slopes from the northeast to the southwest. Much of the stormwater that doesn't infiltrate into the soil runs down the twelve foot access drive, often running across Canyon Lane to property to the south. (To a lesser extent, stormwater also runs down and private driveway existing on SW 75th.) Existing structures are very close to adjacent properties, in fact one greenhouse used by the commercial operation is entirely on an adjacent property. (That property at one time was owned by the then-owner of the greenhouse operation.)

This proposal is to replace the commercial establishment with a residential development. Despite the presence of three vehicular connections to the north, west, and south, obtaining appropriate and adequate access required purchasing a lot fronting Pointer Road. The width of that frontage plus the odd-shape boundaries of the site encourage a design based on Beaverton Planned Unit Development standards. Utilizing the standards for a private street with parking on one side, provisions for existing easements, and the required 20% of remaining land for open space, it is possible to obtain 11 lots averaging over 5,000 square feet.

Most of the narration pertains to both the Conditional Use/Planned Unit Development and Land Division. In that case we have identified those sections with **[CU/PUD & Land Div.]** If criteria primarily relate to only one of the applications we have tried to identify those sections with a **[CU/PUD]** or **[Land Div.]**

Pointer Road Jurisdiction [CU/PUD & Land Div.]

Pointer Road is within the Highway 26 (and related intersection improvements) right-of-way, and is currently under Oregon Department of Transportation (ODOT) jurisdiction. ODOT is in the process of granting Pointer Road to Washington County or the City of Beaverton. In a conversation on January 5th, 2006, Sam Hunaidi of ODOT said that because Pointer Road was "on the other side of the wall", did not effect the operation of the highway, and was in the process of being transferred out of ODOT's jurisdiction, an ODOT access permit was not required. Although a formal request to the State could trigger unnecessary paperwork (because of existing procedural requirements), and result in little critical review (since any type of proposed connection to Pointer Road will not impact the function of the highway), it appears the City will require some documentation. Based on the conversations with Scott Whyte, we will request some review by ODOT.

Pre-Application Meeting [CU/PUD & Land Div.]

The Pre-Application meeting was held on May 25, 2005. Attached is a copy of the 21 page Pre-Application Conference Meetings Summary. The following narration attempts to cover all the issues discussed in the pre-app meeting.

Neighborhood Meeting Notes [CU/PUD & Land Div.]

Discussion of the proposal was part of a regular scheduled meeting of the West Slope neighborhood. Co-Chairs are Joe Whittington and Sid Snyder. Attached is one copy of the sign-up sheets. There was some confusion at the meeting with sign-up sheets from the neighborhood meeting administration, the applicant, and an additional sign-up for those wanting to have an additional meeting on the stormwater issue.

The biggest issue was how stormwater would be controlled. Currently the high percentage of impervious runoff results in water running off-site after heavy or moderate rain storms. Owners of property to the west and south expressed concern about the existing situation, and a fear that a development would make the situation worse. Mark Boguslawski from the City explained that the runoff going on and across Canyon Lane has been a problem, and the City has been working to improve the situation prior to this request. He explained the initial solution was to have the stormwater from this site be put underground into a line running west, and then allowed to enter a natural drainage system and/or existing lines. One property owner felt that the proposed outfall was close to or within his property and it would adversely affect him. There was a general consensus that a number of design issues had yet to be resolved, more time was required both to get the additional information and discuss impacts, and finally the subject could use up all the remaining time at the neighborhood meeting. A sign-up sheet was passed out for those wishing to be informed of any stormwater-related meeting.

There were a number of other concerns expressed. Some of the adjacent property owners to the north have easements across the property that allow them access to Canyon Road, and the wanted those rights to remain. Some expressed concerns regarding any development, and agreed that if residential development did occur they would prefer fewer units. There were two designs sent to most of the participants, and the neighbors to the south preferred the design that had the open space configuration along the south property line.

Comprehensive Plan Compliance [CU/PUD] (with Land Div. Relevance)

Following are findings related to Comprehensive Plan sections identified in the Pre-Application Conference.

Chapter 3 (Land Use Element)

3.13.3 (Standard Density Residential)

Goal: Establish Standard Density Residential areas to provide moderate sized lots for typical single family residences with private open space.

- a) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix to allow a variety of housing choices.*

The Comprehensive Plan and Zoning District Matrix indicates that the both R-7 and R-5 is compatible with the Standard Density, and the proposed PUD design meets the R-7 density.

Chapter 5 (Public Facilities and Services Element):

5.4.1 (Adequate Stormwater Management) Policies "a" through "c"

5.4.1 Goal: Ensure long-term provision of adequate storm water management within existing City limits and areas to be annexed in the future.

Policies:

- a) *The City shall continue to participate in the CWS's Surface Water Management (SWM) program for the urban portion of the Tualatin River watershed.. The City shall retain responsibility for planning, construction and maintenance of portions of the local storm water facilities within its incorporated limits.*

This project is and will continue to work with the City of Beaverton and Clean Water Services to meet local, state and federal standards. This proposal is part of a larger City project to improve storm water facilities in the area.

- b) *On-site detention will be used as a storm water management tool to mitigate the impacts of increased storm water run-off associated with new land development.*

On-site detention is one of the tools proposed in this design. The intent is to not only provide detention for stormwater management, but incorporate the facility such that it appears to be a natural amenity within the passive recreation area of the open space tract. The residential development of the site will result in a substantial decrease in impervious surface area.

- c) *All new land development will be connected to a storm water drainage system. Each new development will be responsible for the construction or assurance of construction of their portion of the major storm water run-off facilities that are identified by the SWM program as being necessary to serve the new land development.*

The PUD stormwater plan is designed for the entire development, and includes provisions for stormwater running off the private street and roof drains. After preliminary design approval, detailed construction engineering drawings will be completed and reviewed. Construction improvements and building permits will comply with the approved drawings as drawn and revised by the City.

5.5.1 (Adequate Water Service)

Goal: The City shall continue to participate in the Joint Water Commission and work with the West Slope, Raleigh and Tualatin Valley Water Districts to ensure the provision of adequate water service to present and future customers in Beaverton.

Policies:

- a) *All new land development (residential subdivisions, multiple family dwelling development, and industrial and commercial developments) shall be connected to a public water system.*

This design is connected to the public water system.

- b) *All new development served by the Beaverton Water Division shall be reviewed by the City to determine that the pressure of water available to serve the proposed development meets City standards*

The applicant will submit preliminary plans and construction drawings for City reviews and will abide by the final conditions of approval.

- c) *The City shall encourage water conservation consistent with current intergovernmental agreements, to prolong existing supplies and to help postpone water system capacity improvements needed to supply expected future demands as a result of projected population increases.*

This PUD proposal will be constructed with new homes, which must meet current building standards. These standards are more efficient with the use of water (water closet flushing standards), and the future users often request even higher standard (small water heaters located at the sink).

d) *The City will comply with State and federal laws and regulations relating to potable water.*
NA

5.6.1 (Adequate Sewer Service)

Goal: The City shall continue to cooperate with CWS to ensure long-term provision of an adequate sanitary sewer system within existing City limits and areas to be annexed in the future.

Policies:

a) *All new land development (residential subdivisions, and multiple family dwelling, industrial, and commercial developments) shall be connected to the City sewer system.*

This project will connect with the public sanitary sewer system

b) *When sewer service is extended into an area that contains existing development, all existing habitable buildings shall be connected to the new sewer if they are within 100 feet of the sewer line and if gravity lateral sewer lines can serve them.*

All existing habitable buildings are currently connected to the water line. The proposed PUD uses an existing line that runs west from the property.

Chapter 6 (Transportation Element)

6.2.1 (Enhance Beaverton's Livability)

Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.

Policies:

a) *Maintain the livability of Beaverton through proper location and design of transportation facilities.*

This site is so constrained it cannot create an additional standard vehicular connection between Pointer Road and Canyon Lane, but does continue the existing connection required by existing easements and important for emergency access. Through traffic is allowed due to the mix of pedestrians, vehicle drivers, and bike riders within a 12 foot width. (Also the Canyon Lane intersection has more traffic than the Pointer Road intersection.

b) *Consider noise attenuation in the design and redesign of arterial streets immediately adjacent to residential development.*

NA

c) *Locate and design recreational multi-use paths to balance the needs of human use and enjoyment with resource preservation in areas identified on the Natural Resource Inventory Plan Map for their Significant Natural Resource values.*

This is not a resource area, but the open space design will have some resource characteristics after the plantings mature.

d) *Protect neighborhoods from excessive through traffic and travel speeds while providing reasonable access to and from residential areas. Build streets to minimize speeding.*

Although through traffic would improve vehicular connectivity, this plan obtains slow speeds because it is a narrow street with a very constrained route (tight radius and narrow width) to the Canyon Lane outlet.

6.2.2. Goal: A balanced transportation system.

Policies:

a) Implement Beaverton's public street standards that recognize the multi-purpose nature of the street right-of-way for a combination of utility, pedestrian, bicycle, transit, truck, and auto uses, and recognize that streets are important to community identity and provide a needed service.

Site constraints restricts the use of a public street, but the private street achieves many of the objectives of a public street for residential access.

b) Develop and provide a safe, complete, attractive, efficient, and accessible system of pedestrian ways and bicycle ways, including bike lanes, shared roadways, multi-use paths, and sidewalks according to the pedestrian and bicycle system maps and the Development Code and Engineering Design Manual and Standard Drawings requirements.

The PUD design provides safe and attractive access to the new dwellings to be built on this site. In addition it provides safe (although slow) connectivity through the site for pedestrians and bicyclists.

c) Provide connectivity to each area of the City for convenient multi-modal access. Ensure pedestrian, bicycle, transit, and vehicle access to schools, parks, employment and recreational areas, and destinations in station areas, regional and town centers by identifying and developing improvements that address connectivity needs.

This policy has limited application because of the small size of the project. The design does provide good access to Pointer Road, which in turn has good access to Highway 26 and in turn other area freeways.

d) Develop neighborhood and local connections to provide adequate circulation into and out of neighborhoods.

This project provides a good connection to Pointer Road, and additional but restricted connections through the site to Canyon Lane.

e) The permanent closure of an existing road in a developed neighborhood is not recommended and will be considered by the City only under the following circumstances: as a measure of last resort, when the quality of life in the neighborhood is being severely threatened by excessive traffic volumes or the presence of a traffic safety hazard; or, as part of a plan reviewed through the City's land use, site development, and/or capital improvement process(es). Maintain existing neighborhood connectivity by avoiding closures of existing streets except when the closure is part of a larger plan for improvements to the neighborhood.

Not Applicable.

f) Design streets to accommodate transit while minimizing impacts to traffic flow.

Not Applicable.

6.2.3 (Safe Transportation System)

Goal: A safe transportation system.

Policies:

a) *Improve traffic safety through a comprehensive program of engineering, education, and enforcement.*

Not Applicable

b) *Design streets to serve anticipated function and intended uses as determined by the Comprehensive Plan.*

The proposed street design is appropriate for a residential street serving 9 dwellings.

c) *Enhance safety by prioritizing and mitigating high accident locations within the City.*

Not Applicable

d) *Designate safe routes from residential areas to schools.*

Not Applicable

e) *Construct multi-use paths only where they can be developed with satisfactory design components that address safety, security, maintainability, and acceptable uses. Multi-use paths should converge at traffic-controlled intersections to provide for safe crossing, although they should be separate and distant from major streets for most of their length*

The pedestrian to Canyon Lane will also have restricted (therefore somewhat limited) use by vehicles. It is a driveway for two dwellings, plus some property owners north of the site have easements for access to Canyon Lane, so must be available for vehicle use. There may need to be some design elements that makes it clear it is a shared, multi-use access.

f) *Provide satisfactory levels of maintenance to the transportation system in order to preserve user safety, facility aesthetics, and the integrity of the system as a whole.*

The private road will be maintained by a Home Owners Association.

g) *Maintain access management standards for streets consistent with City, County, and State requirements to reduce conflicts among vehicles, trucks, bicycles, and pedestrians. Preserve the functional integrity of the motor vehicle system by limiting access per City standards.*

This policy is meant to restrict traffic on higher volume streets, and is not applicable to this request.

h) *Ensure that adequate access for emergency services vehicles is provided throughout the City.*

This PUD plan has one new street access to the nine dwellings, but it also has three additional access points that can be used for emergency vehicular access!

i) *Meet federal and State safety compliance standards for operation, construction, and maintenance of the rail system.*

Not Applicable

j) *Provide safe routing of hazardous materials consistent with federal guidelines, and provide for public involvement in the process.*

Not Applicable

6.2.4. (Efficient Transportation System)

Goal: An efficient transportation system that reduces the percentage of trips by single occupant vehicles, reduces the number and length of trips, limits congestion, and improves air quality.

Policies:

a) *Support and implement trip reduction strategies developed regionally, including employment, tourist, and recreational trip reduction programs.*

As an infill development relatively close to services this project does create less trips than many developments on the perimeter of the UGB with an equal number of dwelling units

8.2 (Water Quality)

Goal: Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources.

Policies:

a) *All water resource areas within the City shall be enhanced, restored or protected to the extent practicable.*

The site is currently a commercial enterprise, with most of the site covered with buildings and a large portion of the remainder paved or graveled roads. It is not considered a water resource.

b) *The City shall limit development in vegetative corridors along streams through application of the CWS Design and Construction Standards so as to substantially comply with requirements of the Metro Functional Plan Title 3.*

Not Applicable.

c) *The City shall support the development of education programs aimed at helping citizens understand the importance of good stewardship and the use of non-regulatory tools that will provide additional water quality resource protection.*

Not Applicable

d) *Partner with other local jurisdictions and service providers to avoid duplication of efforts and resources.*

Although not exactly applicable, solving the stormwater issues in this area will require the coordination and assistance of the City, CWS, the developer, and maybe some outside grants. We are focusing on the on-site stormwater management problems, but understand the need for City assistance in solving the off-site and downstream issues.

e) *Protect investments in the City by managing stormwater runoff.*

The City will be reviewing this project (both on-site and off-site) to protect City investments.

Development Code Compliance [CU/PUD & Land Div.]

Following are findings related to those code sections identified in the Pre-Application Conference and application forms. The design details shown on the plan sheets often better indicate how the project complies with the standard. Instead of addressing each statement in the Code, we have pulled out only the requirements that appear closely related to this project.

CHAPTER 20 (LAND USES)

Section 20.05.15 (R-7)

A variety of uses are allowed in this zone, such as manufactured homes and care facilities. This proposal is for detached single-family homes that are allowed outright, and a planned unit developments allowed under the conditional use provisions.

Section 20.05.50

This site is zoned R-7 with an average lot size of 7,000 square feet. The proposal is for a Planned Unit Develop with a private street and 20% of the net area to be set aside for open space. The total area is approximately 96951 square feet, or 8,814 square feet gross area for each lot. Because of the land set aside for streets and open space, actual lot size averages 5,022 square feet per lot. The PUD provision allows reductions in lot size and setbacks, except for those setbacks on the perimeter of the lot. The smaller lot size will result in smaller dwellings even with increased setback flexibility.

Because this is a PUD, typical subdivision standards for lot width and depth do not apply. We are not requesting at this time any change in the perimeter setback requirement of 25 feet, but we are requesting that the applicant (or separate lot owners) be allowed to request reduced setbacks through the Flexible Setbacks provision if the PUD is approved. For example, Lots 6 and 7 are not only a sixty (60) foot side yard away from the adjacent dwelling (55 feet greater than required), but there is an existing greenhouse and shed which limits the view and impact between the existing and future dwellings. It appears both reasonable and fair to allow the future resident to at least make an application for a setback change.

CHAPTER 60 (Special Regulations)
Section 60.15 (Land Division Standards) [Land Div.]
60.15.10. General Provisions.

The land division standards set forth specific requirements and standards for a variety of improvements. Those improvements include streets, easements, utilities, public dedication and homeowner association. This section includes language on the authority (and limits) of requiring improvements, the timing of such improvements, and the documentation and maintenance of many of those improvements. Most of the improvements will be private and reviewed under the Planned Unit Development process.

The standards will be used in designing the Planned Unit Development, and our interpretation of those standards reviewed by staff and the Planning Commission. There are a couple of unique characteristics of this site. First, although the stormwater will be greatly reduced from the existing development, there is a City desire to change the off-site run-off so it does not run down the driveway access to Canyon Lane. We are showing the stormwater facilities in the southwest portion of the site, and incorporating those facilities into the passive open space area

The proposed private street has lots only on one side. There will be a sidewalk along the side of the street with the lots, but not a sidewalk along the east side in the private right-of-way area. Pedestrians can use the open space area along the south property line. Finally the street ends in a large "T" that does allow through traffic but can also be used as a turn-around. Although it would be more land-efficient to of have a turn-around or cul-de-sac stop short of the west property line, existing access easements run from adjacent lots from the north to SW Canyon Lane to the south. The existing driveway thus must remain accessible to vehicles.

Following are comments on specific provisions of Section 60.15.10

Easements Although this is a PUD with a private street, the street area will be identified and utilized as an easement for public services. An additional sidewalk easement will be

required outside the street area, and the location of some of additional easements will depend on the construction engineering.

Dedication It would be extremely difficult to provide a standard public street on this infill lot, so a private street is proposed. The project will dedicate 5 additional Public Street right of Way on SW Canyon Road as mentioned by Don Gustafson in the Transportation Issues report.

Homeowners Association A HOA is of course required for a PUD with a private street and common open space. A copy of the draft HOA provisions will be submitted with the final plat.

Section 60.15.15 Compliance with Land Division Approvals

The preparation, filing, review, and construction of improvements will meet City of Beaverton standards.

Section 60.45.10 Solar Access Protection

Of the 11 lots, 6 have a north-south orientation (two on Pointer Road, and four on the private street). Street trees (and even trees in the north part of the open space area) should be selected in part on their solar access friendliness.

Section 60.30 (Off-Street Parking)

The requirement is a minimum of one off-street parking space for every detached dwelling unit. The proposed homes will meet this standard, and some of them will have two off street parking spaces. In addition the private street is designed to have parking on one side of the private street, or roughly 15 on-street spaces. Required off-street parking is designed and reviewed as part of the building permit process.

Section 60.60 (Trees and Vegetation)

There are no natural resource areas, significant trees, or historic trees. There are no trees that would be designated as “protected” under the Beaverton code. There are two trees on the lot facing Pointer Road that would be classified as a Community Tree (a non fruit-bearing tree over 10 inches dbh): a 17 inch Maple and 14 inch Douglas Fir. The Maple is likely between the side yard setbacks of the two adjoining proposed lots, but if the two structures are built ten feet apart, a) the tree would need to be exactly in the center not to have the root zone seriously damaged and b) a tree in that space probably is not beneficial to the tree or the adjacent homes. That tree should be retained until the building permit stage to determine the exact location relative to the lot line, and whether the owner and specific house design could protect it.

Although two community trees do not require mitigation, the proposed open space area will be planted with a number of trees and meet the mitigation standard for a protected tree of that size.

CHAPTER 40 (PERMITS & APPLICATIONS) [CU/PUD & Land Div.]

Section 40.03 (Facilities Review Committee)

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

Water lines exist in both Pointer Road and Canyon Lane. They are of adequate size for fire safety and domestic water. Sanitary sewer will connect to a line starting at a point close to the northwest corner of this site. That line runs toward the west with an easement across private property. A short easement (under an existing private travel way) may be required to complete the connection. Preliminary discussions with the City indicate adequate capacity both in this line and treatment facilities.

Current stormwater runoff has created problems to the south. A two step approach will solve the problem. First, in the main tax lot almost all of the site is now impervious surface. Greenhouse structures (with some storage and office space) take up most of the site, and much of the remaining area is used for vehicle access. The vehicle access area is a combination of asphalt pavement, gravel, or compacted gravel and soil. The tax lot fronting Pointer Road along with any lots obtained from dividing two lots to the east are typical single-family site with a much smaller percentage of impervious service.

The first step is the change from a commercial greenhouse site to a single-family PUD. All the large buildings will be removed. Eleven new single-family homes will be constructed and a narrow private street constructed, resulting in a reduction of impervious surface of more than 50%. The houses have limited size because of lot size and perimeter setback provisions, plus 20% of the entire site is set aside in open space.

The second step is the stormwater treatment design. Now, most of the runoff flow across the site and down the driveway to the south. The proposal shows most of the runoff put into a detention basin. The City has proposed two different alternatives for taking any overflow from the site. Their preferred option is to have overflow runoff go north and then west in a line roughly parallel to the existing sanitary sewer. The second option is having the overflow piped down the driveway, and then turning west along Canyon Lane to eventually end up in the same drainageway as the first option.

With access to both Pointer Street and Canyon Lane, the other "dry" utilities of natural gas, cable, and electricity are readily available.

2. Essential facilities and services are available or can be made available prior to occupancy of the development. In lieu of providing essential facilities and services, a specific plan strategy may be submitted that demonstrates how these facilities, services, or both will be provided within five years of occupancy.

As is typical with infill sites, essential facilities are available. It is possible that a downstream stormwater facilities may not be completed prior to occupancy, but a) there will be a major improvement compared to the current situation, and b) those downstream stormwater improvements will be timed to easily meet the five year deadline.

3. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

Compliance with Chapter 20 (Land Uses) have been addressed above. Variances or adjustments are not being requested as part of this PUD application, although the ability to apply for variances are being requested. (It is possible the flexible setback provision could be utilized in the future, but that would be on an individual lot basis, would hinge on the particular circumstances of the adjacent lot, and would require going through the applicable City process.) The PUD process is being used to allow some flexibility in the design of the project, mainly the private street.

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

Chapter 60 has been addressed above. Although the number and extent of dedications and improvements cannot be determined until at least the staff report is available, the pre-application and current discussions with staff have not specifically identified improvements the applicant indicates are unacceptable.

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

A Planned Unit Development by definition has shared common property requiring maintenance. Besides the 20% open space, this project includes a private street and stormwater facilities. A Homeowners Association (HOA) will be created as part of this project. Draft HOA bylaws will be submitted along with the final plat.

6. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.

This site has been a commercial nursery business with one 12 foot access to Canyon Lane. In addition there are two private vehicle connections to the site. The existing connection north to Pointer Road is narrow and appears to run along (and within) tax lot 3600 and along and through tax lot 3500. It appears that tax lots 3500 and 3502 have legal access across the site (tax lot 4001) to Canyon Lane. It is not clear whether tax lot 4001 has any rights to use the easement above to gain access to Pointer Road. There is also an access driveway to the west connecting with SW 75th Avenue used by one of the two dwellings on tax lot 4000. The occupants of that dwelling use (and have access across) the site (tax lot 4001). It appears there is no reverse easement to allow occupants of tax lot 4000 to gain access to SW 75th Avenue.

This proposal creates a new wider access to Pointer Road by acquiring tax lot 3301. Primary access to the project would be from Pointer Road using a private street. The current access from Canyon Road would still exist. Although it would work better as pedestrian-only with access for emergency vehicles, the existing easements require that it remain open for vehicular access. (Tax lots 1-1-1DC-4500 and 1-1-12AB-6500 use the access to reach their garages, and properties to the north have an easement to gain access to Canyon Lane.)

The two access points provide efficient vehicular and pedestrian access to and through the site. In addition, the two additional connections to Pointer Road and SW 75th Avenue provide emergency access as they remain open to accommodate the properties having easements across this development site. Pedestrian access is improved if the number of vehicles traveling through the property is reduced, and the speed of those vehicles is limited. Our current solution is to narrow the private street to 20 feet and make it a sharp turn to use the driveway to Canyon Lane.

7. The on-site vehicular and pedestrian circulation system connects to the surrounding circulation system in a safe, efficient, and direct manner.

There are only two access possibilities, the existing access on Canyon Lane and the new connection on Pointer Road. The connection on Pointer Road has good site distance as the access is on the outside of a slight curve. Also there are no connections or driveways entering Pointer Road from the North, and more importantly there is little travel on Pointer Road. The grading plan shows the private street being raised for easy access and good visibility along Pointer Road.

As proposed, a sidewalk would be constructed along the west and north side of the proposed street. There is very little need for sidewalk along the full length of the opposite side of the street, as there are at most only two dwellings on that side. Pedestrian access will be provided within the open space area.

The existing connection to Canyon Lane also has good visibility as it is over 300 west of a curve on SW Canyon Lane. Because that access is shared with pedestrians and average daily traffic is higher on Canyon Road (compared to Pointer Road), heavy vehicle use of this intersection has been discouraged.

8. Structures and public facilities and services serving the site are designed in accordance with adopted City codes and standards at a level which will provide adequate fire protection, including, but not limited to, fire flow, and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

There are a number of characteristics of this development that will provide a safe living environment. The development is new, with a new private street and improvements to the existing access. The improvements will be designed, constructed, and reviewed in accordance with adopted City codes and standards. The degree of slope is small enough to not result in potential soil instability. Fire flows can be met with a looped water system. Besides the access points (the existing and new access on Pointer Road) there are two additional access options (to the north and west) plus a turn-around area.

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

Discussion of the stormwater problems and proposed solutions have been discussed above in term of Comprehensive Plan policies and code standards. To sum up those previous comments, there are stormwater problems now with the extensive impervious surface, the lack of water detention facilities or water quality features, and the existing drainage pattern down the existing driveway to WE Canyon Lane. Changes include a large reduction in impervious area, a detention and quality pond receiving street runoff, and a new City piped overflow system that takes the water to a drainage basin west of the site.

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

This project provides wheelchair access through the site with a sidewalk along the west and north side of the street. The street and adjacent sidewalk grade approaches 6% for a short section close to SW Pointer Road. The open space area design has not been finalized, but the intent is to develop an active recreational area at the corner, and a passive recreation area incorporating the water quality

facility. The corner site has good visibility both to the north and west, so tot lot playground features is likely to be part of the mix.

11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]

It is the applicant's intent to submit all information as required in the City of Beaverton code, and will supplement the application if deficiencies are determined during completeness review.

Section 60.35 (Planned Unit Development)

60.35. PLANNED UNIT DEVELOPMENT [ORD 4224; August 2002]

60.35.05 Purpose. The planned unit development provisions are intended to encourage more creative approaches for developing land, while enhancing and preserving the value, spirit, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations.

As mentioned previously, the primary site is a commercial nursery operation in a residential zone surrounded by existing residential development. Most of that central site is impervious surface, with storm runoff going down a driveway impacting off-site dwellings. Its access is by a 12 foot wide flag, and has a number of access easements across the property. The PUD provision allows the use of a private street serving the area, and reduced setbacks for smaller lots. A traditional lot-by-lot land development would require the approval of a number of major variances and adjustments, and even then result in an excessive amount of right-of-way, very shallow lot depths, and few amenities. The use of the PUD provisions allows design flexibility in accommodating the smaller lots and complex access contracts, and provides and open space amenity.

60.35.10. Modification of Base Zoning Standards

1. Dimensional Standards regulations.

Perimeter setbacks will meet code, although variances may be requested at a later time. The twenty-five foot setback reduces a substantial portion of the buildable area of the small lots, and as mentioned above, some of the adjacent dwellings are located some distance from the perimeter of this project. Required building and fire codes will be met, and there are no plans to increase maximum building heights.

2. Allowed Uses. .

Proposed uses are detached single-family homes, a permitted use, and some improvements in the open space area.

60.35.15 Common Open Space. . .

1. PUD common open space area. Because this site is less than 10 acres the maximum percentage of open space, 20%, is required. Almost all of the open space is on the south edge of the property. The open space has a variety of activity areas. For active recreation there is a tot lot. That is in the most visible portion of the open space, plus areas close to the tot lot parents to observe. Behind the tot lot is are a few fitness areas plus a large open space area to the west. Further west is a shallow water basin with native plants.

A small open space area is adjacent to the north property line. This area does three things. It provides a second passive recreation area. It creates an attractive entrance to the facility. And finally it provides an opportunity for landscaping within a very wide right-of-way area west of the street entrance.

2. Land required to be set aside as setbacks or buffers shall not be included in the calculation of required open space. . .

The proposed open spaces do not include required setback areas. The location of the open space utilizes the varying property lines, provides a buffer (discussed in the neighborhood meeting) for homes to the south, and is the most visible area on the site.

3. Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed. . .

A homeowners association is required for a number a reasons, including continuing care and maintenance of the private street, water quality facilities, and the open space features.

Subdivision at 7385 SW Canyon Lane
RK Wilson, Compass #5878

Lot #	Area	Width	Depth	(in sq.ft.)
1	5,912.0	67.0	87.0	
2	5,825.0	86.0	64.0	
3	4,907.0	52.0	90.0	
4	4,963.0	52.0	89.0	
5	5,620.0	58.0	90.0	
6	4,646.0	54.0	82.0	
7	4,504.0	57.0	78.0	
8	4,360.0	77.0	67.0	
9	4,180.0	83.0	71.0	
10	5,140.0	68.0	75.0	
11	5,185.0	69.0	75.0	
Totals =	55,242.0	723.0	868.0	
Average =	5,022.0	65.7	78.9	

Area Calculations		
Category	Area	Percent
Lot Area =	55,242.0	57.0%
Private Street =	21,279.0	21.9%
Open Space =	20,430.0	21.1%
Total Site =	96,951.0	100.0%

Standard Density Calculations			
R7 Max=	7,000.0	Min=	5,600.0 sq.ft.
	Max =	13.9	Lots
	Min =	11.1	Lots
	Rounded	14.0	Lots Maximum
		11.0	Lots Minimum



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ENGINEERING

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March 27, 2006

Liz Jones Associate Planner
Community Development Dept.
City of Beaverton
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR 97076

RE: Pointer 11-Lot PUD (CU2006-0001/LD2006-0004)
Completeness Supplement to Preliminary Application

Dear Ms. Jones:

The following information is intended to address the completeness issues you mention in your letter of February 27, 2006. The additional narrative information is included within this letter, although in a few cases I may direct you to information already presented or explain why additional information cannot be provided.

Chapter 20

Flexible Setbacks – 40.30

As you note “The ability to apply for an application is not a request which would need to be made through this PUD but rather would be something a future property owner would need to pursue with the City at that time”. (Emphasis Added) I agree, and by the same token denying the ability of a property owner to apply for Flexible Setbacks is inappropriate in this PUD request. I agree with the City’s position that the pros and cons of future applications are not part of this request. Please disregard my comments on the original application.

Site Development Requirements -- 20.05.15 as modified by 60.35.10

Attached is a spreadsheet that shows density calculations (both minimum and maximum) and a estimated lot depth and width. The spreadsheet shows a minimum density of 9 lots and a maximum density of 11 Lots. Perimeter setbacks of 25 feet have been shown on the site plan, and other proposed front and side yard setbacks are also on the site plan. We show relevant information and calculations and believe we do meet the standards of Chapter 20 as modified by 60.35.10. The supplemental regulations Chapter (20.20.60) pertain to specific areas. On the downtown central map this area is shown as standard residential.

20.05.55. Supplemental Development Requirements [ORD 4224; August 2002]

In addition to the site development requirements listed in Section 20.05.50, development in residential zoning districts shall be subject to the following supplemental development requirements:

0154

1. Design Features:

All detached dwellings shall utilize at least two (2) of the following design features (ORD 3899) [ORD 4047; May 1999]:

- | | |
|---------------------------------|--|
| A. dormers | K. off-sets on building face or roof (minimum 12) |
| B. recessed entries | L. a roof with a pitch greater than nominal 8:12 |
| C. cupolas | M. covered porch or entry with pillars or posts |
| D. bay or bow windows | N. garage set at least 10 feet behind the front face of the primary dwelling unit |
| E. tile or shake roof | |
| F. gables | |
| G. attached garage | |
| H. window shutters | |
| I. horizontal lap siding | |
| J. eaves (minimum 6) | |

We were told by City staff that for a PUD that created lots, specific single-family designs and elevations would not be required. We have not included elevations for this submittal, as many (perhaps all) of the individual property owners will be involved in the design of their units. We believe such owner involvement we result in not only better-designed units, but longer residency for the owners and better maintenance of the project. We know and understand that the design of the units must meet the standards of 20.05.55. , and may have some typical examples prepared for the Planning Commission hearing.

- 2. Extension of Facilities. [ORD 4061; September 1999] To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines through applicant's property to the property line of the adjoining or abutting property. Extension of streets shall conform to the requirements of Section 60.55 Transportation Facilities. Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan. Where physical or topographic conditions make the extension of a facility or facilities impracticable, the City Engineer or designee may require a cash payment to the City in lieu of the extension of the facility or facilities, the amount of which shall be equal to the estimated cost of the extension(s) under more suitable conditions.**

Transportation connections have been discussed somewhat in the original submittal in 6.2.3 of the Plan, "Goal: A safe transportation system". An informal connection on this property has existed between Pointer Road and Canyon Land, although you had to use a poorly defined private way, and then cross an operating wholesale commercial business. Outsiders could be arrested for trespassing, except for those property owners having access easements across the property. This new development will create a private street that is clearly open and accessible to the public. Access to the east and west is not available, nor required.

Because this is an infill development surrounded existing homes, we do not see where the extension of utilities is required.

Chapter 40

40.45.15.

3. Preliminary Subdivision.

A. Threshold. An application for Preliminary Subdivision shall be required when the following threshold applies:

1. The creation of four (4) or more new lots from a lot of record in one (1) calendar year.

We are creating 11 lots, meeting the threshold requirement.

C. Approval Criteria. In order to approve a Preliminary Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Preliminary Subdivision application.

As indicated above, this 11 lot project meets the threshold.

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

We believe we have paid all applicable fees, but will pay the difference if additional application fees are required.

3. Oversized lots shall have a size and shape which will facilitate the future partitioning or subdividing of such lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots as well as the future development on oversized lots.

There are no oversized lots in the development, so no need to oversize improvements to serve future development on site. This is an infill project and utilities and transportation facilities are sized to serve the development and alleviate the current stormwater issues.

4. If phasing is requested by the applicant, the requested phasing plan can be carried out in a manner which satisfies the approval criteria and provides necessary public improvements for each phase as the project develops.

Phasing is not being requested.

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

We are submitting applications and documents based on our understanding of code requirements and planning staff recommendations. As discussed elsewhere in this report we are simultaneously submitting a zoning map amendment and 3-lot land division, and will sign documents permitting this approach.

40.15.15.

5. Preliminary Planned Unit Development.

A. Threshold. A Preliminary Planned Unit Development (PUD) application is an optional application process which may be chosen by the applicant. A Preliminary PUD application is the first application of a two-step application process with a Final PUD application as the second step. A Preliminary PUD is a plan that generally demonstrates the ultimate development of a project. A Preliminary PUD may be applied to properties within any City zoning district except Residential-Agricultural (RA).

B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Preliminary PUD. The decision making authority is the Planning Commission.

C. Approval Criteria. In order to approve a Preliminary PUD application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Preliminary PUD application.

We have chosen the optional PUD process, and understand it is the first application step in a two-step process.

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

We have submitted the application fees we believe are correct. If other fees are required please contact us.

3. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance which shall be considered concurrently with the subject proposal.

This proposal meets the perimeter setback requirement because no structures have been built, and future structures will meet the required setback distance as part of obtaining a building permit. To make the requirement more obvious, we have shown the perimeter setback lines on the site plan.

4. The proposal will comply with the applicable policies of the Comprehensive Plan.

Please see the roughly 5 pages of findings addressing what we believe are the applicable policies of the Comprehensive Plan.

5. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

As shown on the spreadsheet, this property can comply with the minimum/maximum density requirements on the R7 zone. Existing access easements across the property increase the square footage we have to put in the private street system, but even after placing the vehicle access easements into the private street system (and removing that area from the net area requirements) the density allowed is 11 units. The combination of the 21% Open Space and the private street does result in smaller lots and smaller dwellings, adding to the diversity in Beaverton housing.

6. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.

The site has been operating as a wholesale greenhouse nursery business; a non-conforming use. Almost all of the site is covered with buildings. The zone is single-family residential, and the surrounding areas are developed with single-family homes. Average lot size of the surrounding lots are larger than the minimum lot size of the existing zone, and of course larger than the average lot size in our R7 PUD.

Most of the adjacent single-family lots surrounding the property have their backyards adjacent to this property. The larger lots and lot orientation means almost all adjacent dwellings have a good deal of separation from existing dwellings. (Lot Number 1 is an exception with a double side yard orientation, but having 10 foot separation between two single-family homes is a common and acceptable practice.

0157

The project will have minimal impact on livability for the existing homes or any re-development under the R7 zone.

7. Lessening the Site Development Requirements results in benefits to the site, building, and structural design or preservation of natural features that could otherwise not be achieved.

The relaxation in street standards allows the development of this infill area while still maintaining adjacent easement agreements and connectivity. A standard subdivision would result in even shallower lots, many of them odd shape and difficult to build on. The PUD process greatest benefit is requiring the 20% open space. The odd shape area that creates odd-shaped lots in a subdivision works well as open space, with good visibility and increased separation from the dwellings to the south. The PUD section of the code allows this infill site to be developed (replacing a non-conforming use and approximately 85% impervious surface), and developed in a way that creates an open space amenity, and provides a desired housing type for the City.

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

We are attempting to submit required and relevant documents and supporting material in the proper sequence.

60.15. LAND DIVISION STANDARDS. [ORD 4224; August 2002]

60.15.05. Purpose. It is the purpose of this section to establish uniform design and development standards and requirements for all land division applications in Section 40.45 of this Code.

60.15.10. General Provisions.

1. Easements.

A. The minimum public utility and drainage easements for residential land divisions shall be as follows:

- 1. A six-foot (6) public utility easement along all front lot lines.**
- 2. A three-foot (3) utility and drainage easement along all side and rear lot lines.**

Although these easements have been added, easement requirements should be re-evaluated when engineering construction drawings are prepared.

B. Public water, sanitary sewer, and storm drainage lines on private property shall be centered within a permanent easement granted to the City, with a minimum width of fifteen feet (15) along its entire length. The actual required width of an easement may be greater than the minimum required as the required easement width shall be measured from both outside edges of the pipe zone outward to the catch points where the theoretical lines at a 1:1 slope would daylight unless permanent soil reinforcements or other measures are provided to the satisfaction and approval of the City Engineer. No encroachment within a public utility easement of any private utility or structure shall be allowed without prior itemized approval. Under no

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circumstances, shall these items be placed within the pipe zone. Private utilities that cross public utility easements shall do so as close as practical to right angles with the public utility. The City can not approve any encroachment location which would adversely affect the ability of the City to maintain City utilities. Such easements, when directed by the City, shall be accompanied by temporary easements granted to the City of adequate width to allow construction of water and sewer. The Engineer or developer's surveyor shall provide the City with documents necessary to record the easements. The width of combination easements is evaluated at the site development permit stage on a case-by-case basis.

As much as possible utilities will be placed within the private street, and the appropriate easements designed to City standards

Upon issuance of a Site Development Permit and Final Land Division application, the Director will notify the Washington County surveyor that a cadastral review of the Final Land Division may begin. It is within the authority of the City Engineer or designee to refuse to approve or sign any land partition, partition plat, or subdivision plat for a development that has not installed the necessary public utilities to serve the proposed and affected existing lots. Such approval may be withheld until it can be verified that the location and width of proposed rights of way and easements are adequate for the completed utilities.

We believe the proposed utilities (as shown on the plan sheet) are adequate to serve this project.

C. Where a land division is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width as will be adequate for the purpose, may be required. Streets or parking ways parallel to water courses may be required.

This site is not traversed by a water course.

2. **Building Lines.** The Director may approve special setbacks based upon the consideration for safety, topography, geology, solar access or other such reasons. If special building setback lines are to be established in the land division that are greater than required by this Code, they shall be shown on the final land division and included in the deed restriction.

We believe greater-than-standard setbacks are not required for this project.

3. **Dedications.** Public streets, sidewalks, pedestrian ways, bikeways, multi-use paths, parks, open space, and other public rights-of-way required as mitigation for on site or off site impacts in proportion to the identified impacts of the proposed development and reasonably related to the development, shall be dedicated or otherwise conveyed to the City or the appropriate jurisdiction for maintenance. Dedication of any land for park or open space purposes must be approved by the jurisdiction to whom the park or open space is being dedicated prior to Final Land Division approval.

As a PUD, the private street and open space are maintained by the Homeowner's Association. See

below.

4. **Homeowner Associations and Declarations.** When a Homeowner's Association Agreement or other restrictive covenants are to be recorded with the development, a copy of the appropriate documents shall be submitted with the final plat. The City shall review such documents to ensure that common areas are properly maintained and that other restrictions required by the City are included.

Homeowner Associations and Declarations will be prepared as part of the final plat.

60.15.15. Compliance With Land Division Approvals.

1. **Requirements Prior to Commencement of Work.** Prior to any construction, improvements or land development, the developer shall perform the following:

The City of Beaverton process will be utilized in preparing construction drawings, having those drawings reviewed, and the contractual and security requirements prior to constructing those improvements.

2. **Improvement Procedures.** All improvements shall conform to the requirements of this Code and any other improvements standards or specifications adopted by ordinance of the City Council and shall be installed in accordance with the following procedure:

These requirements detail the requirements for the design of improvements as set forth in the conditions of approval. Although we do not know of the required improvements at this time, we agree to the process set forth above for their design, review, and construction.

3. **Improvement Requirements.** The improvements that are reasonably related and roughly proportional to the impacts of the proposed development that shall be installed at the expense of the developer are as follows:

This section outlines those features and improvements that are the responsibility of the developer. There are additional explanations elsewhere in application on the design of these improvements, and some of the explanations are re-iterated below.

A. Streets:

Streets and intersections are indicated on the proposed plans. Street layout is constrained by the dimensions of the site and existing easements.

- B. Catch basins. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways.**

- C. Monuments and bench mark.**

- D. Surface drainage and storm sewer system. Drainage facilities including, but not limited to, conveyance, detention, and water quality facilities, shall be provided within the land division to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage shall be in accordance with the standards established by the City Engineer and shall allow for the extension of the system to serve other areas.**

- E. Sanitary sewers. Sanitary sewers shall be installed to serve the land division and to connect the land division to existing mains.**

F. **Water system.** Water lines with valves and fire hydrants serving the land division, connecting the land division to City mains, shall be installed in conformance with the City specifications. The design and construction by the developer shall provide for extension beyond the land division, for extensions to adequately grid the City system, and for proper connection of adjoining pressure zones, where required.

G. **Street Trees.** Street trees shall be planted along street frontages in accordance with the following:

1. For detached dwelling land divisions, the Developer shall pay a fee to the City. The City shall be responsible for tree purchase and planting, and maintenance for one year, consisting of pruning, disease control and watering. The fee shall be based upon a standard of one tree per thirty (30) lineal feet of street frontage, with standard rounding methods applied for fractions thereof. The fee to be charged and collected shall be established and from time to time amended by Resolution of the City Council.
2. For all other land divisions, trees shall be planted in accordance with an approved street tree plan.
3. Trees shall be planted in accordance with the City's Tree Planting and Maintenance Policy.

H. **Bike and pedestrian ways.** Bike and pedestrian ways shall be constructed according to City Engineering Design Manual and Standard Drawings.

I. **Pedestrian Circulation.** [ORD 4332; November 2004]

We have proposed sidewalks only on the west and north side of the private street for a couple of reasons. First, many of the lots are shallow, and we gain some depth by using sidewalks on one side. Second, there are only two lots on the other side (lots 10 and 11), such that sidewalks on the east will be little-used. Third and most importantly, personal safety is increased with pedestrians walking along the proposed sidewalk location. They are closer to homes, and are on the inside of a 90 degree turn. Amount of use for pedestrian routes relates to three things: convenience (they connect desirable points), interest (there is some pleasure in using that route) and safety. In this layout the a sidewalk on the east side has little convenience (few people have a need to use it), very little interest (adjacent to a fence on one side) and reduced safety. Although there are some paths in the open space area, these facilitate use of the recreational area and not using that side of the street.

There steepest slope is roughly 6% going into the development from Pointer Road. The remainder of the site is very flat. Other ADA standards apply at the building permit stage. Street lights will illuminate the sidewalks.

1. Walkways are required between parts of a site where the public is invited or allowed to walk.
2. A walkway into the site shall be provided for every 300 feet of street

frontage. A walkway shall also be provided to any accessway abutting the site.

3. Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development.
 4. Walkways shall be reasonably direct between pedestrian destinations and minimize crossings where vehicles operate.
 5. Walkways shall be paved and shall maintain at least four feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided where necessary to provide a reasonably direct route. The slope of walkways without stairs shall conform to City standards.
 6. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. The ADA applies to the walkway that is the principal building entrance and walkways that connect transit stops and parking areas to building entrances. Where the ADA applies to a walkway, the stricter standards of ADA shall apply.
 7. On-site walkways shall be lighted to an average 0.5 foot-candle level. Lighting shall have cut-off fixtures so that no glare is emitted beyond the property line or onto the public right of way.
- J. Other improvements reasonably related to the impacts of the development which may be required in rough proportion to the impacts of the proposed development at the partial or total expense of the developer.**
1. Improvement of streets providing primary access to land division streets.
 2. Signals, traffic control devices, and traffic calming devices.
 3. Intersection improvements.
 4. Fences, privacy screens, retaining walls, and sound walls.
 5. Slope stabilization and erosion control.
 6. Parks and open space shall be improved as required by the City and appropriate jurisdiction.

These potential exactions may be considered and some recommended by staff, and discussed as part

of the Type 3 review process. Both we and the City of Beaverton agree on the general goal of creating and safe and attractive housing development.

- K. Street Lights. Street lights shall be installed in accordance with City standards.**

Street lights are shown, and we will also propose some light for the Open Space area.

- L. Curb cuts and driveway installations are not required of the developer but, if installed, shall comply with City standards.**

- 4. Maintenance Security. The developer shall enter into a contract with the City of Beaverton to ensure the continued maintenance of all required improvements in a manner consistent with Section 9.05 Site Development of the Municipal Code.**

The adequate maintenance security of improvements is will be covered by a contract with the City of Beaverton and incorporating maintenance requirements into the standards of the Homeowners Association.

- 5. Grading. [ORD 4332; November 2004]**

- A. When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:**

- 1. 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.**
- 2. More than 5 feet and up to and including 10 feet from property line. Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.**
- 3. More than 10 feet and up to and including 15 feet from property line. Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.**
- 4. More than 15 feet and up to and including 20 feet from property line. Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.**
- 5. More than 20 feet and up to and including 25 feet from property line. Maximum of ten (10) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.**

- B. Notwithstanding the requirements of subsection A.1. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence**

provided by a certified arborist supports additional grading that will not harm the subject grove or tree. For the purpose of this standard, the tree root zone extends the same distance from a tree trunk as the tree canopy.

The grading standards of A and B above can be assessed by a review of the submitted grading plan. Perimeter grading only occurs as part of the private street adjacent to the rear yards of tax lots 3000 and 3100. An examination of grade contours and existing contours show that there is very little grade change, as most of the grading results in a slight reduction of grade changes. If there is an actual concern in any particular area, a cross-section could be done in the selected area. The result would show the grading plan is well within the standards of A and B above. The grading plan shows that we do not exceed a 2 foot slope differential for any 5 foot horizontal distance. (The grading plan and actual construction will likely not create more than a one foot differential for any 5 foot horizontal distance when measured from the perimeter.

60.35. PLANNED UNIT DEVELOPMENT [ORD 4224; August 2002]

60.35.05 Purpose. It is the purpose of these provisions to allow a planned unit development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The planned unit development provisions are intended to encourage more creative approaches for developing land, while enhancing and preserving the value, spirit, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by:

- 1. Utilizing advances in technology and design.**
- 2. Creating a comprehensive development plan which is equal to or better than that resulting from traditional lot-by-lot land development.**
- 3. Employing design flexibility for locating structures, open spaces, circulation facilities, off-street parking areas, and other improvements.**
- 4. Retaining and protecting special topographic, natural, or environmentally sensitive features on the site.**
- 5. Encouraging innovative design techniques.**
- 6. Utilizing design flexibility afforded by the planned unit development provisions to improve compatibility of the development with surrounding properties and uses.**
- 7. Change from specific site development requirement and combinations of uses is allowable, subject to the provisions of this Code.**

60.35.10. Modification of Base Zoning Standards

1. Dimensional Standards

The dimensional standards for the applicable zoning district as listed in Chapter 20

may be modified through approval of a Planned Unit Development, except for the following situations:

- A. Required setbacks shall continue to apply to the parent parcel upon which the proposed PUD will be located.**

Current perimeter setbacks are shown.

B. The intersection standards in Section 60.55.50 shall continue to be satisfied. Although section 60.55.50 does not show up on the web page, we intend to meet applicable intersection standards. Please note that the intersection with Canyon Lane is constrained by the 12 foot width. We have also attempted to discourage traffic to Canyon Lane.

- C. All building setbacks shall continue to meet applicable building and fire code requirements.**

We have shown tentative setbacks of 10 foot front and 5 feet side. These should meet fire code requirements. The 25 perimeter setbacks will remain unless a separate request is approved by the City.

- D. Maximum building height standards may be increased up to twelve feet (12') when the applicable building setback distance along the perimeter of the parent parcel is increased at a ratio of 1.5 additional feet of setback for every foot of building height over the base zone standard for building height.**

At this time we do not anticipate any need for higher building heights.

2. Allowed Uses.

This development consists of single-family homes. Except perhaps for the open space/park area we believe all proposed used are allowed in the underlying zone.

- A. Except as provided in Section 60.35.10.2.B. below, the uses in a PUD shall comply with the permitted and conditional use requirements of the base zoning district.**
- B. Detached and attached dwellings shall be allowed in any PUD provided the overall residential density satisfies the applicable residential density provisions of this Code.**
- C. In addition to the accessory uses and structures typical of the uses authorized in the subject zoning district in which the PUD is located, accessory uses approved as a part of a PUD may include the following:**
- 1. Private park, lake or waterway.**
 - 2. Recreation area.**
 - 3. Recreation building, clubhouse or social hall.**
 - 4. Other accessory use or structure which the decision making authority finds is designed to serve primarily the residents of the PUD, and is compatible with the neighborhood and to the design of the PUD.**

60.35.15 Common Open Space.

1. A PUD shall be required to provide common open space according to the following rates:

- A. Area equal to at least twenty percent (20%) of the subject site when the site is up to and including 10 acres in size. [ORD 4365; September 2005]

Total site area is 96,951 square feet. We provide 20,430 square feet of open space, or 21.1%. We

have provided 1,030 square feet more than required by Beaverton code standards.

- B. Area equal to at least fifteen percent (15%) of the subject site when the site is more than 10 acres and up to and including 50 acres in size. [ORD 4365; September 2005]

- C. An area equal to at least ten percent (10%) of the subject site when the site is more than 50 acres in size.

2. Land required to be set aside as setbacks or buffers shall not be included in the calculation of required open space.

None of the open space is part of a required residential setback.

3. Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to one of the following:

- A. An association of owners or tenants, created as a non-profit corporation under the laws of the state which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Attorney as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development in the event the association fails to perform as required; or

A Homeowners Association will be established to maintain private facilities, including the open space.

- B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.

There may be an agreement with a public agency regarding maintenance of stormwater facilities.

60.45. SOLAR ACCESS PROTECTION ADJUSTMENT (OR EXEMPTION) REQUESTED

5. Adjustments to Design Standard. The Director shall reduce the percentage of lots that must comply with this Section to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply.

- A. **Density and cost.** If the design standard in this Section is applied, either the resulting density is less than that proposed, or on-site site development costs

(e.g. grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with this Section would reduce density or increase per lot costs in this manner. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.

3. **Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.**

As has been discussed in a number of sections of this application, this site had three vehicle access ways to the public street system. Two of them are private (and arguably not usable to any development on this site), and the only direct connection is a 12 foot "flag pole" to SW Canyon Lane. Obtaining good access required purchase of additional property adjacent to SW Pointer Road.

That access from Pointer Road is in a north/south direction, with shallow lots adjacent to the street. Besides being shallow, those lots are also small (roughly 5,900 sq.ft. to 4,900 square feet. The north/south direction means the lots cannot meet the "Basic Requirement", and the small size means they cannot meet the distance requirements to meet the "Protected Solar Building Line Option". The lots are too small, and the street runs in the wrong direction

Good solar access is be obtained when the street turns to the west in a east/west direction. Lots 6, 7, and 8 meet the "Basic Standard", and that is only 27% of the development. We are requesting the requirement be reduced from 80% to 27%.

Reducing the number of lots would increase the number of lots that could meet the "Protected Solar Building Line Option". If lots 1 and 2 are combined, and 3 and 4 combined; there are then two or three lots that can meet Design Standard 3.B. The number of lots for this now 9 lot subdivision increases to 56% or possibly 67%. We have decreased the density by over 18%, and still do not meet the standard.

Despite the poor percentage of complying lots, the actual opportunity for solar access is much better. Lot number 9 almost meets the standard (it is one foot short), and lot 5 could be designed to utilize solar access. Both lots 5 and 9 benefit from being on the north side of a street, and a distance from conifer trees on adjacent property to the north. (Street trees and trees in the open space area will be deciduous.) Lots 10 and 11 southern exposure is the back yards of residents off-site. Although it is unlikely that off-site residents would sign solar access agreements as part of the PUD approval process, the opportunity for individual agreements still exist. Finally Lot 1 is likely to have good solar access for two reasons. First, the length of the building envelope (30 feet wide by 76 long) could result in a greater than five foot side yard setback, but more importantly Lot 1 is on a south-facing slope.

Obtaining good transportation access for an eleven lot PUD requires a reduction in the solar access provisions.

60.55 TRANSPORTATION FACILITIES

60.55.05 Purpose and Intent. It is the purpose and intent of this chapter to establish design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the City of Beaverton.

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60.55.10 General Provisions. [ORD 4302; May 2004]

1. All 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.
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; April 2000]
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.
4. The decision-making authority may impose development conditions of approval per section 10.65.1. of this code. Conditions of approval may be based on the Traffic Management Plan and Traffic Impact Analysis. Additional street, bicycle, and pedestrian connections may also be required per 60.55.25 Street and Bicycle and Pedestrian Connection Requirements.
5. Dedication of right-of-way shall be determined by the decision-making authority.
6. Traffic calming may be approved or required by the decision-making authority in a design of the proposed and/or existing streets within the Area of Influence or any additional locations identified by the City Engineer. Traffic calming measures shall be designed to City standards.

Although speed should not be a problem, the design of the connection on the west end of the property is design to both slow down and discourage traffic using SW Canyon Lane. Although we prefer to most of the traffic to use SW Pointer Road, there will be a natural inclination for some to use Canyon Lane. Because of off-site easements it is not possible to make that a pedestrian-only connection.

7. Intersection performance shall be determined using the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual 2000.

At a minimum, the impacts of development on a signalized intersection shall be mitigated to peak hour average control delay no greater than 65 seconds per vehicle using a signal cycle length not to exceed 120 seconds. The volume-to-capacity ratio for each lane group for each movement shall be identified and considered in the determination of intersection performance. The peak hour volume-to-capacity ratio for each lane group shall be no greater than 0.98. Signal progression shall also be

considered.

At a minimum, the impacts of development on a two-way or an all-way stop-controlled intersection shall be mitigated to a peak hour average control delay of no greater than 45 seconds per vehicle.

If the existing control delay or volume-to-capacity ratio of an intersection is greater than the standards of this subsection, the impacts of development shall be mitigated to maintain or reduce the respective control delay or volume-to-capacity ratio.

These eleven lots do not trigger a traffic impact plan, and with two entrances the additional traffic should have little impact on the two intersections.

Traffic Management Plan. 60.55.20 Traffic Impact Analysis. (and other related studies such as the Traffic Forecast Analysis Assumptions.)

The small size of this project does not trigger the requirements of a Traffic Management Plan, Traffic Impact Analysis, or related studies such as the Traffic Forecast Analysis assumptions.

Street and Bicycle and Pedestrian Connection Requirements. [ORD 4302; May 2004]

- 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.**

The existing access to Canyon Lane is only 12 feet wide, and is to be used for both vehicle and pedestrian access. There is therefore a trade-off between efficiency and safety. Our intent is to concentrate on the safety of pedestrians (and also cyclists) by reducing vehicle speed on that 12 foot section. Besides the right turner corner at the west end of the internal street, there may be speed bumps or other speed dis-incentives.

- 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.**

The route between Pointer Road and Canyon Lane is not an important pedestrian or bicyclist connection, but Canyon Road does have bicycle lanes and is an important connection to this development.

- 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.**

As noted above there will be a connection.

- 4. Streets and bicycle and pedestrian connections shall extend to the boundary of the**

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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.

Not applicable, and our connections extend to public streets.

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.

Not applicable.

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

There will be stop signs at both Canyon Lane and Pointer Road. Additional traffic-control is not warranted by the small amount of development.

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.

Connections are made as proposed.

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.

Not applicable

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 60.55.25.14.

Not applicable

10. 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:

Not applicable

11. 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: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and

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Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs.

Not applicable

12. **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.**

Not applicable

13. **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:**

Not applicable, as connections are made.

60.55.30 Minimum Street Widths. [ORD 4302; May 2004] Minimum street widths are depicted in the Engineering Design Manual and Standard Drawings. Street width includes right-of-way width, paved width, and widths of sidewalks and planter strips.

1. **The decision-making authority shall determine the appropriate street width. The decision shall be based on the following considerations:**
- A. **Street function within the existing, proposed, and future developing area and circulation networks;**
 - B. **Existing and long-range forecast traffic volumes;**
 - C. **The recommendations of the development impact analysis, Traffic Management Plan, and/or Traffic Impact Analysis;**
 - D. **Individual property access needs;**
 - E. **Topographic variations, environmental conditions, existing development, and other field conditions.**
1. **The decision-making authority may approve reduction of the minimum widths for sidewalks and planter strips if the reduction is required to accommodate unique conditions due to topography, environmental protection requirements, or existing development and the applicant has demonstrated that the standard widths would impose an economic hardship or immitigable loss of environmental resources. Changes may include but are not limited to meandering or curb tight sidewalks with or without tree wells.**
2. **The recommendation shall be based on the development impact analysis, which fulfills the requirements of section 60.55.10.3.**
3. **The recommendation shall provide for safe and efficient circulation and access per section 60.55.25.1.**

Although this is a private street, we have attempted to utilize the criteria in section 66.55.30 in determining an appropriate street width. Because this is a small, eleven unit development we have kept

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the street narrow, with parking on one side for a portion of the development. We would prefer to have a wider connection to Canyon Lane in order to isolate a pedestrian path, but the ownership patterns prohibit such an approach.

F. Regionally significant streets designated in Metro's Regional Transportation

Plan shall be designed to reflect the function of the street and the adjacent zoning.

Not applicable

2. **In Station Areas, Station Communities, Town Centers, and Regional Centers, the decision-making authority may approve alternative sidewalk widths consistent with the requirements of sections 60.05 and may waive the requirement for planter strips. [ORD 4365; September 2005]**

Not applicable

3. **Infill Street Designs. A modified infill residential street design or infill cul-de-sac design may be approved for local streets to optimize the developable land on R-1, R-2, R-3.5, R-5, R-7, and R-10 residential sites subject to the following requirements. The street design is intended to provide public street access to lots created as part of an infill process.**

Use of the modified infill design is subject to approval by the decision-making authority through the development review process. The applicant shall provide documentation to demonstrate that use of the standard residential street cross section would result in non-conforming lot dimensions per section 20.05.50., and/or use of the standard street cross section is impractical due to physical or topographical constraints such as freeways, railroads, slopes in excess of City standards for maximum slopes, wetlands or other bodies of water, or the constraints of section 60.55.30.1.E.

This project is clearly an infill project, and warrants a modified infill design. Because it is a PUD with a private street, there is perhaps even greater flexibility with street design. A standard new street from Pointer road would be prohibitive because of both the street improvements and there would not be adequate room for lots adjacent to the street. (Probably reducing the number of lots by 3, of 27% of the lots.) At the west end of the project the need to maintain access easements for off-site properties again make standard streets and cul-de-sacs extremely difficult.

4. **Half streets. The required street width may be developed in stages when development is occurring on only one side of the proposed street and where staging is essential to the reasonable development of properties. Staging may be allowed if necessary to maintain minimum depth and setbacks on adjoining lots or to match the existing alignments of abutting streets. Staging shall only be approved where future development of adjoining properties can reasonably be expected to complete the full street width. If staging is approved, the initial stage shall provide improvements to City standards that will assure a total minimum 20-foot pavement improvement width for vehicular travel and any additional right-of-way, shoulder improvements, and drainage improvements as required for the half street.**

Not applicable

5. **Use of a cul-de-sac design is limited to situations where barriers prevent through streets from being constructed. Use of a cul-de-sac design may be approved by the**

decision-making authority based on documentation that demonstrates that the use of a through street design is impractical and would result in non-conforming lot dimensions per section 20.05.50, is impractical due to environmental constraints on the site or on land adjacent to the site, or is impractical due to existing development on the site or on land adjacent to the site.

Not applicable, because for a number of reasons we have chosen not to use a cul-de-sac.

6. **No more than 25 dwelling units may have access onto a closed-end street system. An exception may be approved by the decision-making authority based on documentation that demonstrates that a through street is not practical due to environmental constraints or existing development on the site or on land adjacent to the site, and exceeding the standard maximizes the developable portion of the site.**

Not applicable, as this is 11 dwelling units and is not a closed-end street system.

60.55.35 Access Standards. [ORD 4302; May 2004]

1. **The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved. [ORD 4103; April 2000]**

There is one new access, and that is the connection to Pointer Road. Pointer road is very straight where the connection is made, and because it dead-ends to the west, has very little traffic. The existing driveway on Canyon Road has more traffic, and has a slight curve to the east. There will be a stop sign at the intersection, and the majority of vehicles exiting the development will be making a right turn. We would like to discourage vehicle use of this route.

2. Intersection Standards.

- A. **Visibility at Intersections. All work adjacent to public streets and accessways shall comply with the standards of the Engineering Design Manual and Standard Drawings except in Regional and Town Centers.**

1. **The sight clearance area requirements for Town Centers and Regional Centers shall be determined on a case-by-case basis by the decision-making authority. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists, and motorists), design speeds, the intersection sight distance standards of the Engineering Design Manual and Standard Drawings, and other applicable criteria. [ORD 4111; June 2000]**

On Pointer Road, there is roughly 450 feet west to the dead end, and over 450 to the east. On Canyon Lane, it is roughly 800 feet to the west and 300 feet to the east. SW Canyon Lane serves as a collector type road (it is a primary route to the school), but speed has been reduced to be similar to a local street. Besides the width of the road, turns, and direct driveway access; it also uses speed bumps. The site distance and average speed create a safe intersection.

2. **The requirements specified in 60.55.35.2.A. may be lessened or waived by the decision-making authority if the project will not result in an unsafe traffic situation. In making its determination, the decision-**

making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists and motorists), design speeds, the intersection sight distance standards of the Engineering Design Manual and Standard Drawings, and other applicable criteria.

B. Intersection angles and alignment and intersection spacing along streets shall meet the standards of the Engineering Design Manual and Standard Drawings.

- 1. Local street connections at intervals of no more than 330 feet should apply in areas planned for the highest density mixed-use development.**
- 2. When a highway interchange within the City is constructed or reconstructed, a park and ride lot shall be considered.**

Although intersection angles meet standards, this project has almost zero flexibility in where street connections are made and it is not a highway interchange.

C. Driveways.

- 1. Corner Clearance for Driveways. Corner clearance at signalized intersections and stop-controlled intersections, and spacing between driveways shall meet the standards of the Engineering Design Manual and Standard Drawings.**
- 2. Shared Driveway Access. Whenever practical, access to arterials and collectors shall serve more than one site through the use of driveways common to more than one development or to an on-site private circulation design that furthers this requirement.**

Consideration of shared access shall take into account at a minimum property ownership, surrounding land uses, and physical characteristics of the area.

Where two or more lots share a common driveway, reciprocal access easements between adjacent lots may be required.

- 3. No new driveways for detached dwellings shall be permitted to have direct access onto an arterial or collector street except in unusual circumstances where emergency access or an alternative access does not exist. Where detached dwelling access to a local residential street or neighborhood route is not practicable, the decision-making authority may approve access from a detached dwelling to an arterial or collector.**

Driveways from the new dwellings connect to the private neighborhood street.

60.55.40. Transit Facilities. [ORD 4302; May 2004] Transit routes and transit facilities shall be designed to support transit use through provision of transit improvements. These improvements shall include passenger landing pads, accessways to the transit stop location, or some combination thereof, as required by TriMet and the City, and may also include shelters or a pad for a shelter. In addition, when required by TriMet and the City, major industrial, institution, retail, and office developments shall provide either a transit stop on site or a pedestrian connection to a transit stop adjacent to the site.

Not applicable, as this is not on a transit route. The site is one-third mile from bus stop ID9338 at Canyon Road and Camelot Court where you can catch a bus on Route 58, Canyon Road.

60.65. UTILITY UNDERGROUNDING [ORD 4118; August 2000]

60.65.15. Regulation. All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities shall be placed underground as specified herein. The utilities required to be placed underground shall be those existing overhead utilities which are impacted by the proposed development and those utilities that are required to be installed as a result of the proposed development.

Because this PUD development on an infill site currently used as a commercial business, new utilities need to be brought into the site. At this point we think that all utilities can be and should be put underground except for surface mounted transformers and other items exempted in the ordinance. Although we acknowledge the "fees paid in-lieu-of " option, we do not anticipate using that approach.

6.2.5. Goal: Transportation facilities that serve and are accessible to all members of the community.

Although this is a private street, it is accessible to the general public. It will not be a gated community, and must remain open to honor easements from off-site owners. Although it is a connection between Pointer Road and Canyon Lane, it won't be a high volume for connection for two reasons. First, that connection has existed for some time through this property (although the route via a winding private street and through a commercial driveway) is not as accessible as this will be. Second, there is a relatively small amount of units on Pointer Road. Finally, there is an existing connection less than a block east (Sylvania Court) where one can go from Pointer Road to Canyon Road.

As noted above, the nearest bus stop is at Camelot Court and Canyon Road. That entails walking east on Canyon Lane until the intersection with Canyon Road, and then east on Canyon Road. The slopes within the PUD and along Canyon Road are conducive to pedestrian travel, and at a maximum slope of 5% meet ADA standards. Canyon Lane does not have sidewalks, so while the bus stop may be wheelchair accessible it, traveling along Canyon Lane with the slower traffic is not very convenient and probably not very safe.

PRE-APPLICATION CONFERENCE REQUIREMENTS:

Address the following items specified in the pre-application meeting notes:

a. Identify Maintenance Responsibilities of Private Streets, Driveways, and Common Areas.

This is a Planned Unit Development with a private street and a shared open space. (Stormwater facilities are within the open space area.) All these areas will need to be maintained, and the traditional process is to create a Homeowner's Association (HOA) to maintain the facilities. Submittal and review

of the Homeowner Association bylaws and responsibilities is usually done at the Final Plat stage. Unless Cleanwater Services wants to share in the stormwater facilities maintenance, it is anticipated that almost all of the maintenance responsibilities will belong to the Homeowners Association.

b. Feasibility of Street Connection.

We have purchased a lot on Pointer Road to create good access to the infill site. The width of that lot makes it very difficult to create a standard neighborhood street, but a reduced width private street clearly can adequately serve the 11 proposed dwellings. The second access is an existing access on Canyon Lane. Although not of standard width, it is clearly feasible as it has served as a commercial driveway for some time. It is required to be kept open due to off-site easements. We have attempted to reduce through traffic while still making the Canyon Lane street connection available for emergency access.

c. Storm Drainage calculations and report needs to be provided. In addition, an alternative needs to be chosen for the storm design and the accompanying property owner authorization will need to be obtained from each owner and detailed plans will need to be submitted illustrating the area to be improved.

The site has created stormwater problems for sometime, for two reasons. First, the natural drainage goes west and south. During heavy rainfall the runoff comes down the 12 foot access drive where existing facilities are not large enough to capture that volume. Equally important, the existing greenhouse operation results in over 70% of the site to be impervious surface.

Because of this problems the City of Beaverton, in conjunction with a private consulting firm (Tetra Tech/KCM) have developed a plan and process for solving this problem. This project has been given a high priority by the City, in part due to citizen complaints in the area. A number of things should be made very clear:

- 1) The City's stormwater project for the site started prior to any PUD request, and was started due to citizen and neighborhood efforts in pointing out existing problems.
- 2) Due to the excessive amount of impervious service, the proposed PUD improves the situation even if no stormwater improvements were installed. (Of course improvements are part of the project.
- 3) It would be impossible for the applicant to obtain all the required downstream property owner authorization. There is likely to be at least one owner that is opposed to any development on the property, even if the development reduces stormwater problems. Also it is improbable for any applicant to fund all the downstream improvement. But together the applicant, City, and neighborhood should be able to work out a satisfactory solution.
- 4) The best scenario is to have the City facilities ready when the PUD stormwater features have been constructed and ready to hook up.

Property owner authorization and detail plans are being done by the City and consultant, and applicant participation in the design and property owner negotiations could result in a negative impact on the project. We do not intend at this time to submit additional information on off-site solutions.

d. Access approval is required from ODOT. The draft documented submitted will not satisfy this requirement. Please obtain approval from ODOT for access purposes.

We have previously requested a formal access permit from ODOT. ODOT has expressed reluctance to go through the formal process for two reasons. First, Pointer Road is essentially a frontage road not having any access to the State Highway system. Additional traffic on Pointer Road has impacts similar to an additional 10 units a mile or more from a State Highway. Second, they are in the process of giving the Pointer Road right-of-way to the City of Beaverton. Attached are some documents that went before the Beaverton City Council in February, 2006. The transfer should be completed by this time. If you still require ODOT approval please let me know in a separate letter.

0176

Assuming that the right-of-way now is owned by the City of Beaverton, we formally request the ability to landscape the area along the west side of the entrance. Typically the adjacent owner has the ability to landscape park strip areas adjacent to their property subject to City standards on type of trees, etc. Maintenance of that area is also typically required of the adjacent owner, and in this case would be a function of the Homeowners Association.

e. Plans will need to further address the requirements for emergency vehicle turnaround.

There are three important design features regarding emergency access.

- 1) The standard turn-around template fits, or comes close to fitting, the west end of the new proposed street. The two "T's" extend 80 feet to the north and 120 feet to the south. Because it is not an exact "T", we would typically request Fire Marshall review, except,
- 2) It is not a turn-around. The street continues to the south to Canyon Lane. The connection to Canyon Lane may be the shortest or quickest route for emergency vehicles, and finally
- 3) Besides these two designed access points, there are two additional access points. One is directly north from the west end of the property using a private street that will remain open to this development and to Pointer Road. The fourth (4th) access is a driveway that extends west to SW 75th Avenue.

Because this is not a turnaround and has 2 formal access points and 4 total access points we request Fire Marshall review of the adequacy for emergency access.

If there are other narrative or map additions or changes we need to make please let me know. If it is possible please be specific as to what is missing such that we can address only those issues (and Beaverton staff has to review only what is relevant). Thanks again for your help.

Sincerely,

Karl Mawson, AICP

Attachments

0177

Subdivision at 7385 SW Canyon Lane RK Wilson, Compass #5878

Individual Lot Information

Lot #	Area	Width	Depth	in sq.ft.
1	5,912.0	67.0	87.0	
2	5,825.0	86.0	64.0	
3	4,907.0	52.0	90.0	
4	4,963.0	52.0	89.0	
5	5,620.0	58.0	90.0	
6	4,646.0	80.0	100.0	
7	4,504.0	48.0	89.0	
8	4,360.0	48.0	86.0	
9	4,180.0	48.0	84.0	
10	5,185.0	69.0	75.0	
11	5,140.0	68.0	75.0	
Totals =	55,242.0	676.0	929.0	
Average =	5,022.0	61.5	84.5	
	55,242.0	Total of	11	Lots
	20,430.0	OS/Water Quality		
	0.0	Open Space		
	21,279.0	Steet Area		
	Net Area with OS =	75,672.0		
	Net Area without OS =	55,242.0		

Drafting Data Totals

Total Site Area =	96,951 sq.ft.
(or)	2.22568871 acres
Lots =	55,242
Private Street =	21,279
Open Space =	20,430

Design Street Widths

Entrance r-o-w =	24
Remainder of r-o-w =	32
Site Right of Way =	21.9%
Site Open Space =	21.1%
Non-r-o-w Open Space =	27.0% sq.ft.
Area for 20% site =	19,390
Add. Area needed =	-1,039.8
Proposed Open Space =	21.1%

Standard Density Calc. Based on ACAD Info.

R7 Zone = 7,000.0 OS % = 20.0%

Max = 10.81 Lots
Min = 8.65 Lots

Rounded 11.0 Lots Maximum
9.0 Lots Minimum

In this calculation, the area for the private street (including the pavement area required for adjacent property easements) was removed from the gross acreage to obtain a PUD net acreage of 75,672 square feet.

0178

Karl Mawson

From: HUNAIDI Sam H [Sam H HUNAIDI@odot.state.or.us]
Sent: Wednesday, February 01, 2006 10:09 AM
To: Karl Mawson
Cc: Pete Davis
Subject: FW: JT 769 Pointer Road
Attachments: 769-JT Pointer Road FINAL_27jan06.DOC; JT769 Exhibit.doc; 5878Aerial.bmp; 5878DR2-Existing.pdf; 5878DR2-Grading.pdf

Hi,

I hope that the attached IGA & Exhibit including the email information below can help clarifying things for you and other City staff. As I understand that the City & ODOT is in the process of transferring this road to the City jurisdiction which will happen as early as February 6th. I do not know if part of the transfer would also create some vacation of excess property in the transfer such that he would obtain additional land in the process, I think you need to address this issue with the City of Beaverton.

Dave, will you please work with Scott Whyte and other to address the issues related to this proposed development. If you have any questions, please call me.

Thanks,

Sam H. Hunaidi

Assistant District Manager

Tel #: (503) 229-5002 Ext. 229

Fax #: (503) 297-6058

ODOT - District 2A

6000 SW Raab Rd.

Portland, OR 97221

mailto: Sam.H.Hunaidi@odot.state.or.us

Web Site: <http://www.odot.state.or.us/>

-----Original Message-----

From: Karl Mawson [mailto:kmaison@compass-engineering.com]
Sent: Monday, January 30, 2006 4:37 PM
To: HUNAIDI Sam H
Subject: FW: Pointer Road Access

Sam:

This is a formal request for an access permit off of Pointer Road for a proposed eleven unit PUD. Let me know if I need to fill out any forms or provide additional information.

The project reviewers (Scott Whyte among others) are not very clear on the process in turning over Pointer Road from the State to the City except that there are meetings being held. A short letter from you might meet their requirements. Also the owner of the property at 7360 SW Pointer Road said he had heard that as part of the transfer there would also be some vacation of excess property in the transfer such that he would obtain additional land in the process. We are showing some landscaping in this area as 1) the land might be his when it is developed and 2) because it does not interfere with sight lines ODOT (or the City) would allow street tree planting in that area.

Please call if you have questions.

0179

Karl Mawson

-----Original Message-----

From: KROOP Ronald H
Sent: Wednesday, February 01, 2006 9:22 AM
To: HUNAIDI Sam H
Subject: FW: JT 769 Pointer Road

-----Original Message-----

From: SMITH Michelle L * ODOT
Sent: Friday, January 27, 2006 9:37 AM
To: LEE Penelope A * Penny; KROOP Ronald H
Cc: 'Pete Davis'; JORGENSEN Karin L; HANNAH Devorah; ARNEY Rolland; MORRISON Scott R; GRASSMAN Jason M
Subject: RE: JT 769 Pointer Road

Penny, I have attached the final draft of the subject agreement and exhibits. As per Mr. Davis' email below, this one is now ready for bluebacks and City Council approval. After discussing this with Mr. Davis, it has been determined that since the deadline for getting items on the council agenda is closing in on us (Feb 1st) that it would be best to send out (5) unsigned copies to the City for Council approval and signature and then they will send it back to us for all ODOT signatures and circulation.

Please send 5 bluebacked copies to:

City of Beaverton
Attn: Pete Davis, Project Manager
PO Box 4755
Beaverton, OR 97076

RON, It was also discussed that the City would obtain agreement approval at the City Council meeting on Feb. 6th but that they will not obtain the Mayor's signature until the landscape issue is resolved to their satisfaction. Please notify Penny and myself when this has been completed so that we can insure execution of the agreement. Thanks to all for your help in getting this one to this point!

mIs

-----Original Message-----

From: Pete Davis [mailto:pdavis@ci.beaverton.or.us]
Sent: Friday, January 27, 2006 8:04 AM
To: SMITH Michelle L * ODOT
Subject: RE: JT 769 Pointer Road

Hello Michelle,

This document is good to go. We plan to go to City Council on February 6th with a resolution to authorize the Mayor to sign the transfer document. I have some details I would like to discuss, please call me at 503-350-4084.

Pete

**JURISDICTIONAL TRANSFER AGREEMENT
CONTINUING MAINTENANCE AGREEMENT
SW POINTER ROAD, WASHINGTON COUNTY**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Transportation Commission, hereinafter ODOT and the CITY OF BEAVERTON, a municipal corporation of the State of Oregon, acting by and through its Elected Officials, hereinafter CITY. (Referred to hereinafter collectively as the "Parties").

WITNESSETH

RECITALS

1. Sunset Highway No. 47 (US Route 26) and portions of SW Pointer Road south of Sunset Highway are part of the State Highway System under jurisdiction and control of the Oregon Transportation Commission (OTC).
2. SW Camelot Court (excluding the structure over US Route 26) is part of the city street system under jurisdiction and control of the City of Beaverton.
3. By the authority granted in ORS 366.395, ODOT may relinquish title to any of its property not needed by it for highway purposes to any other governmental body or political subdivision within the State of Oregon, subject to such restrictions, if any, imposed by deed or other legal instrument or otherwise imposed by ODOT.
4. By the authority granted in ORS 190.110, 366.572 and 366.576 ODOT may enter into cooperative agreements with units of local government for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
5. Pursuant to ORS 373.010, whenever the routing of any State Highway passes through the corporate limits of any city, ODOT may locate, relocate, reroute, alter or change any routing when in its opinion the interests of the motoring public will be better served.

NOW THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed between ODOT and CITY as follows:

TERMS OF AGREEMENT

1. ODOT agrees to eliminate from its jurisdiction and control that portion of SW Pointer Road within the right of way boundaries south of Sunset Highway. Said portion of SW Pointer Road shall be referred to herein as Unit 1 and is shown on

2. Exhibit "A" attached hereto and by reference made a part hereof. Unit 1 is described as follows:

Unit 1: all that portion of the right of way boundaries of the Sunset Highway No. 47 lying Easterly of the Westerly curb line of SW Pointer Road, said curb line being at approximately Engineer's Station "P" 0+998.424, mile point F70.38; Westerly of the Westerly curb line and its Northerly extension of Camelot Court at approximately Engineer's Station "P" 1+422.462, Mile point F70.64; Southerly of the Northerly curb of said S.W. Pointer Road and Northerly of the Southerly right of way of the Sunset Highway No. 47.

ALSO those permanent easements for slopes to the State of Oregon, by and through its Department of Transportation, recorded July 5, 2000 as Microfilm Document No. 2000-053651 and recorded August 11, 2000 as Microfilm Document No. 2000-064616, both of Washington County Book of Records.

AND ALSO those permanent easements for slopes designated as Parcel 1 and those permanent easements for utilities designated as Parcel 2 to the State of Oregon by and through its Department of Transportation, recorded June 2, 2000 as Microfilm Document No. 2000-050658 and recorded July 5, 2000 as Microfilm Document No. 2000-053650, both of Washington County Book of Records.

AND ALSO that permanent easement for slopes and utilities designated as Parcel 1, to the State of Oregon, by and through its Department of Transportation, recorded June 6, 1997 as Microfilm Document No. 97-052252 of Washington County Book of Records.

Said transfer includes all responsibility for landscape and irrigation of the Unit.

3. ODOT agrees to retain an easement along SW Pointer Road for the sound wall which stands between the Sunset Highway and SW Pointer Road. Said easement will be referred to herein as Unit 2 and is shown on Exhibit "A" attached hereto. Unit 2 is described as:

Unit 2: a parcel of land lying in the William Pointer D.L.C. No. 62, Washington County, Oregon and being a portion of the right of way of the Sunset Highway No. 47; the said parcel being that portion of said right of way lying Easterly of a line at right angles to the "P" center line of SW Pointer Road at Engineer's Station "P" 1+017.000; Westerly of a line at right angles to said "P" center line at Engineer's Station "P" 1+415.000;

Southerly of the Northerly curb line of said SW Pointer Road and
Northerly of the following described line:

Beginning at a point opposite and 2.500 meters Northerly of Engineer's
Station "P" 1+017.000 on the center line of SW Pointer Road; thence
Easterly parallel with said center line to Engineer's Station "P"
1+190.000; thence Southerly at right angles to said center line 0.300
meters to a point opposite and 2.200 meters Northerly of said center line;
thence Easterly parallel with said center line to Engineer's Station "P"
1+415.000 and the terminus of said described line.

The "P" center line of SW Pointer Road is described in that Easement
Deed to the State of Oregon, by and through its Department of
Transportation, recorded June 26, 2000 as Microfilm Document No. 2000-
050658 of Washington County Book of Records.

4. ODOT agrees to eliminate its maintenance and repair responsibility for that portion of a storm water facility as described below and shown on sheet 6 of 6 of the attached Exhibit "A". Said storm water facility will be referred to as Unit 3 and is described as:

Unit 3: that underground storm water facility located within the right of way of the Sunset Highway, beginning in SW Pointer Road near its intersection with Camelot Court and running Easterly across said Camelot Court and along that frontage road lying on the Southerly side of said right of way and Easterly of said Camelot Court.

5. Subject to the provisions of this Agreement, ODOT and CITY agree, conditioned upon approval by the OTC, that Unit 1 described herein will be eliminated from the State Highway System and the Unit will pass to and vest in CITY; and that CITY maintain the Unit as a portion of its CITY Street System as long as needed for the service of persons living thereon or a community served thereby. If said right of way is no longer used for public street purposes, it shall automatically revert to ODOT.
6. ODOT shall retain Unit 2.
7. Maintenance responsibility for Unit 3 shall be eliminated from ODOT control and shall transfer to CITY. Maintenance responsibility shall remain with CITY for the useful life of the facility described in that Unit.
8. This Agreement becomes effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance, repair, and liability over the transferred Units for the useful life of the facilities involved

herein. ODOT shall pursue approval by OTC, or designee, and the legal transfer of Unit 1 shall be accomplished by acceptance and recording of a Jurisdictional Transfer Document.

ODOT OBLIGATIONS

1. Upon adoption of a Resolution by the OTC, or designee, providing for the elimination of Unit 1, as described herein, as a portion of the State Highway System, and acceptance and recording of a Jurisdictional Transfer Document, ODOT shall formally eliminate Unit 1 from the state highway system as shown in Exhibit A. All right, title, and interest of ODOT, including all jurisdiction, maintenance, and control shall pass to and vest in CITY. If said right of way is no longer used for public street purposes, it shall automatically revert to ODOT.
2. ODOT hereby relinquishes all maintenance and repair responsibilities and liability over Units 1 and 3, and CITY hereby accepts all maintenance responsibility for Units 1 and 3 upon execution of this Agreement
3. ODOT shall maintain the sound wall and sound wall footings described herein as Unit 2. ODOT will continue to maintain landscape and irrigation which lies northerly of the curb line of SW Pointer Road and westerly from the end of the sound wall at Engineer's Station "P" 1+017.000.
4. ODOT agrees to furnish CITY with any maps, plans, permits, records and any other related data in their possession, which may be required to administer the transferred Units.

CITY OBLIGATIONS

1. CITY agrees to accept all of ODOT's right, title and interest in Unit 1, to accept jurisdiction and control over the Unit and to maintain the Unit as a portion of its CITY Street System as long as needed for the service of persons living thereon or a community is served thereby (including all traffic signals, signs, illumination and all things and appurtenances within the transferred right of way) Any right of way being transferred in which ODOT has any title shall be vested in CITY so long as used for public street purposes, it shall automatically revert to ODOT.
2. CITY agrees to accept responsibility for traffic and/or parking signage relevant to SW Pointer Road in Unit 1.
3. CITY agrees to accept responsibility for maintenance of landscape vegetation and drip irrigation system between curb and sound wall from Engineer's Station "P" 1+017.000 Easterly to Engineer's Station "P" 1+415.000.

4. CITY agrees to accept maintenance and repair responsibility for that portion of the underground storm water facility described herein as Unit 3.
5. CITY shall insure that all employers, including CITY, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Worker's Compensation coverage unless such employers are exempt under ORS 656.126. CITY shall ensure that each of its contractors and subcontractors complies with these requirements.
6. CITY shall comply with all federal, state and local laws regulations, executive orders and ordinances applicable to work done under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, CITY expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
7. CITY shall hold ODOT harmless from all utility costs, property taxes, assessments, permit fees or other costs which may be associated with construction, maintenance, repair or operation of the Units being transferred.
8. CITY shall by Resolution authorize approval and signature of this Agreement and acceptance of the Units being transferred.
9. CITY is aware that jurisdictional transfer will not be complete until the subsequent Jurisdictional Transfer Document is fully executed by ODOT and recorded with Washington County. However, CITY agrees to accept all liability and maintenance responsibilities for Units 1 and 3 immediately upon execution of this Agreement.
10. CITY shall return permit files, utility permit files, right of way maps and as-built files to ODOT if any or a portion of Unit 1 reverts to ODOT, or in the event that the OTC or designee does not approve the transfer.

GENERAL PROVISIONS

1. The Units transferred under this Agreement are relinquished and transferred subject to the rights of any utilities located within said Units and further subject to the rights of the owner of said existing utility, if any there be, to operate, reconstruct and maintain their utility facilities presently located within said Units.

2. Each party hereby grants the other party authority to enter onto each other's right of way for the purpose of performing any work or maintenance services required on the Units transferred herein.
3. To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, both entities to this Agreement will indemnify, defend, save and hold harmless each other from any and all claims, suits and liabilities which may occur in the performance of work within the Units.
4. Notwithstanding the foregoing defense obligations under paragraph number 3 above, neither CITY nor any attorney engaged by CITY shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that CITY is prohibited from defending the State of Oregon, or that CITY is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against CITY if the State of Oregon elects to assume its own defense.
5. This Agreement may be terminated by mutual written consent of both parties. ODOT may terminate this Agreement effective upon delivery of written notice to CITY, or at such later date as may be established by ODOT, under any of the following conditions:
 - a) If the OTC fails to adopt a resolution approving the Jurisdictional Transfer of the Units to CITY;
 - b) CITY fails to adopt an ordinance authorizing the transfer of Units.
 - c) If CITY fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from ODOT, fails to correct such failures within ten (10) days or such longer period as ODOT may authorize.
 - d) If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if ODOT is prohibited from paying for such work from the planned funding source.
6. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

7. If CITY fails to maintain facilities in accordance with the terms of this Agreement, ODOT, at its option, may maintain the facility and bill CITY, seek an injunction to enforce the duties and obligations of this Agreement, or take any other action allowed by law.
8. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change, if made, shall be effective except in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

IN WITNESS WHEREOF, the Parties hereto have set their hands as of the day and year hereinafter written.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 3 which authorizes the Director and Deputy Director, Highways to approve and execute all Agreements pertaining to real property transactions, abandoning or vacating ODOT-owned right of way and transferring ODOT interests in such right of way when the property is not required for future ODOT use.

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On October 8, 2004, the Director and Deputy Director, Highways approved Subdelegation Order No. 4 in which the Director and Deputy Director, Highways delegates authority to the Technical Services Manager/Chief Engineer to approve and execute all agreements pertaining to real property transactions, abandoning or vacating state owned right of way and transferring ODOT interests in such right of way, when the property is not required for future ODOT use.

Pursuant to a Letter of Authority dated November 14, 2002, the Technical Services Manager/Chief Engineer authorized the Right of Way Manager to approve and execute agreements abandoning state owned right of way when the property is not required for future ODOT use.

APPROVED BY

CITY OF BEAVERTON

By _____
Mayor

Date _____

By _____
Recorder

Date _____

**STATE OF OREGON, by and
through its Dept, of Transportation,**

By _____
Deolinda Jones, R/W Mgr.

Date _____

APPROVAL RECOMMENDED

By _____
Manager, Region 1 ODOT

Date _____

By _____
Manager, District 2A ODOT

Date _____

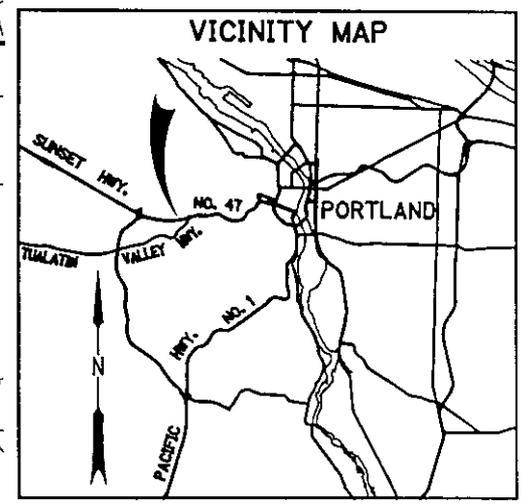
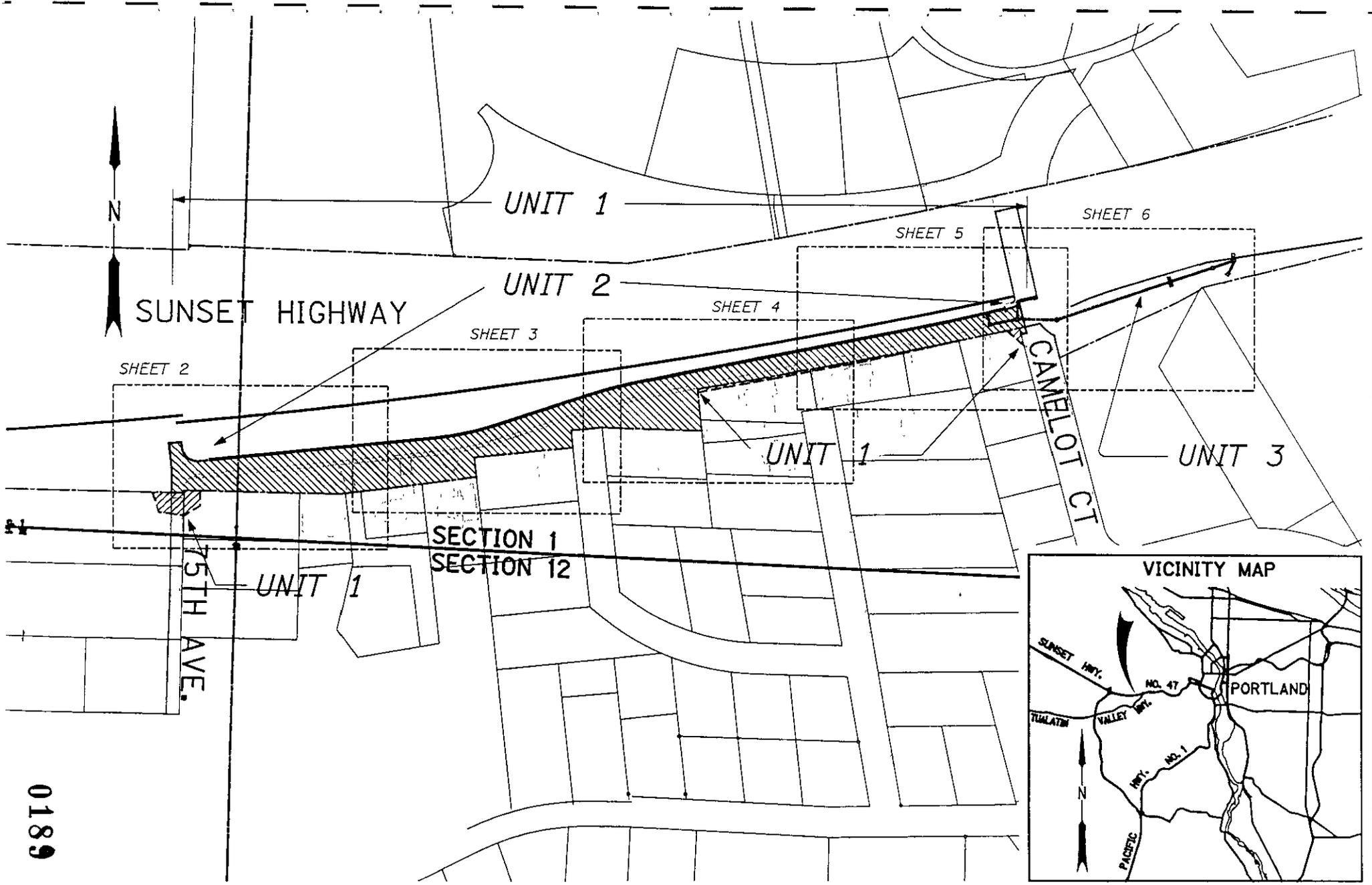
APPROVED AS TO LEGAL SUFFICIENCY

By _____
Asst. Attorney General

Date _____

By _____
City Counsel

Date _____

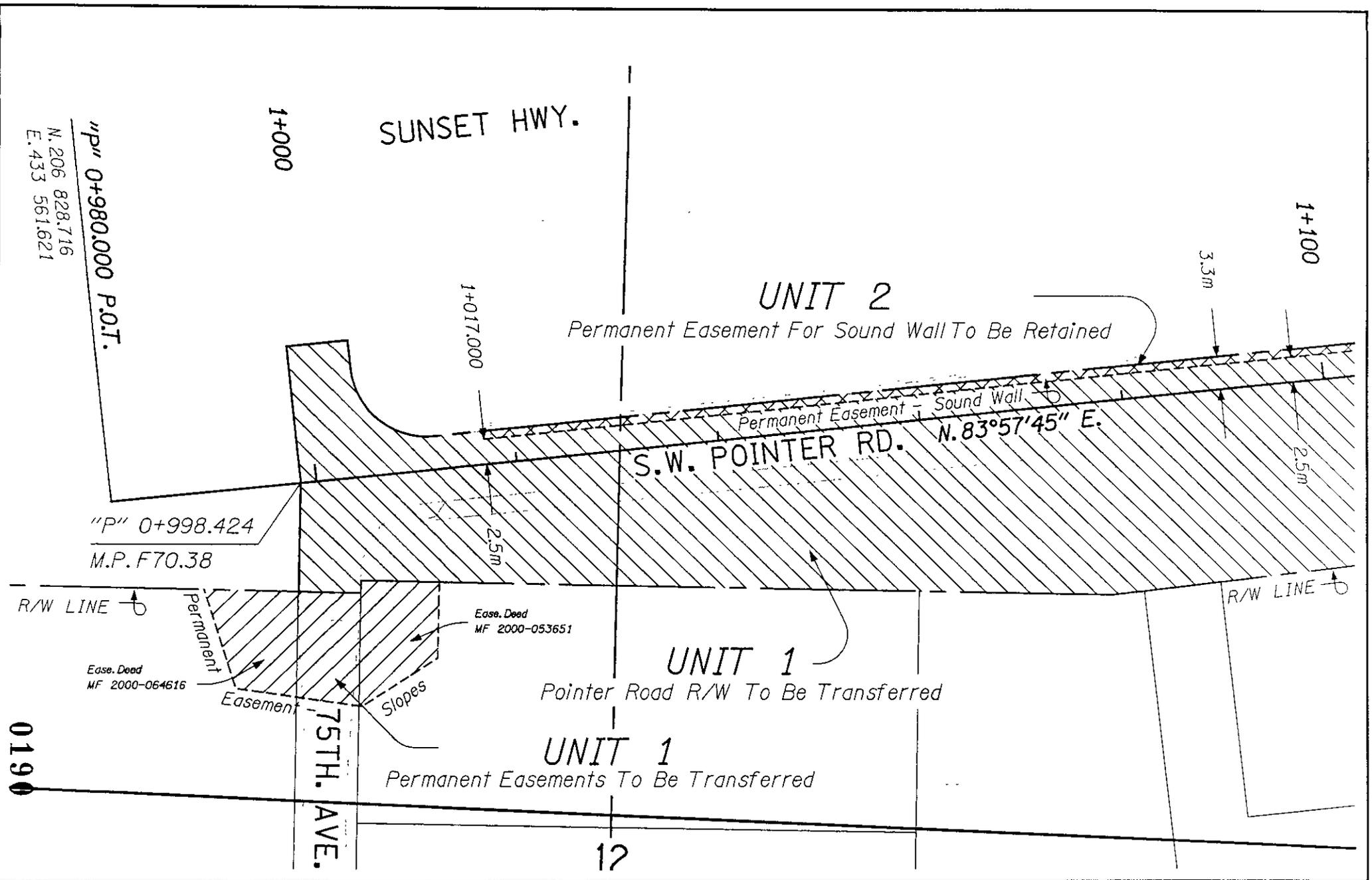


0189

OREGON DEPARTMENT OF TRANSPORTATION
 JURISDICTIONAL TRANSFER
 EXHIBIT A SHEET 1 OF 6

Section	<i>Camelot Intchge. - Sylvan Intchge.</i>
Highway	<i>Sunset Highway</i>
County	<i>Washington County</i>

Scale	<i>1:2000 Meters</i>
Date	<i>September, 2005</i>
File	<i>JT769</i>
	<i>See Drawing 1A-22-20</i>



OREGON DEPARTMENT OF TRANSPORTATION

JURISDICTIONAL TRANSFER
EXHIBIT A SHEET 2 OF 6

Section	Camelot Intchge. - Sylvan Intchge.
Highway	Sunset Highway
County	Washington County

Scale	1:500 Meters
Date	September, 2005
File	JT769

See Drawing 1A-22-20

UNIT 2

Permanent Easement For Sound Wall To Be Retained

"P" 1+218.647 P.I.
 N. 206 870.003
 E. 433 795.548

"P" 1+158.516 P.T.

"P" 1+126.879 P.C.

"P"
 R = 145 m C.L.
 $\Delta = 12^{\circ}30'04''$
 T = 15.882 m

N. 71°27'41" E.

Permanent Easement - Sound Wall

"P" 1+203.251 P.C.
 R = Δ T

UNIT 1

Pointer Road R/W To Be Transferred

"P" 1+142.761 P.I.
 N. 206 845.835
 E. 433 723.479

1+100

1+200

1+190.000

3.3m

3.3m

2.5m

2.2m

2.5m

R/W LINE

R/W LINE

0191

OREGON DEPARTMENT OF TRANSPORTATION



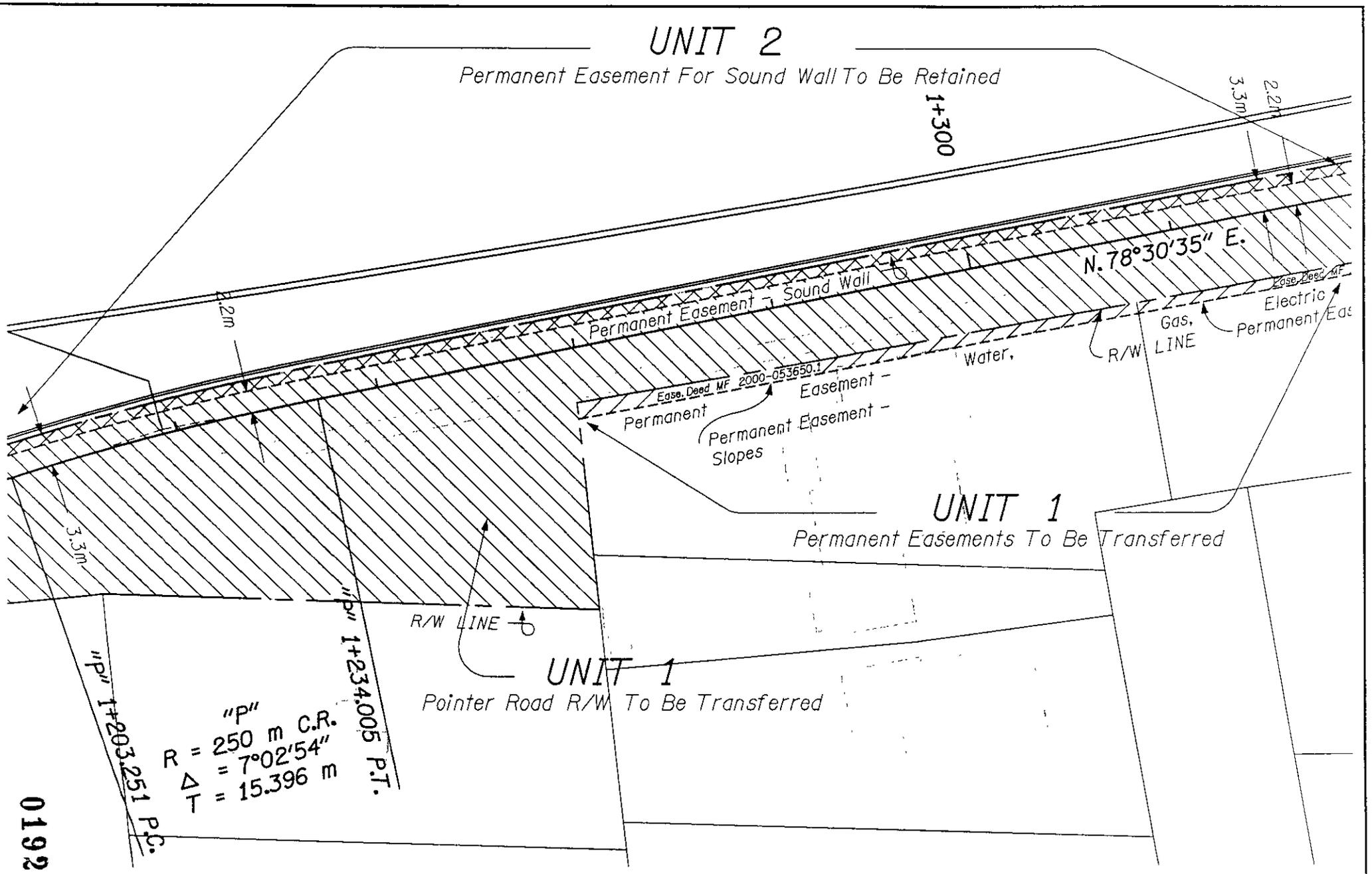
JURISDICTIONAL TRANSFER

EXHIBIT A SHEET 3 OF 6

Section	Camelot Intchge. - Sylvan Intchge.
Highway	Sunset Highway
County	Washington County

Scale	1:500 Meters
Date	September, 2005
File	JT769

See Drawing 1A-22-20



0192

"P"
 $R = 250 \text{ m C.R.}$
 $\Delta = 7^{\circ}02'54''$
 $T = 15.396 \text{ m}$

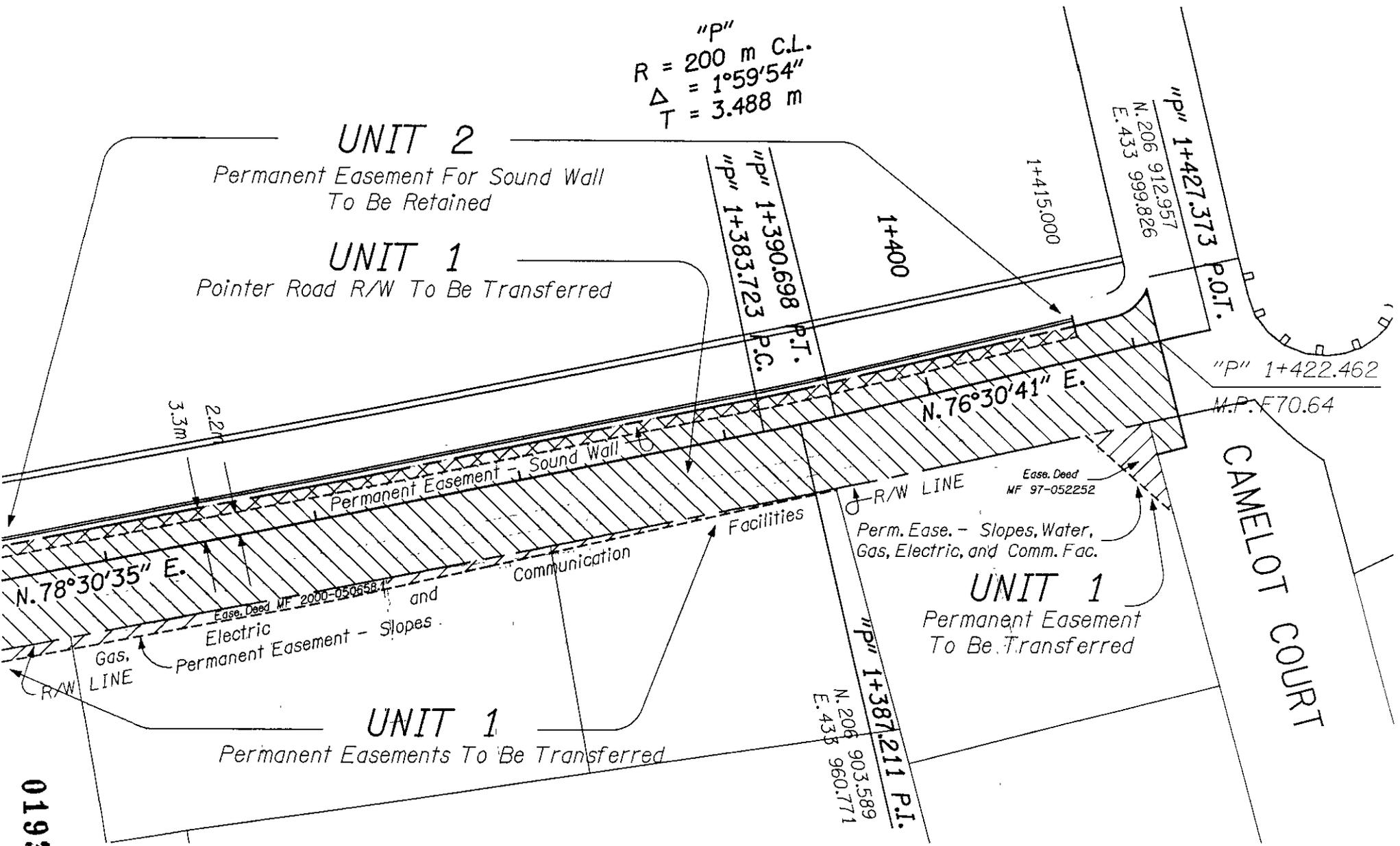
"P" 1+234.005 P.T.

"P" 1+203.251 P.C.

OREGON DEPARTMENT OF TRANSPORTATION
 JURISDICTIONAL TRANSFER
 EXHIBIT A SHEET 4 OF 6

Section	Camelot Intchge. - Sylvan Intchge.	Scale	1:500 Meters
Highway	Sunset Highway	Date	September, 2005
County	Washington County	File	JT769
			See Drawing 1A-22-20

$$\begin{aligned}
 & \text{"P"} \\
 R &= 200 \text{ m C.L.} \\
 \Delta &= 1^\circ 59' 54'' \\
 T &= 3.488 \text{ m}
 \end{aligned}$$

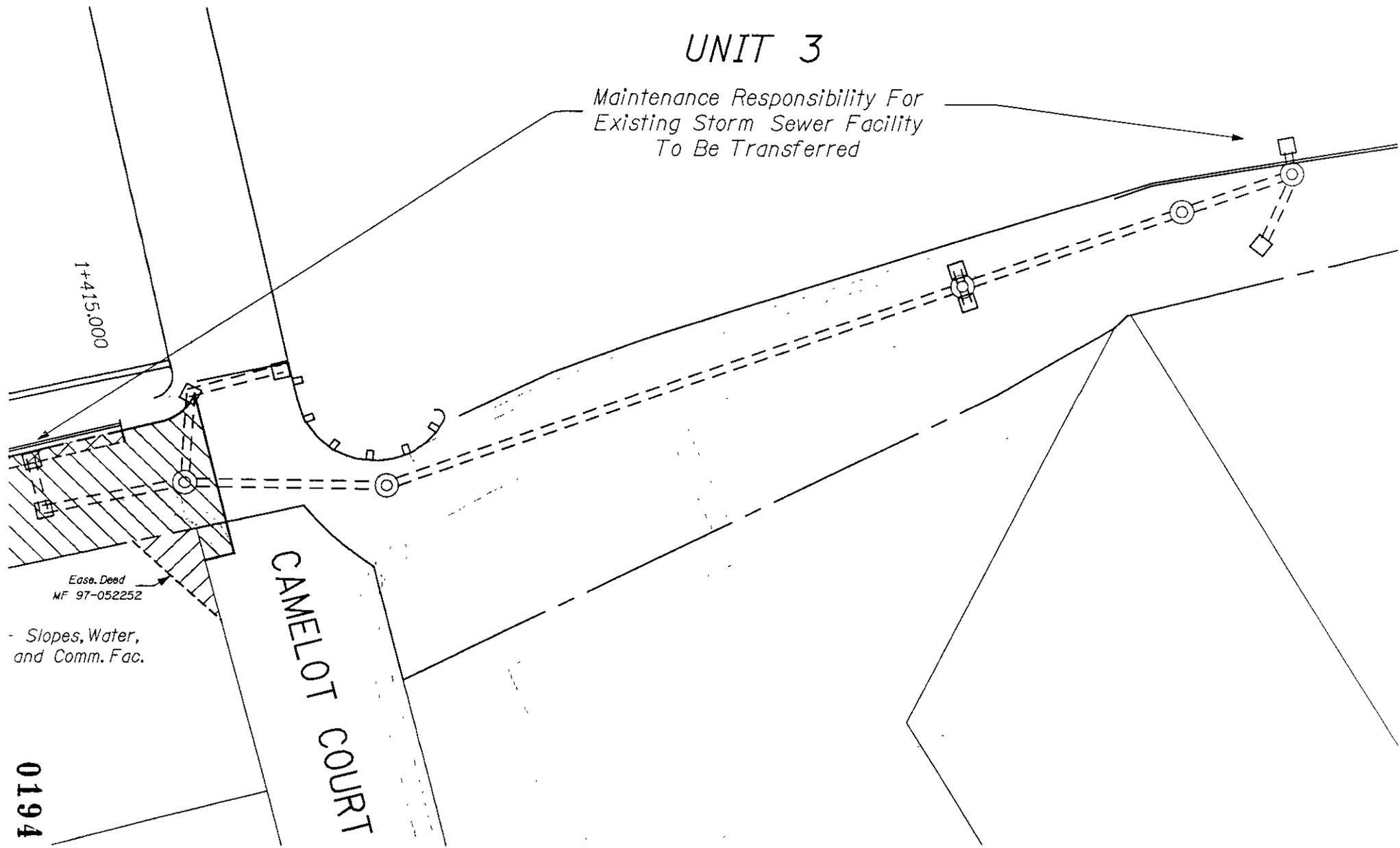


0193

 JURISDICTIONAL TRANSFER EXHIBIT A SHEET 5 OF 6	Section	Camelot Intchge. - Sylvan Intchge.	Scale	1:500 Meters
	Highway	Sunset Highway	Date	September, 2005
	County	Washington County	File	JT769
				See Drawing 1A-22-20

UNIT 3

Maintenance Responsibility For
Existing Storm Sewer Facility
To Be Transferred



0194

OREGON DEPARTMENT OF TRANSPORTATION

**JURISDICTIONAL
TRANSFER**
EXHIBIT A SHEET 6 OF 6

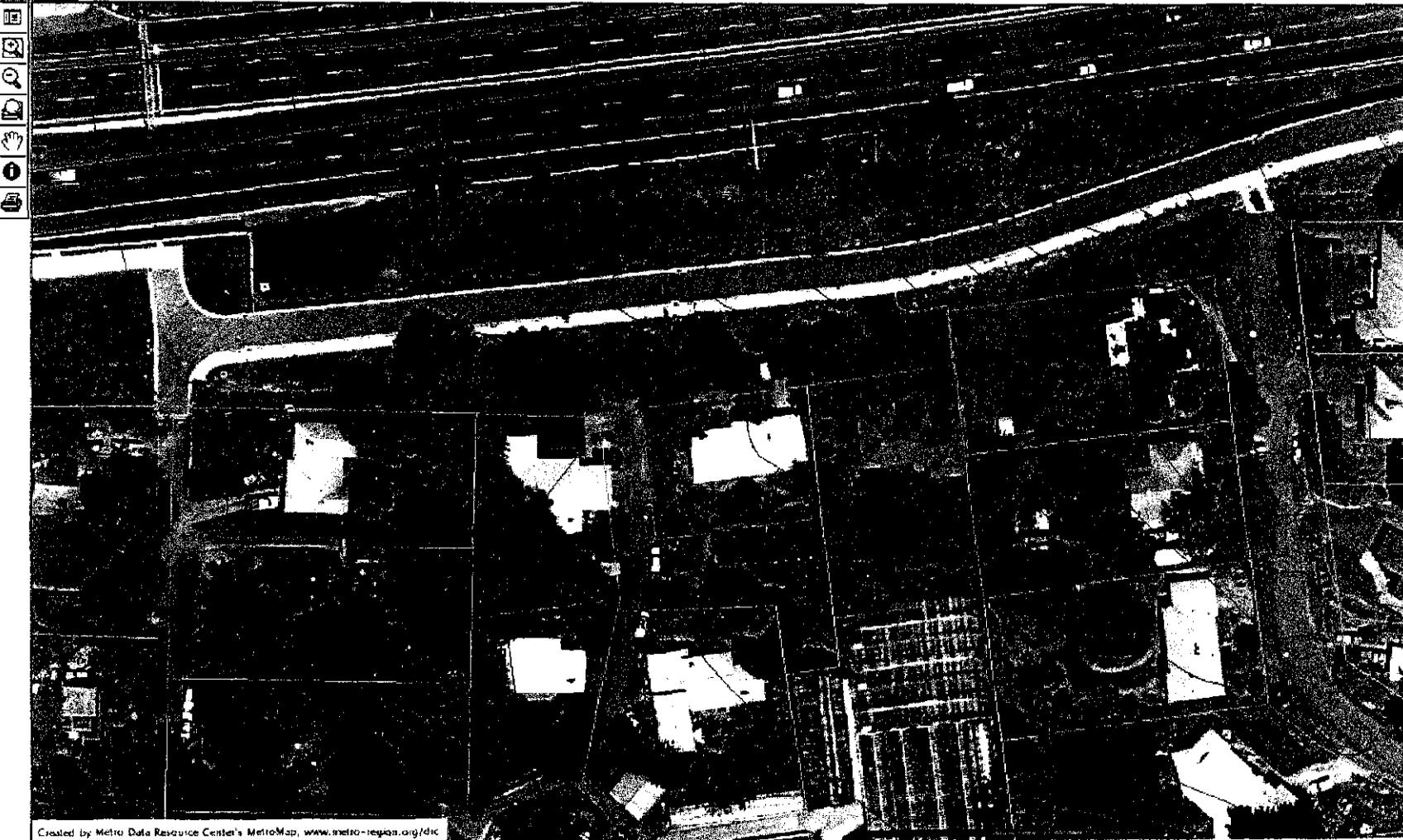
Section	Camelot Intchge. - Sylvan Intchge.	Scale	1:500 Meters
Highway	Sunset Highway	Date	September, 2005
County	Washington County	File	JT769
		See Drawing 1A-22-20	

Enter a street address | tips OR Enter an intersection | tips OR Enter a taxlot number | tips

7360 SW Pointer Road OR Street 1 Street 2 OR

M A P I T More Info

Text only Land Info Boundaries Metadata Help Clear form



Map Layers

When adding layers, refresh map.

[Refresh Map](#)

Visible Actual

- Places
- Bus stops
- Bus lines
- Bike routes
- Freeways
- Streets
- Taxlots
- Park and ride
- Transit centers
- Streams
- Contours
- Watersheds
- Metro boundary
- Urban Growth Boundary
- Stream shading
- 100 year flood plain
- Undeveloped land
- Portland environmental zones
- Parks
- Slope
- Wetlands
- 2005 aerial photo
- Land use plan
- Zoning

Zoom in to see more layers

[Available Layers](#)

Created by Metro Data Resource Center's MetroMap, www.metro-region.org/drc

Taxlots

Req	TaxlotID	RNO	Address	City	LandVal	BldgVal	TotalVal	BldgSqFt	Acres	Yearbuilt	LandUse	TaxCode	SaleDate	SalePrice
1	1S101DC03301	R3506	7360 SW POINTER RD		193200	91000	274200	2300	0.29	1950	SFR	104.25	200510	360500

0195



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 4755 SW Griffith Drive
 PO Box 4755
 Beaverton, OR. 97076
 Tel: (503) 526-2420
 Fax: (503) 526-3720
www.beavertonoregon.gov

OFFICE USE ONLY	
FILE #:	_____
FILE NAME:	_____
TYPE:	RECEIVED BY: _____
FEE PAID:	CHECK/CASH: _____
SUBMITTED:	LWI DESIG: _____
LAND USE DESIG:	NAC: _____

DEVELOPMENT APPLICATION- LAND DIVISION

PLEASE SELECT THE SPECIFIC TYPE OF LAND DIVISION FROM THE FOLLOWING LIST:

- | | |
|---|---|
| <input type="checkbox"/> TYPE ONE FINAL LAND DIVISION | <input type="checkbox"/> TYPE TWO PRELIMINARY FEE OWNERSHIP PARTITION |
| <input type="checkbox"/> TYPE TWO PRELIMINARY PARTITION | <input type="checkbox"/> TYPE TWO PRELIMINARY FEE OWNERSHIP SUBDIVISION |
| <input type="checkbox"/> TYPE TWO PRELIMINARY SUBDIVISION | |

APPLICANT: Use mailing address for meeting notification. Check box if Primary Contact
 COMPANY: RK Wilson Corp.
 ADDRESS: P.O. Box ~~1298~~ 1489
 (CITY, STATE, ZIP) Clackamas, Oregon 97015
 PHONE: 503-723-7485 FAX: 503-650-7750 E-MAIL: Ronnie@RKWilsonCorp.com
 SIGNATURE: [Signature] CONTACT: Ronnie Wilson
 (Original Signature Required)

APPLICANT'S REPRESENTATIVE: Check box if Primary Contact
 COMPANY: Compass Engineering
 ADDRESS: 6564 SE Lake Road
 (CITY, STATE, ZIP) Milwaukie, Oregon 97222
 PHONE: 503-653-9093 FAX: 503-653-9095 E-MAIL: BruceG@compass-engineering.com
 SIGNATURE: _____ CONTACT: Bruce Goldson
 (Original Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed. Check box if Primary Contact
 COMPANY: ~~Canyon Greenhouse Properties~~ Ronnie Wilson
 ADDRESS: 7385 SW Canyon Ln. (mail-po Box 1489, Clackamas OR, 97015)
 (CITY, STATE, ZIP) Portland, Oregon 97225
 PHONE: 503-723-7485 FAX: 503-650-7750 E-MAIL: Ronnie@RKWilsonCorp.com
 SIGNATURE: [Signature] CONTACT: Ronnie Wilson
 (Original Signature Required)

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS:	ASSESSOR'S MAP & TAX LOT #	LOT SIZE	ZONING DISTRICT
<u>7385 SW Canyon Ln.</u>	<u>1S101DC 4001</u>	<u>1.59 AC</u>	<u>R-7</u>
	<u>1S101DC 3301</u>	<u>0.30 AC</u>	<u>R-7</u>
	<u>1S101DC 3200</u>	<u>0.15 AC</u>	<u>R-7</u>
	<u>1S101DC 2900</u>	<u>0.15 AC</u>	<u>R-7</u>

AREA TO BE DEVELOPED (s.f.): _____
 EXISTING USE OF SITE: Single Family Nursery
 PROPOSED DEVELOPMENT ACTION: _____
11-Lot Residential Planned Unit Development
 PRE-APPLICATION DATE: _____

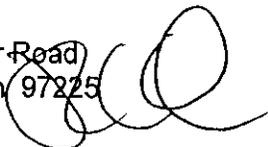
PROPERTY OWNERS (CONTINUED)

T1S-R1W-SECTION 1DC

Tax Lot 03301 – Site Address

Ronnie K Wilson
7360 SW Pointer Road
Portland, Oregon 97225

Mailing Address, if different:
PO Box 1489
Clackamas, Oregon 97015

Signature: 

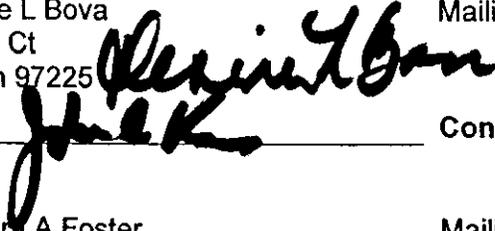
Contact: Ronnie Wilson

Tax Lot 03200

John C & Desiree L Bova
7300 SW Sylvan Ct
Portland, Oregon 97225

Mailing Address, if different:

ph - 522-7281
297-9376

Signature: 

Contact: John BOVA

Tax Lot 02900

Larry W & Barbara A Foster
7250 SW Sylvan Ct
Portland, Oregon 97225

Mailing Address, if different:

ph - 292-9789

Signature: 

Contact: LARRY FOSTER



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 Fax: (503) 526-3720
www.beavertonoregon.gov

OFFICE USE ONLY	
FILE #:	_____
FILE NAME:	_____
TYPE: _____	RECEIVED BY: _____
FEE PAID: _____	CHECK/CASH: _____
SUBMITTED: _____	LWI DESIG: _____
LAND USE DESIG: _____	NAC: _____

DEVELOPMENT APPLICATION- CONDITIONAL USE

PLEASE SELECT THE SPECIFIC TYPE OF CONDITIONAL USE FROM THE FOLLOWING LIST:

<input type="checkbox"/> TYPE 1 MINOR MODIFICATION OF A CONDITIONAL USE	<input type="checkbox"/> TYPE 3 MAJOR MODIFICATION OF A CONDITIONAL USE
<input type="checkbox"/> TYPE 2 ADMINISTRATIVE CONDITIONAL USE	<input type="checkbox"/> TYPE 3 CONDITIONAL USE
<input type="checkbox"/> TYPE 3 PRELIMINARY PLANNED UNIT DEVELOPMENT	<input type="checkbox"/> TYPE 3 FINAL PLANNED UNIT DEVELOPMENT

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

COMPANY: RK Wilson Corp.
 ADDRESS: PO Box ~~1298~~ 1489
 (CITY, STATE, ZIP) Clackamas, Oregon 97015
 PHONE: 503-723-7435 FAX: 503-650-7750 E-MAIL: Ronnie@RKWilsonCorp.
 SIGNATURE: [Signature] CONTACT: Ronnie Wilson com
 (Original Signature Required)

APPLICANT'S REPRESENTATIVE: Check box if Primary Contact

COMPANY: Compass Engineering
 ADDRESS: 6564 SE Lake Road
 (CITY, STATE, ZIP) Milwaukie, Oregon 97222
 PHONE: 503-653-9093 FAX: 503-653-9095 E-MAIL: BruceG@compass-engineering.com
 SIGNATURE: _____ CONTACT: Bruce Goldson
 (Original Signature Required)

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

COMPANY: ~~Canyon Greenhouse Properties~~ Ronnie Wilson
 ADDRESS: 7385 SW Canyon Ln. MAIL (PO Box 1489 Clackamas OR 97015)
 (CITY, STATE, ZIP) Portland, Oregon 97225
 PHONE: 503-723-7435 FAX: 503-650-7750 E-MAIL: Ronnie@RKWilsonCorp.
 SIGNATURE: [Signature] CONTACT: Ronnie Wilson com
 (Original Signature Required)

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: <u>7385 SW Canyon Ln.</u>			AREA TO BE DEVELOPED (s.f.): _____
ASSESSOR'S MAP & TAX LOT #	LOT SIZE	ZONING DISTRICT	EXISTING USE OF SITE: <u>Single Family Nursery</u>
<u>1S101DC 4001</u>	<u>1.59 AC.</u>	<u>R-7</u>	PROPOSED DEVELOPMENT ACTION: _____
<u>1S101DC 3301</u>	<u>0.30 AC</u>	<u>R-7</u>	<u>11-Lot Residential Planned Unit Development</u>
<u>1S101DC 3200</u>	<u>0.15 AC</u>	<u>R-7</u>	PRE-APPLICATION DATE: _____
<u>1S101DC 2900</u>	<u>0.15 AC</u>	<u>R-7</u>	

0198

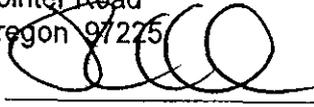
PROPERTY OWNERS (CONTINUED)

T1S-R1W-SECTION 1DC

Tax Lot 03301 – Site Address

Ronnie K Wilson
7360 SW Pointer Road
Portland, Oregon 97225

Mailing Address, if different:
PO Box 1489
Clackamas, Oregon 97015

Signature: 

Contact: Ronnie Wilson

Tax Lot 03200

John C & Desiree L Bova
7300 SW Sylvan Ct
Portland, Oregon 97225

Mailing Address, if different:

Ph 503-522-7281
297-9376

Signature: 

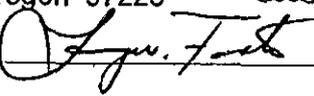
Contact: _____

Tax Lot 02900

Larry W & Barbara A Foster
7250 SW Sylvan Ct
Portland, Oregon 97225

Mailing Address, if different:

Ph 292-9789
503-720-7742 Cell

Signature: 

Contact: _____



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CONDITIONAL USE

CONDITIONAL USE SUBMITTAL CHECKLIST

WRITTEN STATEMENT REQUIREMENTS- REQUIRED FOR ALL CONDITIONAL USE APPLICATIONS

- A. APPLICATION FORM.** Provide one (1) completed application form with original signature(s).
- B. CHECKLIST.** Provide one (1) completed copy of this five (5) page checklist.
- C. WRITTEN STATEMENT.** Submit three (3) copies of a detailed description of the proposed project including, but not limited to, the changes to the site, structure, landscaping, parking, and land use. In the written statement, please:
 - Address all applicable provisions of Chapter 20 (Land Uses)
 - Address all applicable provisions of Chapter 60 (Special Regulations)
 - Provide individual findings specifically addressing how and why the proposal satisfies each of the criterion within the appropriate Approval Criteria Section of Chapter 40 of the City's *Development Code* (ORD 2050), attached.
 - Provide the hours of operation, total number of employees, and maximum number of employees per shift. If more than one type of operation exists or is proposed for the project site, please specify the information requested above for each use.

D. FEES, as established by the City Council. Make checks payable to the City of Beaverton.

E. SITE ANALYSIS INFORMATION.

Proposed parking modification: _____ sq. ft.

Proposed number of parking spaces: 29

Proposed use: Single-family

Parking requirement: 22-off-street

Existing landscaped area: 0 sq. ft.

Percentage of site: 0 %

Proposed landscape modification: 20,430 sq. ft.

Percentage of site: 21.1 %

Existing parking area: _____ sq. ft.

Existing number of parking spaces: 6

Existing building height: 12 ft.

Proposed building height: 30 ft

Existing building area: 46,300 sq. ft.

Proposed building modification: _____ sq. ft.

Existing Structures Removed

0200



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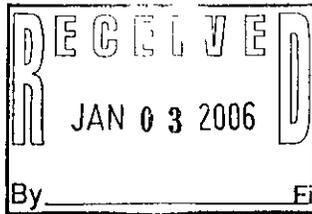
LAND DIVISION

LAND DIVISION SUBMITTAL CHECKLIST

WRITTEN STATEMENT REQUIREMENTS- *REQUIRED FOR ALL LAND DIVISION APPLICATIONS*

- A. APPLICATION FORM.** Provide **one (1)** completed application form with original signature(s).
- B. CHECKLIST.** Provide **one (1)** completed copy of this four (4) page checklist.
- C. WRITTEN STATEMENT.** Submit **three (3)** copies of a detailed description of the proposed project including, but not limited to, the changes to the site, structure, landscaping, parking, and land use. In the written statement, please:
- Address all applicable provisions of Chapter 20 (Land Uses) including but not limited to provisions for minimum land area, minimum lot dimensions, and minimum residential density, if applicable.
 - Address all applicable provisions of Section 60.15 (Land Division Standards).
 - Provide individual findings specifically addressing how and why the proposal satisfies each of the criteria for the specific type of land division specified in either Section 40.45.15.2 (Preliminary Partition), Section 40.45.15.3 (Preliminary Subdivision), Section 40.45.15.4 (Preliminary Fee Ownership Partition), Section 40.45.15.5 (Preliminary Fee Ownership Partition), and Section 40.45.15.6 (Final Land Division), of the City's *Development Code* (ORD 2050), attached. Please note that an application for an expedited land division is subject to the provisions of Oregon Revised Statutes (ORS) 197.360 through 197.380.
 - Address all Facilities Review Technical Criteria from Section 40.03 of the City's *Development Code* (ORD 2050). (**REQUIRED FOR TYPE 2, 3, & 4 APPLICATIONS ONLY**)
- D. FEES**, as established by the City Council. Make checks payable to the City of Beaverton.
- E. SITE ANALYSIS INFORMATION.**
- | | |
|--|---|
| <input type="checkbox"/> Existing site area: <u>96,951</u> sq. ft. | <input type="checkbox"/> Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space: <u>20,430</u> sq. ft. |
| <input type="checkbox"/> Minimum required density: <u>8.65</u> lots | |
| <input type="checkbox"/> Proposed density: <u>11</u> lots | <input type="checkbox"/> Proposed street dedication or private streets or common driveways: <u>21,279</u> sq. ft. |
| <input type="checkbox"/> Environmentally constrained lands: <u>0</u> sq. ft. | |
- F. CLEAN WATER SERVICES (CWS) DOCUMENTATION.** 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 Chuck Buckallew, Site Assessment Coordinator, at (503)681-3605 or buckallewc@cleanwaterservices.org.
- G. 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.

0201



By _____ File Number **06-000020**

Sensitive Area Pre-Screening Site Assessment

Jurisdiction	City of Beaverton	Date	December 29, 2005
Map & Tax Lot	1S-1W-1DC, 4001, 3301 + back of 2900 & 3200	Owner	See Attached
Site Address	7385 SW Canyon Lane	Applicant	Ronnie Wilson
Proposed Activity	11-Lot PUD, with new access off Pointer Road	Company	R.K. Wilson Corp.
		Address	PO Box 1298
		City State Zip	Clackamas, OR 97015
		Phone	503-723-7435
		Fax	503-650-7750

By submitting this form the Owner, or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site.

Official use only below this line

Official use only below this line			Official use only below this line		
Y	N	NA	Y	N	NA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sensitive Area Composite Map Map # <u>151WA</u>			Stormwater Infrastructure maps QS # <u>3322 + 3322</u>		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Locally adopted studies or maps Specify _____			Other Specify <u>2004 Aerial</u>		

Based on a review of the above information and the requirements of Clean Water Services Design and Construction Standards Resolution and Order No. 04-9:

- Sensitive areas potentially exist on site or within 200' of the site. THE APPLICANT MUST PERFORM A SITE CERTIFICATION PRIOR TO ISSUANCE OF A SERVICE PROVIDER. If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Sensitive areas do not appear to exist on site or within 200' of the site. This pre-screening site assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 04-9, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.
- The proposed activity does not meet the definition of development. NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Reviewer Comments:

Based on review of 2004 Aerial potentially sensitive areas do not appear to exist within 200 feet of the site.

Reviewed By: Chuck Beckel Date: 1/9/06

Post-it® Fax Note	27671	Date	1/9/06	# of pages	1
To	Ronnie Wilson	From	Chuck Beckel		
Co./Dept.		Co.	CWS		
Phone #		Phone #	503-681-5100		
Fax #	503-650-7750	Fax #			

Official use only			
Returned to Applicant			
Mail	Fax	Counter	
Date	1/9/06	By	<u>CR</u>



COMPASS ENGINEERING

ENGINEERING - SURVEYING - PLANNING

6564 SE Lake Road
Milwaukie, Oregon 97222

503/653-9093
FAX 503/653-9095
e-mail: compass@compass-engineering.com

September 28, 2005

RE: Proposed Development at 7385 SW Pointer Road – Beaverton, Oregon

Dear NAC Representative/Resident:

I am writing this letter on behalf of Ronnie Wilson, who is considering a 9 or 10-lot Planned Unit Development. This current designs show nine (9) detached single-family homes on this approximately 2-acre site. The property is Urban Standard Density R-7. Because at least 20% of the site is set aside for open space (passive and active recreation), individual lot size is less than 7,000 square feet.

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:

Tuesday, October 18, 2005
West Sylvan Middle School Library
7:30 to 8:00 pm

Please note that this will be an informational meeting on the preliminary development plans with the developer and/or representative only and is not intended to take the place of a public hearing before the Planning Commission or Board of Design Review. You will have an opportunity to present testimony to these bodies when an application is submitted to the City for review.

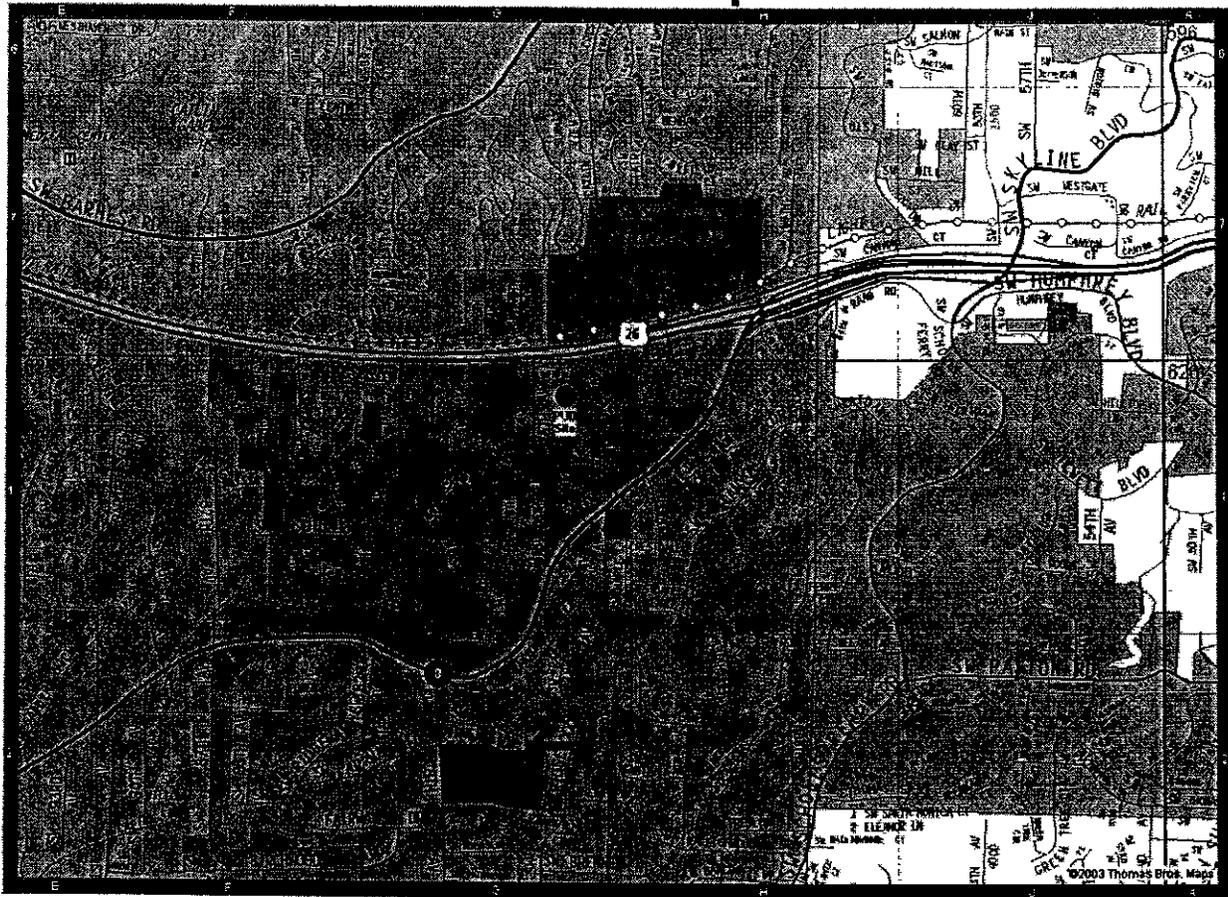
I look forward to seeing you at the meeting and hearing your thoughts on the proposed project.

Sincerely,

Karl Mawson, AICP
Senior Planner

Enclosure: Location Map
Conceptual Site Plans

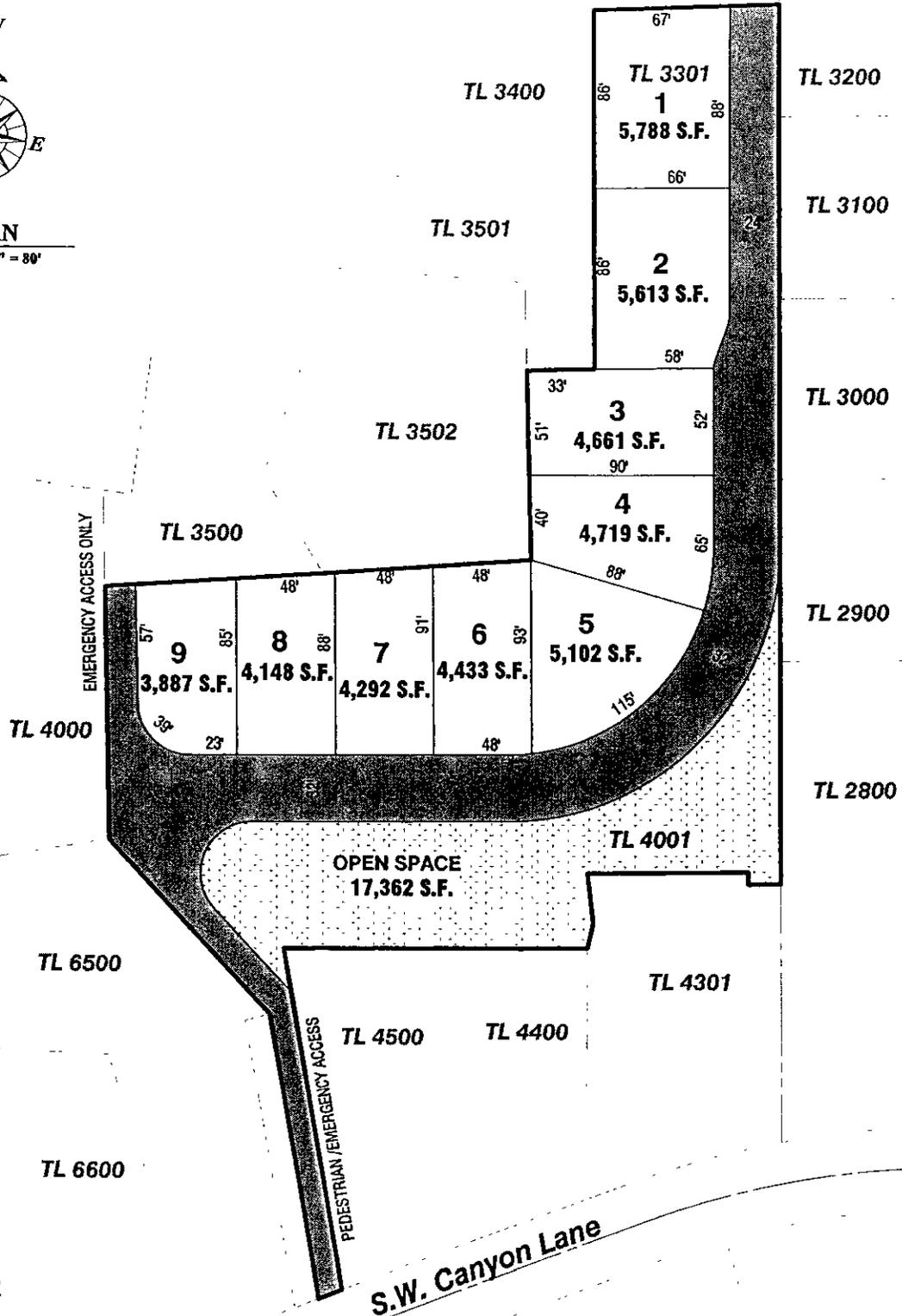
Location Maps





PLAN

SCALE: 1" = 80'



RK Wilson Corp
 P.O. Box 1298
 Clackamas, OR 97015
 503-723-7435

Preliminary Layout



COMPASS ENGINEERING

ENGINEERING * SURVEYING * PLANNING
 6564 S E LAKE ROAD (503) 653-9093 PHONE
 MILWAUKIE, OREGON 97222 (503) 653-9096 FAX
 compass@compass-engineering.com

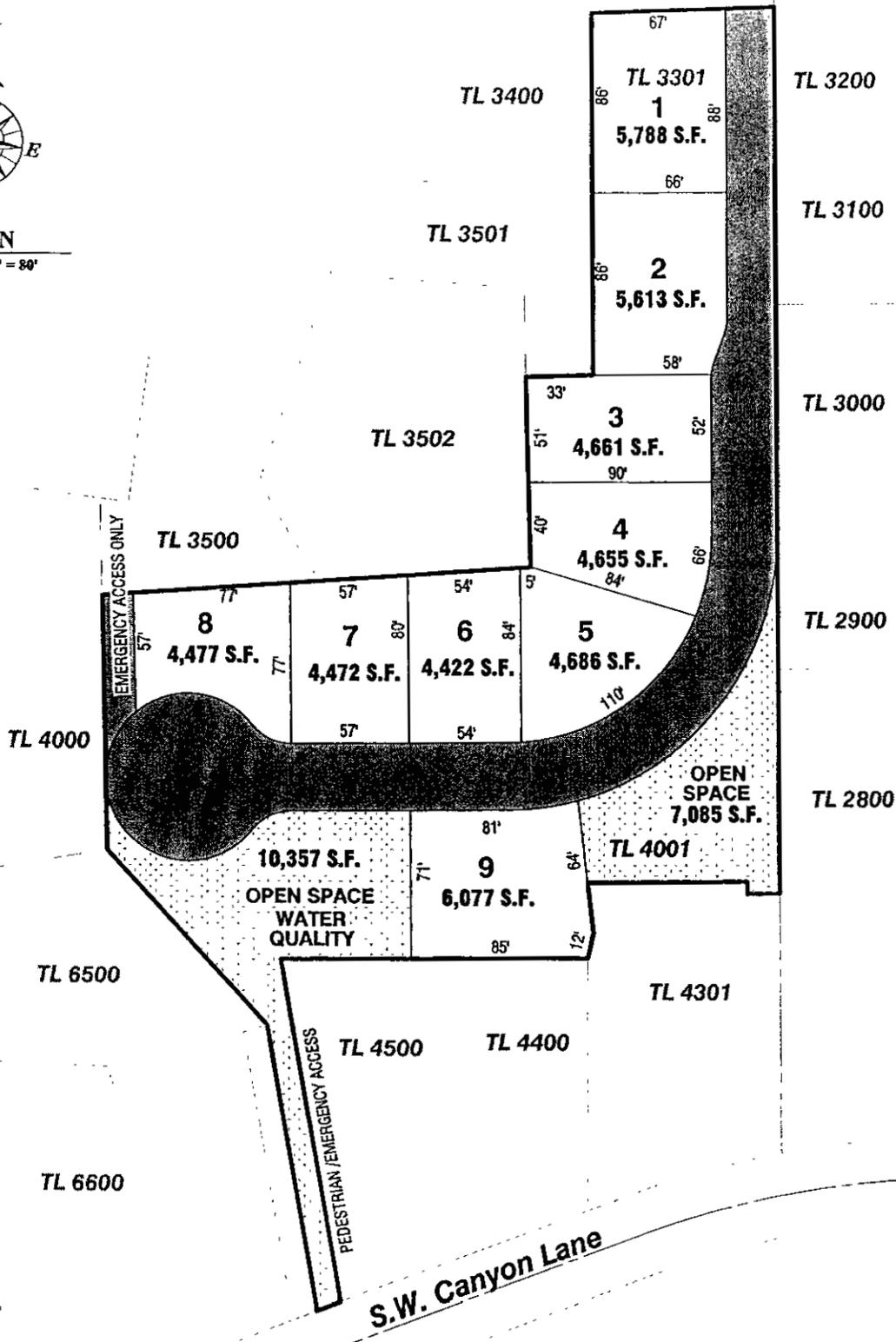
9 Lot Subdivision
 7360 SW Pointer Road
 Beaverton, Oregon

1
 1



PLAN

SCALE: 1" = 80'



RK Wilson Corp
 P.O. Box 1298
 Clackamas, OR 97015
 503-723-7435

Preliminary Layout



COMPASS ENGINEERING

ENGINEERING * SURVEYING * PLANNING
 6564 S.E. LAKE ROAD (503) 653-9093 PHONE
 MILWAUKIE, OREGON 97222 (503) 653-9095 FAX
 compass@compass-engineering.com

9 Lot Subdivision
 7360 SW Pointer Road
 Beaverton, Oregon

1
1

1S112AB 00300
Walter & Jennifer Baumann Jr.
7104 SW Canyon Ln
Portland, OR 97225

1S101DC 01100
Stephen & Jaqueline Beaver
7109 SW Canyon Ln
Portland, OR 97225

1S112AB 00500
Robert Beckman
7116 SW Canyon Ln
Portland, OR 97225

1S101DC 01500
Candis Blodgett
7170 SW Sylvan Ct
Portland, OR 97225

1S101DC 03200
John & Desiree Bova
7300 SW Sylvan Ct
Portland, OR 97225

1S101DC 02000
David & Eleanor Briggs
1915 SW 71st Ave
Portland, OR 97225

1S112AB 03300
Erin Carter
7220 SW Benz Park Dr
Portland, OR 97225

1S112AB 00400
Paul Cartier
7112 SW Canyon Ln
Portland, OR 97225

1S101DC 01700
Frederick & Michelle Chown
7145 SW Sylvan Ct
Portland, OR 97225

1S101DC 01900
James & Susan Daigle
1985 SW 71st Ave
Portland, OR 97225

1S112BA 00700
Michael & Cheryl Dallner
2135 SW 75th Ave
Portland, OR 97225

1S101DC 02200
Jon Holt and Melinda & Scott Davis
7295 SW Sylvan Ct
Portland, OR 97225

1S101DC 03800
Jake Deyoung
2020 SW 75th Ave
Portland, OR 97225

1S112AB 03000
Rebecca Douvris
7270 SW Benz Park Dr
Portland, OR 97225

1S112AB 00600
Diana & Sean Egusa
7220 SW Canyon Ln
Portland, OR 97225

1S112AB 04600
Thomas & Danielle Ewing
7450 SW Canyon Ln
Portland, OR 97225

1S101DC 01800
Ann Fisher
2005 SW 71st Ave
Portland, OR 97225

1S101DC 02900
Larry & Barbara Foster
7250 SW Sylvan Ct
Portland, OR 97225

1S101DC 04301
Douglas Gentner
7305 SW Canyon Ln
Portland, OR 97225

1S112AB 01800
Francena Gestring
8140 SW Kensington Rd
Portland, OR 97223

1S112AB 06700
Henry Gibbs
7455 SW Canyon Ln
Portland, OR 97225

1S101DC 02601
Steven Goldman
7221 SW Canyon Ln
Portland, OR 97225

1S112AB 02300
Amir Golian
PO Box 814
Portland, OR 97207

1S101DC 02100
Shane & Rebecka Grindelnd
7315 SW Sylvan Ct
Portland, OR 97225

1S112AB 06600
Robert & Betty Grove
7425 SW Canyon Ln
Portland, OR 97225

1S101DC 02300
Bradley & Judy Hadfield
7275 SW Sylvan Ct
Portland, OR 97225

1S112AB 01500
Cornelia Harder
7215 SW Benz Park Dr
Portland, OR 97225

1S101DC 04100
Mac Hayes
8330 SE Orchard Ln
Portland, OR 97266

1S112AB 03200
Randall & Jeanne Henderson
7233 SW Benz Park Dr
Portland, OR 97225

1S112AB 03601
George Henderson
7255 SW Benz Park Dr
Portland, OR 97225

1S101DC 03400
Thomas & Sherry Hering
26690 NW Meek Rd
Hillsboro, OR 97124

1S101DC 01300
Kelly Hillyer
11935 SW Pelican Way
Beaverton, OR 97007

1S112AB 01700
Thomas Holway
7195 SW Benz Park Dr
Portland, OR 97225

1S112BA 00500
Joseph Hughes
2145 SW 75th Ave
Portland, OR 97225

1S112BA 00600
Joseph Hughes
2145 SW 75th Ave
Portland, OR 97225

1S112BA 01200
Joseph Hughes
2145 SW 75th Ave
Portland, OR 97225

1S101DC 03900
Rachel Jacky
2060 SW 75th Ave
Portland, OR 97225

1S112BA 01100
Todd & Carole Parrott-Joppe
2205 SW 75th Ave
Portland, OR 97225

1S112AB 02400
Thomas & Dorothy Kennedy
7252 SW Benz Park Ct
Portland, OR 97225

1S101DC 03500
Angel Khalsa
2100 SW 75th Ave
Portland, OR 97225

1S112AB 03500
Richard & Virginia Mathews
6808 SW Canyon Crest Dr
Portland, OR 97225

1S112AB 06300
Bruce & Barbara Mathisen
7620 SW Canyon Ln
Portland, OR 97225

1S112AB 04800
Trenton Blair & Jennifer May
7480 SW Canyon Ln
Portland, OR 97225

1S112AB 01200
Wilbert Tarrow & Kristine Mosher
7245 SW Benz Park Dr
Portland, OR 97225

1S101DC 03502
Grayce Pattillo
7420 SW Pointer Rd
Portland, OR 97225

1S112AB 04706
Mark & Joan Peters
7850 SW Linden Rd
Portland, OR 97225

1S112AB 01900
Earl & Geraldine Petersen
7170 SW Benz Park Dr
Portland, OR 97225

1S101DC 04000
Maria Pierie-Pomeroy
2100 SW 75th Ave
Portland, OR 97225

1S112BA 00400
Julia Pomeroy
1711 NW Hoyt St
Portland, OR 97209

1S112BA 00501
Julia Pomeroy
1711 NW Hoyt St
Portland, OR 97209

1S101DC 03501
Ronald Price
7402 SW Pointer Rd
Portland, OR 97225

1S101DC 02800
Carla Ralston
7275 SW Canyon Ln
Portland, OR 97225

1S112AB 06800
Jerald & Denise Ramsden
2200 SW 75th Ave
Portland, OR 97225

1S112AB 04300
James McClurg Kristie Rice
7470 SW Canyon Ln
Portland, OR 97225

1S112AB 04703
James McClurg Kristie Rice
7470 SW Canyon Ln
Portland, OR 97225

1S112AB 02200
Jay & Sandra Richard
7240 SW Benz Park Dr
Portland, OR 97225

1S112AB 04900
Carol Robbins
7500 SW Canyon Ln
Portland, OR 97225

1S112BA 00900
William Rogers
2155 SW 75th Ave
Portland, OR 97225

1S112AB 03800
Vanessa & Mike Roskopf
7275 SW Benz Park Dr
Portland, OR 97225

1S112AB 00700
Hunter Rowland
7250 SW Canyon Ln
Portland, OR 97225

1S112BA 00800
Stefanie & Christopher Ryce
2185 SW 75th Ave
Portland, OR 97225

1S112AB 05000
Donald & Florence Savage
2340 SW 76th Ave
Portland, OR 97225

1S101DC 04400
Steven & Georgia Schell
7335 SW Canyon Ln
Portland, OR 97225

1S101DC 01200
Tracy Schiffmann
7115 SW Canyon Ln
Portland, OR 97225

1S101DC 02700
Michael Schmitt
7497 SE Shamrock Ln
Hillsboro, OR 97123

1S101DC 02701
Michael Schmitt
7497 SE Shamrock Ln
Hillsboro, OR 97123

1S112AB 02000
Ronald & Peggy Schriber
7200 SW Benz Park Dr
Portland, OR 97225

1S101DC 03100
Allyn & Marcia Schroeder
7290 SW Sylvan Ct
Portland, OR 97225

1S112AB 03100
Mary Sellers
7265 SW Benz Park Dr
Portland, OR 97225

1S112AB 06900
Lee & Dawn Shelton
7475 SW Canyon Ln
Portland, OR 97225

1S112AB 03700
Ann Sherry
7265 SW Benz Park Dr
Portland, OR 97225

1S101DC 03600
Kent & Tandra Slack
7440 SW Pointer Rd
Portland, OR 97225

1S112AB 00900
Sidney & Gail Snyder
7320 SW Canyon Ln
Portland, OR 97225

1S112AB 02100
Steven & Daisy Snyder
7230 SW Benz Park Dr
Portland, OR 97225

1S101DC 02400
Peter Bold & Eim Song
7245 SW Sylvan Ct
Portland, OR 97225

1S112AB 01300
Grace Spada
7235 SW Benz Park Dr
Portland, OR 97225

1S112AB 00800
Matthew & Charlotte Spicer
7290 SW Canyon Ln
Portland, OR 97225

1S112AB 03400
Dennis & Stephani Strachota
7250 SW Benz Park Dr
Portland, OR 97225

1S112AB 01600
Karen Stromme
7205 SW Benz Park Dr
Portland, OR 97225

1S101DC 02500
Barry Strudler
7195 SW Sylvan Ct
Portland, OR 97225

1S101CD 01800
Kristen Tebbe
2005 SW 75th Ave
Portland, OR 97225

1S112AB 01400
Brian Tennison
7225 SW Benz Park Dr
Portland, OR 97225

1S101DC 01600
Janette Waltemath
7130 SW Sylvan Ct
Portland, OR 97225

1S101DC 04500
Paula Watt
7365 SW Canyon Ln
Portland, OR 97225

1S101DC 02001
Michael Weinstein
1945 SW 71st Ave
Portland, OR 97225

1S112AB 06500
Thomas & Elizabeth Whiting
7395 SW Canyon Ln
Portland, OR 97225

1S101DC 03301
Jeff Rice & Wade Williams
7360 SW Pointer Rd
Portland, OR 97225

1S112BA 01000
Daniel Withers
4247 E Equestrian Trl
Phoenix, AZ 85044

1S101DC 01400
Kenneth & Jana Wolfgang
7200 SW Sylvan Ct
Portland, OR 97225

1S101DC 02600
Kenneth & Jana Wolfgang
7200 SW Sylvan Ct
Portland, OR 97225

1S101DC 03000
Gilbert Family Trust
7270 SW Sylvan Ct
Portland, OR 97225

1S101DC 03700
Piacente Family Trust
2000 SW 75th Ave
Portland, OR 97225

1S101DC 04001
CANYON GREENHOUSES
PROPERTIES
7385 SW Canyon Ln
Portland, OR 97225

1S112AB 01000
Bolewicz Family Trust
16430 SW Holly Hill Rd
Hillsboro, OR 97123

1S112AB 01100
PHOENIX REDEVELOPMENT INC
516 SE Morrison St # 82
Portland, OR 97214

1S101DC 05000
SUNSET HILLS MEMORIAL PARK
6801 SW Sunset Hwy
Portland, OR 97225

DEVELOPER OR AGENT: COMPASS ENGINEERING
PROJECT LOCATION: 7385 SW POINTER ROAD

AFFIDAVIT OF MAILING NOTICE

I, JAMIE KIMBLE, being first duly sworn; say that I am (represent) the party intended to submit an application to the City of Beaverton for a proposed 9 OR 10-LOT SUBDIVISION affecting land located at 7385 SW POINTER ROAD, and that pursuant to Ordinance 2050, Section 50, and the guidelines set out by the Community Development Director, did on the 28TH day of SEPTEMBER, 2005, personally mail notice to affected property owners and NAC's within 500 feet of the proposed development site.

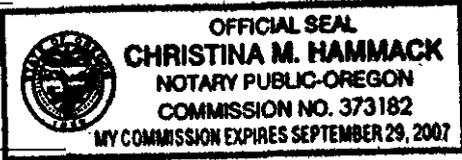
Sign and Date in the presence of a Notary Public. Certain City staff are Notary Publics and are available for witnessing.

Signature: Jamie Kimble

Dated this 29TH day of SEPTEMBER, 2005

Subscribed and sworn to before me this 29th day of September, 2005.

Christina M Hammack
Notary Public for the State of Oregon



My Commission expires: 9/29/07

h:\forms\neighborhood meeting\current nrmtngpacket elements\affdvt2.doc

DEVELOPER OR AGENT: COMPASS ENGINEERING

PROJECT LOCATION: 7385 SW POINTER ROAD

AFFIDAVIT OF POSTING NOTICE

I, BRUCE GOLDSON, being first duly sworn; say that I am (represent) the party intended to submit an application to the City of Beaverton for a proposed 9 OR 10- LOT SUBDIVISION affecting land located at 7385 SW POINTER ROAD, and that pursuant to Ordinance 2050, Section 50, and the guidelines set out by the Planning Director, did on the 28TH day of SEPTEMBER, 2005, personally post public notice on 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.

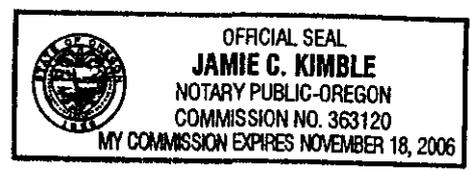
Signature: [Handwritten Signature]

Dated this 28TH day of SEPTEMBER, 2005

Subscribed and sworn to before me this 28TH day of SEPTEMBER, 2005.

Jamie C. Kimble
Notary Public for the State of Oregon

My Commission expires: NOVEMBER 18, 2006

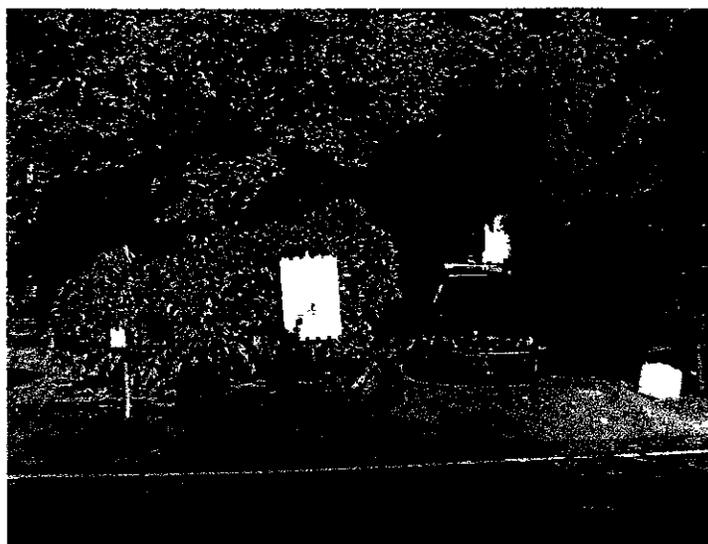


TURN PAGE OVER FOR POSTING INSTRUCTIONS

0212



9/28/2005
5878 Pointer Road
DSCF1196.JPG



9/28/2005
5878 Pointer Road
DSCF1197.JPG

Never doubt that a small group of thoughtful, committed citizens can change the world... -- Margaret Mead

WEST SLOPE NAC MEETING

MEETING DATE: 18 OCTOBER 2005

~ PLEASE PRINT CLEARLY ~

The Neighborhood Program distributes NAC meeting materials via the internet. Please check the box to indicate how you want to receive NAC mailings – via postal or electronic (email) mail.

MAIL		SPEAKER	1 st Meeting?	NAME	ADDRESS	EMAIL	PHONE	GROUP
POSTAL	EMAIL							
X				MARY KROGER Julie Draper	2065 SW 75th		503-292-6786	
	X			Kent + Tambra Slack	7440 SW Pointier rd	Slackfamily4e.comcast.net	503-297-0949	
X				Cathie Dainton Piacent	2000 SW 75th		503 291 7801	
X				Jake DeYoung	2020 SW 75th			
				Bowdoin DAVIS	2415 SW 83RD	bowdavis617@MSN.COM	503-292-2937	
X				Barb Mathisen	7620 SW Canyon Lane		503-292-8126	
X				Shirley Macdonald	8155 SW Emerald		503-292-2515	

Please send original sign up-sheet to the Neighborhood Office, P.O. Box 4755, Beaverton, OR 97076.
To request a copy please contact the Neighborhood Program at (503) 526-2543.

WEST SLOPE NAC MEETING

MEETING DATE: 10/18/2005

MAIL		SPEAKER	MEETING	NAME	ADDRESS	EMAIL	PHONE	GROUP
POSTAL	EMAIL							
				LaDonne Blowers	2050 SW 28th	jblowers@ix.netcom.com	503-297-8347	
				Tracy Kappes	2771 SW 84th Pl	tracykappes@kw.com	(503) 296-7700	
				Colleen Ritt	Schilley Terr		297-1394	
				Carla Ralston	7275 SW Canyon Ln	apsara51@yahoo.com	297-2600	
	✓			Jana Wolfgang	7200 SW SYLVAN CT	stopdrugs@aol.com	503-297-4113	
				Jean Ameele	2540 SW 81st Ave		503-292-1695	
				Shane Brindelard	7315 SW Sylvan Ct	sbrindelard@apartmentsnorthwest.com	503 850 2025	
				Steve Schell	7335 SW Canyon Ln	sterschell@comcast.net	503 291-0162	
				John Rava	7308 SW Plover Ct. Portland, OR 97225	SKhangLois@msn.com	503-297-9374 503-522-7281	

0216

PAGE:

11/09/2005 19:05 5032921695 OREGONPEAKADVENTURES PAGE 04

WEST SLOPE NAC MEETING

MEETING DATE: 10/18/05

NAME	ADDRESS	EMAIL	PHONE	GROUP
X Cecilia Parrillo Craig + chuek	7420 SW Point St		503-292-4226	
X Jim + Wendy	2080 SW HUNTINGTON AVE		503-671-9107	
R GROVE	7425 SW CANYON LN		503-292-5848	
X Cecilia Parrillo	P.O. Box 25296		503-292-4226	
X CARL TEBBE	2005 SW 75th AVE		503-969-8200	
Tom Roick & Karen Kwiecien	8009 SW Canyon Lane		503-297-8248	
LARRY FOSTER	7250 SW SUMMIT CT Portland, OR 97225	lfooster@pac.com	503-292-9789	
Terry L. Walker	8540 SW GARDEN LANE PORTLAND, OR 97225	terrdt52@msn.com	503-292-1673	
Jean Barr	7845 SW Walnut Lane	Jean Barr @Comcast.NET	971-222-3478	
Linda K Anderson	7815 SW Walnut Lane		503-297-2489	
Doris Heidt BRITA SAUNDERS FISHER	7820 SW Walnut Lane 7700 SW WEST SLOPE DR.		503-297-2837 297-7577	

0217

WEST SLOPE NAC MEETING

MEETING DATE: 10/18/2005

NAME	ADDRESS	EMAIL	PHONE	GROUP
Joe & Phyllis Whittington	7840 SW Walnut Ln PDX 97225	joewhittington@gmail.com	503 297-6344	
JERRY & CORRIE DENTON	2155 SW 78th Ave 97225	JERRYCORRIE@HOTMAIL.COM	503 292 4632	
MARY Kinger	2065 SW 75th Ave		503-292-6786	
DAVID RULLMAN	8160 SW Valley View Dr 97225		503-292-1603	
Ed + Donna Davis	2355 SW 85th Ave 97225	eddonna@pacifier.com	503-292-9672	
LOWAN GRAY	-NEW ADDRESS- 7680 SW MINGR WAY, PT. OR 97225		503-292-4227	
Doug Gentner	7305 SW CANYON LN		503 292 5300	
Paula watt	7365 SW Canyon Ln	PLWatt@comcast.net	503-292-2147	
Janel Lamson	2735 SW Schiller Ter	BLAMJAN@AOL.COM	(503)296-0469	
CANDIS BLODGETT	7170 S.W. SYLVAN CT. PORTLAND, OR, 97225	cblodgett@coldwellbanker.com	503-471-3425	
Richard Gilbert	7270 SW Sylvan Ct Portland	joyful@pceez.com	503 297-3695	
Ruth W. Spooner	8535 SW Birchwood RA. PORTLAND, OR 97225	RWSBNGR@AOL.COM	503-297-3527	NAC
MATTHEW SPICER	700 SW CANYON LN	spicermc@quest.net	503 291-1144	NAC

0218

11/07/2000 19:00 9832921686 OREGON PEAK ADVENTURES PAGE 06

West Slope Neighborhood Association Committee
Meeting Minutes

Meeting Date: **October 18, 2005**
Location: West Sylvan Middle School
Attendees: Joe & Phyllis Whittington, Sid Snyder, Jerry & Corrine Denton, Mary Kinger, David Rullman, Ed & Donna Davis, Logan Gray, Doug Gentner, Paula Watt, Janel Lawson, Candis Blodgett, Richard Gilbert, Ralph Shoemaker, Matthew Spicer, Mike Schmitt & Kari Anderson, LaVonne Blowers, Tracy Kappes, Carla Ralston, Colleen Ritt, Jana Wolfgang, Jean Ameele, Shane Grindelard, Steve Schell & Georgia Reid, John Roua, Grace, Craig & Chuck Pattillo, Jim & Wendy Miso, R. Grove, Carl Tebbe, Tom Roick & Karen Kwiecion, Larry Foster, Terry Lawler, Jean Barr, Linda K Anderson, Denis Heidtmann, Bryan & Michelle Fisher, Mary Kroger, Julie Draper, Kent & Tandra Slack, Cathie & Dainton Piacente, Jake DeYoung, Bow & Dolores Davis, Barb Mathisen, Shirlee Macdonald, Jacque Beaver, Jennifer Bauman, Marcia Allyn
Scott Warren- Beaverton Police Department
Susan Koch – Washington County Consolidated Communications Agency
Ronny Wilson – Wilson Development
Karl Mawson – Compass Engineering
Mark Boguslawski – City of Beaverton Engineering

Welcome and Introductions

Sid Snyder called the meeting to order at 7:07 p.m.

Approval of Minutes

The June 22, 2005 meeting minutes were approved as written.

Treasurer's Report

\$1,090 is in the West Slope NAC account.

TVFR / Fire Station #65

The TVFR team was unavailable.

Community Policing Report - Scott Warren

Traffic Complaints:

Presence of the radar van on Canyon Lane and Canyon Road seems effective. Monitoring needed at top of Canyon Lane and on West Slope Drive. Neighbors should call the Beaverton Traffic Hotline to request the radar van or to report speeding.

Check City of Beaverton website for identity theft preventative measures.

Site Development Proposal at 7360 SW Pointer Road – Ronnie Wilson, Karl Mawson

Planned Unit Development (PUD)

The PUD approach is an allowed alternative approach to developing the "greenhouse site", is less restrictive, allows narrower access road, allows reduced property line set back requirements, provided common open space is planned, in this R7 zoned area. The proposed design will likely incorporate 7-9 lots for high-end single-family freestanding houses, to be built starting in summer 2006. A Planning Commission hearing for the proposed development, open to the public, is required.

Storm Water Drainage

Developers are required to maintain or reduce the current amount and duration of storm water drainage. Wilson Development is working with the City Engineers to mitigate an existing drainage pattern, which negatively impacts properties on the south side of SW Canyon Lane and properties on SW 75th Avenue.

Property owners concerned with the storm water issues related to the "greenhouse site" development were advised that the most effective way to work with the developer is through a sub-committee of the West Slope Neighborhood Association.

Environmental Assessment

The environmental assessment has not been completed. Blue colored surface water has been observed, however, by the City Engineer Mark Boguslawski.

Washington County Emergency (911) Communications System – Susan Koch

Emergency calling from "land lines" and from cell phones to the 911 call center was reviewed. Calls are prioritized and directed to the appropriate response team, nearest the caller's location. Callers using cell phones are encouraged to stay on the line in order for the GPS signal to be picked up (standard on most current models). Non-emergency calls should be directed to the appropriate county non-emergency call number.

Nomination and Election of Board Members and Officers

Board Members Elected

Joe & Phyllis Whittington
Sid Snyder
Matthew Spicer
Ralph Shoemaker
Terry Lawler
Ken Wolfgang
Jerry Denton
Linda Anderson

Officers Elected

Joe Whittington	Co-chair
Sid Snyder	Co-chair
Terry Lawler	BCCI Representative
Matthew Spicer	Co-recorder
Ralph Shoemaker	Co-recorder
Ken Wolfgang	Treasurer

Motions to elect the nominated board members and officers were made by Phyllis Whittington and seconded by Ralph Shoemaker. The votes were unanimous to approve.

Old Business

US Bank Building– West Slope – The former US Bank building has been sold.

US Bank Building – Beaverton/Hillsdale Highway – US Bank has recently purchased the property immediately north of their current location at SW Laurelwood Avenue. The house on the purchased property is demolished. The bank plans to expand the bank structure and parking area, and to move the existing driveway to the north end of the expanded property.

New Business

See the city's website www.ci.beaverton.or.us for upcoming events.

Next Meeting

The next meeting is scheduled for **December 13, 2005 at 7:00 in the West Sylvan Middle School Library.**

Adjourn

The meeting adjourned at 9:14 PM.

Respectfully submitted,
Matthew Spicer, Recorder



CITY OF BEAVERTON
 Community Development Department
 Development Services Division
 4755 SW Griffith Drive
 PO Box 4755
 Beaverton, OR 97076
 Tel: (503) 526-2420
 Fax: (503) 526-3720
 www.ci.beaverton.or.us

PRE-APPLICATION CONFERENCE MEETING SUMMARY

PRE-APPLICATION CONFERENCE PURPOSE:

Pursuant to Section 50.20.1 of the Beaverton Development Code, pre-application conferences are required for all proposals that require a Type 2, Type 3 or Type 4 application. A pre-application conference is optional for Type 1 applications. The purpose of the pre-application conference is to acquaint the City, and outside agencies, and service providers, with a potential application, and to acquaint the potential applicant with the requirements of the Code, the Comprehensive Plan, and other relevant criteria and procedures. The pre-application conference is not intended to be an exhaustive review of all potential issues, and the conference does not bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated in the pre-application conference.

NOTE TO APPLICANT

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. Development Code sections can be downloaded from the web or purchased from the Planning Counter. Copies of the Development Code are available for review at the Community Development Departments Self-Help Center and at the City Library. The Pre-Application Conference is intended to assist you in submitting a complete application. For your application to be deemed complete on the first review you must provide everything required in the pre-application conference and the application checklist(s). Please note that this summary is intended to be informational only, and is not an approval in any manner of your proposal. The approval process can only occur after the submittal of a formal application.

Comments Prepared by: Scott Whyte, AICP, ^{SW} Senior Planner, 503-526-2652 – If you have any questions please contact me directly.

PRE-APPLICATION CONFERENCE DATE: May 25, 2005

PROJECT INFORMATION:

Project Name: PA 2005-0044 Pointer Road Subdivision/Planned Unit Development
 Project Description: 7 or 9 Lot Potential , Single-Family Residential – detached
 Property/Deed Owner: Canyon Greenhouse Properties, 7385 SW Canyon Lane, Portland, OR 97225
 Site Address: 7385 SW Canyon Lane
 Tax Map and Lot: 1S1-01DC Tax Lot 4001
 Zoning: Urban Standard Density Residential (R-7)
 Comp Plan Designation: Standard Density Residential
 Site Size: Approximately 1.66 acres.

APPLICANT INFORMATION:

Applicant's Name (Rep): Compass Engineering, 6504 SE Lake Rd., Milwaukie, OR 97222
Attention: Todd Knepper, P.E.
 Applicant Address: RK Wilson Corp., P.O. Box 1298, Clackamas, OR 97015, Attention: Ronnie Wilson
 Phone / E-Mail: Phone: 503-653-9093 / Fax: 503-653-9095 (Todd)

City of Beaverton Pre-Application

PREVIOUS DEVELOPMENT HISTORY:

Has site been previously proposed for development?

Comments: Yes. Site contains several commercial nursery (greenhouse) buildings.

SECTION 50.20 (PRE-APPLICATION CONFERENCE):

Required per Section 50.20.1 Optional per Section 50.20.1

Comments: Held on May 25, 2005

SECTION 50.25 (APPLICATION COMPLETENESS):

Application Completeness Process per Section 50.25. Explained?

Comments: The completeness process was explained to the applicant. The applicant is encouraged to contact staff to ask any questions or request clarification of any items found on the application checklists that were provided to the applicant at the time of the pre-application conference. 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:

<input checked="" type="checkbox"/> Application Fees Identified	<u>Through June 30</u>	<u>Effective July 1, 2005</u>
Preliminary Subdivision	\$2,108.00	\$3,730.00 + \$95.00/Lot
* Conditional Use – Planned Unit Development	\$1,274.00	\$2,548.00
Final Subdivision (Type 1 <u>follows</u> Prelim. Subdivision)	\$1,948.00	\$950.00

* See Key Issues/Considerations herein. Application fees are subject to change on July 1, 2005. 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 City Development Code. Per Section 50.15.2 of the Code, when an applicant submits more than one complete application for a given proposal, where each application addresses separate code requirements and the applications are subject to different procedure types, all of the applications are subject to the procedure type which requires the broadest notice and opportunity to participate. In the subject case, the Type 3 application procedure (identified in Section 50.45) would be applicable for a consolidated application proposal that includes the **Conditional Use – Planned Unit Development** application identified herein. Section 50.15.2 further provides for consolidated processing of applications, thereby allowing one hearing body (the Planning Commission in the subject case) to hear multiple applications under one hearing.

City of Beaverton Pre-Application

SECTION 50.30 (NEIGHBORHOOD REVIEW MEETING):

Neighborhood Review Meeting: Required for Type 3 applications.

Name of Neighborhood Advisory Committee (NAC): West Slope

Contact Person & Phone No.: Co-Chairs: Joe Whittington (503) 297-5100 / Sid Snyder (503) 296-6271

CHAPTER 20 (LAND USES):

Zoning: Section 20.05 (Residential)
Specific Type of Residential & Applicable Code Section: Section 20.05.15 (R-7)
 Section 20.05.50 (Site Development Requirements) Applicable? -Yes

Comments: In order for your application to be deemed complete the applicant must supply a written narrative that address how the proposal meets all of the applicable regulations checked above.

CHAPTER 30 (NON-CONFORMING 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 required for each application submitted. If applicant's response is "Not Applicable", please explain why Criterion is not applicable.

Applicable Application Type(s):

<u>Application Description</u>	<u>Code Reference</u>	<u>Application Type</u>			
1. Preliminary Subdivision (Threshold No. 1 of 40.45.15.3.A.)	40.45.15.3	<input type="checkbox"/> Type 1	<input checked="" type="checkbox"/> Type 2	<input type="checkbox"/> Type 3	<input type="checkbox"/> Type 4
2. Conditional Use – Planned Unit Development (Threshold No. A of 40.15.15.6); In-lieu of multiple Adjustment applications	40.15.15.6	<input type="checkbox"/> Type 1	<input type="checkbox"/> Type 2	<input checked="" type="checkbox"/> Type 3	<input type="checkbox"/> Type 4

Comments: **Please note that in order for your application to be deemed complete you will need to provide a written statement, supported by substantial evidence for all applicable approval criteria.** Your application narrative will need to explain how and why the proposed application will meet the 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. Please note: CUP-PUD application is clearly indicate whether Preliminary or Final PUD is requested. Please see differences to application type as described in Sections 40.15.15.5 and 40.15.15.6.

City of Beaverton Pre-Application

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) NEW | <input type="checkbox"/> Section 60.07 (Drive-Up Window Facilities) |
| <input type="checkbox"/> Section 60.10 (Floodplain Regulations) | <input checked="" type="checkbox"/> Section 60.15(Land Division Standards) |
| <input type="checkbox"/> Section 60.20 (Mobile & Manufactured Home Regulations) | <input type="checkbox"/> Section 60.25 (Off-Street Loading) |
| <input checked="" type="checkbox"/> Section 60.30 (Off-Street Parking) | <input checked="" type="checkbox"/> Section 60.35 (Planned Unit Development) |
| <input type="checkbox"/> Section 60.40 (Sign Regulations) | <input checked="" 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 checked="" type="checkbox"/> Section 60.60 (Trees and Vegetation) NEW | <input checked="" type="checkbox"/> Section 60.65(Utility Undergrounding) |
| <input type="checkbox"/> Section 60.70 (Wireless Communication) | |

Comments: For Preliminary Subdivision application, your application plans and materials submitted to the City must address the provisions as contained in Section 60.15 of the Development Code, in addition to Sections 60.30., 60.45., 60.55, 60.65 and 60.60 (if applicable) as checked above. Trees on-site (those to be saved through construction – if any) are subject to Tree Protection standards as described in Section 60.60.20. Under Section 60.35 (Planned Unit Development criteria), applicant's written narrative will need to respond to all development standards identified therein.

COMPREHENSIVE PLAN COMPLIANCE: Comprehensive Plan policy response is required for a Conditional Use application.

The following Comprehensive Plan goals (as checked below) contain policies that may be applicable to your application for Conditional Use - Planned Unit Development (CUP-PUD). Staff recommends these polices be reviewed in preparation of written and site plan information for a formal application. Please note: the response you provide to specific Plan policies must be adequate for findings that support Criterion No 4 of Section 40.15.15.6.C (approval criteria for Conditional Use - PUD) – that *the proposal will comply with applicable policies of the Comprehensive Plan.*

Chapter 3 (Land Use Element):

- | | |
|--|--|
| <input type="checkbox"/> 3.6 (Regional Center Development) | <input type="checkbox"/> 3.13 (Residential Neighborhood Development) |
| <input type="checkbox"/> 3.7 (Town Center Development) | <input type="checkbox"/> 3.13.1 (Safe, Convenient, Attractive, & Healthful Places to Live) |
| <input type="checkbox"/> 3.8 (Station Community Development) | <input type="checkbox"/> 3.13.2 (Low-Density Residential) |

City of Beaverton Pre-Application

3.9 (Main Street Development)

3.10 (Corridor Development)

3.11 (Employment Areas)

3.12 (Industrial Development)

Chapter 4 (Housing Element):

4.2.2.1 (Adequate Variety of Quality Housing)

4.2.3.1 (Retention of Existing Affordable Housing)

4.2.3.2 (Production of New Affordable Housing)

3.13.3 (Standard Density Residential)

3.13.4 (Medium Density Residential)

3.13.5 (High-Density Residential)

Chapter 5 (Public Facilities and Services Element):

5.4.1 (Adequate Stormwater Management)
See Policies "a" through "c"

5.5.1 (Adequate Water Service)
See Policies "a" through "c"

5.6.1 (Adequate Sewer Service)
See Policies "a" and "b"

5.7.1 (Educational Facilities & Services)

5.8.1 (Adequate Parks & Recreation Facilities)

5.10.1 (Adequate Fire & Emergency Medical Services)

Chapter 6 (Transportation Element):

6.2.1 (Enhance Beaverton's Livability)
See Policy "a"

6.2.2 (Balanced Transportation System)
See Policies "a" through "d"

6.2.3 (Safe Transportation System)
See Policies "d" through "h"

6.2.4 (Efficient Transportation System)

6.2.5 (Accessible Transportation Facilities)
See Policy "a"

6.2.6 (Efficient Movement of Goods)

Chapter 7 (Natural, Cultural, Historic, Scenic, Energy, & Groundwater Resources Element):

7.2.2 (Historic Resources)

7.3.1 (Significant Natural Resources)

7.3.2 (Riparian Corridors)

7.3.3 (Significant Wetlands)

7.3.4 (Wildlife Habitat)

7.4.1 (Scenic Views and Sites)

7.5.1 (Energy)

City of Beaverton Pre-Application

Plan Goals and Policies continued...

7.6.1 (Groundwater Resources)

Chapter 8 (Environmental Quality & Safety Element):

8.2 (Water Quality)

8.3 (Air Quality)

8.4 (Noise)

8.5 (Seismic Hazards)

8.6 (Geologic Hazards)

8.7 (Flood Hazards)

8.8 (Solid & Hazardous Wastes)

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



Clean Water Services

(CWS not sent copy of Pre-Application materials)

The Clean Water Services (CWS) is the agency that regulates sanitary sewer, storm and surface water management within Washington County and the City of Beaverton. CWS Design and Construction Standards, adopted by Resolution & Order (R&O) 04-09, effective March 1, 2004, establish new technical requirements for the design and construction of sanitary and surface water management systems built as part of residential or commercial development. Pursuant to City Development Code Section 50.25.1.F, in order for the application to be deemed complete the applicant is required to submit documentation from CWS stating that water quality will not be adversely affected by the proposal. For most development proposals, CWS typically issues a "Service Provider Letter". Alternatively, CWS may issue a statement indicating no water quality sensitive areas exist on or within 200 feet of the subject site. Development activity subject to CWS review is defined in Section 1.02.14 of the CWS Design & Construction Standards. For more information contact: Chuck Buckallew, 503.681.3605, Environmental Review – Assessment Coordinator for CWS.



John Dalby, Tualatin Valley Fire & Rescue, 503-356-4723 / John.Dalby@tvfr.com



Written Comments dated May 25, 2005, attached



Brad Roast, Building, City of Beaverton
(503) 526-2524/broast@ci.beaverton.or.us



Written Comments dated May 25, 2005, attached



Steve Brennen, Operations, City of Beaverton
(503) 526-2200 /sbrennen@ci.beaverton.or.us



Plan reviewed. Comments Street Section: Install a commercial driveway at entrance to Canyon Ln. and install private street sign per EDM amendment. Why is the address not Canyon Ln. as the

City of Beaverton Pre-Application

tax lots do not connect to Pointer Rd.? ODOT has jurisdiction of Pointer Rd. but the City has begun the process to transfer the jurisdiction to become a City street.



Jim Duggan, Site Development, City of Beaverton
(503)526-2442/jduggan@ci.beaverton.or.us



Written Comments dated May 25, 2005, attached



Don Gustafson, Transportation, City of Beaverton
(503)350-4057/dgustafson@ci.beaverton.or.us



Written Comments dated May 25, 2005, attached

Additional comments from Randy Wooley, City Traffic Engineer:

- The application must include a "future connections plan" showing how streets might be extended to serve other properties in the area which may be subdivided or redeveloped in the future. The plan should include facilities for bikes and pedestrians. (Development Code 60.55.25.3)
- The "future connections plan" should consider the street spacing requirements of Section 210.6.D of the Engineering Design Manual.
- The streets serving the subdivision should include sidewalks.



Kathy Gaona, Finance Department, City of Beaverton
(503) 526-2268/kgaona@ci.beaverton.or.us



Written Comment: There are no liens.



Naomi Vogel-Beattie, Washington County Land Use and Transportation
(503) 846-2908 Naomi_Vogel-Beattie@co.washington.or.us



Plan Reviewed. No comment - not a County maintained road section

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. **Applications:** Herein staff has identified the **Preliminary Subdivision** (Type 2) together with the **Conditional Use – Planned Unit Development** (CUP-PUD, Type 3) application. These two applications were identified at the Pre-Application Conference of May 25, 2005, in response to both the seven and nine lot single-family residential detached proposals (with no architectural elevations provided).

For the CUP-PUD application, please see Section 60.35 (PUD's) of the Development Code as it describes modification of base zoning standards (with exceptions). Lot sizes and dimensional standards of the R-7 zone can be modified through approval of a PUD. Required setbacks can also be modified through approval of a PUD. However, required setbacks shall continue to apply to the "parent parcel" of the site where the PUD is proposed (per Section 60.35.10.1.A). Also, site plan submittal for the CUP-PUD application will need to identify the location of 20% common open space. Open space can be active or passive but cannot be land required for setbacks (building setbacks from property lines) or buffers (wetland buffers as required by CWS). Also, the area set aside for open space must be maintained by a Homeowners Association and should be available and accessible to all owners. The Preliminary Subdivision application accompanies the CUP-PUD application with request to subdivide the

City of Beaverton Pre-Application

subject property (seven or nine lots identified in the subject case). Discussed at the meeting of May 25, was the option of submitting several Major Adjustment applications to R-7 zone development standards (e.g., minimum lot size and other dimensional standards) in-lieu of a Planned Unit Development. Please note, however, multiple Adjustment proposal presents difficulties (see Approval Criteria 4 and 7 for Major Adjustment application). Please also review the Purpose Statement of the R-7 zone found in Section 20.05.35.2.A of the Development Code.

2. **Identify Maintenance Responsibilities of Private Streets, Driveways and Common Areas:** Comments provided by Randy Wooley at the May 25th Pre-App, indicate preference for public street through the site. Where Subdivision/PUD plan identify "Private Street" or common driveways and open space, Subdivision/PUD plan and narrative submittal are to address maintenance responsibilities. Specifically, written narrative response to Section 40.03 of the Development Code (Facilities Review) should explain how private streets and driveways (and any other common areas) are maintained and who (e.g. homeowners association) will be held responsible for maintenance and well as the means for continued maintenance assurance.
3. **Feasibility of Street Connection:** Plans/analysis submitted for Preliminary Subdivision/PUD must address feasibility of continuing street through site for connection (Canyon to Pointer). Please refer to written comments provided by Randy Wooly, City Transportation Engineer (herein) and Don Gustafson, Senior Transportation Planner (attached). Please also refer to Section 60.55.25 – 3.
4. **Significant Storm Drainage Issues Identified:** Please see attached comments provided by Jim Duggan, Site Development Engineer and Technician Memorandum prepared by Tetra Tech (5-23-05).
5. **Access Approval Required from ODOT:** If access shown to Pointer Road, ODOT approval of the access thereto is required. Eventually Pointer Road will be transferred to City for maintenance. However, until transfer occurs, applicant will need to seek approval from ODOT for access purposes.
6. **Comprehensive Plan Policy Response:** CUP-PUD application will need to respond to several Comprehensive Plan Policies of the City Comprehensive Plan (including Policies from Transportation Element (Chap 6)). See potential Plan Policies identified herein.
7. **Alta Survey/Re-Plat Recommended:** Please see written comments provided by Jim Duggan (attached). Recommend Alta Survey to show Tax Lot ownerships and easements through the site. Staff will need to know if other properties have access rights. Site appears to have multiple access points. Also, possible building encroachment into site area (greenhouse? on abutting Tax Lot (No. 3202) to the north).
8. **Fire Apparatus Turn-Around:** Plans are to further address requirements for emergency vehicle turn-around. Plan to identify location of fire hydrants. Please see comments provided by John Dalby, TVF&R, dated May 25, 2005 (attached).
9. All existing on-site overhead utilities must be placed underground per Section 60.65 of the Development Code.
10. **Please Note: Engineering, Transportation, Building and Fire issues (attached hereto) are prepared in response to the development proposal considered at Pre-Application Conference of May 25. Change to site plan layout and/or unit type should be re-submitted for separate Pre-Application meeting.**
11. Applicable Sections, Policies cited herein from the *City Development Code*, *Comprehensive Plan* and *Engineering Design Manual and Standard Drawings* are available for review on the City's web site at: www.beavertonoregon.gov.



CITY OF BEAVERTON

Community Development Dept.
 Site Development Division
 4755 SW Griffith Drive
 PO Box 4755
 Beaverton, OR 97076
 Tel: (503) 526-2552
 Fax: (503) 526-3720
 www.ci.beaverton.or.us

**PRE-APPLICATION CONFERENCE
 MEETING SUMMARY
 Development Engineering Issues**

PROJECT SITE OR NAME: Pointer Rd. 7 Lot Subdivision (7385 SW Canyon Ln.)
PRE-APPLICATION CONFERENCE NUMBER: PA 2005-0044 **DATE:** May 25, 2005

Prepared by: Jim Duggan, Site Development Engineer
 503.526.2442 or jduggan@ci.beaverton.or.us

PAGE 1 of 2

- Please contact Ed Parks at 503.526.2441 or asbuilts@ci.beaverton.or.us for more detailed information regarding existing utilities, topography, and geographical information necessary for preparation of permit applications and other submittals.
- Public utilities (water, sanitary sewer, storm drainage) must be brought to, through, and along all public street frontages to serve this site upon development and to facilitate future adjacent development. REFERENCE CITY OF BEAVERTON ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS (Ordinance 4303) AND CLEAN WATER SERVICES STANDARDS (CWS R&O 2004-009).

GENERAL NOTES: A professional civil engineer will need to prepare plans for the utility extensions required to serve the proposed development. It is not clear how this lot was created or if it has public utility rights from Canyon Lane or any other public system. Water service, fire hydrant, sanitary sewer, and especially storm drainage needs will require additional study. Significant off-site storm drain pipe construction appears to be needed for any development of this property. Water is provided to the site by the West Slope Water District. Storm water quality and detention provision will be necessary per newly adopted Clean Water Services and City standards. No credit can be assigned to the existing impervious area for water quality treatment provision. A Storm Water Management Inc., StormFilter catchbasin installation ahead of a piped storm detention system appears to be the most practical option available for the site constraints of this proposal. While a proprietary product, this is the only non-surface, non-vegetated storm water treatment system approved to meet the water quality standards.

<p>CITY PERMITS required for work as proposed or likely to be needed:</p>	<p><input checked="" type="checkbox"/> CITY SITE DEVELOPMENT PERMIT Contact: Jennifer Kammerer at 503.526.2439 <input type="checkbox"/> Floodplain, floodway, or wetland modification</p>	<p><input type="checkbox"/> CITY RIGHT OF WAY PERMIT Contact: David Haase at 503.350.4087</p>
	<p><input type="checkbox"/> CITY SITE EROSION CONTROL PERMIT Contact: Bonnie Webb at 503.526.2552</p>	<p><input checked="" type="checkbox"/> BUILDING PERMIT w/Erosion Control <input checked="" type="checkbox"/> Site Plumbing Permit for private utilities Contact: Bldg. Counter at 503.526.2401</p>
<p>WATER SERVICE AREA AND ISSUES</p>	<p><input type="checkbox"/> CITY OF BEAVERTON SYSTEM Contact: David Winship at 503.526.2434 <input type="checkbox"/> 410 HGL <input type="checkbox"/> 525 HGL <input type="checkbox"/> Other zone/split zone</p>	<p><input checked="" type="checkbox"/> WEST SLOPE WATER DISTRICT Contact: Jerry Arnold at 503.292.2777</p>
	<p><input type="checkbox"/> TUALATIN VALLEY WATER DISTRICT Contact: Stuart Davis at 503.642.1511</p>	<p><input type="checkbox"/> RALEIGH WATER DISTRICT Contact: Matt Steidler at 503.292.4894</p>

SITE ENGINEERING ISSUES

Prepared by Jim Duggan, Site Development Engineer

OTHER PERMITS and approvals required for work as proposed or likely to be needed:

- WASHINGTON COUNTY**
For work within, access, or construction access to _____
NOTE: Storm and sanitary sewers in County roads inside City limits are City-owned and maintained. Some street lights on County roads are City-owned.
- Facilities and Access Permits**
Contact DLUT Staff at 503.846.8761
- Right of Way Permits**
Contact Miguel Guzman at 503.846.7645
- Utilities Permits**
Contact Ted Voelker at 503.846.7647
- OREGON D.O.T. (Sylvan Office)**
For work within, access, or construction access to SW Pointer Road
Contact: Sam Hunaidi at 503.229.5002
- OREGON D.O.T. (Salem Office)**
Rail / Street Crossings
Contact: Dave Lanning at 503.986.4267
- OREGON DIVISION OF STATE LANDS**
Contact: Russ Klassen at 503.378.3805 x244
- U.S. ARMY CORPS OF ENGINEERS**
Contact: Kathryn Harris at 503.808.4387
- CLEAN WATER SERVICES DISTRICT**
 Site Assessments/Service Provider Letters
Wetlands/Creeks/Springs/Connection Permits
Contact: Chuck Buckallew at 503.681.3605
- U.S. ARMY CORPS OF ENGINEERS**
 Connection to CWS Trunk Sewer (>21"dia.)
Contact: Permit Staff 503-681-5100
 Industrial Waste Permit (all non-residential)
Contact: Clayton Brown at 503.681.8923
- DEQ 1200-C EROSION CONTROL PERMIT**
Contact: Bonnie Webb at 503.526.2552
(Permit issued by City for CWS & DEQ)
- DEQ Letter of "No Further Action"(NFA) or other documentation concerning soil and/or groundwater contamination on this property and clearance allowing new construction.**
Contact applicable Oregon DEQ staff.
- MUST UNDERGROUND EXISTING OVERHEAD UTILITIES ON-SITE AND ALL FRONTAGES.**
- May be eligible for fee-in-lieu of undergrounding – see Dev. Code, Section 60.65.20-25**

SITE SOIL, SURFACE & STORM WATER ISSUES

- MAPPED FEMA FLOODPLAIN**
 410240 (1987 City Limits)
 410238 (Annexation post-1987)
 410240 (May 25, 2000 LOMR)
_____ Base Flood Elevation (NGVD)
- UNMAPPED FLOOD HAZARD AREA**
A flood study is a required part of any development application.
- CUT AND FILL GRADING BALANCE REQUIRED.** **MUST FLOOD PROOF* non-residential buildings OR**
 Certified minimum finish floor required: 1 foot 2 feet above base flood elevation.
- SEPARATE FLOODPLAIN MODIFICATION PUBLIC NOTICE REQUIRED PRIOR TO SITE DEVELOPMENT PERMIT and BUILDING PERMIT ISSUANCE with a 10-DAY APPEAL PERIOD.**
*UBC Section 3104 (Flood-resistant Construction)
- STORM WATER FACILITIES REQUIRED**
 Winter Storm Detention (quantity)
 Summer Storm Treatment (quality)
- GEOTECHNICAL REPORT REQUIRED**
- POSSIBLE FEE-IN-LIEU OF:**
 Detention (quantity)
 Treatment (quality) - must justify using CWS criteria in BDR/Land Div. application submittals.
- REQUIRES IMPERVIOUS SURFACE INVENTORY**



TETRA TECH/KCM

7080 SW Fir Loop
Portland, Oregon 97223-8022

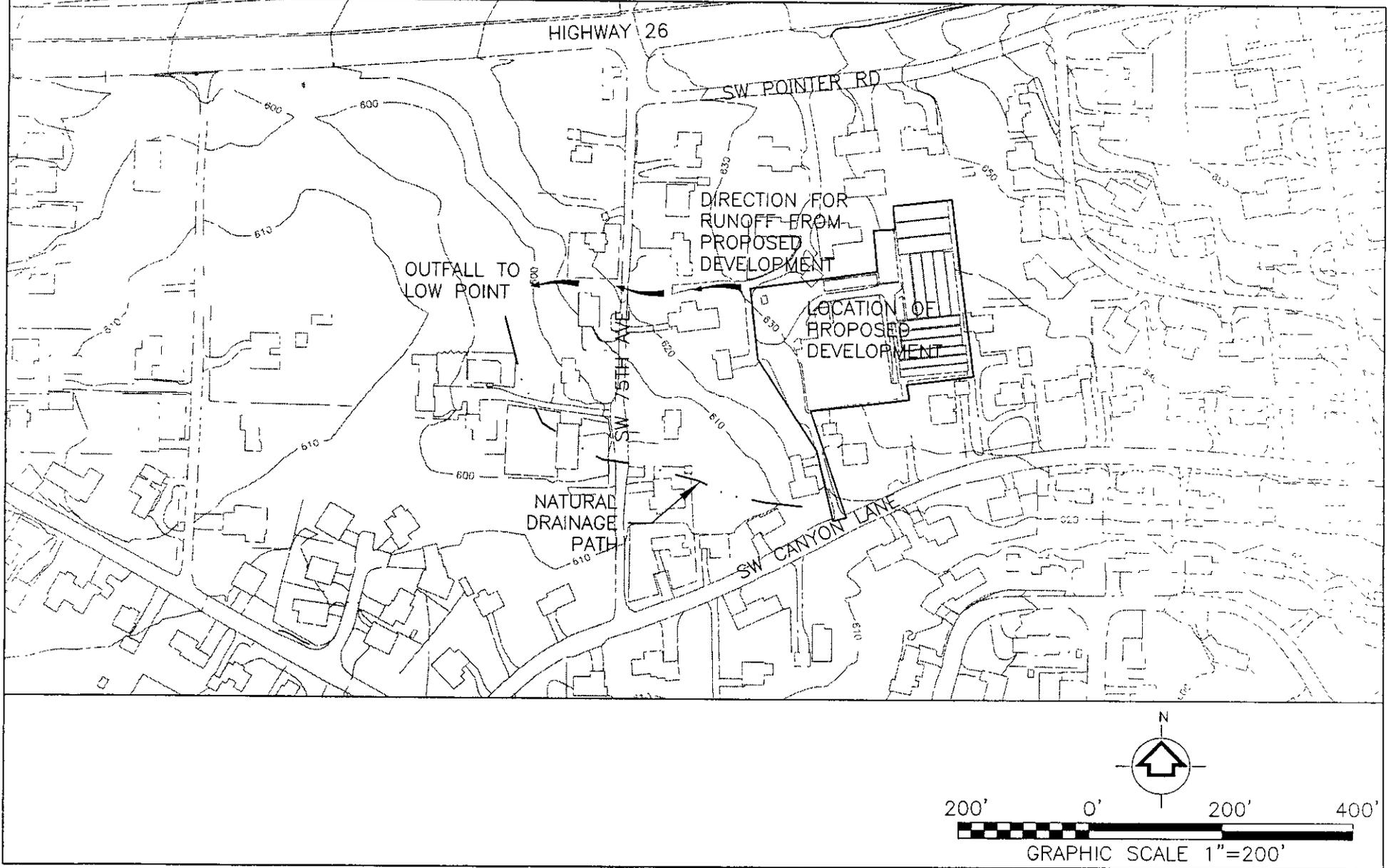
Technical Memorandum

Date: May 23, 2005
To: Mark Boguslawski, P.E.
c: Steve Kraushaar, P.E., *Central Files*
From: Rachel Kozdon, P.E.
Project No.: 3440063
Subject: 7385 SW Canyon Lane Stormwater Drainage

The City of Beaverton has contracted with Tetra Tech/KCM to evaluate the stormwater system in the vicinity of the 7400 block of SW Canyon Lane and recommend alternatives for alleviating existing drainage problems along SW Canyon Lane.

Based on a review of the stormwater drainage in this neighborhood, Tt/KCM has determined that drainage from the existing property at 7385 SW Canyon Lane is directed toward SW Canyon Lane. This contributes significantly to unacceptable flood problems along SW Canyon Lane.

Existing development prevents runoff from being conveyed along the natural drainage path toward a low point west of SW 75th Avenue. It is recommended that drainage from future development of the property at 7385 SW Canyon Road be conveyed toward the low point by a more direct route from the property. Figure 1 illustrates the recommended direction of drainage.



TETRA TECH/KCM
7080 SW Fir Loop
Portland, Oregon 97223
503-684-9097 Fax: 503-598-0583

CITY OF BEAVERTON
WEST SLOPE - CANYON LANE

FIGURE 1
DIRECTION OF DRAINAGE
FOR PROPOSED DEVELOPMENT

0233



CITY OF BEAVERTON

Engineering Department
Transportation Planning Division
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR 97076
Tel: (503) 526-3726
Fax: (503) 526-4052
www.ci.beaverton.or.us

PRE-APPLICATION CONFERENCE MEETING SUMMARY

Transportation Issues

PRE-APPLICATION CONFERENCE NUMBER PA2005-0044 DATE 05/25/2005
Pointer Rd 7-Lot Subdivision

Prepared by Don Gustafson
503.350.4057 or dgustafson@ci.beaverton.or.us

GENERAL NOTES: _____

**To be
submitted
with
application
for work as
proposed:**

Dedicate 5 ft of additional Public Street Right of Way on SW Canyon Lane
to the following standard: (Development Code Sec 60.55.30.1)

Arterial Street Collector Street Neighborhood Route Local Residential Street

Construct improvements on _____ to the following
standard: (Development Code Sec 60.55.30.1)

Arterial Street Collector Street Neighborhood Route Local Residential Street

The proposed development will generate traffic (vehicle trips per day) in excess of the minimum threshold requirement for a **Traffic Impact Analysis**, therefore a Traffic Impact Analysis will be required to be submitted (Development Code 60.55.20.2). The traffic impact analysis is to identify methods of mitigating on-site and off-site deficiencies reasonably related to the impacts of the proposed development and by phases of the development and make recommendations for improvements necessary for safe and efficient traffic flow and bicycle, pedestrian, and transit movement and access. The traffic impact analysis shall discuss whether the recommended improvements, both on-site and off-site, are justified, reasonably related to, and roughly proportional to the impacts of the proposed development. The study must be signed by a professional engineer, submitted and accepted by City staff before application will be considered complete. Discuss the scope of the study with transportation staff of the city prior to report preparation.

The proposed development will add more than 20 through trips in one hour to _____, designated a Local Street/Neighborhood Route. This will require the submittal of a Traffic Management Plan as required by Development Code Sec. 60.55.15. This plan shall identify the through trips and will recommend traffic management strategies to mitigate their impacts and shall discuss whether the recommended improvements, both on-site and off-site are justified, reasonably related to, and roughly proportional to the impacts of the proposed development. [ORD 4103;April 2000]

The applicant shall provide secure bicycle parking to accommodate customers, employees, and/or residents, per Development Code Section 60.30.10.2.B. Indicate location of bicycle parking on site plan. Provide short-term and long-term bicycle parking

in the amount specified in Section 60.30.10.5 of the Development Code.

- Provide pedestrian walkways through the parking areas and from the building and parking areas to the street. Pedestrian walkways within the parking lot shall be differentiated from parking areas and circulation aisles by grade, different paving material, landscaping or other similar method and be constructed at a minimum width of 4-feet, unobstructed (Development Code 60.05.20.3 and 60.05.40.3).
- The proposed parking areas are to be designed to provide parking circulation and dimensions that meet City of Beaverton design requirements (Development Code 60.30.15 & 60.30.20). Two-way driveway aisles shall be a minimum of 24 feet wide.
- Walkways bordering perpendicular parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway (Development Code 60.15.15.3.I).
- Where appropriate bumper overhang area is provided, parking stall depth may be reduced. See Development Code 60.30.15.6.
- The applicant shall provide a 10 ft wide public bicycle and pedestrian path within a 15 ft easement from _____ to _____ (Engineering Design Manual and Standards Drawing No. 700).
- New street intersections must meet sight distance criteria in the City's Engineering and Design Manual for the design speed of the roadway (Development Code 60.55.35.2.A and Engineering Design Manual 210.5).
- Traffic Impact Fee (TIF) will be due for this development at issuance of building permits. This fee is based on the Washington County Traffic Impact Fee ordinance. For more information regarding TIF contact Don Gustafson at 503-350-4057.
- For potential exceptions to the vehicle parking standards see Development Code 60.30.10.10.
- Comments from Tri-Met are important to the City's decision and will be considered prior to facilities review approval (Development Code 60.55.40). Any required improvements shall be reviewed and approved by staff prior to issuance of site development permit. Contact Ben Baldwin, Tri-Met Project Planner, at 962-2140 to determine whether Tri-Met will require any improvements. **Applicant to provide a letter from Tri-Met as part of application** indicating what, if any, improvements Tri-Met requires.

**Agencies
to be
contacted
for review:**

- WASHINGTON COUNTY**
The sites frontage on _____ may require a Washington County Facility Permit for work within County right of way and/or permits for Access Spacing, Sight Distance and Traffic Safety Review. Contact Phil Healey at 503-846-3842 for information.
 - Please contact Washington County before preparing the Traffic Analysis to review the scope of work.
- OREGON D.O.T. (Sylvan Office)**
The sites frontage on _____ may require an ODOT permit for work within State right of way, for access or construction access. Contact: Sam Hunaidi at 503-229-5002.
 - Please contact ODOT to review the scope of work before preparing Traffic Analysis.

PA 2005 - 0044
POMPER ROAD 7-LOT SUBDIVISION



Tualatin Valley Fire & Rescue

Fire & Life Safety Requirements for Fire Department Access and Water Supplies (Based on the 2003 International Fire Code as amended by TVF&R)

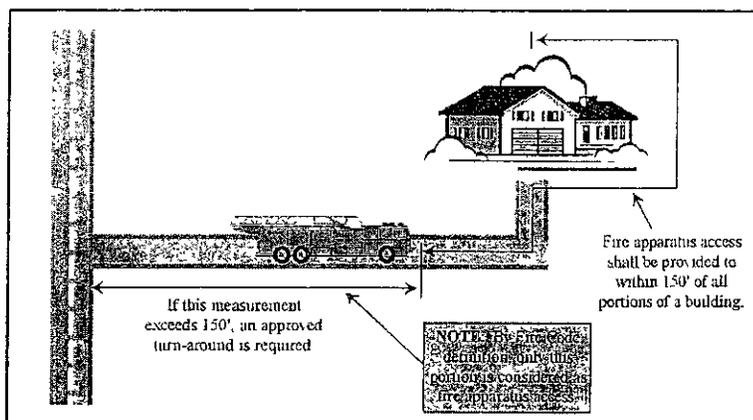
This brochure is being provided as a resource only.
The items listed inside are the requirements most generally cited on plans for approval. If these items are included on the plans, the likelihood of a timely approval on the initial review is greatly increased. If questions arise with regard to any of the provisions, please call.

Fire Marshal's Offices:
North Division
14480 SW Jenkins Road
Beaverton OR 97005
(503) 356-4700
Fax (503) 644-2214

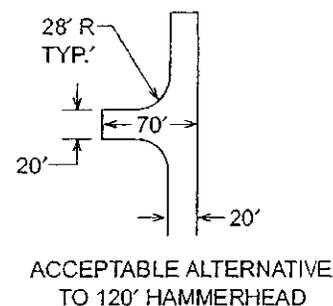
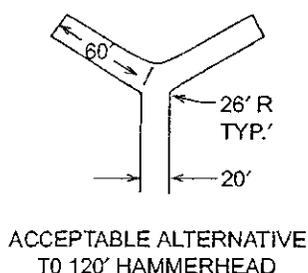
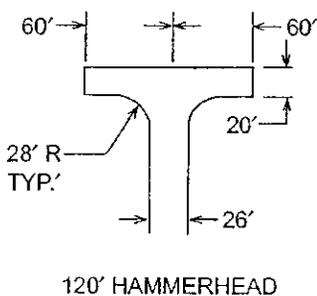
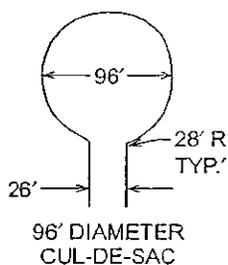
South Division
7401 SW Washo Court, Suite 101
Tualatin OR 97062
(503) 612-7000
Fax (503) 612-7003

Please circled "O" items herein.

- 1) **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet.



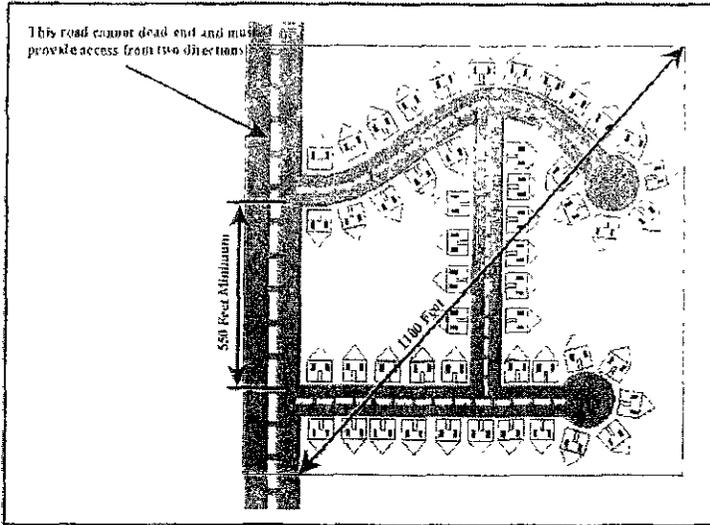
- 2) **DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround.



- 3) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official.

- 4) **ADDITIONAL ACCESS ROADS – COMMERCIAL:** Where buildings exceed 30 feet in height or three stories in height shall have at least three separate means of fire apparatus access. Buildings or facilities having a gross area of more than 62,000 square feet shall be provided with at least two separate means of fire apparatus access. Buildings up to 124,000 square feet provided with fire sprinklers may have a single access.
- 5) **ADDITIONAL ACCESS ROADS – ONE-OR TWO-FAMILY RESIDENTIAL:** Where there are more than 30 one- or two-family dwelling units, not less than two separate approved means of access shall be provided. Where there are more than 30 dwelling units and all are protected by approved residential sprinkler systems, a single access will be allowed.
- 6) **ADDITIONAL ACCESS ROADS – MULTIPLE-FAMILY RESIDENTIAL:** Where there are more than 100 multiple-family dwelling units, not less than two separate approved means of access shall be provided. Projects up to 200 dwelling units that are protected by approved residential sprinkler systems may have a single access. Projects having more than 200 dwelling units shall have two separate approved means of access regardless of whether they are equipped with fire sprinkler systems.
- 7) **AERIAL FIRE APPARATUS ACCESS:** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.

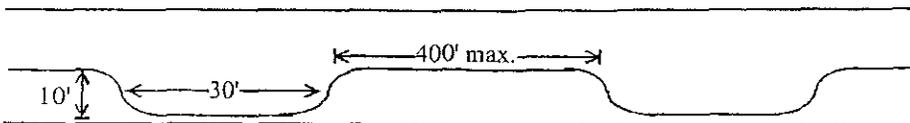
- 8) **REMOTENESS:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.



- 9) **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 28 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted.

- 10) **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet.

- 11) **TURNOUTS:** When any fire apparatus access road exceeds 400 feet in length, turnouts 10 feet wide and 30 feet long shall be provided in addition to the required road width and shall be placed no more than 400 feet apart, unless otherwise approved by the fire code official. These distances may be adjusted based on visibility and light distances. (OFC Chapter 5)



- 12) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background.



- 13) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel

load) and 75,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading.

- 14) **BRIDGES:** Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO *Standard Specification for Highway Bridges*. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.
- 15) **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point.
- 16) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background.
- 17) **GRADE:** Fire apparatus access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire sprinklers are installed, a maximum grade of 15% may be allowed. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5).
- 18) **GATES:** Gates securing fire apparatus roads shall comply with all of the following:
 - Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island.
 - Gates serving one- or two-family dwellings shall be a minimum of 12 feet in width.
 - Gates shall be set back at minimum of 30 feet from the intersecting roadway.
 - Gates shall be of the swinging or sliding type
 - Manual operation shall be capable by one person
 - Electric gates shall be equipped with a means for operation by fire department personnel
 - Locking devices shall be approved.
- 19) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office.
- 20) **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to IFC Appendix B.
- 21) **RURAL BUILDINGS - REQUIRED FIRE FLOW:** Required fire flow for rural and suburban areas in which adequate and reliable water supply systems do not exist may be calculated in accordance with National Fire Protection Association Standard 1142, 2001 Edition, when approved by the fire code official. Please contact the Fire Marshal's Office for special assistance and other requirements that may apply.
- 22) **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
- 23) **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided.

24) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Table C 105.1.

TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a, b, c} (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ^d
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more ^e	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

a. Reduce by 100 feet for dead-end streets or roads.

b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.

c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.

d. Reduce by 50 feet for dead-end streets or roads.

e. One hydrant for each 1,000 gallons per minute or fraction thereof

Considerations for placing fire hydrants may be as follows:

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.

25) **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway.

26) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly

BUILDING SERVICES DIVISION
Facility Review Comments
Pre-Application Technical Notes

File Number: PA2005-0044 – Pointer Rd 7-Lot Subdivision Date: 25 MAY 2005

Person Commenting: Brad Roast

- Prior to the issuance of building permits, the applicant shall submit a Mylar copy (minimum 4-mil in thickness) of the recorded plat to the City of Beaverton's Building Division.

- A demolition permit is required for the removal of the existing building(s). A plumbing permit is required for removal, abandonment and capping of a septic tank or sewer line. If a septic tank exists, it shall be pumped out and filled in with sand or gravel or completely removed. An inspection shall be obtained from the plumbing inspector after the tank is filled or removed. A copy of the receipt from the pumping company shall be provided. If the building is connected to the public sanitary sewer system, the building's sewer shall be capped off at the property line and inspected by the plumbing inspector. (Section 106, SSC; Section 722, PSC) The removal of existing buildings on the property may provide credits towards some system development (SDC) fees such as water, sanitary sewer, impervious surface, and traffic.

**PRELIMINARY
STORM DRAINAGE REPORT**

FOR

**WILSON ESTATES
11 LOT PUD**

**SITE ADDRESS:
7360 SW Pointer Rd & 7385 SW Canyon Ln
Beaverton, Oregon**

**APPLICANT:
RK Wilson Corp.
PO Box 1489
Clackamas, Oregon 97015**

July 6, 2006

Prepared by:
Compass Engineering
6564 SE Lake Road
Milwaukie, Oregon 97222
503-653-9093
Job No. 5878

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PROJECT DESCRIPTION

This project consists of an eleven (11) lot subdivision with a new private access road and an extended dry detention pond. There is an existing home and two large greenhouse structures that will be removed.

SOILS

The Soil Survey of Washington County indicates the Soil Type is 11B, Cornelius and Kinton, a type C soil.

RAINFALL

2	Year	24 Hour Event	2.50 In/Hr
10	Year	24 Hour Event	3.50 In/Hr
25	Year	24 Hour Event	4.00 In/Hr
100	Year	24 Hour Event	4.50 In/Hr

Source: City of Beaverton Engineering Design Manual and Standard Drawings, CH III-Storm Drainage

NARRATIVE

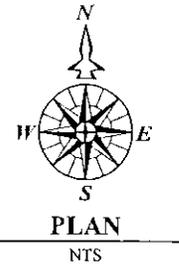
The site is subject to the Rules and Regulations of The City of Beaverton which has adopted the Rules and Regulations of Clean Water Services (CWS) with some revisions. On site detention is requiring the post developed 2, 10, 25 and 100 year storm runoff rate be equal to or less than the pre-developed rates. The maximum release rate for the 25 year post developed storm is 0.50 cfs per acre. The stormwater quality facility shall be designed for a dry weather storm event totaling 0.36 inches of precipitation falling in 4 hours with an average storm return period of 96 hours (CWS Design and Construction Standards section 3.12.c.6). To meet the water quality and quantity requirements an extended dry detention pond was sized and designed, both per Appendix B of the CWS Design and Construction Standards see Appendix B.

Summary of Detention Requirements

Basin	Area (acre)	CN	Q ₂ (cfs)	Q ₅ (cfs)	Q ₁₀ (cfs)	Q ₂₅ (cfs)
Pre-Developed Site						
Pervious	0.81	86	0.24	0.43	0.53	0.63
Gravel	0.09	89	0.03	0.05	0.07	1.44
Impervious	1.33	98	0.78	1.11	1.27	0.08
Total	2.23	N/A	1.05	1.59	1.87	2.15
Developed Site						
Pervious	1.06	86	0.30	0.54	0.66	0.79
Impervious	1.17	98	0.66	0.93	1.07	1.21
Total	2.23	N/A	0.96	1.47	1.73	2.00
Pond Release Rate	N/A	N/A	0.39	0.55	0.61	0.66

The site was designed to detain more than the required amount to the greatest extent possible. The required 25-year allowed runoff calculates to be 1.12 cfs (0.5 cfs * 2.23 acres). This project proposes to reduce the maximum allowed runoff to approximately half for the 25-year storm event. The 2, 10, and 100 year storms release approximately 66% more than the allowed rate.

The storm conveyance lines would be sized to convey the 100 year, un-detained storm.



RK Wilson Corp.
 PO Box 1489
 Clackamas, Oregon 97015

AERIAL PHOTO MAP



COMPASS ENGINEERING

ENGINEERING ★ SURVEYING ★ PLANNING
 6564 S.E. LAKE ROAD (503) 653-9093 PHONE
 MILWAUKIE, OREGON 97222 (503) 653-9095 FAX
 compass@compass-engineering.com

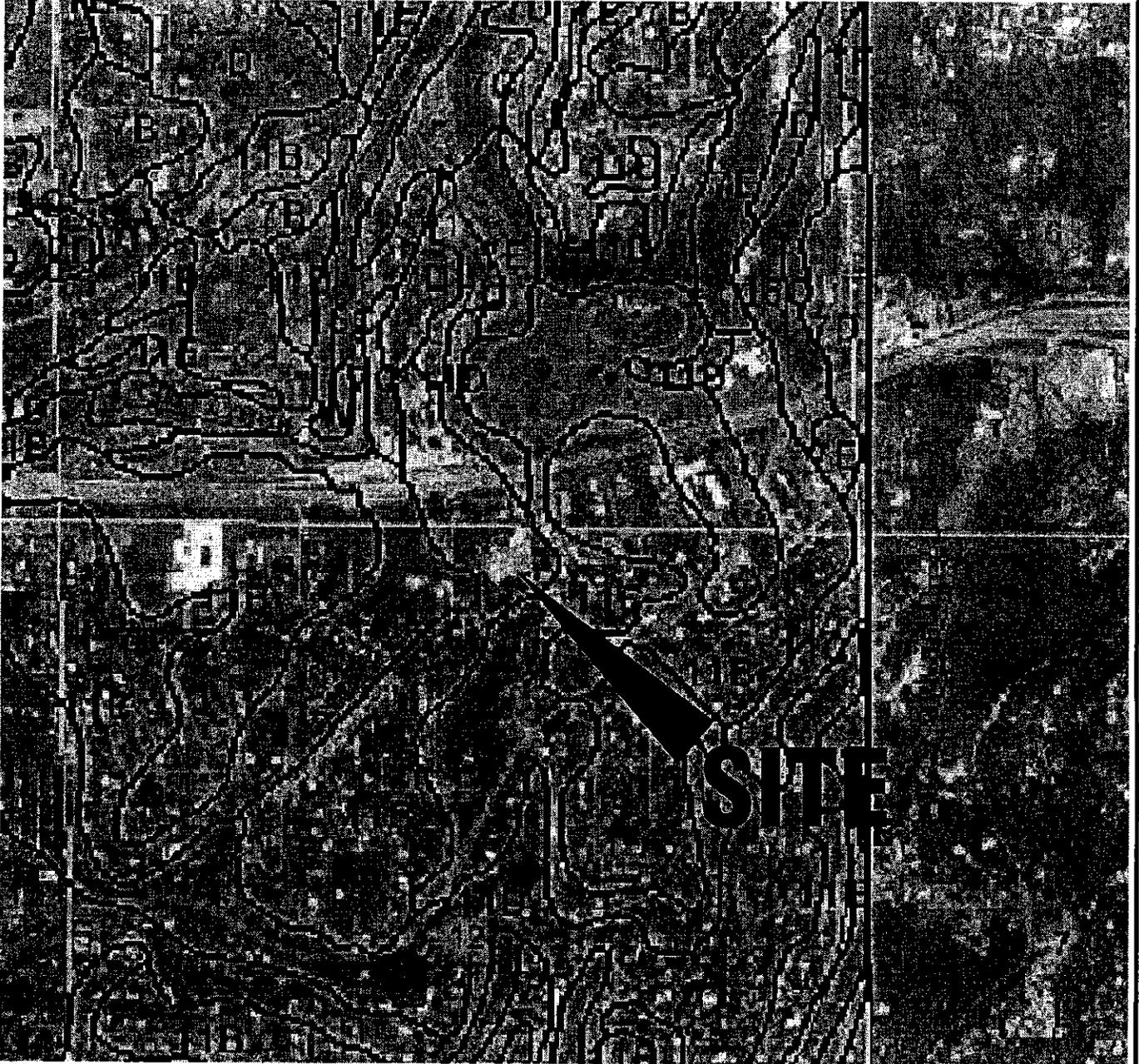
Wilson Estates
 7360 SW Pointer Rd & 7385 SW Canyon Ln
 Beaverton, Oregon

Exhibit 2

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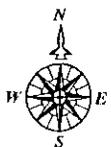


PLAN
NTS



RK Wilson Corp.
PO Box 1489
Clackamas, Oregon 97015

SOIL MAP



COMPASS ENGINEERING

ENGINEERING ★ SURVEYING ★ PLANNING
6564 S.E. LAKE ROAD (503) 653-9093 PHONE
MILWAUKIE, OREGON 97222 (503) 653-9096 FAX
compass@compass-engineering.com

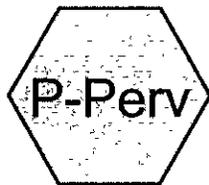
Wilson Estates
7360 SW Pointer Rd & 7385 SW Canyon Ln
Beaverton, Oregon

Exhibit 3

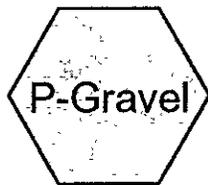
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Soil Exhibit

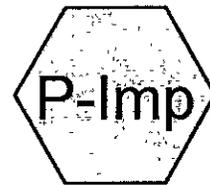
APPENDIX A



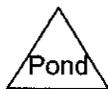
Pre Developed



Pre Developed



Pre Developed



Drainage Diagram for 5878 Prelim
Prepared by Compass Engineering 7/6/2006
HydroCAD® 7.10 s/n 002496 © 2005 HydroCAD Software Solutions LLC

5878 Prelim

Prepared by Compass Engineering

HydroCAD® 7.10 s/n 002496 © 2005 HydroCAD Software Solutions LLC

Wilson Estates

Type IA 24-hr 2-YR Rainfall=2.50"

Page 2

7/6/2006

Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points

Runoff by SBUH method

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment P-Gravel: Pre Developed

Runoff Area=0.090 ac Runoff Depth>1.45"

Flow Length=294' Tc=1.8 min CN=89 Runoff=0.03 cfs 475 cf

Subcatchment P-Imp: Pre Developed

Runoff Area=1.330 ac Runoff Depth>2.27"

Flow Length=294' Tc=1.8 min CN=98 Runoff=0.78 cfs 10,956 cf

Subcatchment P-Perv: Pre Developed

Runoff Area=0.810 ac Runoff Depth>1.24"

Flow Length=294' Tc=1.8 min CN=86 Runoff=0.24 cfs 3,653 cf

Total Runoff Area = 97,139 sf Runoff Volume = 15,084 cf Average Runoff Depth = 1.86"

5878 Prelim

Prepared by Compass Engineering

HydroCAD® 7.10 s/n 002496 © 2005 HydroCAD Software Solutions LLC

Wilson Estates

Type IA 24-hr 2-YR Rainfall=2.50"

Page 3

7/6/2006

Subcatchment P-Gravel: Pre Developed

Runoff = 0.03 cfs @ 7.90 hrs, Volume= 475 cf, Depth> 1.45"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

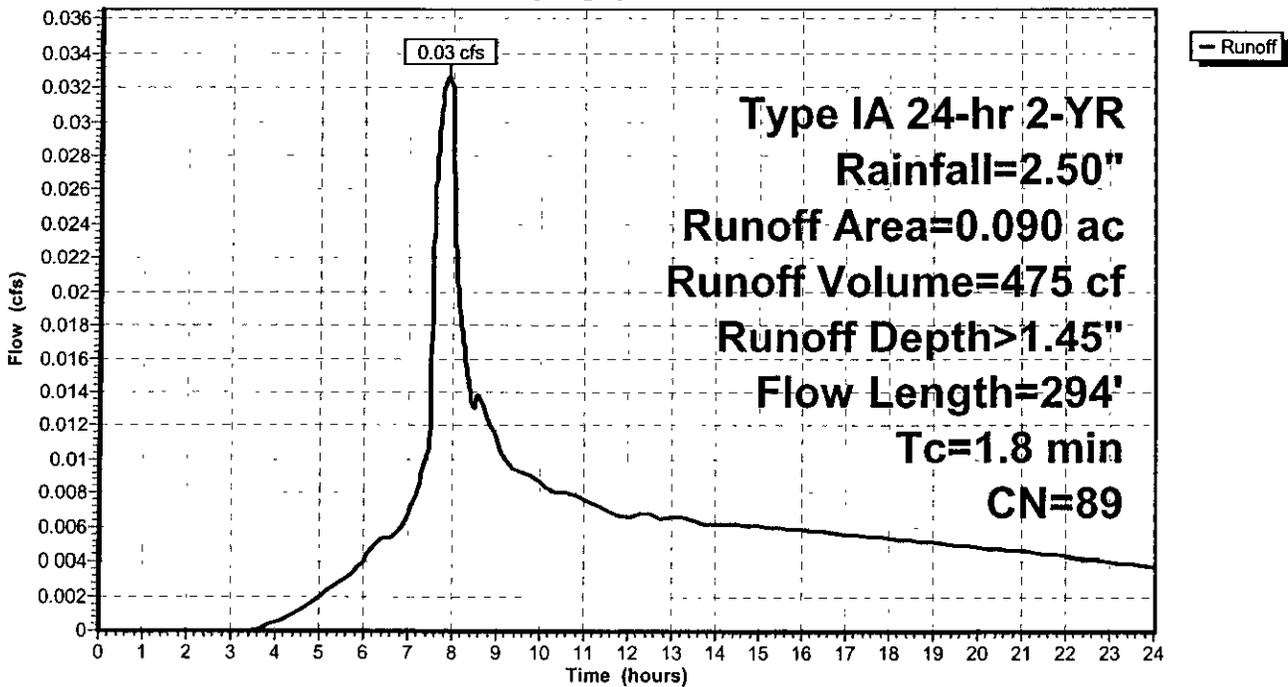
Type IA 24-hr 2-YR Rainfall=2.50"

Area (ac)	CN	Description
0.090	89	Gravel

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Gravel: Pre Developed

Hydrograph



5878 Prelim

Prepared by Compass Engineering

HydroCAD® 7.10 s/n 002496 © 2005 HydroCAD Software Solutions LLC

Wilson Estates

Type IA 24-hr 2-YR Rainfall=2.50"

Page 4

7/6/2006

Subcatchment P-Imp: Pre Developed

Runoff = 0.78 cfs @ 7.82 hrs, Volume= 10,956 cf, Depth> 2.27"

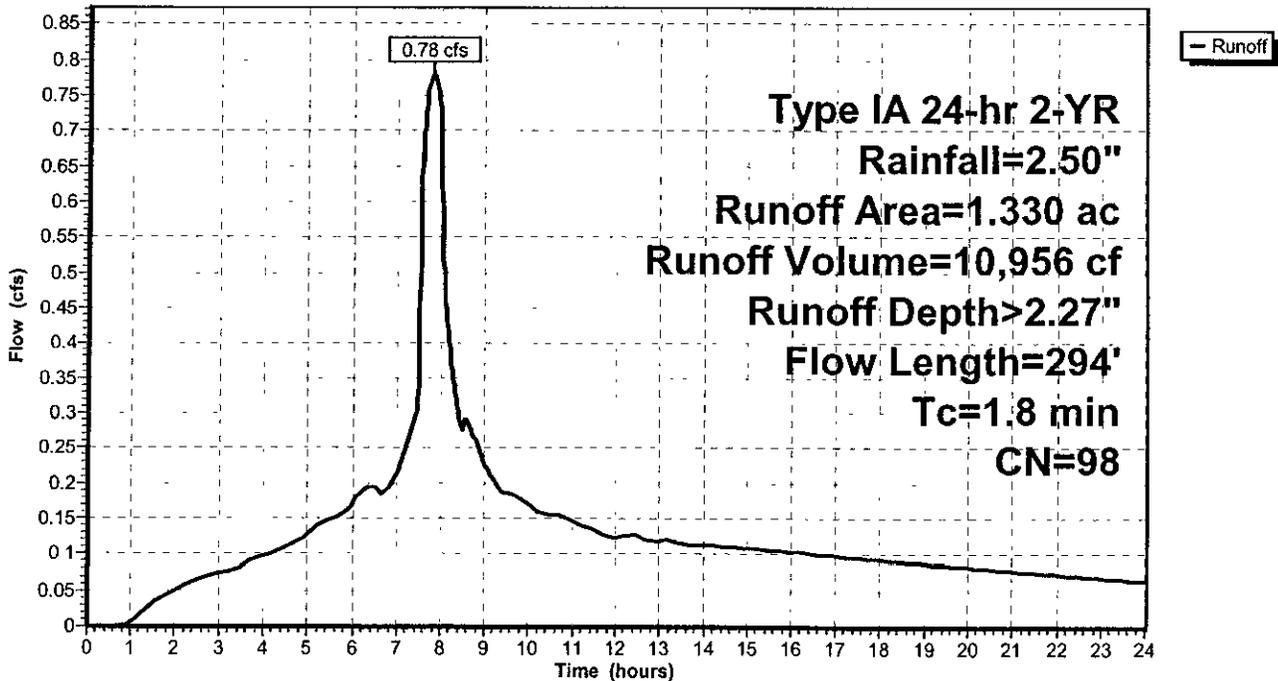
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

Area (ac)	CN	Description
1.330	98	Roofs and concrete

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Imp: Pre Developed

Hydrograph



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Type IA 24-hr 2-YR Rainfall=2.50"

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Subcatchment P-Perv: Pre Developed

Runoff = 0.24 cfs @ 7.92 hrs, Volume= 3,653 cf, Depth> 1.24"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

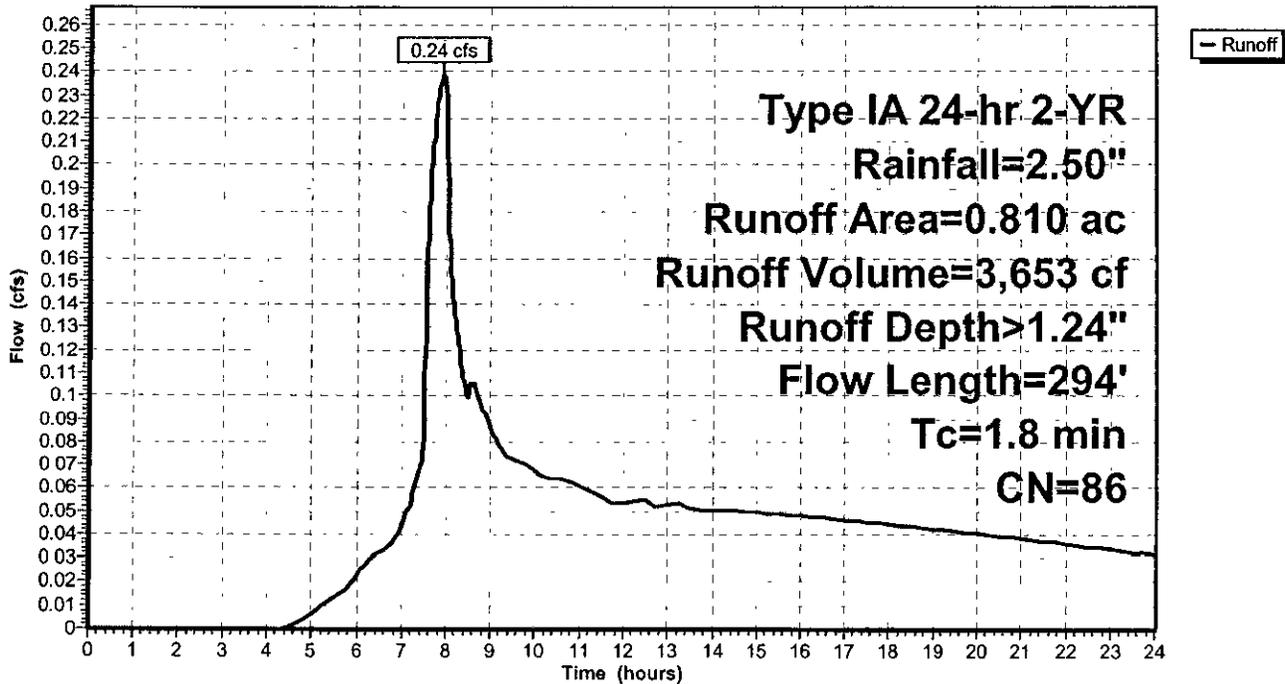
Type IA 24-hr 2-YR Rainfall=2.50"

Area (ac)	CN	Description
0.810	86	Lawn

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Perv: Pre Developed

Hydrograph



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Type IA 24-hr 10-YR Rainfall=3.50"

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Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points

Runoff by SBUH method

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment P-Gravel: Pre Developed

Runoff Area=0.090 ac Runoff Depth>2.36"

Flow Length=294' Tc=1.8 min CN=89 Runoff=0.05 cfs 769 cf

Subcatchment P-Imp: Pre Developed

Runoff Area=1.330 ac Runoff Depth>3.26"

Flow Length=294' Tc=1.8 min CN=98 Runoff=1.11 cfs 15,761 cf

Subcatchment P-Perv: Pre Developed

Runoff Area=0.810 ac Runoff Depth>2.10"

Flow Length=294' Tc=1.8 min CN=86 Runoff=0.43 cfs 6,165 cf

Total Runoff Area = 97,139 sf Runoff Volume = 22,695 cf Average Runoff Depth = 2.80"

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Wilson Estates
 Type IA 24-hr 10-YR Rainfall=3.50"
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Subcatchment P-Gravel: Pre Developed

Runoff = 0.05 cfs @ 7.87 hrs, Volume= 769 cf, Depth> 2.36"

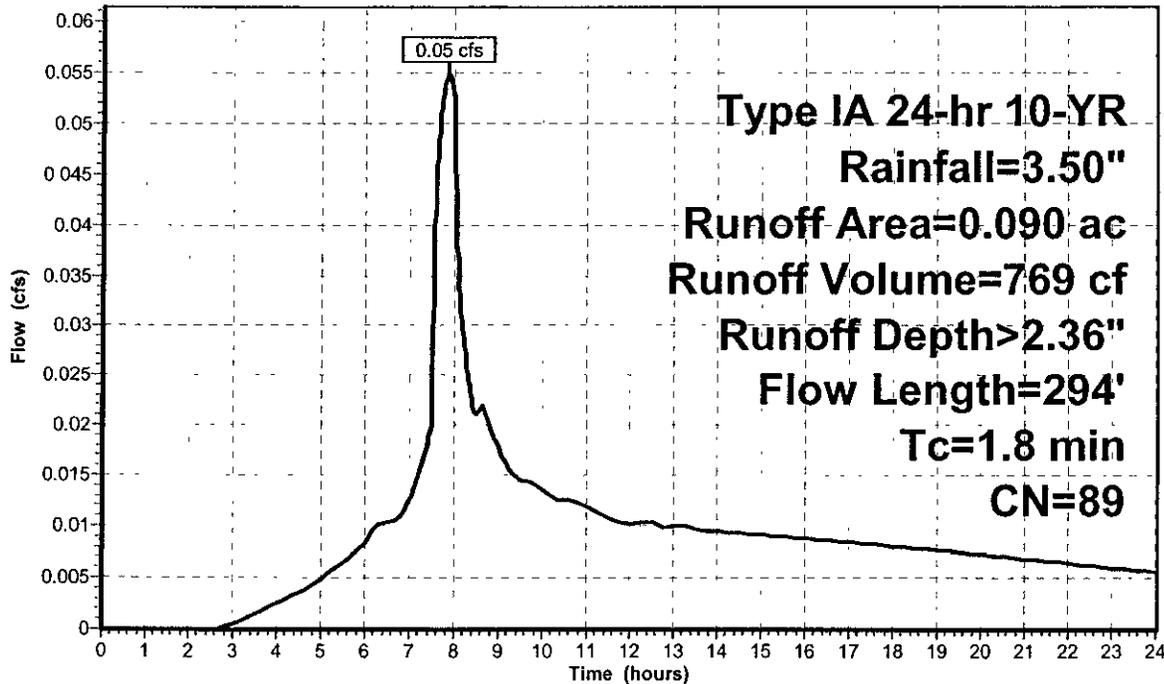
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type IA 24-hr 10-YR Rainfall=3.50"

Area (ac)	CN	Description
0.090	89	Gravel

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Gravel: Pre Developed

Hydrograph



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 Type IA 24-hr 10-YR Rainfall=3.50"

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Subcatchment P-Imp: Pre Developed

Runoff = 1.11 cfs @ 7.81 hrs, Volume= 15,761 cf, Depth> 3.26"

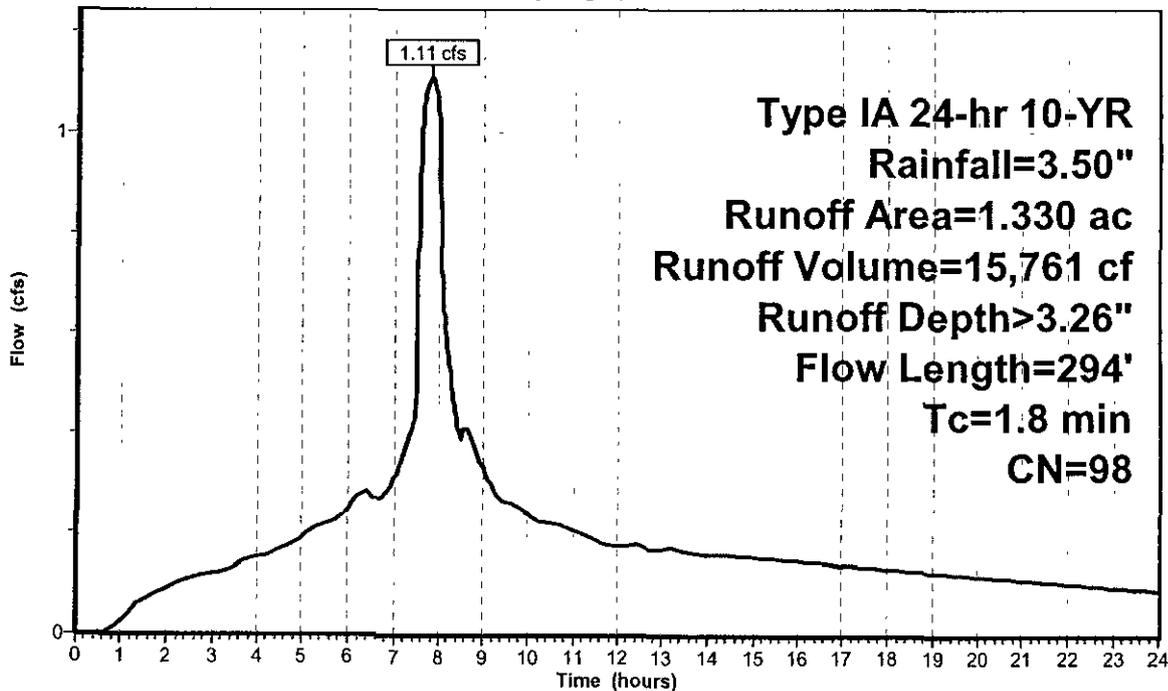
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type IA 24-hr 10-YR Rainfall=3.50"

Area (ac)	CN	Description
1.330	98	Roofs and concrete

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Imp: Pre Developed

Hydrograph



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Type IA 24-hr 10-YR Rainfall=3.50"

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Subcatchment P-Perv: Pre Developed

Runoff = 0.43 cfs @ 7.89 hrs, Volume= 6,165 cf, Depth> 2.10"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

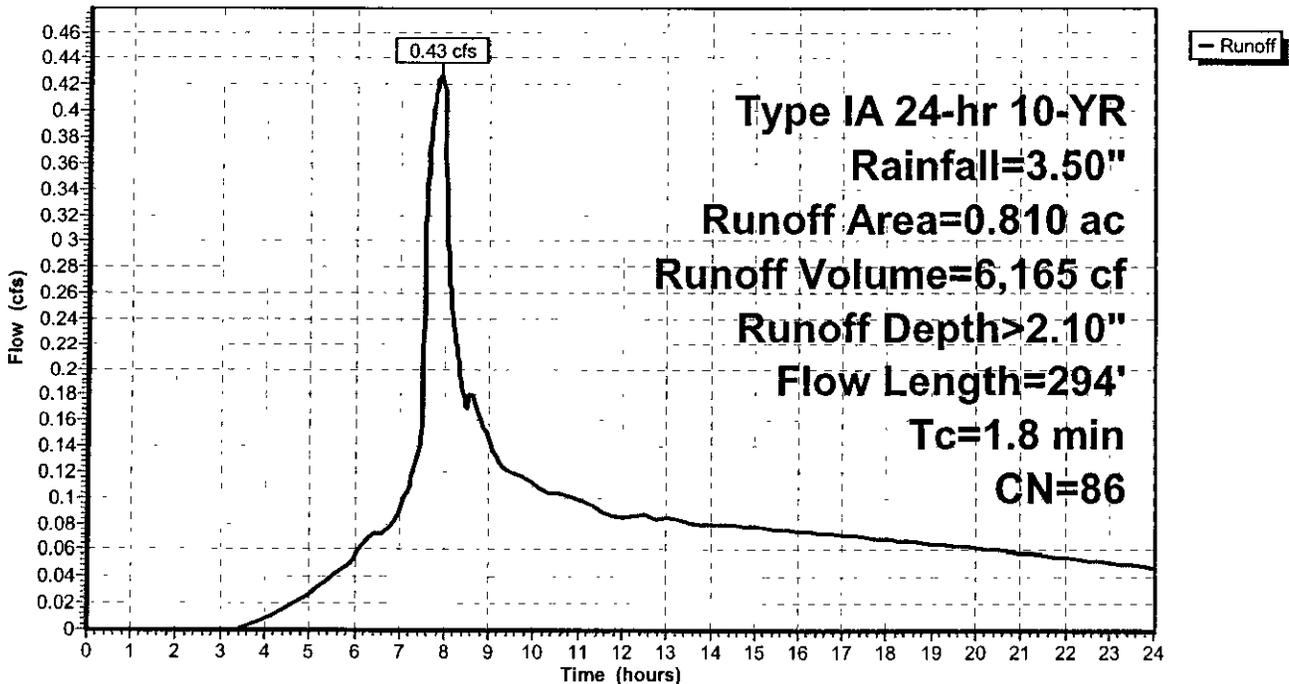
Type IA 24-hr 10-YR Rainfall=3.50"

Area (ac)	CN	Description
0.810	86	Lawn

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Perv: Pre Developed

Hydrograph



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Type IA 24-hr 25-YR Rainfall=4.00"

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Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points

Runoff by SBUH method

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment P-Gravel: Pre Developed

Runoff Area=0.090 ac Runoff Depth>2.82"

Flow Length=294' Tc=1.8 min CN=89 Runoff=0.07 cfs 922 cf

Subcatchment P-Imp: Pre Developed

Runoff Area=1.330 ac Runoff Depth>3.76"

Flow Length=294' Tc=1.8 min CN=98 Runoff=1.27 cfs 18,167 cf

Subcatchment P-Perv: Pre Developed

Runoff Area=0.810 ac Runoff Depth>2.54"

Flow Length=294' Tc=1.8 min CN=86 Runoff=0.53 cfs 7,481 cf

Total Runoff Area = 97,139 sf Runoff Volume = 26,569 cf Average Runoff Depth = 3.28"

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Type IA 24-hr 25-YR Rainfall=4.00"

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Subcatchment P-Gravel: Pre Developed

Runoff = 0.07 cfs @ 7.86 hrs, Volume= 922 cf, Depth> 2.82"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

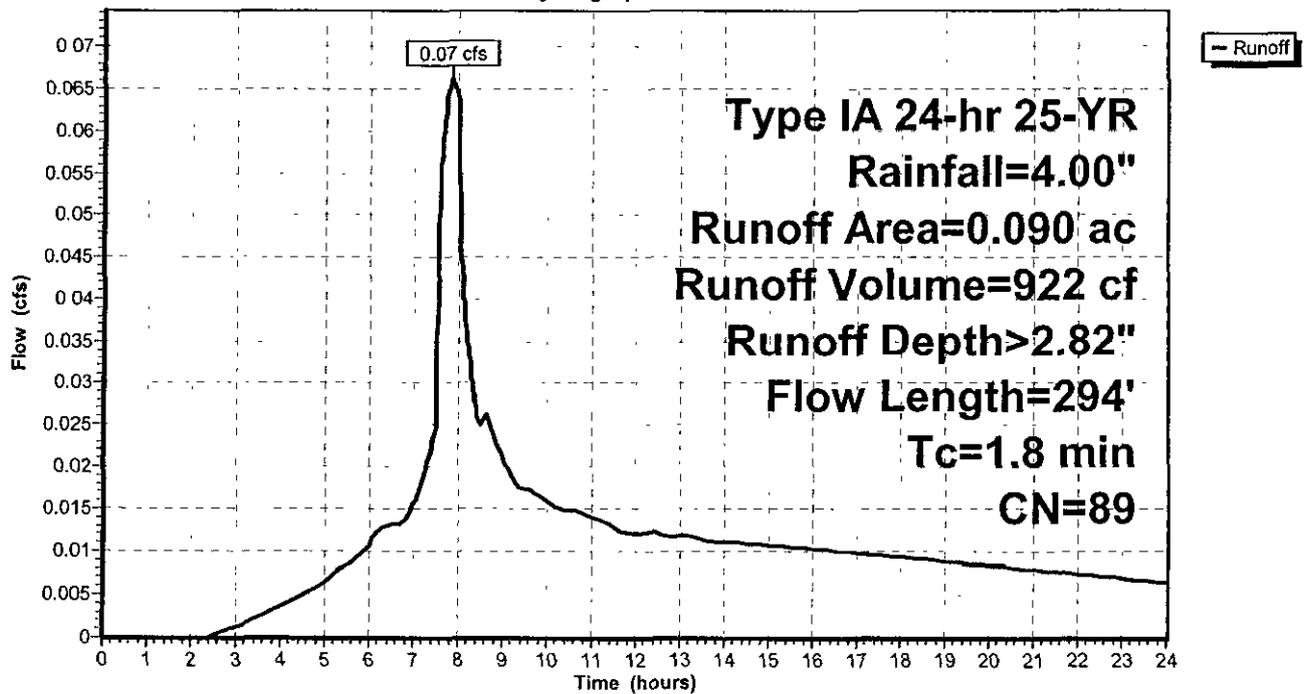
Type IA 24-hr 25-YR Rainfall=4.00"

Area (ac)	CN	Description
0.090	89	Gravel

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Gravel: Pre Developed

Hydrograph



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Type IA 24-hr 25-YR Rainfall=4.00"

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Subcatchment P-Imp: Pre Developed

Runoff = 1.27 cfs @ 7.81 hrs, Volume= 18,167 cf, Depth> 3.76"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

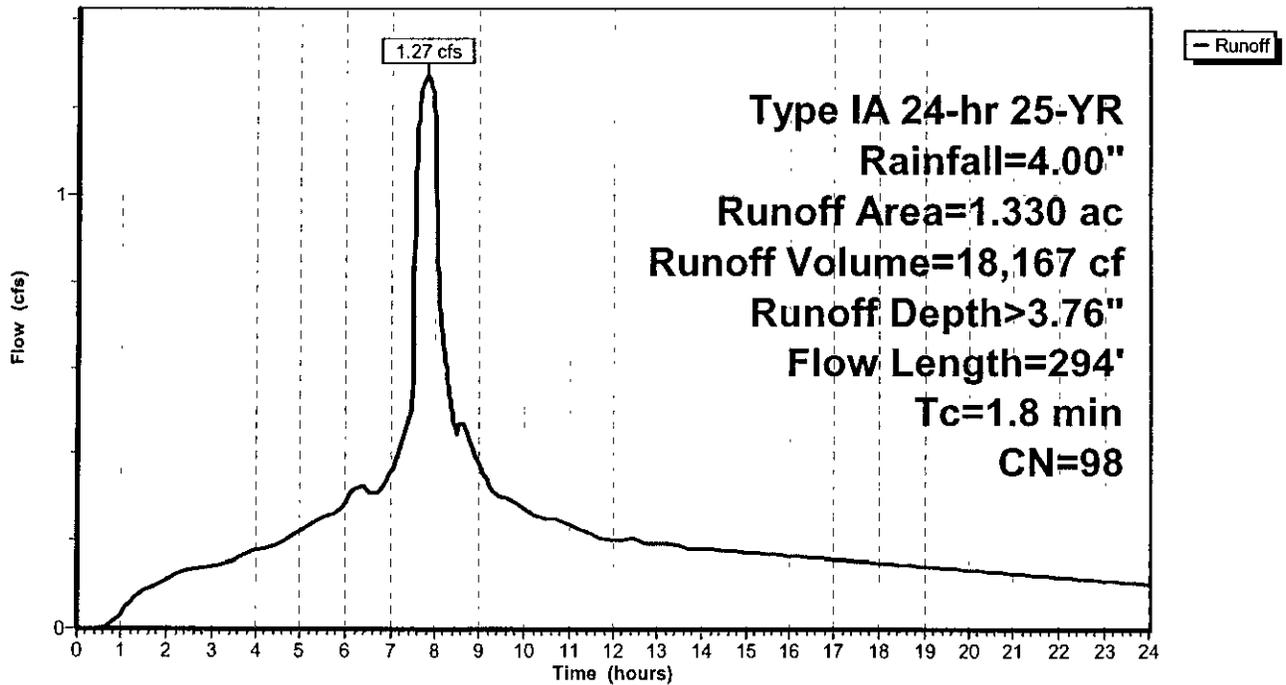
Type IA 24-hr 25-YR Rainfall=4.00"

Area (ac)	CN	Description
1.330	98	Roofs and concrete

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Imp: Pre Developed

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Type IA 24-hr 25-YR Rainfall=4.00"

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Subcatchment P-Perv: Pre Developed

Runoff = 0.53 cfs @ 7.88 hrs, Volume= 7,481 cf, Depth> 2.54"

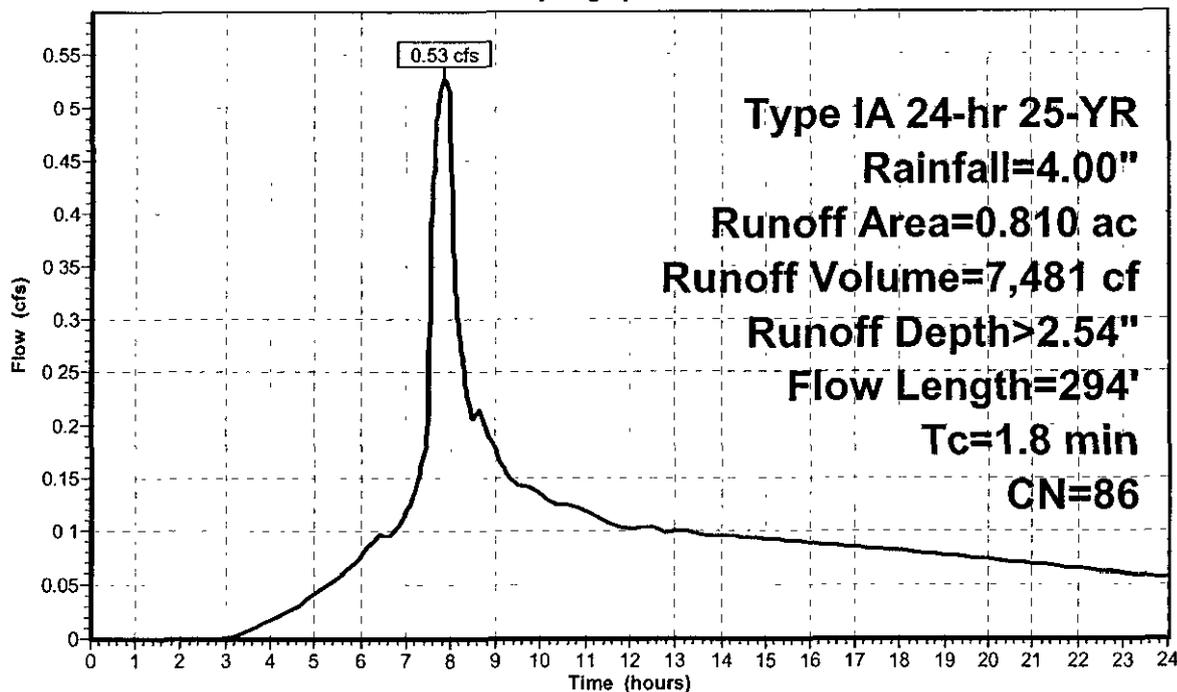
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-YR Rainfall=4.00"

Area (ac)	CN	Description
0.810	86	Lawn

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Perv: Pre Developed

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Type IA 24-hr 100-YR Rainfall=4.50"

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Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points

Runoff by SBUH method

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment P-Gravel: Pre Developed

Runoff Area=0.090 ac Runoff Depth>3.29"

Flow Length=294' Tc=1.8 min CN=89 Runoff=0.08 cfs 1,076 cf

Subcatchment P-Imp: Pre Developed

Runoff Area=1.330 ac Runoff Depth>4.26"

Flow Length=294' Tc=1.8 min CN=98 Runoff=1.44 cfs 20,574 cf

Subcatchment P-Perv: Pre Developed

Runoff Area=0.810 ac Runoff Depth>3.00"

Flow Length=294' Tc=1.8 min CN=86 Runoff=0.63 cfs 8,824 cf

Total Runoff Area = 97,139 sf Runoff Volume = 30,473 cf Average Runoff Depth = 3.76"

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Type IA 24-hr 100-YR Rainfall=4.50"

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Subcatchment P-Gravel: Pre Developed

Runoff = 0.08 cfs @ 7.86 hrs, Volume= 1,076 cf, Depth> 3.29"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

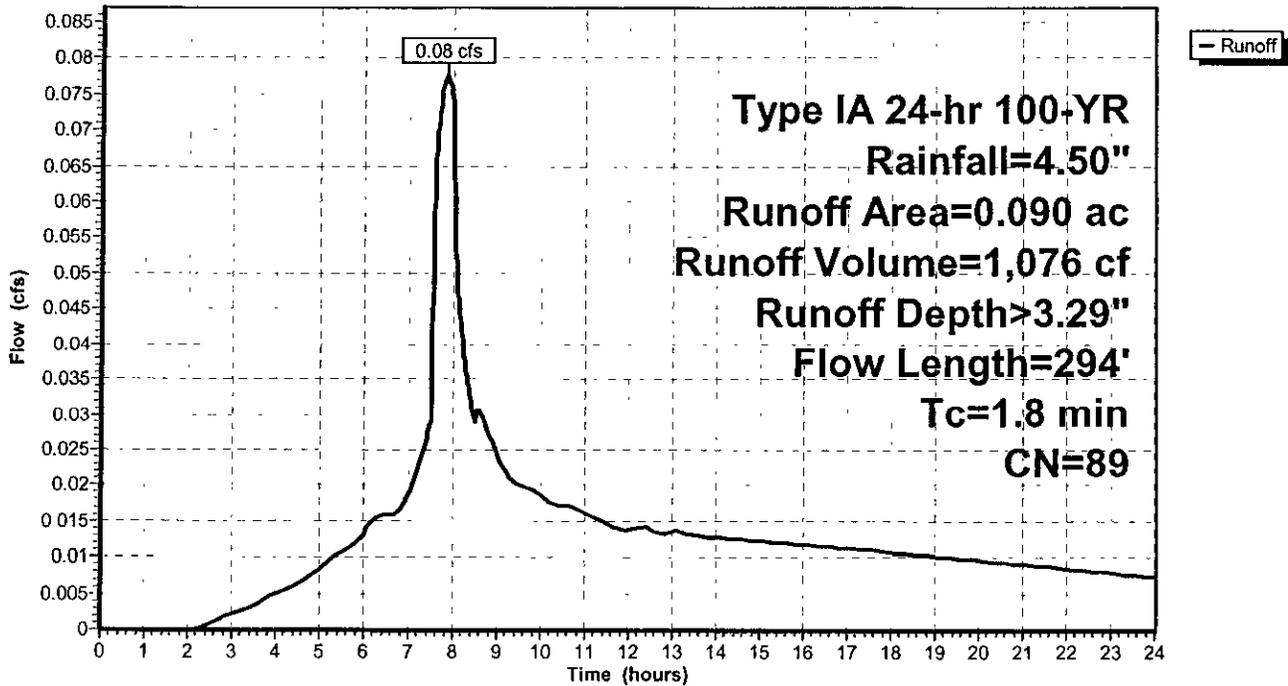
Type IA 24-hr 100-YR Rainfall=4.50"

Area (ac)	CN	Description
0.090	89	Gravel

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Gravel: Pre Developed

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Subcatchment P-Imp: Pre Developed

Runoff = 1.44 cfs @ 7.81 hrs, Volume= 20,574 cf, Depth> 4.26"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

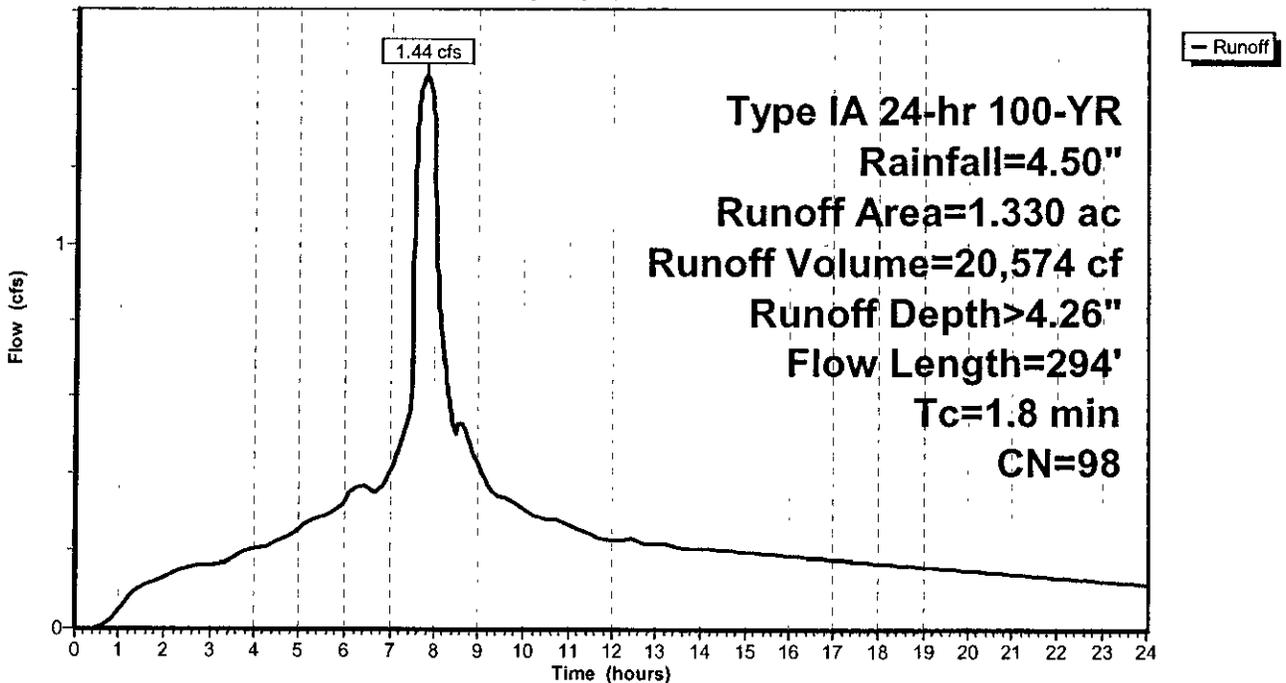
Type IA 24-hr 100-YR Rainfall=4.50"

Area (ac)	CN	Description
1.330	98	Roofs and concrete

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Imp: Pre Developed

Hydrograph



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Subcatchment P-Perv: Pre Developed

Runoff = 0.63 cfs @ 7.87 hrs, Volume= 8,824 cf, Depth> 3.00"

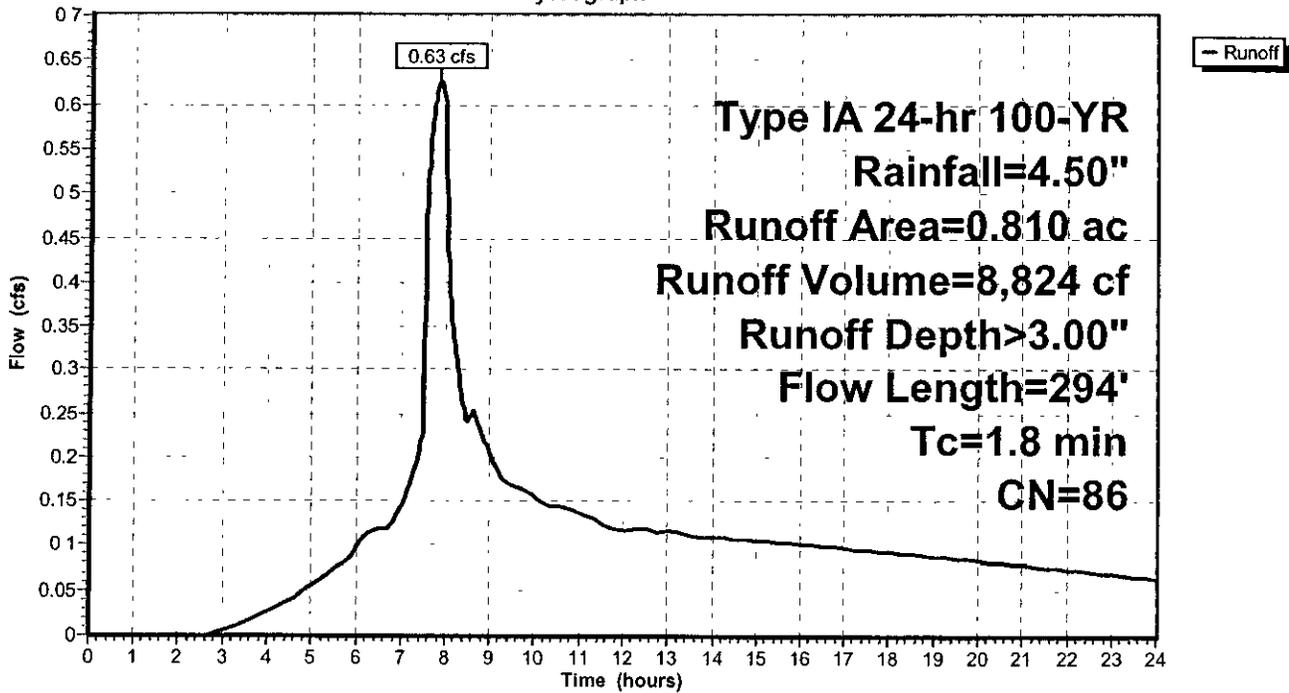
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type IA 24-hr 100-YR Rainfall=4.50"

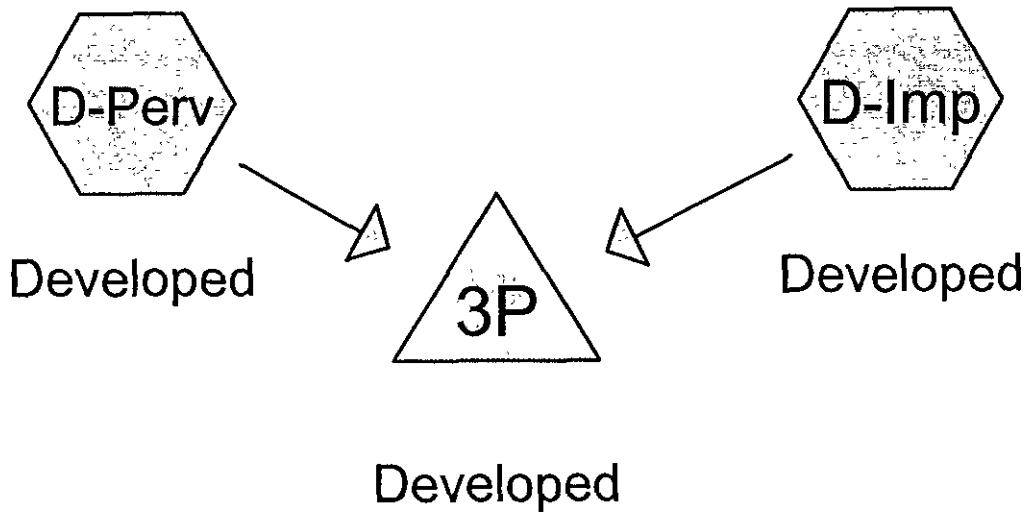
Area (ac)	CN	Description
0.810	86	Lawn

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.0	100	0.0426	1.6		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.50"
0.5	135	0.0426	4.2		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.3	59	0.0593	3.9		Shallow Concentrated Flow, Unpaved Kv= 16.1 fps
1.8	294	Total			

Subcatchment P-Perv: Pre Developed

Hydrograph





Drainage Diagram for 5878 Prelim
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Type IA 24-hr 2-YR Rainfall=2.50"

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Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points

Runoff by SBUH method

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment D-Imp: Developed

Runoff Area=1.170 ac Runoff Depth>2.26"

Flow Length=653' Tc=7.6 min CN=98 Runoff=0.66 cfs 9,619 cf

Subcatchment D-Perv: Developed

Runoff Area=1.060 ac Runoff Depth>1.24"

Flow Length=653' Tc=7.6 min CN=86 Runoff=0.30 cfs 4,766 cf

Pond 3P: Developed

Peak Elev=627.53' Storage=3,076 cf Inflow=0.95 cfs 14,384 cf

Outflow=0.39 cfs 12,511 cf

Total Runoff Area = 97,139 sf Runoff Volume = 14,384 cf Average Runoff Depth = 1.78"

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 Type IA 24-hr 2-YR Rainfall=2.50"

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Subcatchment D-Imp: Developed

Runoff = 0.66 cfs @ 7.93 hrs, Volume= 9,619 cf, Depth> 2.26"

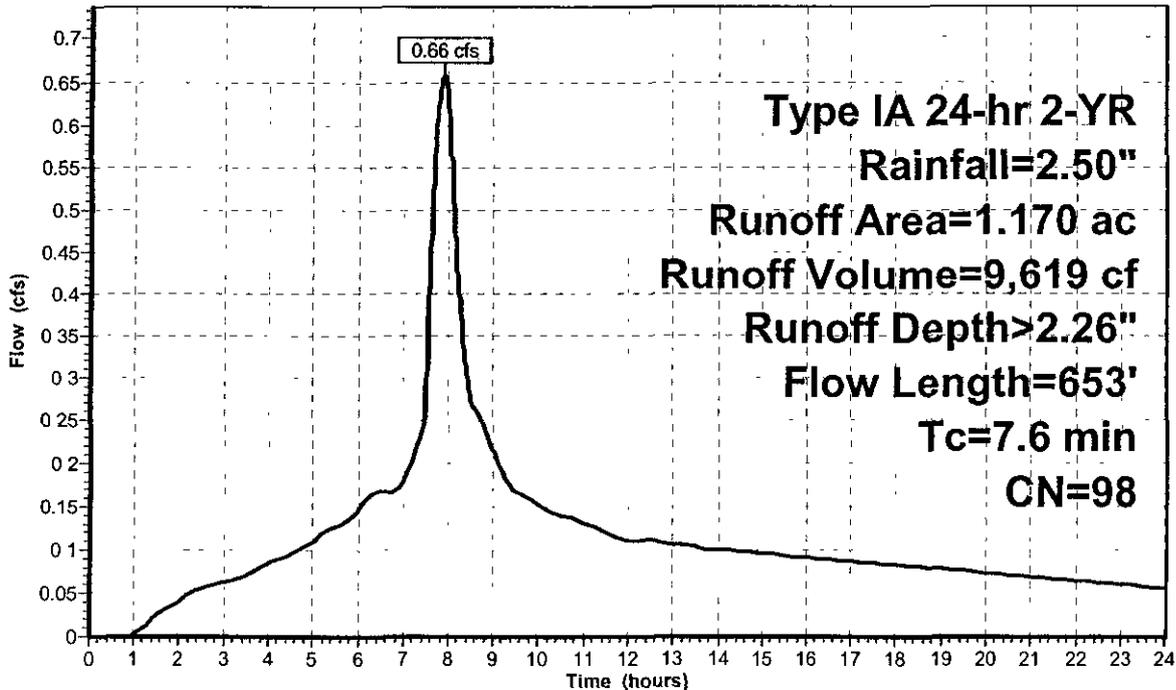
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type IA 24-hr 2-YR Rainfall=2.50"

Area (ac)	CN	Description
1.170	98	Roofs, Concrete and Asphalt

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.1	80	0.0875	0.3		Sheet Flow, Grass: Short n= 0.150 P2= 2.50"
1.2	318	0.0472	4.4		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.2	101	0.0250	7.2	5.63	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013
1.1	154	0.0250	2.4		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
7.6	653	Total			

Subcatchment D-Imp: Developed

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Type IA 24-hr 2-YR Rainfall=2.50"

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Subcatchment D-Perv: Developed

Runoff = 0.30 cfs @ 8.00 hrs, Volume= 4,766 cf, Depth> 1.24"

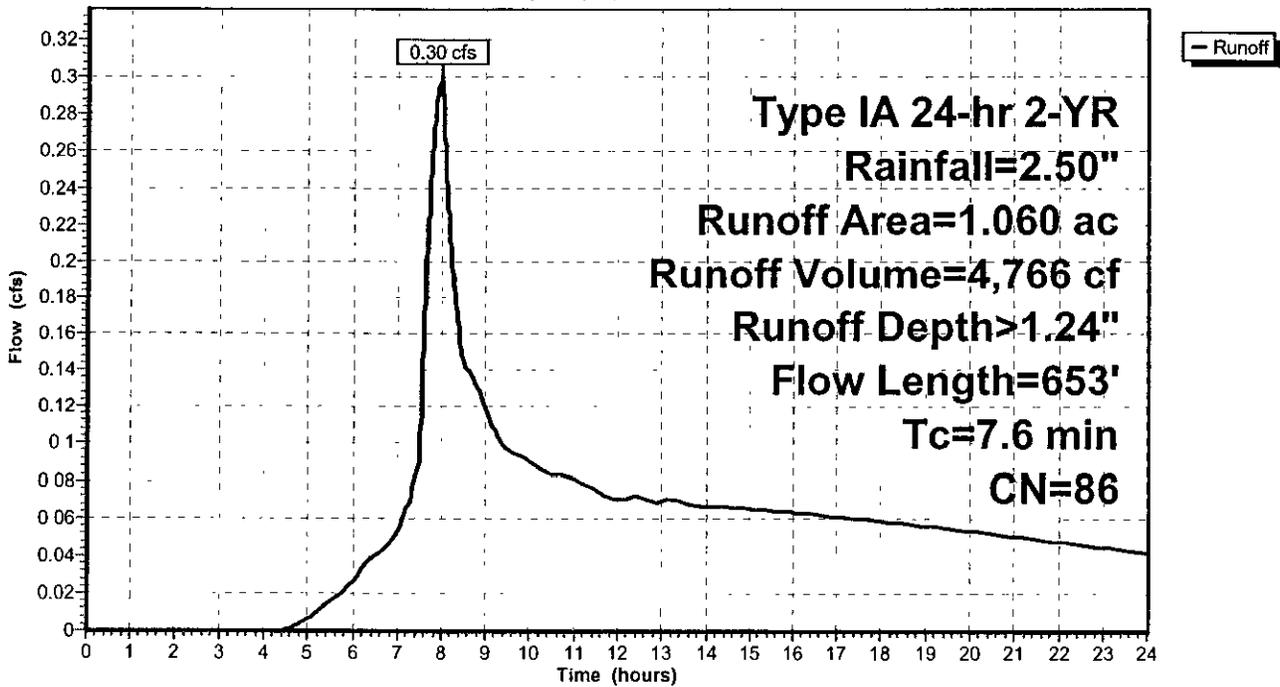
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

Area (ac)	CN	Description
1.060	86	Lawn

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.1	80	0.0875	0.3		Sheet Flow, Grass: Short n= 0.150 P2= 2.50"
1.2	318	0.0472	4.4		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.2	101	0.0250	7.2	5.63	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013
1.1	154	0.0250	2.4		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
7.6	653	Total			

Subcatchment D-Perv: Developed

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 Type IA 24-hr 2-YR Rainfall=2.50"

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Pond 3P: Developed

Inflow Area = 97,139 sf, Inflow Depth > 1.78" for 2-YR event
 Inflow = 0.95 cfs @ 7.96 hrs, Volume= 14,384 cf
 Outflow = 0.39 cfs @ 8.69 hrs, Volume= 12,511 cf, Atten= 59%, Lag= 44.2 min
 Primary = 0.39 cfs @ 8.69 hrs, Volume= 12,511 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Peak Elev= 627.53' @ 8.69 hrs Surf.Area= 1,984 sf Storage= 3,076 cf
 Plug-Flow detention time= 165.0 min calculated for 12,511 cf (87% of inflow)
 Center-of-Mass det. time= 78.1 min (793.8 - 715.7)

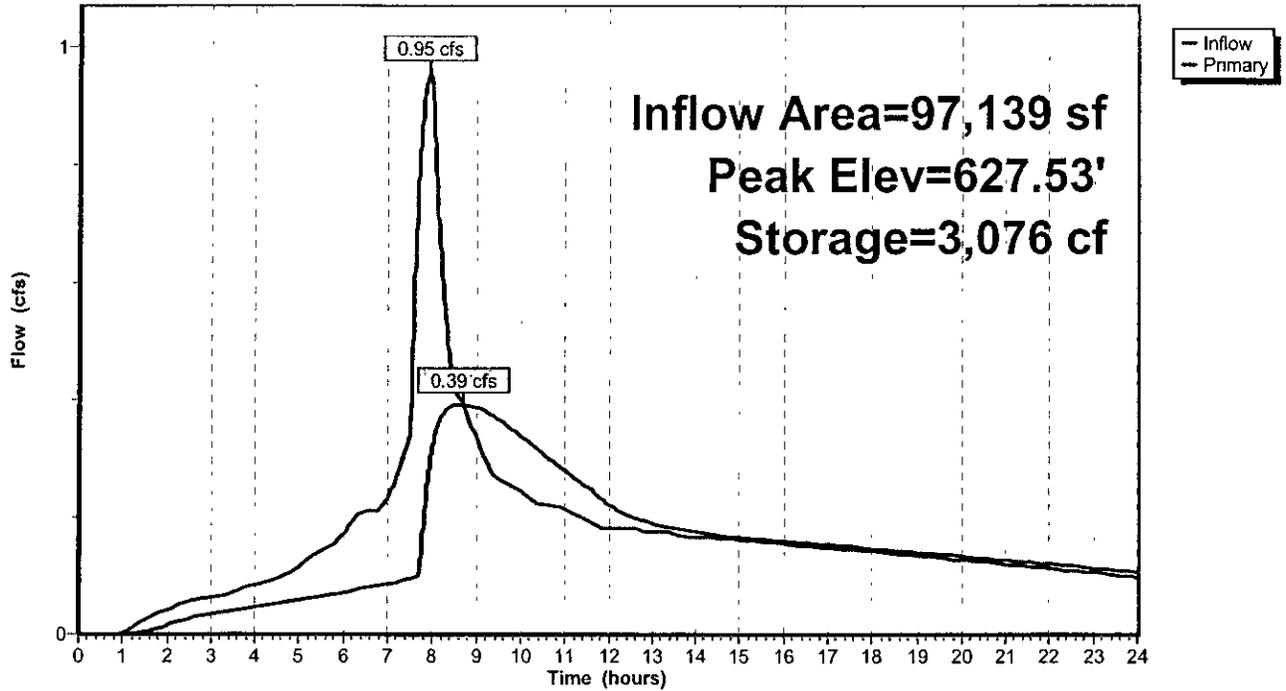
Volume	Invert	Avail.Storage	Storage Description			
#1	625.00'	10,237 cf	Custom Stage Data (Irregular) Listed below (Recalc)			
Elevation (feet)	Surf.Area (sq-ft)	Perim. (feet)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)	
625.00	550	150.9	0	0	550	
626.00	1,048	181.4	786	786	1,373	
627.00	1,638	211.9	1,332	2,118	2,348	
628.00	2,320	242.4	1,969	4,087	3,474	
629.00	3,030	272.9	2,667	6,754	4,751	
630.00	3,957	303.4	3,483	10,237	6,179	

Device	Routing	Invert	Outlet Devices		
#1	Primary	625.00'	1.7" Vert. Orifice/Grate C= 0.600		
#2	Primary	626.80'	3.7" Vert. Orifice/Grate C= 0.600		

Primary OutFlow Max=0.39 cfs @ 8.69 hrs HW=627.53' (Free Discharge)
 1=Orifice/Grate (Orifice Controls 0.12 cfs @ 7.6 fps)
 2=Orifice/Grate (Orifice Controls 0.27 cfs @ 3.7 fps)

Pond 3P: Developed

Hydrograph



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Type IA 24-hr 10-YR Rainfall=3.50"

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Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points
Runoff by SBUH method
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment D-Imp: Developed

Runoff Area=1.170 ac Runoff Depth>3.26"
Flow Length=653' Tc=7.6 min CN=98 Runoff=0.93 cfs 13,837 cf

Subcatchment D-Perv: Developed

Runoff Area=1.060 ac Runoff Depth>2.09"
Flow Length=653' Tc=7.6 min CN=86 Runoff=0.54 cfs 8,045 cf

Pond 3P: Developed

Peak Elev=628.29' Storage=4,795 cf Inflow=1.47 cfs 21,883 cf
Outflow=0.55 cfs 19,853 cf

Total Runoff Area = 97,139 sf Runoff Volume = 21,883 cf Average Runoff Depth = 2.70"

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Wilson Estates
 Type IA 24-hr 10-YR Rainfall=3.50"
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Subcatchment D-Imp: Developed

Runoff = 0.93 cfs @ 7.92 hrs, Volume= 13,837 cf, Depth> 3.26"

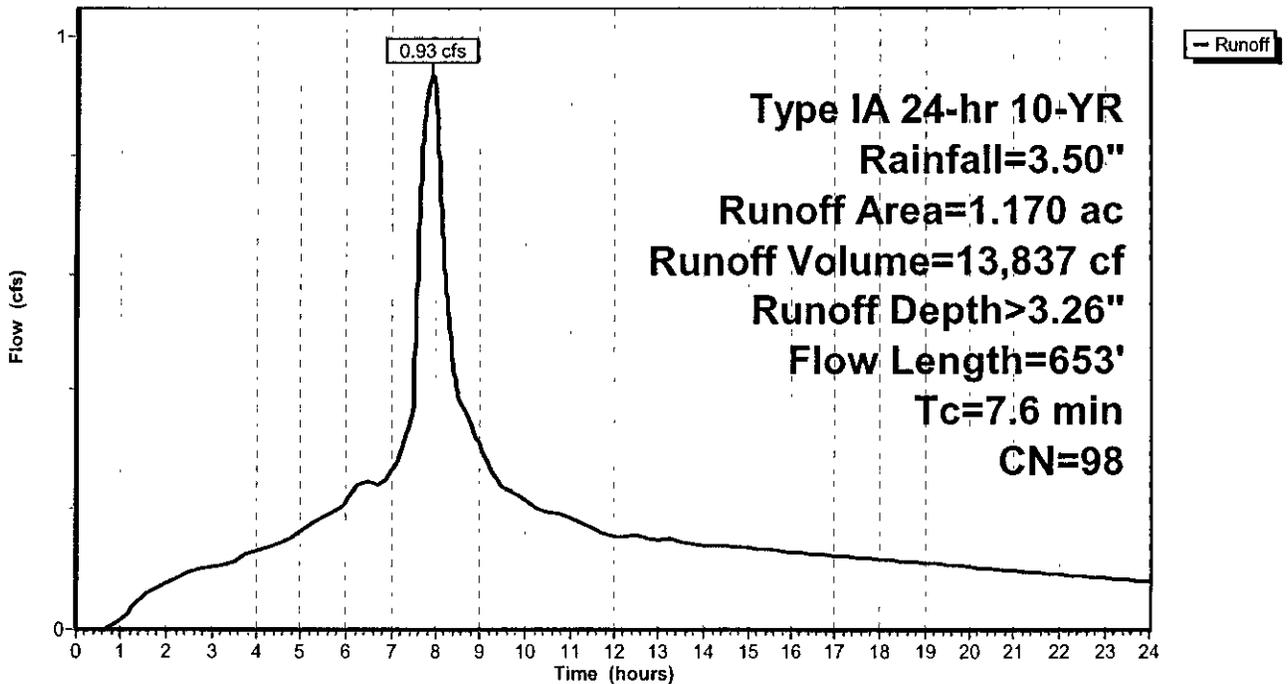
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type IA 24-hr 10-YR Rainfall=3.50"

Area (ac)	CN	Description
1.170	98	Roofs, Concrete and Asphalt

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.1	80	0.0875	0.3		Sheet Flow, Grass: Short n= 0.150 P2= 2.50"
1.2	318	0.0472	4.4		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.2	101	0.0250	7.2	5.63	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013
1.1	154	0.0250	2.4		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
7.6	653	Total			

Subcatchment D-Imp: Developed

Hydrograph



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 Type IA 24-hr 10-YR Rainfall=3.50"

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Subcatchment D-Perv: Developed

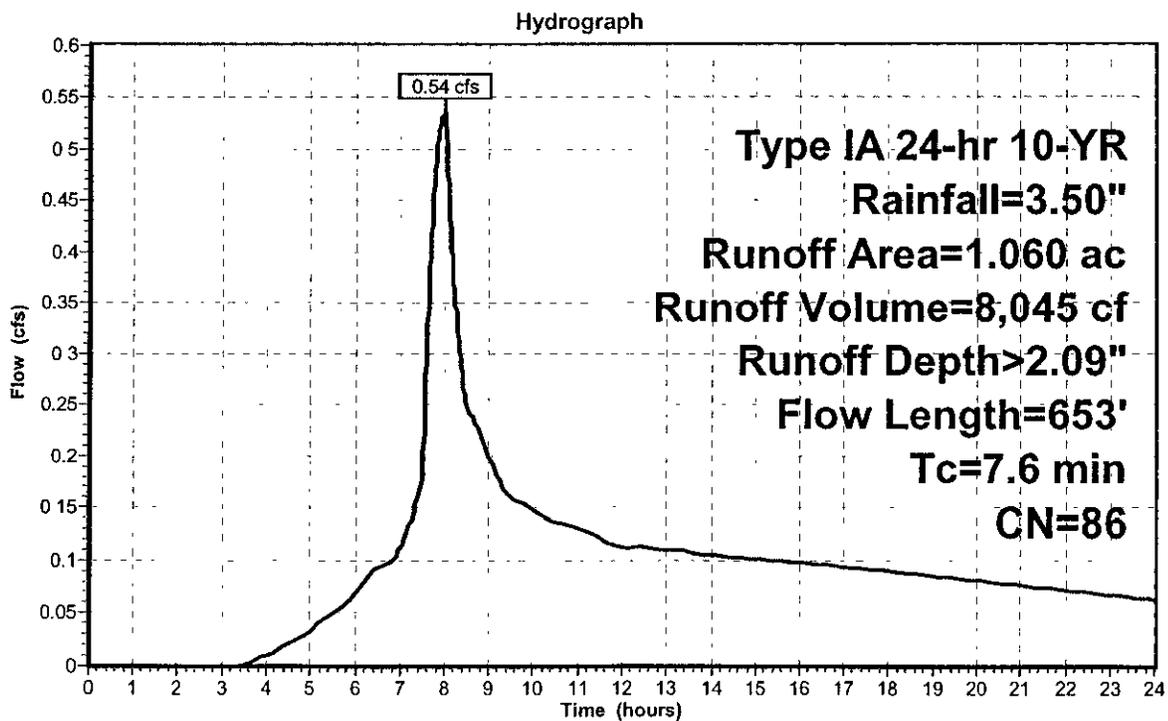
Runoff = 0.54 cfs @ 7.98 hrs, Volume= 8,045 cf, Depth> 2.09"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type IA 24-hr 10-YR Rainfall=3.50"

Area (ac)	CN	Description
1.060	86	Lawn

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.1	80	0.0875	0.3		Sheet Flow, Grass: Short n= 0.150 P2= 2.50"
1.2	318	0.0472	4.4		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.2	101	0.0250	7.2	5.63	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013
1.1	154	0.0250	2.4		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
7.6	653	Total			

Subcatchment D-Perv: Developed



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Type IA 24-hr 10-YR Rainfall=3.50"

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Pond 3P: Developed

Inflow Area = 97,139 sf, Inflow Depth > 2.70" for 10-YR event
 Inflow = 1.47 cfs @ 7.95 hrs, Volume= 21,883 cf
 Outflow = 0.55 cfs @ 8.83 hrs, Volume= 19,853 cf, Atten= 62%, Lag= 53.1 min
 Primary = 0.55 cfs @ 8.83 hrs, Volume= 19,853 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Peak Elev= 628.29' @ 8.83 hrs Surf.Area= 2,518 sf Storage= 4,795 cf
 Plug-Flow detention time= 144.2 min calculated for 19,853 cf (91% of inflow)
 Center-of-Mass det. time= 80.0 min (782.8 - 702.8)

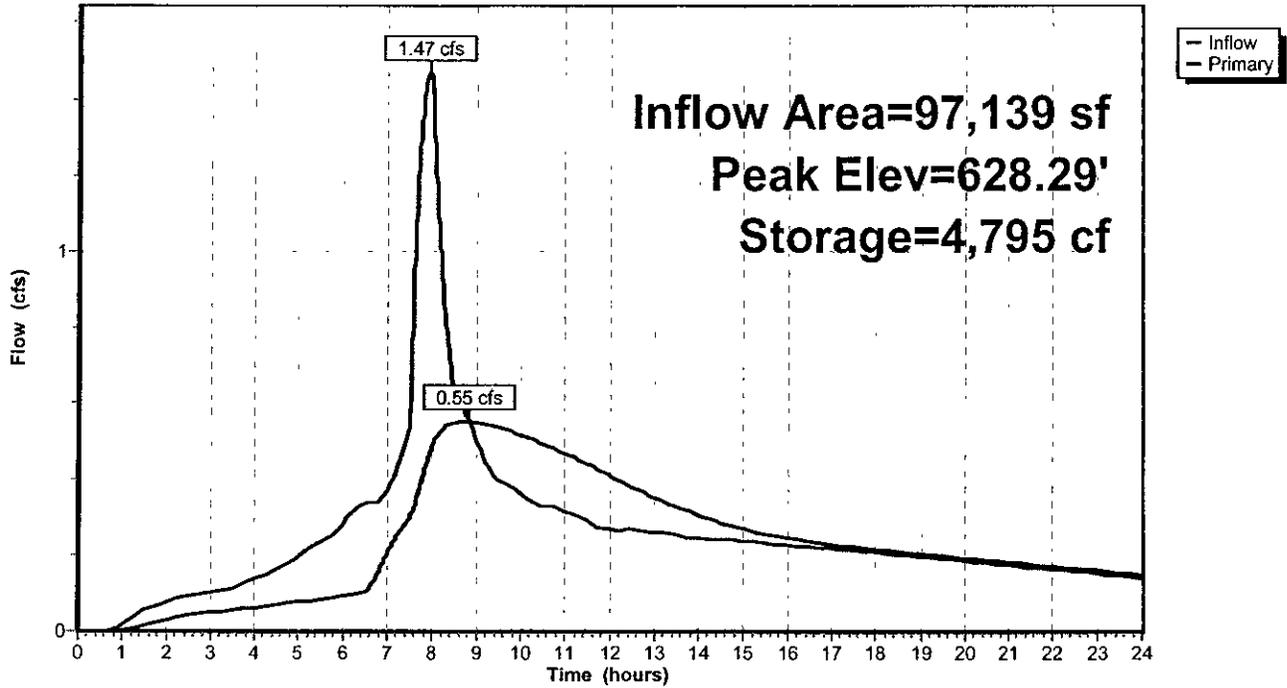
Volume	Invert	Avail.Storage	Storage Description			
#1	625.00'	10,237 cf	Custom Stage Data (Irregular) Listed below (Recalc)			
Elevation (feet)	Surf.Area (sq-ft)	Perim. (feet)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)	
625.00	550	150.9	0	0	550	
626.00	1,048	181.4	786	786	1,373	
627.00	1,638	211.9	1,332	2,118	2,348	
628.00	2,320	242.4	1,969	4,087	3,474	
629.00	3,030	272.9	2,667	6,754	4,751	
630.00	3,957	303.4	3,483	10,237	6,179	

Device	Routing	Invert	Outlet Devices	
#1	Primary	625.00'	1.7" Vert. Orifice/Grate C= 0.600	
#2	Primary	626.80'	3.7" Vert. Orifice/Grate C= 0.600	

Primary OutFlow Max=0.55 cfs @ 8.83 hrs HW=628.29' (Free Discharge)
 1=Orifice/Grate (Orifice Controls 0.14 cfs @ 8.6 fps)
 2=Orifice/Grate (Orifice Controls 0.42 cfs @ 5.6 fps)

Pond 3P: Developed

Hydrograph



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Type IA 24-hr 25-YR Rainfall=4.00"

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Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points

Runoff by SBUH method

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment D-Imp: Developed

Runoff Area=1.170 ac Runoff Depth>3.76"
Flow Length=653' Tc=7.6 min CN=98 Runoff=1.07 cfs 15,950 cf

Subcatchment D-Perv: Developed

Runoff Area=1.060 ac Runoff Depth>2.54"
Flow Length=653' Tc=7.6 min CN=86 Runoff=0.66 cfs 9,764 cf

Pond 3P: Developed

Peak Elev=628.64' Storage=5,706 cf Inflow=1.73 cfs 25,714 cf
Outflow=0.61 cfs 23,626 cf

Total Runoff Area = 97,139 sf Runoff Volume = 25,714 cf Average Runoff Depth = 3.18"

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 Type IA 24-hr 25-YR Rainfall=4.00"

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Subcatchment D-Imp: Developed

Runoff = 1.07 cfs @ 7.92 hrs, Volume= 15,950 cf, Depth> 3.76"

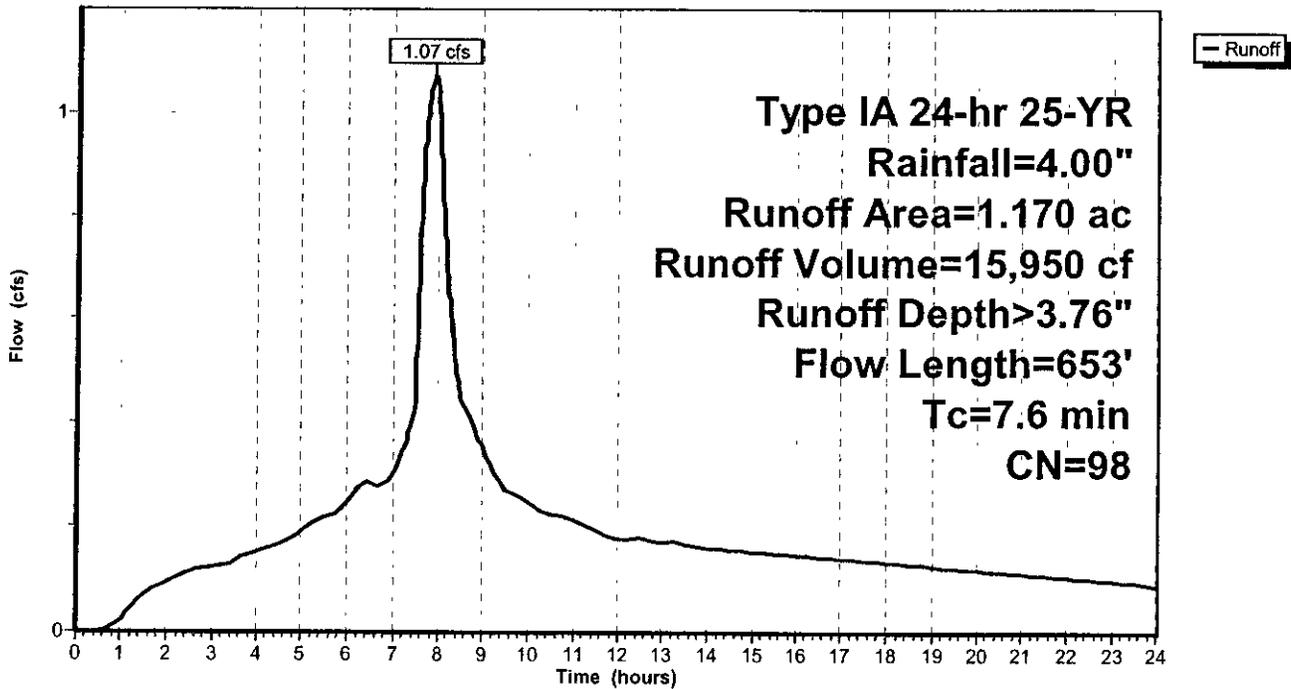
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type IA 24-hr 25-YR Rainfall=4.00"

Area (ac)	CN	Description
1.170	98	Roofs, Concrete and Asphalt

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.1	80	0.0875	0.3		Sheet Flow, Grass: Short n= 0.150 P2= 2.50"
1.2	318	0.0472	4.4		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.2	101	0.0250	7.2	5.63	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013
1.1	154	0.0250	2.4		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
7.6	653	Total			

Subcatchment D-Imp: Developed

Hydrograph



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Type IA 24-hr 25-YR Rainfall=4.00"

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Subcatchment D-Perv: Developed

Runoff = 0.66 cfs @ 7.98 hrs, Volume= 9,764 cf, Depth> 2.54"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

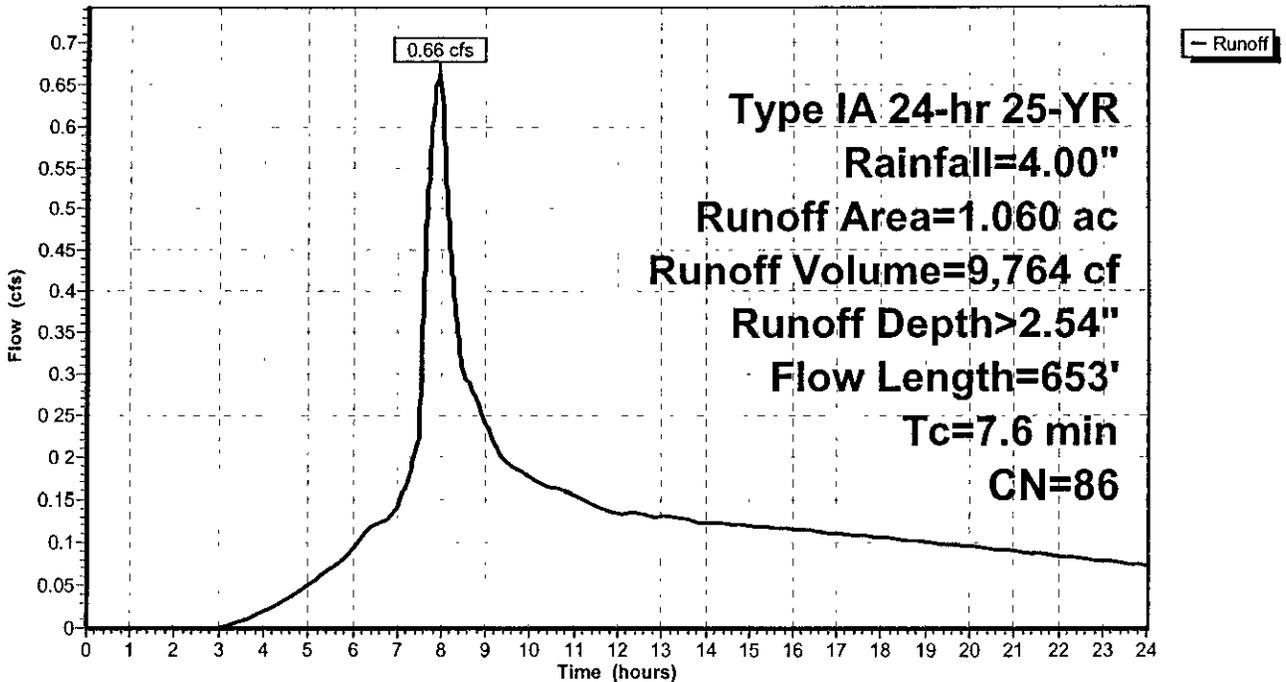
Type IA 24-hr 25-YR Rainfall=4.00"

Area (ac)	CN	Description
1.060	86	Lawn

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.1	80	0.0875	0.3		Sheet Flow, Grass: Short n= 0.150 P2= 2.50"
1.2	318	0.0472	4.4		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.2	101	0.0250	7.2	5.63	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013
1.1	154	0.0250	2.4		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
7.6	653	Total			

Subcatchment D-Perv: Developed

Hydrograph



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Type IA 24-hr 25-YR Rainfall=4.00"

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Pond 3P: Developed

Inflow Area = 97,139 sf, Inflow Depth > 3.18" for 25-YR event
 Inflow = 1.73 cfs @ 7.94 hrs, Volume= 25,714 cf
 Outflow = 0.61 cfs @ 8.94 hrs, Volume= 23,626 cf, Atten= 65%, Lag= 59.5 min
 Primary = 0.61 cfs @ 8.94 hrs, Volume= 23,626 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Peak Elev= 628.64' @ 8.94 hrs Surf.Area= 2,762 sf Storage= 5,706 cf
 Plug-Flow detention time= 142.1 min calculated for 23,616 cf (92% of inflow)
 Center-of-Mass det. time= 85.2 min (783.0 - 697.9)

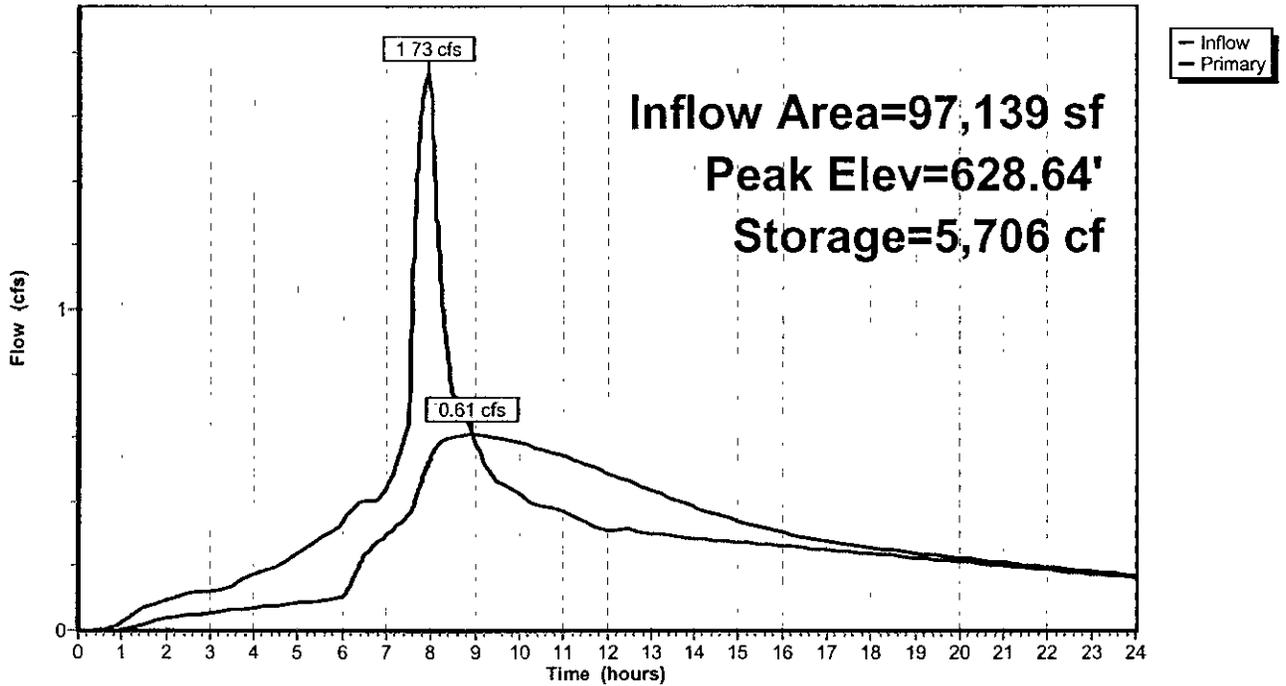
Volume #1	Invert 625.00'	Avail.Storage 10,237 cf	Storage Description Custom Stage Data (Irregular) Listed below (Recalc)			
Elevation (feet)	Surf.Area (sq-ft)	Perim. (feet)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)	
625.00	550	150.9	0	0	550	
626.00	1,048	181.4	786	786	1,373	
627.00	1,638	211.9	1,332	2,118	2,348	
628.00	2,320	242.4	1,969	4,087	3,474	
629.00	3,030	272.9	2,667	6,754	4,751	
630.00	3,957	303.4	3,483	10,237	6,179	

Device	Routing	Invert	Outlet Devices	
#1	Primary	625.00'	1.7" Vert. Orifice/Grate C= 0.600	
#2	Primary	626.80'	3.7" Vert. Orifice/Grate C= 0.600	

Primary OutFlow Max=0.61 cfs @ 8.94 hrs HW=628.64' (Free Discharge)
 1=Orifice/Grate (Orifice Controls 0.14 cfs @ 9.1 fps)
 2=Orifice/Grate (Orifice Controls 0.47 cfs @ 6.2 fps)

Pond 3P: Developed

Hydrograph



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Type IA 24-hr 100-YR Rainfall=4.50"

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Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points

Runoff by SBUH method

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment D-Imp: Developed

Runoff Area=1.170 ac Runoff Depth>4.25"

Flow Length=653' Tc=7.6 min CN=98 Runoff=1.21 cfs 18,064 cf

Subcatchment D-Perv: Developed

Runoff Area=1.060 ac Runoff Depth>2.99"

Flow Length=653' Tc=7.6 min CN=86 Runoff=0.79 cfs 11,517 cf

Pond 3P: Developed

Peak Elev=628.98' Storage=6,688 cf Inflow=2.00 cfs 29,581 cf

Outflow=0.66 cfs 27,435 cf

Total Runoff Area = 97,139 sf Runoff Volume = 29,581 cf Average Runoff Depth = 3.65"

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Type IA 24-hr 100-YR Rainfall=4.50"

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Subcatchment D-Imp: Developed

Runoff = 1.21 cfs @ 7.92 hrs, Volume= 18,064 cf, Depth> 4.25"

Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs

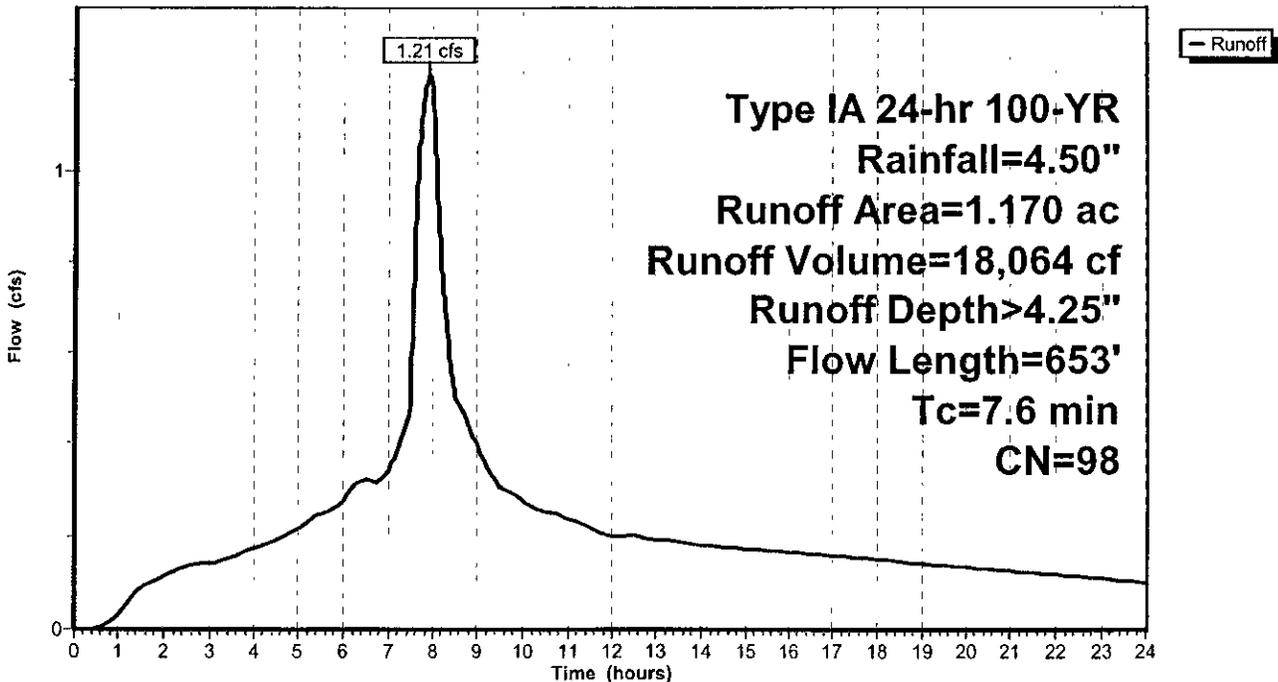
Type IA 24-hr 100-YR Rainfall=4.50"

Area (ac)	CN	Description
1.170	98	Roofs, Concrete and Asphalt

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.1	80	0.0875	0.3		Sheet Flow, Grass: Short n= 0.150 P2= 2.50"
1.2	318	0.0472	4.4		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.2	101	0.0250	7.2	5.63	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013
1.1	154	0.0250	2.4		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
7.6	653	Total			

Subcatchment D-Imp: Developed

Hydrograph



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 Type IA 24-hr 100-YR Rainfall=4.50"
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Subcatchment D-Perv: Developed

Runoff = 0.79 cfs @ 7.97 hrs, Volume= 11,517 cf, Depth> 2.99"

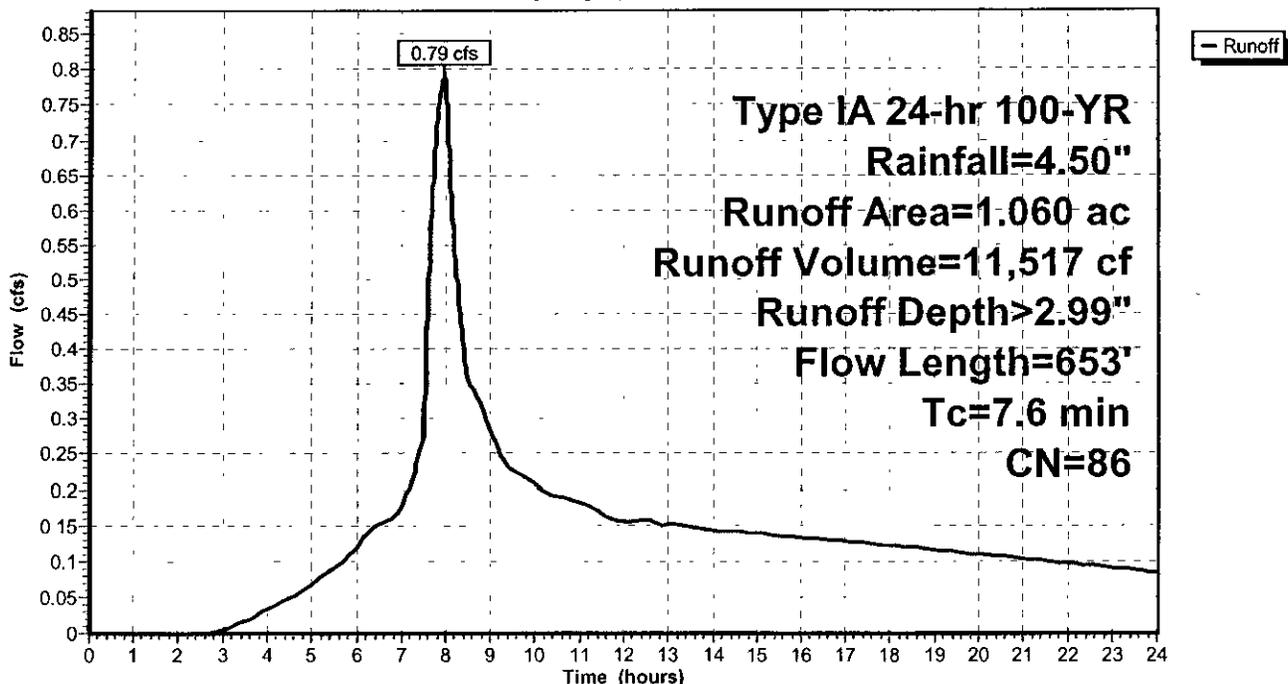
Runoff by SBUH method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type IA 24-hr 100-YR Rainfall=4.50"

Area (ac)	CN	Description
1.060	86	Lawn

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.1	80	0.0875	0.3		Sheet Flow, Grass: Short n= 0.150 P2= 2.50"
1.2	318	0.0472	4.4		Shallow Concentrated Flow, Paved Kv= 20.3 fps
0.2	101	0.0250	7.2	5.63	Circular Channel (pipe), Diam= 12.0" Area= 0.8 sf Perim= 3.1' r= 0.25' n= 0.013
1.1	154	0.0250	2.4		Shallow Concentrated Flow, Grassed Waterway Kv= 15.0 fps
7.6	653	Total			

Subcatchment D-Perv: Developed

Hydrograph



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 Type IA 24-hr 100-YR Rainfall=4.50"

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Pond 3P: Developed

Inflow Area = 97,139 sf, Inflow Depth > 3.65" for 100-YR event
 Inflow = 2.00 cfs @ 7.94 hrs, Volume= 29,581 cf
 Outflow = 0.66 cfs @ 9.03 hrs, Volume= 27,435 cf, Atten= 67%, Lag= 65.2 min
 Primary = 0.66 cfs @ 9.03 hrs, Volume= 27,435 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Peak Elev= 628.98' @ 9.03 hrs Surf.Area= 3,013 sf Storage= 6,688 cf
 Plug-Flow detention time= 143.6 min calculated for 27,424 cf (93% of inflow)
 Center-of-Mass det. time= 92.2 min (785.9 - 693.7)

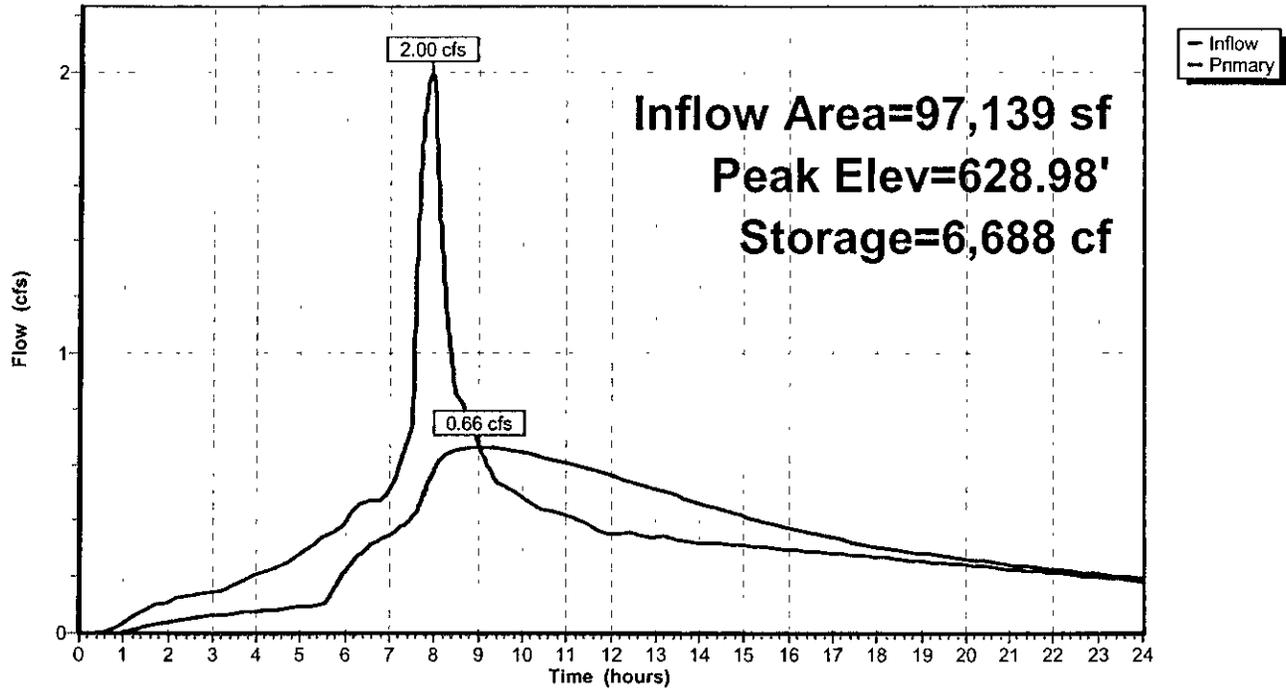
Volume	Invert	Avail.Storage	Storage Description			
#1	625.00'	10,237 cf	Custom Stage Data (Irregular) Listed below (Recalc)			
Elevation (feet)	Surf.Area (sq-ft)	Perim. (feet)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)	
625.00	550	150.9	0	0	550	
626.00	1,048	181.4	786	786	1,373	
627.00	1,638	211.9	1,332	2,118	2,348	
628.00	2,320	242.4	1,969	4,087	3,474	
629.00	3,030	272.9	2,667	6,754	4,751	
630.00	3,957	303.4	3,483	10,237	6,179	

Device	Routing	Invert	Outlet Devices	
#1	Primary	625.00'	1.7" Vert. Orifice/Grate C= 0.600	
#2	Primary	626.80'	3.7" Vert. Orifice/Grate C= 0.600	

Primary OutFlow Max=0.66 cfs @ 9.03 hrs HW=628.98' (Free Discharge)
 1=Orifice/Grate (Orifice Controls 0.15 cfs @ 9.5 fps)
 2=Orifice/Grate (Orifice Controls 0.51 cfs @ 6.9 fps)

Pond 3P: Developed

Hydrograph



APPENDIX B

Preliminary Extended Dry Basin Water Quality Calculations

The extended dry basin was designed using the Clean Water Services Water Quality & Quantity Facility Design Appendix B Standards.

Hydraulic Design Criteria:

1. Design Flow: Water Quality Volume

$$\begin{aligned} \text{WQV} &= \frac{0.36 \text{ (in)} * \text{Newly Created Impervious Area (sf)}}{12 \text{ (in/ft)}} \\ &= \frac{0.36 \text{ (in)} * 50,748 \text{ (sf)}}{12 \text{ (in/ft)}} = 1,522.4 \text{ (cf)} \end{aligned}$$

2. Drawdown Time: 48 Hours

3. Orifice Size:

$$D = 24 * [(Q / (C[2gH]^{0.5})) / \text{PI}]^{0.5}$$

Where: D = Orifice Diameter (in)

$$Q \text{ (cfs)} = \text{WQV (cf)} / (48 * 60 * 60) = 1,522.4 / (48 * 60 * 60) = 0.11 \text{ cfs}$$

$$C = 0.62$$

$$H \text{ (ft)} = 2/3 \text{ temporary detention height to centerline of orifice.}$$

From the pond volume given in Appendix A the temporary height is determined to be 3.33 ft [(625 ft – 630ft) * 2/3 ft = 1.33 ft].

$$D = 24 * [(0.11 / (0.62[2 * 32.2 * 3.33]^{0.5})) / \text{PI}]^{0.5} = 1.49 \text{ in} = 1\text{-}1/2 \text{ in}$$

4. Minimum Freeboard: 1.0-foot provided. Top of 100-year storm elevation is 628.98 and the minimum top of pond is elevation 630.
5. The side slopes are at the maximum 3:1
6. The permanent pool is from elevation 624.6 to 625, meeting the 0.4' requirement.
7. The top of the water quality storm was calculated to determine the placement of the water quantity orifice control:

$$\frac{(1522 - 1048)}{(1638 - 1048)} = \frac{(x - 626)}{(626 - 625)} \quad x = 626.80$$

EXHIBIT I.3

RECEIVED
JUL 31 2006
City of Beaverton
Development Services

7360 SW Pointer Road

Easements Across Property

Compass Job 5878

[Handwritten scribbles]

KNOW ALL MEN BY THESE PRESENTS, That John H. Pointer (Deceased)
and Mar. A. Pointer his husband and wife

of Washington County Oregon

in consideration of One and no/100 (\$1.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, hereby grant unto PORTLAND GENERAL ELECTRIC COMPANY, a corporation of Oregon, its successors and assigns, an easement and/or right-of-way, situated in Washington County, Oregon, of such width not to exceed feet as may be reasonably necessary to accomplish the purposes of this easement at such location as may be determined by the Grantee, over, under and across the following described real property

more particularly described as being a 5' strip of land West of a parallel to the entire East line of the grantors property. The aforesaid property being Tax Lot 89, T1S, R1W, Sec.12, as described in Book 138, Page 94 of Washington County Deed Records.

It is understood and agreed that this easement may be used by the Grantee to serve the grantor, his heirs, successors and assigns, and any other customers of the Grantee owning, occupying or possessing property in the vicinity of the real property herein described.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, together with the right of ingress and egress to and from the above described right-of-way, over and across the adjacent land of the Grantor for the purpose of the erection, maintenance and operation therein, thereon and thereover, of electrical lines, telephone lines, together with such poles, wires, guys, and facilities as may be reasonably connected therewith or appurtenant thereto, provided, that the Grantee shall have the right to cut and/or trim and keep cut and/or trimmed any tree growth upon or adjacent to said right-of-way which may interfere with or menace the construction or operation of said lines; provided, also, that the Grantor, his heirs and assigns, shall always have the right to reasonably use and enjoy said above described right-of-way for all purposes which may not interfere or be inconsistent with the use by the Grantee for the purposes above mentioned; and, provided also, that if the Grantor, his successors and assigns, shall fail to use said right-of-way for the purposes above mentioned, for a continuous period of one year after construction of said pole line, then and in that event this right-of-way and easement shall terminate and all rights and privileges granted hereunder shall revert to the Grantor, his heirs and assigns.

The Grantor, for themselves and their heirs and assigns, covenant to and with the Grantee, its successors and assigns, that the Grantee, its successors and assigns, shall peaceably enjoy the rights and privileges herein granted.

IN WITNESS WHEREOF, the Grantor has caused this easement to be executed this 28th day of

April 19 57

Witnesses

Mar. A. Pointer (SEAL)
George E. Pattillo (SEAL)
Walter J. Pattillo (SEAL)
George M. Pattillo (SEAL)
Charles E. Pattillo (SEAL)

Approved: _____
General City Manager or Seal of Distribution

Approved as to description: _____

Witnesses

Approved: _____

[Handwritten signature]
Richard W. Engstrom

STATE OF OREGON.

County of Washington }

On this 28th day of April, 1954, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Nan A. Peinker (widow), George E. and Edith J. Pottillo and Assoc., M. and Charles E. Pottillo, husband and wife.

It is known to be the individuals described in and who executed the foregoing conveyance and acknowledged to me that they executed the same freely and voluntarily for the purposes and uses aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this, the day and year in this instrument first written.

Ronald Lynn Staller
Notary Public for Oregon.

My commission expires _____
NOTARY PUBLIC FOR OREGON
My Commission Expires Jan. 4, 1955.

Wang L. B. ...
...
...
...

STATE OF OREGON

County of _____ }

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____

the lands of said Gustav Teufel and Theodore Pointer, S 89 deg. 05' E. 995.20 feet to the beginning point of the tract hereby conveyed, and running thence south 89 deg. 05' E. 360.46 feet, thence south 7 deg 10' E. 1434.97 feet to the County Road. Thence South 84 deg 01' W. 13 feet to angle in road. Thence in center of said road South Sideg. 54' W. 303.70 feet to angle in said road. Thence south 89 deg 07' W. 134.20 feet to angle in said road. Thence South 69 deg 07' W. 153.48 feet to the Southeast corner of tract this day conveyed by Grantor to Martha E. Austin. Thence North 1695.93 feet to the place of beginning, containing 16.43 acres more or less. together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and also their estate, right, title and interest in and to the same, including, power and claim of dower.

TO HAVE AND TO HOLD the above described and granted premises unto the said Louis Stark his heirs and assigns forever. And John H. Pointer and Nan A. Pointer, husband and wife, grantors above named do covenant to and with Louis Stark the above named grantee his heirs and assigns that they lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances whatsoever and that they will and their heirs, executors and administrators shall warrant and forever defend the above granted premises, now every part and parcel, thereof, against the lawful claims and demands of all persons whatsoever. IN WITNESS WHEREOF, the grantors above named have hereunto set their hands and seals this eight day of

March 1928.
Executed in the presence of
Chas. A. Perkins
Layton Stark

John H. Pointer
Nan A. Pointer



STATE OF OREGON, County of Washington..... BE IT REMEMBERED, that on this eight day of March A.D. 1928, before me, the undersigned, a Notary Public in and for said county and State, personally appeared the within named John H. Pointer and Nan A. Pointer, husband and wife, who are known to me to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Filed for record Mch 9, 1928 at 9:30 A.M.
James H. Davis Recorder of Conveyances

Seal

J.B. Reeves
Notary Public for Oregon
My commission expires May 8, 1929

KNOW ALL MEN BY THESE PRESENTS, That Louis Stark and Maggie Stark, husband and wife, of County of Washington, State of Oregon, in consideration of Ten (\$10) Dollars, to us paid by John H. Pointer and Nan A. Pointer, husband and wife, County of Washington, State of Oregon, have bargained and sold, and by these presents do grant, bargain, sell and convey unto said John H. Pointer and Nan A. Pointer husband and wife, their heirs and assigns, all the following bounded and described real property, situated in the County of Washington and State of Oregon:

Beginning at a point in the William Pointer Donation Land Claim No. 64, T 1 S. R 1 W. Willamette Meridian, in Washington County, Oregon, which is reached by beginning at the northeast corner of the A.W. Hart D.L.C. No. 60 in said T & R running thence North 1513.36 feet to a point on the South line of a tract of land now owned by Gustav Teufel, thence with a line between the lands of said Gustav Teufel and Theodore Pointer, South 89 Deg. 05' E. 995.20 feet to the beginning point of the tract hereby conveyed, and running thence South 89 deg. 05' E. 360.46 feet. Thence South 7 deg. 10' E. 1434.97 feet to the County Road. Thence South 84 deg 01' W. 13 feet to angle in said road. Thence in center of said road South 61 Deg. 54' W. 303.70 feet to angle in said road. Thence South 89 deg. 07' W. 134.20 feet to angle in said road. Thence South 69 deg. 07' W. 153.48 feet to the Southeast corner of tract this day conveyed by grantor to Martha E. Austin, thence North 1695.93 feet to the place of beginning, containing 16.43 acres more or less. together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and also all their estate, right, title and interest in and to the

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MCH 9, 1928

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Book 138
Page 94

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this eight day of



this eight day of March
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May 3, 1928
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TO HAVE AND TO HOLD the above described and granted premises unto the said John H. Pointer and Nan A. Pointer, husband and wife, their heirs and assigns forever. And Louis Stark and Maggie Stark grantors above named do covenant to and with John H. Pointer and Nan A. Pointer, husband and wife, the above named grantees their heirs and assigns that they lawfully seized the whole of the above granted premises, that the above granted premises are free from all incumbrances whatsoever and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever, IN WITNESS WHEREOF, the grantors above named have hereunto set their hands and seals: this eight day of March 1928.
Executed in the Presence of
Chas. A. Perkins
Lyon Stark
Louis Stark
Maggie Stark



STATE OF OREGON, County of Washington... ss. BE IT REMEMBERED, that on this eight day of March A.D. 1928, before me, the under signed, a Notary Public in and for said County and State, personally appeared the within named Louis Stark and Maggie Stark, husband and wife, who are known to me to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Filed for record Feb 9, 1928 at 10:00 A.M.
James H. Davis Recorder of Conveyances
W.F.W. GEORGE DUNTON et ux
E.B. Reeves
Notary Public for Oregon
My commission expires May 3, 1929
G.W. Henderson et ux

WARRANTY DEED

THIS INSTRUMENT, made the 21st day of November in the year of our Lord nineteen hundred and twenty seven, BETWEEN George Dunton and Ruby M. Dunton, his wife, the parties of the first part, AND G.W. Henderson and Osa G. Henderson, his wife, the parties of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten (10.00) Dollars gold coin of the United States of America, to them in hand paid, by the parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey and confirm, unto the said parties of the second part and to their heirs and assigns forever all those certain lots, pieces or parcels of land situate, lying and being in the County of Washington, and State of Oregon, and bounded and described as follows, to-wit:

Beginning at the quarter section corner between Sections 27 and 34, the same being the North east corner of the Northwest quarter of Section 34, in Township 1 South, Range 4 West of the Willamette Meridian, thence West 7.50 chains, thence South 31.25 chains, thence West 10.50 chains, thence South 18.75 chains, thence East 18.04 chains, thence North 75° E. 18.25 chains more or less, to the West line of the Donald McLeod Donation Land Claim at a point 16.44' chains North 2° 30' West of the Southwest corner of said Donald McLeod Donation Land Claim, thence North 2° 30' West on said West line of the Donald McLeod Donation Land Claim to the North boundary of Section 34, Township 1 South, Range 4 West thence West on said section line 14.69 chains more or less, to the place of beginning.

Also parts of Section 27, 33 and 34 in Township 1 South, Range 4 West of the Willamette Meridian, described as follows:

Beginning at the Northeast corner of the North west quarter of said Section 34, running thence East 14.69 chains to the West line of the Donald McLeod Donation Land Claim aforesaid, thence North 2° 30' West 1.62 chains to the south line of the Joseph Davis D.L.C., thence South 83° 30' West 4.50 chains to the Southwest corner of said Davis Donation Land Claim thence North 5 chains to the Southeast corner of the M.K. Abraham tract, thence in a direct northwesterly course along the southwesterly line of the said M.K. Abraham tract to the Northwest

7357

GRANT OF EASEMENT

EXEMPTION 9
NO VALUE

KNOW ALL MEN BY THESE PRESENTS, That I, NAN A. POINTER, a widow, in consideration of ONE AND NO/100 DOLLARS (\$1.00) to me paid by CHARLES E. PATTILLO and GRACE M. PATTILLO, husband and wife, and GLENN A. POINTER and CAROL L. POINTER, husband and wife, do hereby grant, sell, and convey unto said CHARLES E. PATTILLO and GRACE M. PATTILLO, husband and wife, as tenants by the entirety, their heirs and assigns, and GLENN A. POINTER and CAROL L. POINTER, husband and wife, as tenants by the entirety, their heirs and assigns, a perpetual easement in, to, upon and over those two certain permanent driveways, situate in the County of Washington and State of Oregon, and being a part of that certain tract of land conveyed to the said grantor, NAN A. POINTER by deed recorded in Book 440, Page 169, Deed Records of said county, which driveways are described as follows:

FIRST DRIVEWAY: That certain permanent driveway running East and West across said tract from a point on the East line of said tract, 112.4 feet more or less, from the Northeast corner of said tract, thence continuing Westward across said tract to the West line of said tract, and extending beyond said tract to its eventual intersection with Austin Road (S. W. 75th Ave.);

SECOND DRIVEWAY: That certain permanent driveway running North and South along the West line of said tract of land 102.0 feet more or less from the Southwest corner of said tract to its intersection with the first driveway hereinbefore described, and extending Southward beyond said tract to its eventual intersection with Canyon Lane;

said easements in and to both driveways are granted for the purpose of giving to said grantees, their heirs and assigns, tenants and occupants, agents and servants, and any other person or persons for their benefit and advantage, foot and vehicular passage on and over said two driveways. The easement in and to the first driveway further grants to said grantees the right to use and maintain the water line running from Austin Road to any property adjacent to said first driveway which said grantees shall or may hereafter acquire.

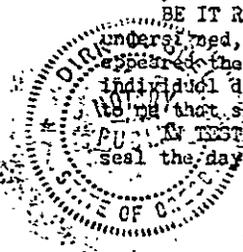
It is distinctly agreed and understood, however, that the easement thus granted is not an exclusive easement, but is subject to the equal right on the part of the grantor, her heirs and assigns, tenants and occupants, agents and servants, and any other person or persons for their benefit and advantage, of foot and vehicular passage on and over both of said driveways, and the right to use and maintain the water line, hereinbefore described, under said first driveway.

Witness my hand and seal this 26th day of June, 1962.

Nan A. Pointer (Seal)

STATE OF OREGON)
County of Washington) ss.

BE IT REMEMBERED, That on this 26th day of June, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named NAN A. POINTER, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Alvin D. Small
Notary Public for Oregon
My Commission expires: Mar. 13, 1964

STATE OF OREGON)
County of Washington) ss.

I certify that the within instrument was received for record on the 27 day of June, 1962, at 8:35 o'clock A. M., and recorded in book 465 on page 530, Record of Deeds of said County.

Witness my hand and seal of County affixed.

ROGER THOMSEN, County Clerk

County Clerk — Recorder
By Ingemar Hansen Deputy

BOOK 465 PAGE 530

9801

KNOW ALL MEN BY THESE PRESENTS, that I, CAROL L. POINTER, HUSBAND VIVE

in consideration of the sum of 10,500 Dollars, to them paid by MAR A. POINTER, WIDOW

do hereby grant, bargain, sell and convey unto the said grantee MAR heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Washington and State of Oregon, bounded and described as follows, to-wit

Beginning at the northeast corner of the land conveyed to Myrtle Veatch by a deed recorded in Vol. 308, Page 347, of said Washington County Deed Records; said point of beginning being 500.0 feet North, and 1255.1 feet East of the northeast corner of the A. W. Hart DLC; thence South 7° 10' East, 114.77 feet to an iron bar at the southeast corner of the said Veatch tract, and true point of beginning; thence South 82° 50' West, 87.4 feet to the southwest corner of the said Veatch tract, thence South 0° 02' East, on a prolongation of the west line of the said Veatch tract; 115.54 feet; thence South 89° 58' West 12.5 feet; thence South 8° 11' East 102.0 feet; thence North 85° 49' East, 50.0 feet; thence North 37° 54' East 85.0 feet; thence North 38° 05' West 53.4 feet; thence North 11° 52' East 112.4 feet to the point of beginning. Reserving unto the Grantee, her heirs and assigns a perpetual easement to use the existing driveway lying adjacent to the above described property.

To Have and to Hold the above described and granted premises unto the said grantee her heirs and assigns forever. And they the grantor do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness their hand, and seal this 1st day of December, 1960.

Glenn A. Pointer (SEAL)

Carol L. Pointer (SEAL)

STATE OF OREGON, }
County of Washington }
On this 1st day of December, 1960, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Glenn A. Pointer and Carol L. Pointer who are

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Margaret Stork
Notary Public for Oregon.
My commission expires Aug. 25, 1962



INDEXED
DUCKET No. 9801

WARRANTY DEED

TO
AFTER RECORDING RETURN TO
Mrs. John Pointer
2080 S.W. 75th
Portland, Ore.



STATE OF OREGON,
County of Washington,
I certify that the within instrument was received for record on the 26th day of January, 1961, at 2:30 o'clock PM., and recorded in book 440 on page 169 Record of Deeds of said County.

Witness my hand and seal of County affixed.
ROGER THOMSEN, County Clerk

By Ingeborg Hansen
County Clerk-Deputy

440-169

361

9906



To Have and to Hold, the above described and granted premises unto the said grantee, his heirs and assigns forever.

Witness MY hand and seal this 29th day of December, 1955.

Mar A. Pointer (SEAL)

STATE OF OREGON,

County of Multnomah

On this 29th day of December, 1955,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Mar A. Pointer, Widow of John H. Pointer, Deceased

who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Robert Burke

Notary Public for Oregon.
My Commission expires



Bargain and Sale

DEED

Mar A. Pointer :

TO

Glenn A. Pointer

AFTER RECORDING RETURN TO

Mar A. Pointer
3090 S.W. 75th
Portland 1, Ore.

INDEXED

9906

723 150

STATE OF OREGON,

County of Washington

I certify that the within instrument was received for record on the 8 day of March, 1956, at 8:20 o'clock A.M., and recorded in book 379 on page Record of Deeds of said County.

Witness my hand and seal of County affixed.

R. N. TORBET, COUNTY CLERK

County Clerk - Recorder

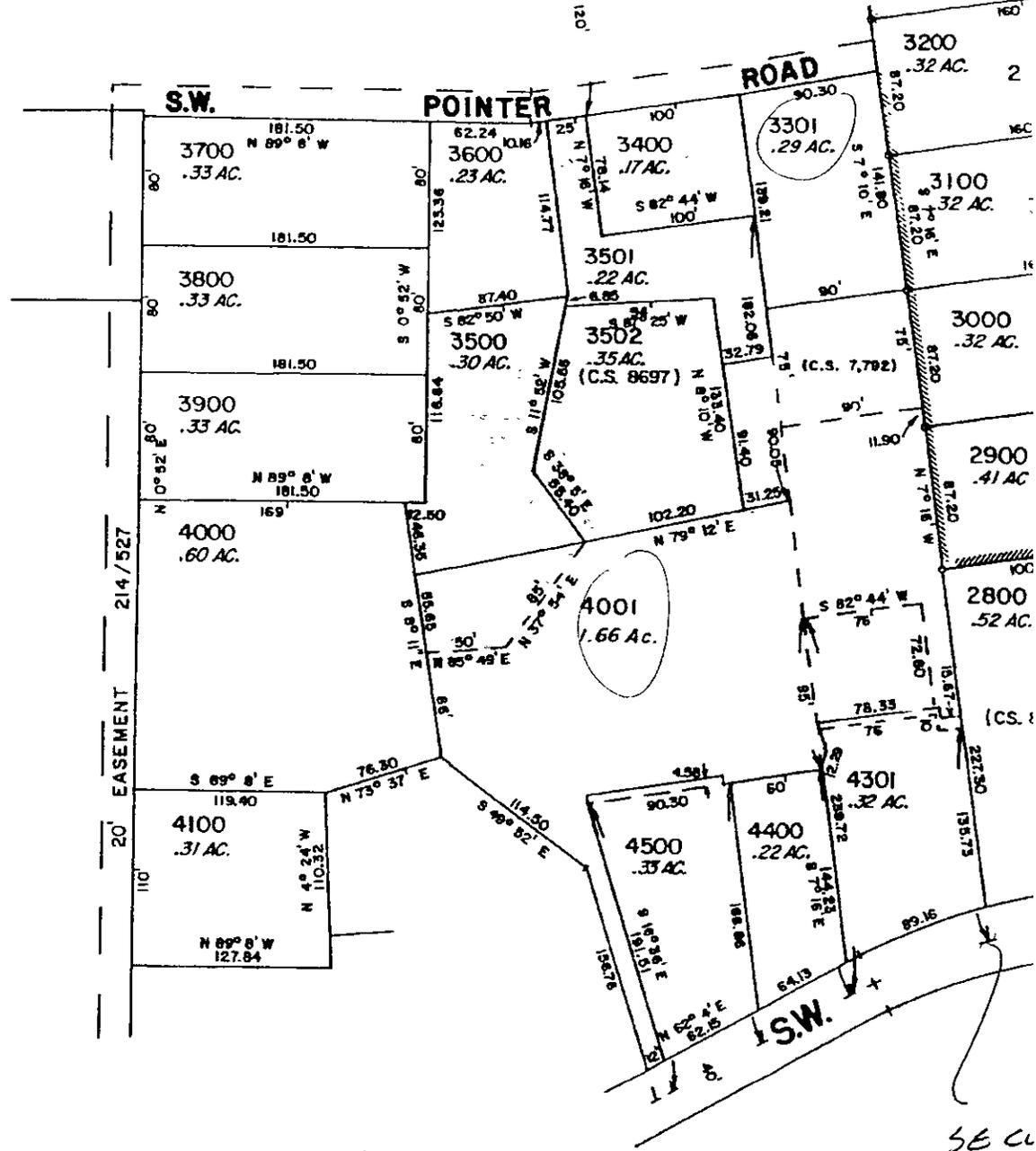
By *Ingeborg Hansen* Deputy



0297

STA. 3250+00

INITIAL POINT



SEE MAP IS 1 128A

58-81-01

Property described in ~~399/250~~ 440/169

SEC 12

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That we, GLENN A. POINTER and CAROL L. POINTER, husband and wife, in consideration of ONE AND NO/100 DOLLARS (\$1.00) to us paid by CHARLES E. PATILLO and GRACE M. PATILLO, husband and wife, do hereby grant, sell, and convey unto said CHARLES E. PATILLO and GRACE M. PATILLO, husband and wife, as tenants by the entirety, their heirs and assigns, a perpetual easement in, to, upon and over a portion of that certain permanent driveway, described as follows:

A portion of that certain permanent driveway, situate in Washington County and State of Oregon, and being a part of that certain tract of land conveyed to grantors by deed recorded in Book 379 Page 360, Deed Records of said county, running North and South along the West line of said tract of land 114.77 feet more or less from the Northeast corner of said tract to an iron bar, thence South 11' 52' West 6.85 feet more or less to an iron rod, said driveway extending Northward beyond said tract to its eventual intersection with Pointer Road and Southward and Westward beyond said tract to its eventual intersection with Austin Road (S. W. 75th Ave.);

said easement in and to said driveway is granted for the purpose of giving to said grantees, their heirs and assigns, tenants and occupants, agents and servants, and any other person or persons for their benefit and advantage, foot and vehicular passage on and over said driveway.

It is distinctly agreed and understood, however, that the easement thus granted is not an exclusive easement, but is subject to the equal right of the part of the grantors, their heirs and assigns, tenants and occupants, agents and servants, and any other person or persons for their benefit and advantage, of foot and vehicular passage on and over said driveway.

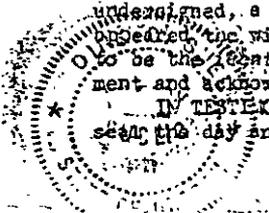
Witness our hands and seals this 26th day of June, 1962.

Glenn A. Pointer (Seal)
Glenn A. Pointer

Carol L. Pointer (Seal)
Carol L. Pointer

STATE OF OREGON) ss.
County of Washington)

BE IT REMEMBERED, That on this 26th day of June, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named GLENN A. POINTER and CAROL L. POINTER, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 26th day and year last above written.



Nick D. Lovel
Notary Public for Oregon
My Commission expires: Mar. 13, 1964

STATE OF OREGON) ss.
County of Washington)

I certify that the within instrument was received for record on the 27 day of June, 1962, at 8:35 o'clock a M., and recorded in book 465 on page 531, Record of Deeds of said County. Witness my hand and seal of County affixed.

ROGER THOMSEN, County Clerk

County Clerk - Recorder

By Ingeborg Hansen Deputy

BOOK 465 PAGE 531

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That we, GLENN A. POINTER and CAROL L. POINTER, husband and wife, in consideration of ONE AND NO/100 DOLLARS (\$1.00) to us paid by NAN A. POINTER, a widow, do hereby grant, sell, and convey unto said NAN A. POINTER, a widow, her heirs and assigns, a perpetual easement in, to, upon and over a portion of that certain permanent driveway, described as follows:

A portion of that certain permanent driveway, situate in Washington County and State of Oregon, and being a part of that certain tract of land conveyed to grantors by deed recorded in Book 379, Page 360, Deed Records of said county, running North and South along the West line of said tract of land 114.77 feet more or less from the Northeast corner of said tract to an iron bar, thence South 11° 52' West 6.85 feet more or less to an iron rod, said driveway extending Northward beyond said tract to its eventual intersection with Pointer Road and Southward and Westward beyond said tract to its eventual intersection with Austin Road (S. W. 75th Ave.);

said easement in and to said driveway is granted for the purpose of giving to said grantee, her heirs and assigns, tenants and occupants, agents and servants, and any other person or persons for their benefit and advantage, foot and vehicular passage on and over said driveway.

It is distinctly agreed and understood, however, that the easement thus granted is not an exclusive easement, but is subject to the equal right on the part of the grantors, their heirs and assigns, tenants and occupants, agents and servants, and any other person or persons for their benefit and advantage, of foot and vehicular passage on and over said driveway.

Witness our hands and seals this 26th day of June, 1962.

Glenn A. Pointer (Seal)
Glenn A. Pointer

Carol L. Pointer (Seal)
Carol L. Pointer

STATE OF OREGON)
County of Washington) ss.



BE IT REMEMBERED, That on this 26th day of June, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named GLENN A. POINTER and CAROL L. POINTER, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Mike D. Paul
Notary Public for Oregon
My Commission expires Mar. 13, 1964

STATE OF OREGON)
County of Washington) ss.

I certify that the within instrument was received for record on the 27 day of June, 1962, at 8:30 o'clock a m., and recorded in book 445 on page , Record of Deeds of said county. Witness my hand and seal of County affixed.

ROGER THOMSEN, County Clerk
County Clerk -- Recorder
By L. J. Bergstrom Deputy

BOOK 445

360

9906

KNOW ALL MEN BY THESE PRESENTS, That I, Max A. Pointer, widow
of John H. Pointer, deceased, grantee...
in consideration of (\$10,000) Dollars,
and other valuable considerations
to me paid by Olona A. Pointer, grantee...
do hereby grant, bargain, sell and convey unto the said grantee, his heirs and assigns, all the
following real property, with the buildings, improvements and appurtenances, situated in the County of
Washington, and more or less, bounded and described as follows, to-wit:

A part of that tract of land that was conveyed to
John Pointer, et al, by a deed recorded in Vol. 125, Page
87, of Washington County Deed Records and more particularly
described as follows:--

Beginning at the northeast corner of the land conveyed
to Myrtle Veatch by a deed recorded in Vol. 308, Page 347,
of said Washington County Deed Records; said point of be-
ginning being 580.0 feet North, and 1255.1 feet East of the
northeast corner of the A. W. Hart DLC, thence S.7°10'E.,
114.77 feet to an iron bar at the southeast corner of the
said Veatch tract; thence S.82°50'W., 87.4 feet to the south-
west corner of the said Veatch tract, thence S.6°02'E., on
a prolongation of the West line of the said Veatch tract;
116.64 feet; thence S.89°05'W., 12.5 feet; thence S.8°11'E.,
102.0 feet; thence E.85°49'E., 50.0 feet; thence N.37°05'4"E.,
85.0 feet, thence N.79°12'E., 133.45 feet; thence N.7°10'W.,
parallel to land 90.0 feet distant from the east line of the
aforementioned Pointer tract; 182.06 feet to the iron pipe
at the southeast corner of the tract conveyed to the West
Slope Water District by a deed recorded in Vol. 242, Page
235, of said Washington County Deed Records; thence S.82°50'W.,
100.0 feet to the iron pipe at the southwest corner of the
said West Slope Water District tract; thence N.7°10'W., along
the west line of the said West Slope Water District tract,
78.4 feet to an iron bar on the southerly right of way line
of the Sunset Highway, thence westerly along said Sunset
Highway right of way line, 25.0 feet to the place of beginning,
containing 1.045 acres of land.

Book
3779, Page
360

W. J. Scofield
Registered Land Surveyor, #111
12/29/55

0301



361

9906



To Have and to Hold, the above described and granted premises unto the said grantee, his heirs and assigns forever.

Witness my hand and seal this 29th day of December, 1955.

Nan A. Pointer (SEAL)

STATE OF OREGON,

County of Multnomah }
On this 29th day of December, 1955, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Nan A. Pointer, Widow of John H. Pointer, Deceased who is

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

E. L. ...

Notary Public for Oregon.

My Commission expires



Bargain and Sale

DEED

Nan A. Pointer

TO
Glenn A. Pointer

AFTER RECORDING RETURN TO
Nan A. Pointer
2090 S.W. 75th
Portland 1, Ore.

INDEXED

9906

723 152

STATE OF OREGON,

County of Washington } ss

I certify that the within instrument was received for record on the 8 day of March, 1956, at 9:30 o'clock A.M., and recorded in book 379 on page ... Record of Deeds of said County.

Witness my hand and seal of County affixed.

R. N. TORBET, COUNTY CLERK

County Clerk—Recorder.
By *Ingeborg ...*
Deputy.



0302

Book 595, Page 458 (1942)

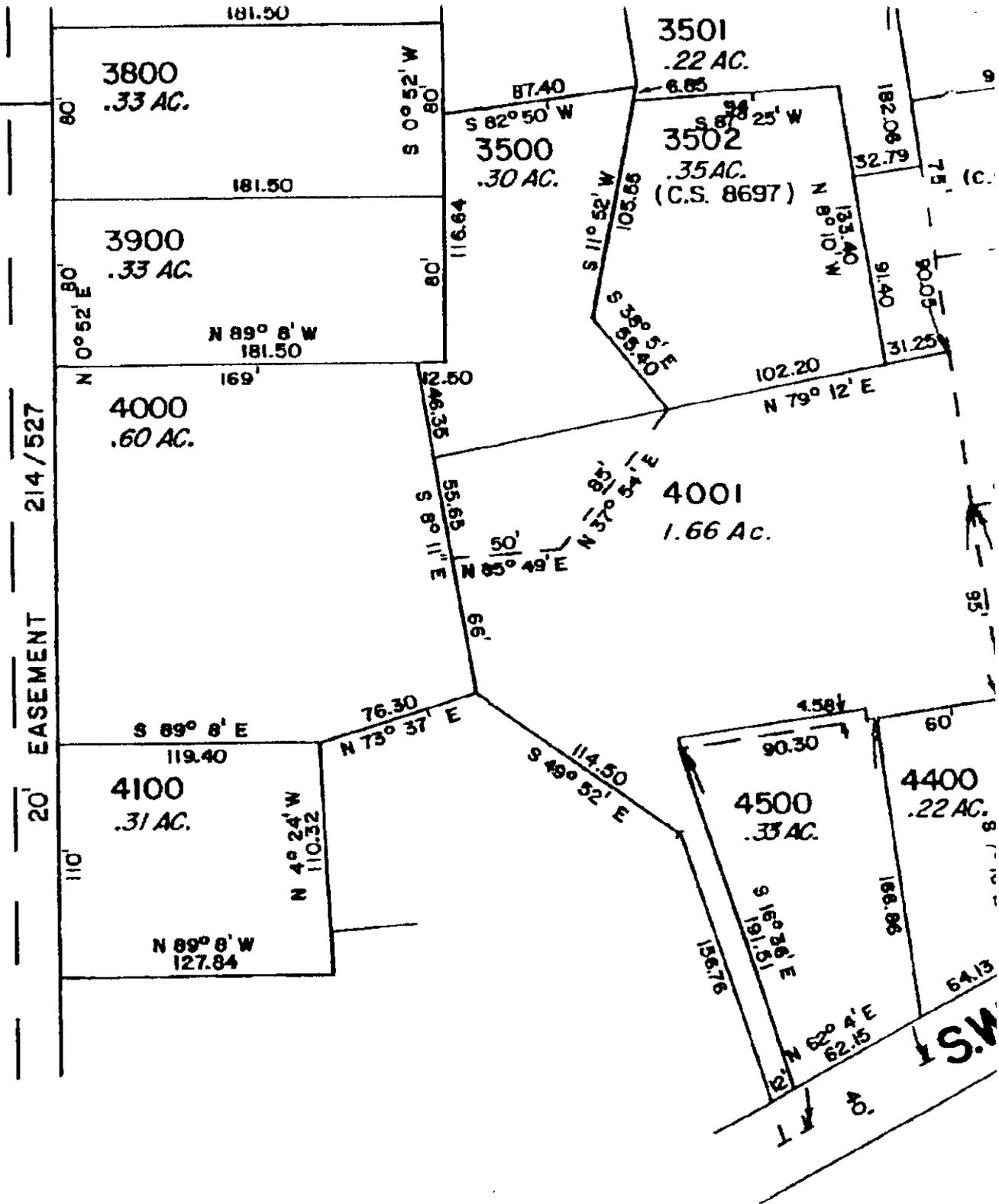
EXCEPTION 10

- RESERVED AN EASEMENT FOR VEHICULAR PASSAGE OVER THE PERMANENT DRIVEWAY RUNNING ALONG WEST PROPERTY LINE.

SEE MAP IS 1 12BA

NO SPECIFIC LOCATION OF WIDTH STATED.

58-81-0
10-18-85
P. H. ...



9536

KNOW ALL MEN BY THESE PRESENTS, That I, NAN A. POINTER, a widow grantor herein,

in consideration of Ten and no/100 (\$10.00)----- Dollars, and other good and valuable consideration, to me paid by CHARLES E. PATILLO and CRAYON M. PATILLO, husband and wife, and GEORGE E. PATILLO and EDITH PATILLO, husband and wife, do hereby grant, bargain, sell and convey unto said grantees, their

heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of WASHINGTON and State of Oregon, bounded and described as follows, to-wit:

beginning at the Northeast corner of the land conveyed to Myrtle Veach by deed recorded in Book 303, Page 347 of Washington County Deed Records, said point of beginning being 580.0 feet North and 1255.1 feet East of the Northeast corner of the A. B. Hart Donation Land Claim; thence South 7° 10' East 114.77 feet to an iron bar at the southeast corner of said Veach tract; thence South 82° 10' West 87.4 feet to the southwest corner of the said Veach tract; thence South 0° 02' East, on a prolongation of the West line of said Veach tract 116.60 feet; thence South 85° 58' West 13.5 feet; thence South 8° 11' East 46.35 feet to the true point of beginning of the parcel herein described; thence continuing South 8° 11' East 55.53 feet; thence North 85° 49' East 50.00 feet; thence North 32° 54' East 85.00 feet; thence South 72° 12' West 105.00 feet to the true point of beginning of the tract herein described, RESERVING unto said grantor, her heirs and assigns, a perpetual easement in, to, upon and over a portion of that certain permanent driveway, being a part of the premises hereinafore described, and running North and South along the West line of said premises, said easement reserved for the purpose of giving to said grantor, her heirs and assigns, tenants and occupants, agents and servants, and any other person or persons for their benefit and advantage, foot and vehicular passage on and over said driveway.



To Have and to Hold, the above described and granted premises unto the said grantees, their heirs and assigns forever.

And I, NAN A. POINTER,

the grantor above named do covenant to and with the above named grantees, their heirs and assigns that I am lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, save and except all easements of record,

and that I will and my heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,

Witness my hand and seal this 16th day of November, 1912.

Nan A. Pointer (SEAL)
(SEAL)
(SEAL)
(SEAL)

STATE OF OREGON,

County of Washington }

BE IT REMEMBERED, That on this 10th day of November, 1952 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Mrs. A. POINTER, a widow,

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

George E. Battelle
Notary Public for Oregon.
My Commission expires March 1, 1955

J. L. BOBBIN
ATTORNEY AT LAW
9536
NEW CANYON F

WARRANTY DEED

(FORM No. 302)

PREPARED BY LAW FIRM CO. PORTLAND ORE

Mrs. A. POINTER,

Grantor

CHARLES E. BATTILLO, et
UX, et al,
Grantees

INDEXED

STATE OF OREGON
County of Washington

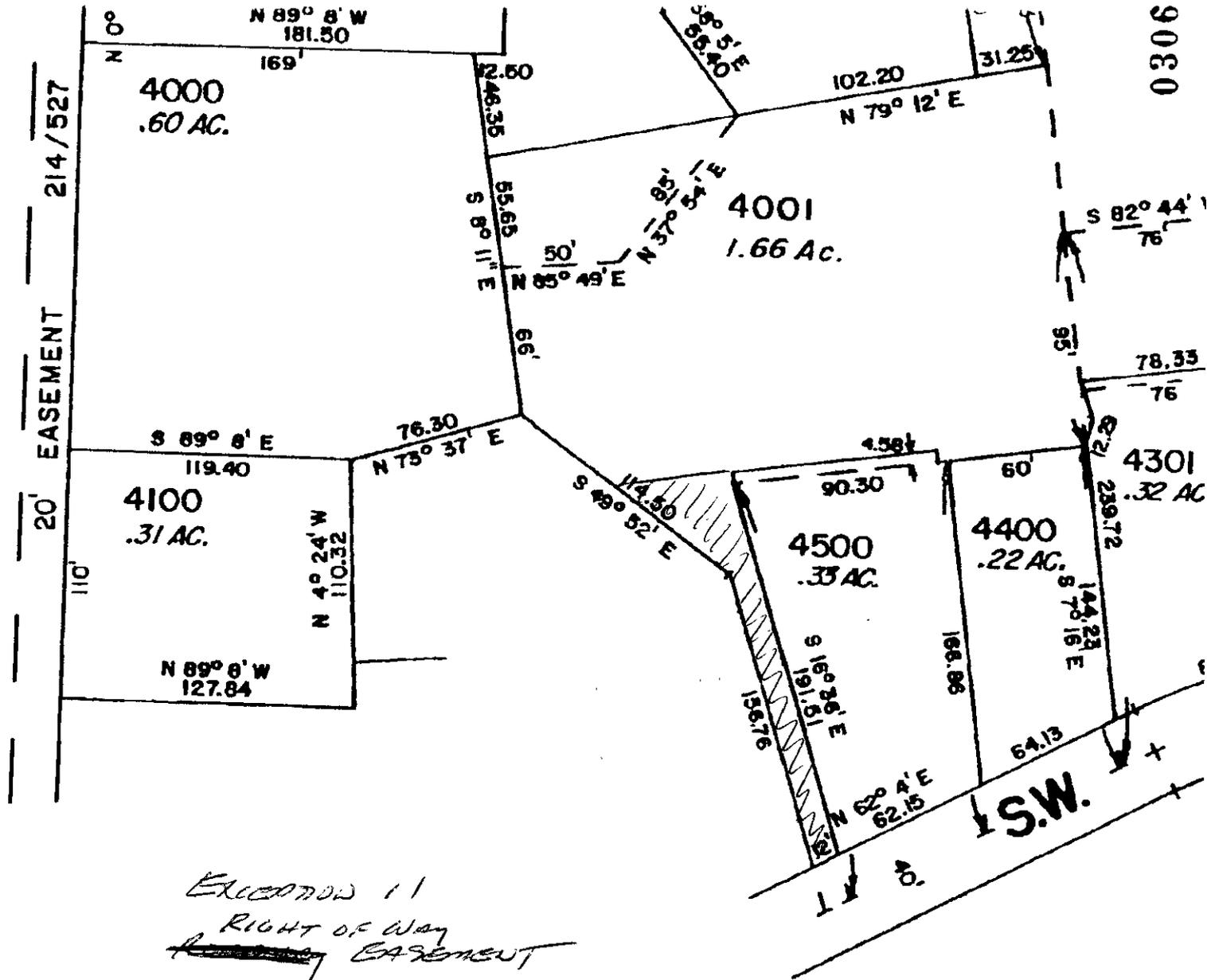
I, Roger Thomassen, Registrar of Records and Elections and Ex-Officio Recorder of Deeds, do hereby certify that the within instrument of writing is as received and recorded in the Records of Washington County of said State.

Witness my hand and seal this 10th day of November, 1952.
ROGER THOMASSEN, Director

R. Thompson
Nov 3 2 45 PM '55
Deputy

WHEN RECORDED RETURN TO
George E. Battelle
7305 S.W. Canyon Lane
Portland
And has statement to
Charles E. Battelle
7305 S.W. Canyon Lane
Portland

SEE MAP
IS 1 12BA



EXCEPTION 11
RIGHT OF WAY
~~EASEMENT~~
FOR THE BENEFIT OF
TAX LOT 4500

10-18-85
Handwritten signature

0306

EXEMPT 4

82011422

EASEMENT

CHARLES EDWIN PATTILLO and GRAYCE MARION PATTILLO, husband and wife, herein called "Grantor", convey to ~~WILLIAM~~ FIRST INTER-STATES ~~WILLIAM~~ BANK OF OREGON, N.A., Personal Representative of the Estate of John A. Hooper, deceased, herein termed "Grantee", an easement for right-of-way purposes on all that real property in Washington County, Oregon, more particularly described as follows:

A part of that tract of land in the William Pointer Donation Land Claim No. 62, that was conveyed to John Pointer, et ux, by deed recorded in Volume 125, Page 87, Washington County Deed Records, more particularly described as follows:

Commencing at the southeast corner of the said Pointer tract and running thence north 7°10' west, along the east line of said Pointer tract 208.53 feet; thence south 82°50' west, 94 feet to an iron pipe; thence south 7°10' east, 95.5 feet to an iron pipe; thence south 82°50' west, 150.5 feet to an iron pipe and the true point of beginning for the easement described herein; thence continuing south 82°50' west to a point on the northeasterly line of a tract conveyed to Marion Rogers by deed recorded in Volume 309, Page 373, Washington County, Oregon, Deed Records; thence south 49°52' east along the northeasterly line of the Rogers tract to an iron pipe which is located north 16°50' west, 156.76 feet from Point A; thence south 16°50' east, 156.76 feet to an iron pipe in the center of Canyon Lane to Point A; thence north 61°58' east along the center of Canyon Lane 12.22 feet; thence north 16°50' west along the easterly line of a twelve foot strip used as a roadway, 191.5 feet to the place of beginning.

SUBJECT TO the rights of the public in that portion of the property located within streets and roads.

Said easement to be appurtenant to each and every portion of the following described property:

Beginning at the southeast corner of that certain tract conveyed by deed from Theodore Pointer to John Pointer and recorded in Book 125, Page 87, Deed Records of

1-3

W23755

SAFECO TITLE INSURANCE COMPANY

151-12

7392

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188

IN favor of 4500

MAY 06 1982

Washington County, Oregon, and running thence on centerline of County Road South 84°11' West 10.58 feet; thence on centerline of County Road south 62°04' west 153.29 feet to the southeast corner and true beginning point of the land herein described from which an iron pipe bears north 7°16' west 26.72 feet; running thence from said true beginning point north 7°16' west 166.86 feet to an iron pipe; thence south 82°44' west 90.3 feet to an iron pipe; thence south 16°56' east 191.51 feet to the centerline of County Road from which an iron pipe bears north 16°56' west 25.47 feet; thence north 62°04' east 62.15 feet to the place of beginning; EXCEPT that portion included in County Road.

DATED This 20 day of April, 1982.

GRANTOR:

Charles Edwin Pattillo
CHARLES EDWIN PATTILLO

Grayce Marion Pattillo
GRAYCE MARION PATTILLO

STATE OF OREGON)
County of Washington) ss.

Personally appeared the above named, CHARLES EDWIN PATTILLO and GRAYCE MARION PATTILLO, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 20th day of April, 1982.

Richard J. Ray
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3/5/85

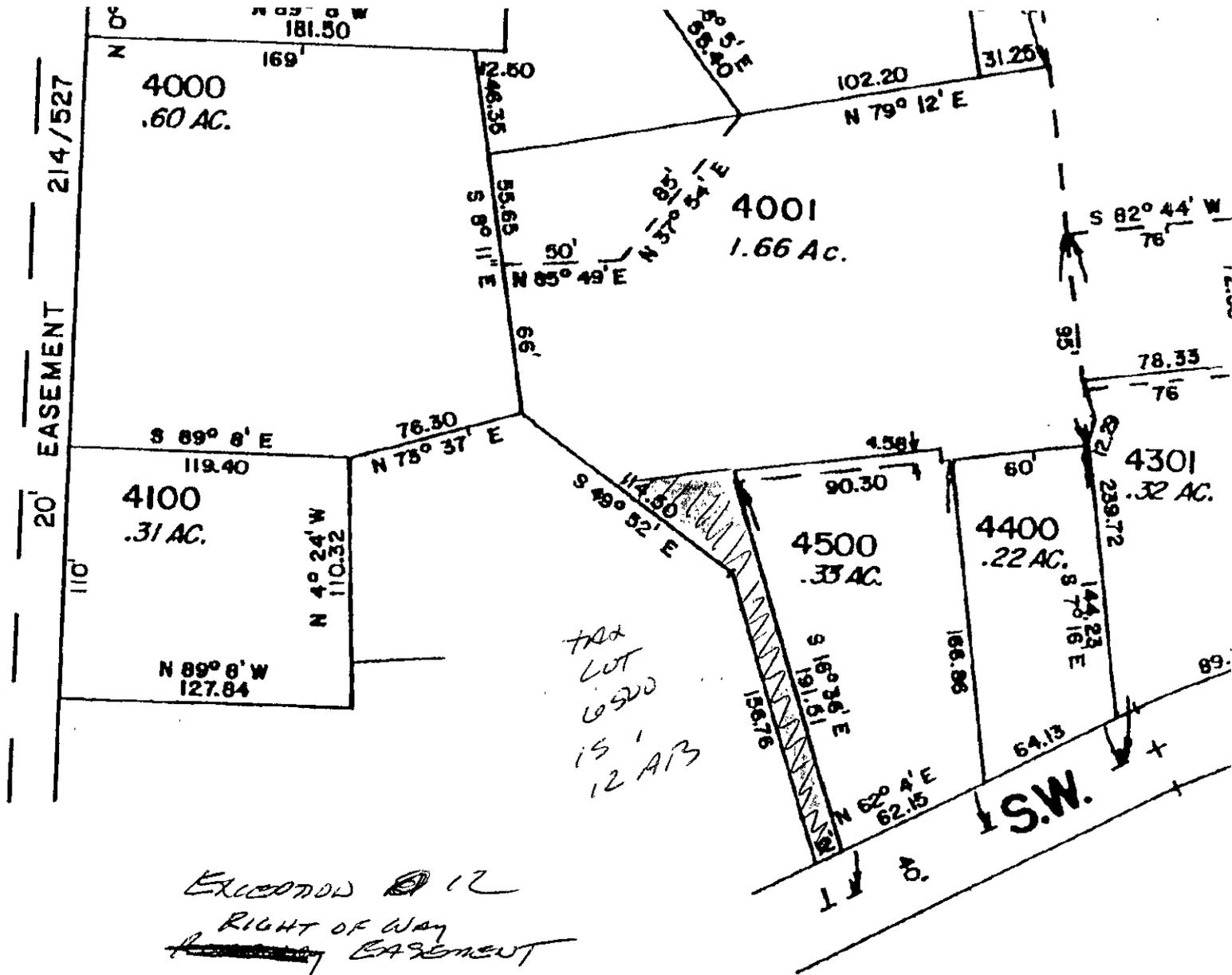
Page 2 - EASEMENT

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MAY 06 1982

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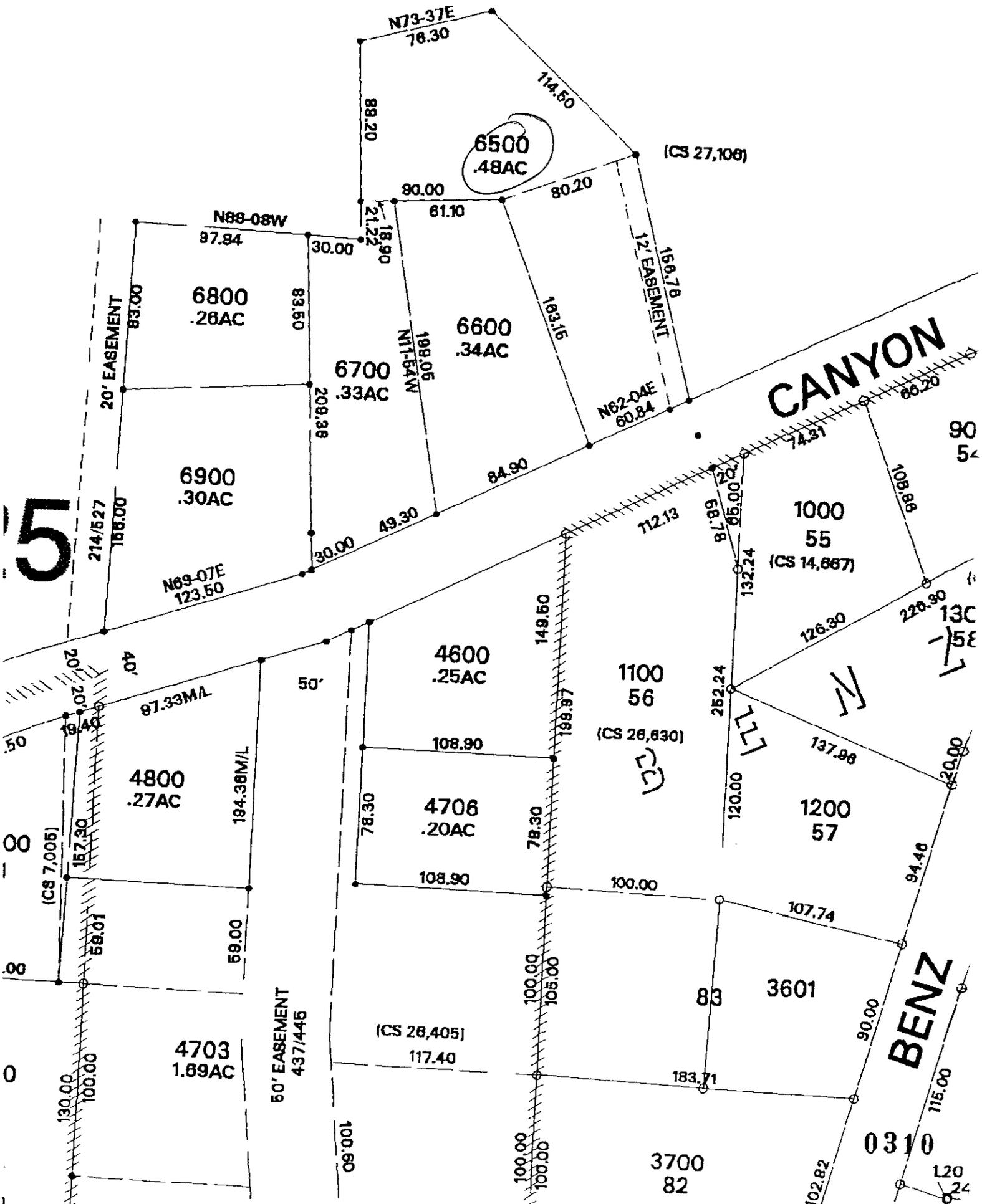
SEE MAP
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EXCEPTION 12
RIGHT OF WAY
~~EASEMENT~~
FOR THE BENEFIT OF
TAX LOT 6500
ON ALGONING TAX MAP.

10-18-85

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JG 25 1987

22 in

12
EXEMPTION

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87043437

EASEMENT

CHARLES EDWIN PATTILLO and GRAYCE MARION PATTILLO, husband and wife, herein called "Grantor", convey to THOMAS C. WHITING and ELIZABETH A. WHITING, herein called "Grantee", an easement for right-of-way purposes on all that real property in Washington County, Oregon, more particularly described as follows:

A part of that tract of land in the William Pointer Donation Land Claim No. 62, that was conveyed to John Pointer, et ux, by deed recorded in Volume 125, Page 87, Washington County Deed Records, more particularly described as follows:

Commencing at the southeast corner of the said Pointer tract and running thence north 7°10' west, along the east line of said Pointer tract 203.53 feet; thence south 82°50' west, 94 feet to an iron pipe; thence south 7°10' east, 95.5 feet to an iron pipe; thence south 82°50' west, 150.5 feet to an iron pipe and the true point of beginning for the easement described herein; thence continuing south 82°50' west to a point on the northeasterly line of a tract conveyed to Marion Rogers by deed recorded in Volume 309, Page 373, Washington County, Oregon, Deed Records; thence south 49°52' east along the northeasterly line of the Rogers tract to an iron pipe which is located north 16°50' west, 156.76 feet from Point A; thence south 16°50' east, 156.76 feet to an iron pipe in the center of Canyon Lane to Point A; thence north 81°58' east along the center of Canyon Lane 12.22 feet; thence north 16°50' west along the easterly line of a twelve foot strip used as a roadway, 191.5 feet to the place of beginning.

1-5

AUG 25 1987

SUBJECT TO the rights of the public in that portion of the property located within streets and roads.

Said easement to be appurtenant to each and every portion of the following described property:

PARCEL I

A tract of land in Section 12, Township 1 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Commencing at the southeast corner of that certain tract of land conveyed to Theodore Pointer to John Pointer and recorded in Book 125, Page 87, Deed Records of Washington County, Oregon, and running thence on center line of County Road, South 84° 11' West, 10.58 feet; thence following the center line of County Road, South 62° 04' West, 227.66 feet to the southeast corner and true beginning point of the land herein described; running thence from said beginning point of the land herein described; running thence from said true beginning point, North 16° 56' West, 156.76 feet; thence South 68° 10' West 79.31 feet to an iron pipe at the northeast corner of that certain tract of land conveyed by Deed to Charles Copel and recorded in Book 194, Page 632, Deed Records of Washington County, Oregon; running thence South 24° 04' East and following the easterly line of a Charles Copel tract, 163.15 feet to the center line of County Road; thence following the center line of County Road, North 62° 04' East, 60.84 feet to the place of beginning.

EXCEPTING that portion included in County Road.

*Parcel I
and II*

*= TAX
LOT
6300*

*15 I
12 AB*

*15 1/2 AB
4200*

AUG 25 1987

PARCEL 11

A part of that tract of land that was conveyed to John Pointer, et ux, by Deed recorded in Volume 125, Page 87 of Washington County Deed Records, and more particularly described as follows:

Beginning at the iron pipe at the northeast corner of a tract conveyed to L. H. Stodieck, et ux, by Deed recorded in Volume 258, Page 27 of Washington County Deed Records, said iron pipe being 151.2 feet North and 1,121.0 feet East of the northeast corner of the A. W. Hart Donation Land Claim No. 60; thence North 73° 37' East, a distance of 76.3 feet to an iron pipe; thence South 49° 52' East, a distance of 114.5 feet to an iron pipe at the northeast corner of a tract conveyed to Marian Rogers, by Deed recorded in Volume 271, Page 635 of Washington County Deed Records; thence South 67° 34' West along the northerly line of said Rogers Tract, a distance of 80.2 feet to an iron pipe at the northeast corner of a tract conveyed to Charles Copel, by Deed recorded in Volume 194, Page 632 of Washington County Deed Records; thence South 85° 36' West along the north line of said Copel Tract, a distance of 80.0 feet to an iron pipe on the east line of said Stodieck tract; thence North 4° 24' West, a distance of 89.2 feet to the point of beginning.

The Grantor is the owner of Tax Lot 4001, a part of the tract of land in the William Pointer Donation Land Claim No. 62, that was conveyed to John Pointer, et ux, by Deed recorded in Volume 125, Page 87, Washington County Deed Records. Grantees are the owners of Tax Lot 4200, Parcels I and II.

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AUG 25 1987

This agreement shall bind and inure the benefit of the parties, their heirs, executors, administrators, and successors in interest.

Attached hereto and incorporated herein is a map of the properties and easement.

DATED this 19 day of ^{August}~~July~~, 1987.

GRANTOR:

Charles Edwin Pattillo
CHARLES EDWIN PATTILLO

Grayce Marion Pattillo
GRAYCE MARION PATTILLO

STATE OF OREGON)
) ss.
County of Washington)

Personally appeared the above-named, CHARLES EDWIN PATTILLO and GRAYCE MARION PATTILLO, husband and wife, and acknowledge the foregoing instrument to be their voluntary act and deed.

SUBSCRIBED AND SWORN to before me this 19th day of ~~July~~^{August}, 1987.

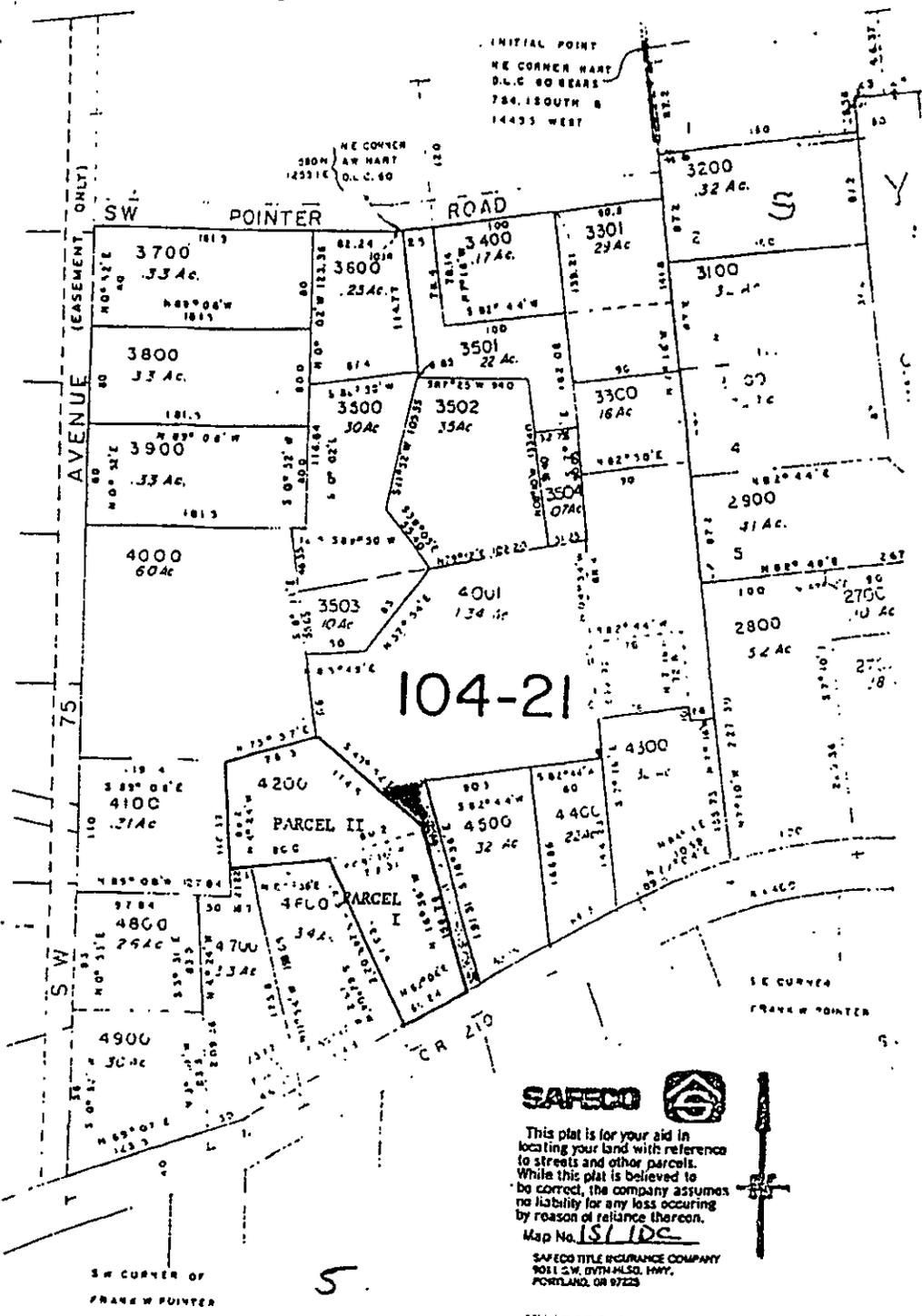


Scott Jant
NOTARY PUBLIC FOR OREGON
My Commission Expires: _____
MY COMMISSION EXPIRES APRIL 23, 1991

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AUG 25 1987

128A



This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon.

Map No. 1511DC
 SAFECO TITLE INSURANCE COMPANY
 9011 S.W. OYAH ALSO HWY.
 PORTLAND, OR 97223

STATE OF OREGON } SS
 County of Washington }

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.

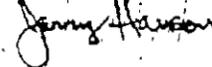
Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk

1987 AUG 25 AM 11:17

0315

STATE OF OREGON } 99
County of Washington }

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



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

Doc : 98007881
Rect: 202006 68.00
01/29/1998 02:15:40pm

EXCEPTION 13

1-8

AFTER RECORDING RETURN TO:
Anderson and Yamada, pc
1515 SW Fifth Avenue #1010
Portland, OR 97201
Terence J Yamada

EASEMENT AGREEMENT

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OREGON TITLE INS. CO. 127188W

This Easement Agreement made this 29th day of January, 1998 by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself and its successors and assigns, of 7420 SW Pointer Road, Portland, Oregon 97225 (hereinafter referred to as "The Grayce M. Pattillo Trust"); and Charles E. Pattillo, Trustee of the Charles E. Pattillo Trust U/D/T/ dated December 26, 1995, for itself and its successors and assigns of 7420 SW pointer Road, Portland, Oregon 97225 (hereinafter referred to as "The Charles E. Pattillo Trust").

RECITALS

WHEREAS, The Grayce M. Pattillo Trust owns and has title to certain real property located in the County of Washington and State of Oregon described as follows:

See the legal description in paragraph 8 of this Easement Agreement, incorporated herein by this reference as if fully set forth; and

WHEREAS, The Charles E. Pattillo Trust owns and has title to certain real property located in the County of Washington and state of Oregon described as follows:

SEE EXHIBIT A, attached hereto and incorporated herein by this reference as if fully set forth; and

WHEREAS, The Charles E. Pattillo Trust intends to sell and convey its property to Thomas J. Holway, but prior thereto desires to grant an easement to The Grayce M. Pattillo Trust as hereinafter provided; and

WHEREAS, the real property described in paragraph 8 owned by The Grayce M. Pattillo Trust and the real property owned by The Charles E. Pattillo Trust described in Exhibit A, owned by The Charles E. Pattillo Trust are adjacent to each other so that the southerly and easterly line of the real property owned by The Grayce M. Pattillo Trust is the northerly and (partially) the westerly line of the real property owned by The Charles E. Pattillo Trust; and

WHEREAS, there exists a roadway and an open area used, in part, as a roadway through the real property owned by The Charles E. Pattillo Trust and described in Exhibit A, with such roadway running generally northerly to southerly through the real property owned by The Charles E. Pattillo Trust and described in Exhibit A to and from S.W. Canyon Lane; and

WHEREAS, The Grayce M. Pattillo Trust desires to acquire from The Charles E. Pattillo Trust an Easement for use of this roadway and area for ingress and egress in connection with the use of its real property; and

WHEREAS, The Charles E. Pattillo Trust desires to convey an easement for such ingress and egress for such use in accordance with the terms hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, The Grayce M. Pattillo Trust and The Charles E. Pattillo Trust agree as follows:

1. Grant of Easement to The Grayce M. Pattillo Trust. In consideration of The Grayce M. Pattillo Trust sharing the costs of maintenance and repair of the roadway contained within the grant of this easement, The Charles E. Pattillo Trust conveys to The Grayce M. Pattillo Trust, its successors and assigns, a perpetual, nonexclusive, easement for ingress and egress all described in section 2. below, over, across, and through the real property as described in Exhibit A.

- Exhibit "A" replaced by [unclear] document

2. Use by The Grayce M. Pattillo Trust.

(a) The Grayce M. Pattillo Trust, its agents, beneficiaries, Trustees, occupants, employees, independent contractors, suppliers, vendors, and invitees shall use the easement strip for a roadway for ingress and egress by vehicle or on foot in connection with the use and occupancy of the property described in paragraph 8 by The Grayce M. Pattillo Trust, including, but not limited to, the use of such easement for ingress and egress to and from S.W. Canyon Lane.

(b) The Easement shall also be used as a roadway for all fire apparatus, and any other police, ambulance or other emergency vehicles of any nature for ingress and egress, as necessary, convenient or required, for the benefit of The Grayce M. Pattillo Trust, its agents, beneficiaries, Trustees, occupants, employees, independent contractors, suppliers, vendors and invitees.

3. Use by The Charles E. Pattillo Trust. The Charles E. Pattillo Trust reserves the right for itself and for any and all third parties to use the roadway and area used as a roadway located within the easement for any purposes whatsoever so long as such use does not unreasonably interfere with the use of the easement by The Grayce M. Pattillo Trust, including, but not limited to, ingress and egress to or from the property described in Exhibit A, to or from S.W. Canyon Lane; provided, however, that commercial use of the easement roadway shall only be to and from SW Canyon Lane.

4. Cooperation. The Grayce M. Pattillo Trust and The Charles E. Pattillo Trust agree to cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other's use.

5. Maintenance and Repair of Roadway. Until this easement expires, or is terminated, if at all, and to the extent that the roadway is located on the easement granted by this instrument, The Grayce M. Pattillo Trust and The Charles E. Pattillo Trust agree that

maintenance and/or repair of such roadway shall be divided between The Grayce M. Pattillo Trust and The Charles B. Pattillo Trust with The Charles B. Pattillo Trust paying ninety percent (90%) of such maintenance and repair costs and The Grayce M. Pattillo Trust paying ten percent (10%) of such maintenance and repair costs.

6. Easement Appurtenant. This easement is appurtenant to and shall benefit the real property owned by The Grayce M. Pattillo Trust and described in paragraph 8. No sale or other transfer or conveyance, in whole or in part, of the real property described in Exhibit A shall eliminate or in any way diminish the rights of The Grayce M. Pattillo Trust in such easement.

This easement shall be perpetual; however, in the event that it is not used by The Grayce M. Pattillo Trust or other persons described in paragraphs 2(a) or 2(b) above for a period of five consecutive years, or if otherwise abandoned by the Grayce M. Pattillo Trust, The Charles B. Pattillo Trust may demand in writing that The Grayce M. Pattillo Trust execute a recordable document evidencing such expiration of this easement and The Grayce M. Pattillo Trust shall comply with this demand within ten (10) days of receipt of the written demand.

7. Prior Easements or Encumbrances. This easement is granted subject to all prior easements and encumbrances of record.

8. Description. The legal description of the real property owned by the Grayce M. Pattillo Trust to which this easement is appurtenant and for which this easement shall benefit is legally described as follows:

A part of that tract of land that was conveyed to John Pointer, et ux, by deed recorded in Volume 125, page 87, of Washington County Deed Records, and more particularly described as follows:

BEGINNING at the Iron pipe at the NB corner of the tract conveyed to Myrtle Veatch, by deed recorded in Vol. 308, page 347 of said Washington County Deed Records, said point being 580.0 feet N and 1255.1 feet E of the NE corner of the A.W. Hart D.L.C.; thence S 7° 10' E, 114.77 feet to an iron bar at the SE corner of the said Veatch Tract; thence S 11° 52' W, 6.85 feet to an iron rod at the true point of beginning of the parcel herein described; thence S 11° 52' W, 105.55 feet to an iron pipe; thence S 38° 05' E, 55.40 feet to an iron pipe; thence N 79° 12' E, 102.20 feet to an iron rod; thence N 08° 10' W, 133.40 feet to an iron rod; thence S 87° 25' W, 94.00 feet to an iron rod and true point of beginning of the parcel herein described.

Together with easements for ingress and egress as recorded June 9, 1961 in Deed Book 445, p. 166, and recorded June 27, 1962, in Deed Book 465, p. 530, and recorded June 27, 1962, in Deed Book 465, p. 531

Page 3 BASEMENT AGREEMENT (w: \\s:\ays\clients\4452\corp\basement3.doc 1-21-98)

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For a diagram of the real property owned by The Grayce M. Pattillo Trust to which this easement is appurtenant and for which this easement shall benefit, SEE EXHIBIT B, attached hereto and incorporated herein by this reference as if fully set forth.

9. Attorneys Fees. In the event that any action is filed in relation to the enforcement of this agreement, the unsuccessful party, in the action shall pay to the successful party in addition to all of the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees, including any costs and attorneys fees on appeal.

10. Successor and Assign. This Easement Agreement shall bind and inure to the benefit of the parties hereto and to their respective successors, including successors in ownership and assigns.

IN WITNESS WHEREOF, The Grayce M. Pattillo Trust and The Charles E. Pattillo Trust have caused this instrument to be executed on the day and year first above written.

THE CHARLES E. PATTILLO TRUST
U/D/T dated December 26, 1995



Charles E. Pattillo, Trustee

THE GRAYCE M. PATTILLO TRUST
U/D/T dated December 26, 1995



Grayce M. Pattillo, Trustee

FORMERLY:
LAYNE CASWELL
SURVEYOR, INC.

REGISTERED LAND SURVEYOR
Oregon - Washington - Idaho

8120 S.W. Lombard Avenue
Eugene, Oregon 97408-4738

Telephone 503/844-3179
FAX 503/844-3190

December 10, 1997
Job 5812-1

LEGAL DESCRIPTION

for the
CHARLES E. PATTILLO TRUST
including a TRIANGLE owned by
CHARLES EDWIN AND GRAYCE M PATTILLO

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER
DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A
DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE
S07°21'18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN
POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE
WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF
INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS";
THENCE S07°16'14"E, A DISTANCE OF 106.96 FEET TO AN IRON ROD SET IN
SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE
S82°27'59"W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN
SAID SURVEY NUMBER 24282; THENCE N07°16'20"W, A DISTANCE OF 5.71
FEET TO A BRASS SCREW AS SET IN SAID SURVEY; THENCE S82°26'05"W, A
DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE
S13°14'20"E, A DISTANCE OF 24.21 FEET TO AN IRON ROD AS SET IN SAID
SURVEY; THENCE S06°05'18"W, A DISTANCE OF 12.29 FEET TO AN IRON ROD
AS SET IN SAID SURVEY; THENCE S82°29'20"W, A DISTANCE OF 148.25
FEET TO AN IRON ROD; THENCE S17°10'40"E ALONG THE EASTERLY EDGE OF
A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE
OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY
LINE OF SW CANYON LANE; THENCE CONTINUING S17°10'40"E, A DISTANCE
OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE
S62°30'05"W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE
N17°10'40"W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID
NORTH RIGHT OF WAY LINE; THENCE CONTINUING N17°10'40"W, A DISTANCE
OF 140.19 FEET TO AN IRON PIPE; THENCE N50°02'20"W ALONG THE
NORTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO MARION ROGERS BY
A DEED RECORDED IN BOOK 309 PAGE 373, A DISTANCE OF 114.51 FEET TO
AN IRON PIPE; THENCE N08°25'10"W, A DISTANCE OF 121.57 FEET TO AN
IRON ROD AS SET IN SURVEY NUMBER 8074; THENCE N78°55'47"E, A
DISTANCE OF 208.18 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER
8697; THENCE N08°28'23"W, A DISTANCE OF 91.34 FEET TO AN IRON ROD;
THENCE N81°23'57"E, A DISTANCE OF 32.74 FEET TO AN IRON ROD (ALSO
REFERRED TO AS AN IRON BAR); THENCE N07°21'18"W, A DISTANCE OF
33.14 FEET TO AN IRON ROD; THENCE N82°38'42"E, A DISTANCE OF 90.30
FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL
CONTAINS 72,236 SQUARE FEET OR 1.658 ACRES MORE OR LESS.

EXHIBIT "A"

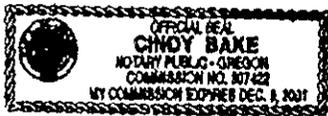
BOUNDARY SURVEYS • SUBDIVISIONS • TOPOGRAPHIC MAPPING • CONSTRUCTION STAKE-OUT

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STATE OF OREGON)
) ss.
County of Multnomah)

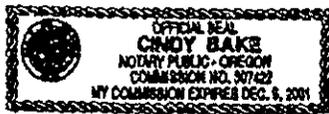
On this 28th day of January 1998,
Personally appeared the above named Charles E. Pattillo who, being duly sworn did say that he is the Trustee of the Charles E. Pattillo Trust and that said instrument was signed on behalf of said Trust and he acknowledged the foregoing instrument to be its voluntary act and deed.



Cindy Bake
Notary Public for Oregon
My Commission expires: 12-9-2001

STATE OF OREGON)
) ss.
County of Multnomah)

On this 28th day of January 1998,
Personally appeared Grayce M. Pattillo who, being duly sworn did say that she is the Trustee of The Grayce M. Pattillo Trust and that said instrument was signed on behalf of said Trust and she acknowledged said instrument to be its voluntary act and deed.



Cindy Bake
Notary Public for Oregon
My Commission expires: 12-9-2001

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Space Reserved
for
Recorder's Use

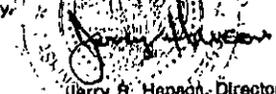
After Recording Return to:

Terence J. Yamada, Attorney at Law
1515 SW Fifth Avenue, Suite 1020
Portland, OR 97201

STATE OF OREGON
County of Washington

BB

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



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

Doc : 99027065

Rect: 227121

36.00

03/04/1999 01:22:29pm

(w: E:\clerk\form\state\county recorders cover page.doc 3-3-99)

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MAR 04 1999

AMENDMENT TO EASEMENT AGREEMENT

This Amendment to Easement Agreement (the "Amendment Agreement") is made this 1 day of March, 1999, by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself, and its successors and assigns, of 7420 SW Pointer Road, Portland, Oregon 97225 (hereinafter referred to as "the Grayce M. Pattillo Trust"); and Charles E. Pattillo, Trustee of the Charles E. Pattillo Trust U/D/T dated December 26, 1995, for itself and its successors and assigns of 7420 SW Pointer Road, Portland, Oregon 97225 (hereinafter referred to as the "Charles E. Pattillo Trust").

RECITALS

WHEREAS, the Grayce M. Pattillo Trust and the Charles E. Pattillo Trust entered into an Easement Agreement on the 28th day of January, 1998, recorded on January 29, 1998 under Instrument No. 98007881 (hereinafter referred to as the "Pattillo Trust/Pattillo Trust Easement Agreement"); and

WHEREAS, Reference is made in the Pattillo Trust/Pattillo Trust Easement Agreement to a parcel of real property to be purchased under a Contract of Sale by Thomas J. Holway from Charles E. Pattillo, Trustee of the Charles E. Pattillo Trust, a memorandum of which was eventually recorded on January 29, 1998 under Instrument No. 98007882, records of Washington County, Oregon; and

WHEREAS, The real property to be purchased by Holway under the Contract of Sale was legally described on the attached Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement; and

WHEREAS, Under Section 1 of the Pattillo Trust/Pattillo Trust Easement Agreement, the Charles E. Pattillo Trust conveyed to the Grayce M. Pattillo Trust, its successors and assigns, a perpetual, non-exclusive, easement for ingress and egress over, across and through the real property described in Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement, as specifically limited in the Pattillo Trust/Pattillo Trust Easement Agreement; and

WHEREAS, Pursuant to a Judgment by Stipulation entered into between Thomas J. Holway, as Plaintiff and Arthur Dean Jones, III, as Defendant, under Case No. C99-0089CV, recorded on February 23, 1999 under Instrument No. 99022367, records of Washington County, Oregon, the property subject to the Contract of Sale diminished in size by approximately 405 square feet, more or less; and

WHEREAS, The legal description attached as Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement is no longer accurate because of the Judgment by Stipulation;

MAR 04 1998

NOW THEREFORE, in consideration of the ~~mutual covenants and conditions hereinafter~~ contained, the Grayce M. Pattillo Trust and the Charles E. Pattillo Trust agree as follows:

1. Exhibit I to Amendment Agreement. The Grayce M. Pattillo Trust and the Charles E. Pattillo Trust agree that the legal description attached as Exhibit I to this Amendment Agreement shall supersede and replace the legal description attached as Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement.

The Grayce M. Pattillo Trust and the Charles E. Pattillo Trust agrees that the new legal description superseding and replacing the legal description attached as Exhibit A to the Pattillo Trust/Pattillo Trust Easement Agreement is as follows:

See Exhibit I attached hereto and incorporated herein by this reference as is fully set forth.

2. Other Terms and Conditions of Pattillo Trust/Pattillo Trust Easement Agreement to Remain the Same. Except as herein provided with respect to the legal description of the property described in Exhibit I to this Amendment Agreement, the terms and conditions of the Pattillo Trust/Pattillo Trust Easement Agreement entered into on January 28, 1998, recorded on January 29, 1998 under Instrument No. 98007881, are ratified and affirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Grayce M. Pattillo Trust and the Charles E. Pattillo Trust have caused this Amendment Agreement to be executed on the day and year first above written.

CHARLES E. PATTILLO TRUST

By Charles E. Pattillo Trustee
Charles E. Pattillo, Trustee

GRAYCE M. PATTILLO TRUST

By Grayce M. Pattillo Trustee
Grayce M. Pattillo, Trustee

STATE OF OREGON)
) ss.
County of Washington)

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On this 1st day of March, 1999, personally appeared Charles E. Pattillo, who being duly sworn, did say that he is the Trustee of the Charles E. Pattillo Trust and that the foregoing instrument was signed on behalf of said Trust, and he acknowledged the foregoing instrument to be its voluntary act and deed.



Kathy M. Fode
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-16-2000

STATE OF OREGON)
) ss.
County of Washington)

On this 1st day of March, 1999, personally appeared Grayce M. Pattillo, who, being duly sworn, did say that she is the Trustee of the Grayce M. Pattillo Trust and that the foregoing instrument was signed on behalf of said Trust and she acknowledged the foregoing instrument to be its voluntary act and deed.



Kathy M. Fode
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-16-2000

MAR 04 1999

EXHIBIT 1

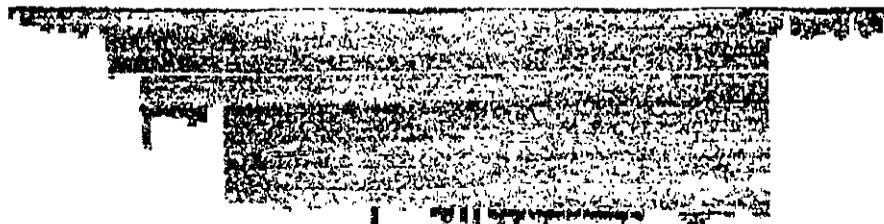
A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE S07° 21' 18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS;" THENCE SO 7° 16' 14"E, A DISTANCE OF 106.96 FEET TO IRON ROD SET IN SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE S 82° 27'59" W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN SAID SURVEY NUMBER 24282; THENCE N0 7° 16' 20" W, A DISTANCE OF 5.71 FEET TO A-BRASS SCREW AS SET IN SAID SURVEY; THENCE S82° 26' 05" W, A DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S 13° 14'20" E, A DISTANCE 24.21 FEET TO AN IRON ROD AS SET IN SAID SURVEY; S 06° 05'18" W, A DISTANCE OF 12.29 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S82° 29'20" W, A DISTANCE OF 148.25 FEET TO AN IRON ROD; THENCE S17° 10'40" E ALONG THE EASTERLY EDGE OF A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY LINE OF SW CANYON LANE; THENCE CONTINUING S 17° 10'40" E, A DISTANCE OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE S 62° 30' 05" W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE N 17° 10'40" W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING N 17° 10' 40" W, A DISTANCE OF 140.19 FEET TO AN IRON PIPE; THENCE N 50° 02' 20" W ALONG THE NORTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO MARION ROGERS BY A DEED RECORDED IN BOOK 309 PAGE 373, A DISTANCE OF 114.51 FEET TO AN IRON PIPE; THENCE N0 8° 25' 10" W, A DISTANCE OF 121.57 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8074; THENCE N 78° 55' 47" E, A DISTANCE OF 208.18 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8697; THENCE N 8° 28'23" W, A DISTANCE OF 91.34 FEET TO AN IRON ROD; THENCE N 81° 23'57" E, A DISTANCE OF 32.74 FEET TO AN IRON ROD (ALSO REFERRED TO AS AN IRON BAR); THENCE N 07° 21' 18" W, A DISTANCE OF 33.14 FEET TO AN IRON ROD; THENCE N 82° 38' 42" E, A DISTANCE OF 90.30 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 72,236 SQUARE FEET OR 1.658 ACRES MORE OR LESS.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTY:

Page 1 (w:\a_y\sys\clients\4452\corp\exhibit a (2).doc 7-2-98)

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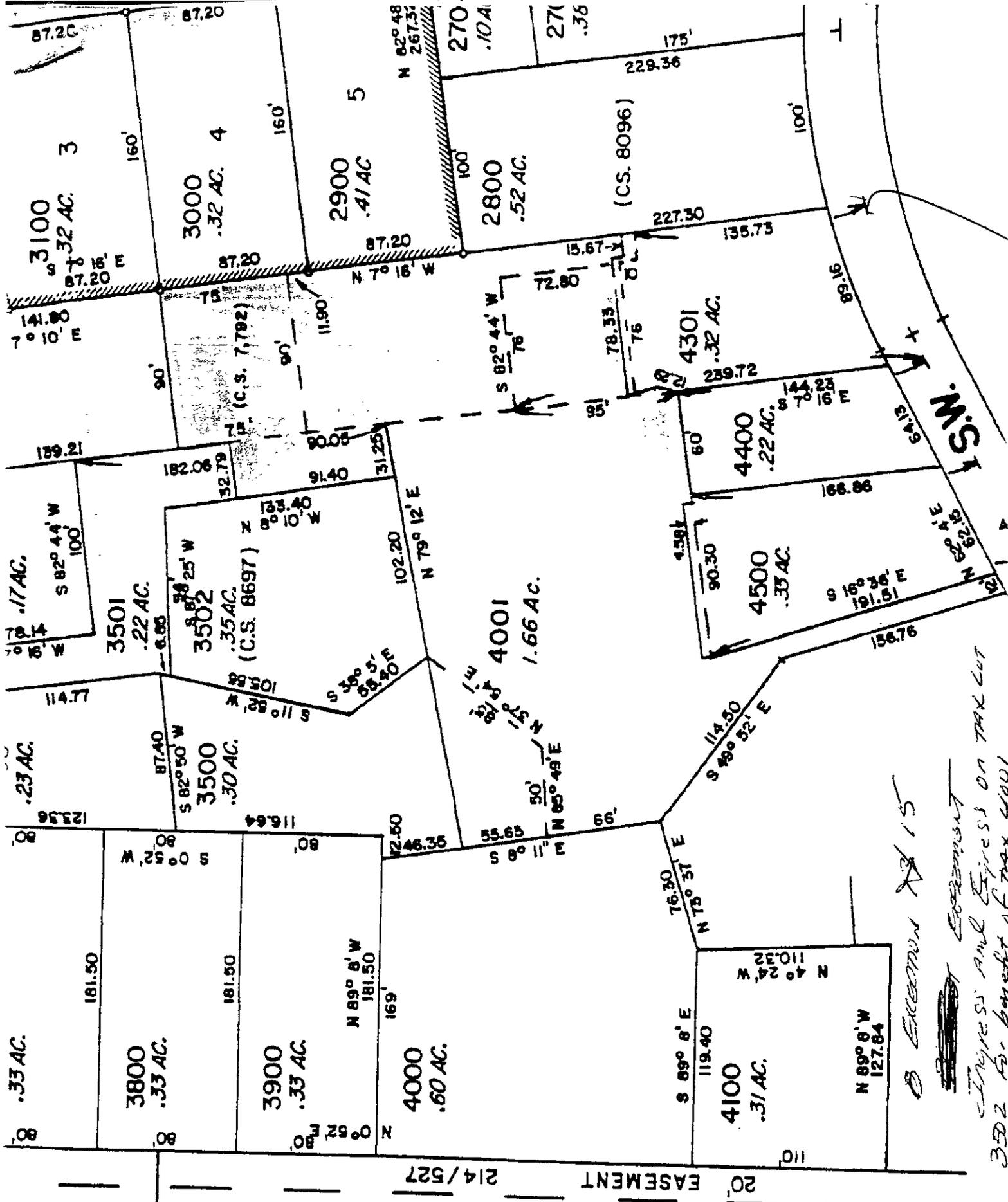


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A TRACT OF LAND BEING PART OF THE LAND DESCRIBED IN PARCEL FOUR OF FEE NO. 96025537, WASHINGTON COUNTY DEED RECORDS, BEING LOCATED IN THE NW ¼ OF THE NE ¼ OF SECTION 12, T.1S, R.1W, W.M., WASHINGTON COUNTY, OREGON, BEING FURTHER DESCRIBED AS FOLLOWS:

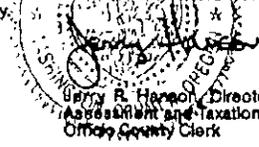
COMMENCING AT A POINT ON THE CENTERLINE OF SW CANYON LANE (COUNTY ROAD #210), SAID POINT BEING THE MOST SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN FEE NO. 97083863, WASHINGTON COUNTY DEED RECORDS; THENCE N17°10'40"W, ALONG THE WEST LINE OF THEREOF, A DISTANCE OF 188.73 FEET TO THE NORTHWESTERLY CORNER OF SAID FEE NO. 97083863 AND THE TRUE POINT OF BEGINNING; THENCE N08°58'46"W, A DISTANCE OF 4.58 FEET; THENCE N82°29'20"E, PARALLEL TO THE NORTH LINE OF SAID FEE NO. 97083863, A DISTANCE OF 88.39 FEET; THENCE S07°16'14"E, ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID FEE NO. 97083863, A DISTANCE OF 4.58 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE S82°29'20"W, ALONG THE NORTH LINE OF SAID FEE NO. 97083863, A DISTANCE OF 88.25 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 405 SQUARE FEET, MORE OR LESS.



B. Eason 15
 EGRESS AND EJECTS ON TAX LOT
 3502 TO BENEFIT OF TAX LOT 4001

STATE OF OREGON } 88
County of Washington

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



Doc : 98008596
Rect: 202131 73.00
01/30/1998 03:18:17pm

EXEMPTION 15

1-9

AFTER RECORDING RETURN TO:
ANDERSON AND YAMADA PC
1515 SW Fifth Avenue #1010
Portland, OR 97201
Terence J Yamada

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EASEMENT AGREEMENT

This Easement Agreement made this 29th day of January, 1998 by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself and its successors and assigns, of 7420 SW Polinter Road, Portland, Oregon 97225 (hereinafter referred to as "The Grayce M. Pattillo Trust"); and Thomas J. Holway, an unmarried individual, for himself and his heirs, executors, successors and assigns, of 7385 SW Canyon Lane, Portland, OR 97225 (hereinafter referred to as "Holway").

RECITALS

WHEREAS, The Grayce M. Pattillo Trust owns and has title to certain real property located in the County of Washington and State of Oregon described as follows:

See Exhibit A, attached hereto and incorporated herein by this reference as if fully set forth; and

WHEREAS, by Memorandum of Contract of Sale recorded as instrument number 98-007882 on January 29, 1998, records of Washington County, Oregon, The Charles E. Pattillo Trust sold and conveyed certain real property to Holway located in the County of Washington and State of Oregon described as follows:

See legal description in paragraph 9 of this Easement Agreement, incorporated herein by this reference as if fully set forth; and

WHEREAS, the real property described in Exhibit A owned by The Grayce M. Pattillo Trust and the real property conveyed to Holway described in paragraph 9, are adjacent to each other so that the southerly and easterly line of the real property owned by The Grayce M. Pattillo Trust is the northerly and (partially) the westerly line of the real property owned by Holway; and

WHEREAS, there exists a paved roadway located on the southerly portion of the real property owned by The Grayce M. Pattillo Trust and described in Exhibit A, with such roadway running generally easterly to westerly over the entire southerly boundary of the real property owned by The Grayce M. Pattillo Trust and described in Exhibit A; and

WHEREAS, Holway desires to acquire from The Grayce M. Pattillo Trust an Easement for ingress and egress for use of this roadway in connection with the use of his real property; and

WHEREAS, The Grayce M. Pattillo Trust desires to convey an Easement for such ingress and egress for such use in accordance with the terms hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, The Grayce M. Pattillo Trust and Holway agree as follows:

RECORDED BY GREGORY M. ...
OFFICE OF THE CLERK OF THE
SUPERIOR COURT, CLATSOP COUNTY, OREGON

OREGON TITLE INS. CO. 127188W

Creates an easement
over the
existing
roadway
for the benefit of
Lot 4001
TL 4001 is
described
in ~~Exhibit A~~
on Page 4)

1. Grant of Easement to Holway: Diagram of Easement. In consideration of Holway sharing the costs of maintenance and repair of the roadway contained within the grant of this easement, The Grayce M. Pattillo Trust conveys to Holway, his heirs, executors, personal representatives, successors and assigns, a perpetual, nonexclusive, easement for ingress and egress all described in section 2. below, over, across, and through the paved roadway (only) existing on the real property as described in Exhibit A. This grant of easement is specifically limited to the area of the paved roadway existing on the real property described in Exhibit A which is owned by the Grayce M. Pattillo Trust.

For an approximate diagram of the paved roadway located on the real property described in Exhibit A for which this easement lies, see Exhibit B, attached hereto and incorporated herein by this reference as if fully set forth.

2. Use by Holway.
(a) Holway, his agents, employees, independent contractors, suppliers, vendors, and invitees shall use the easement strip for a roadway for ingress and egress by vehicle or on foot in connection with Holway's use and occupancy of the property described in paragraph 9; and

(b) The Easement shall also be used as a roadway for all fire apparatus, and any other police, ambulance or other emergency vehicles of any nature for ingress and egress, as necessary, convenient or required, for the benefit of Holway, his agents, employees, independent contractors, suppliers, vendors and invitees.

3. Use by The Grayce M. Pattillo Trust. The Grayce M. Pattillo Trust reserves the right for itself and for any and all third parties to use the roadway located upon the easement for any purposes whatsoever including, but not limited to, ingress and egress to or from the property described in Exhibit A, to or from SW Canyon Lane and/or SW Pointer Road.

4. Cooperation. The Grayce M. Pattillo Trust and Holway agree to cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other's use.

5. Maintenance and Repair of Roadway. Until this Easement expires, or is terminated, if at all, and to the extent that the roadway is located on the easement granted by this instrument, The Grayce M. Pattillo Trust and Holway agree that maintenance and/or repair of such roadway shall be divided between The Grayce M. Pattillo Trust and Holway with Holway paying fifty percent (50%) of such maintenance and repair costs and The Grayce M. Pattillo Trust paying fifty (50%) of such maintenance and repair costs.

6. Named as an Additional Insured. Holway agrees to name The Grayce M. Pattillo Trust, or its successors and assigns, as additional insureds on the liability policy insuring Holway.

7. Easement Appurtenant. This easement is appurtenant to and shall benefit the real property owned by Holway and described in paragraph 9. No sale or other transfer or

conveyance, in whole or in part, of the real property described in Exhibit A shall eliminate or in any way diminish the rights of Holway in such easement.

This easement shall be perpetual; however, in the event that it is not used by Holway or other persons described in paragraphs 2(a) or 2(b) above for a period of five consecutive years, or if otherwise abandoned by Holway, the Grayce M. Pattillo Trust may demand in writing that Holway execute a recordable document evidencing such expiration of this Easement and Holway shall comply with this demand within ten (10) days of receipt of the written demand.

8. Prior Easements or Encumbrances. This easement is granted subject to all prior encumbrances of record. The Grayce M. Pattillo Trust warrants that no prior easements or encumbrances shall unreasonably restrict or interfere with the use of Holway, as provided in 2(a) or 2(b).

9. Description. The legal description of the real property owned by Holway to which this easement is appurtenant and for which this easement shall benefit is legally described as follows:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER DESCRIBED AS FOLLOWS:

76 4001

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE S07° 21' 18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS;" THENCE SO 7° 16' 14"E, A DISTANCE OF 106.96 FEET TO IRON ROD SET IN SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE S 82° 27' 59" W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN SAID SURVEY NUMBER 24282; THENCE N0 7° 16' 20" W, A DISTANCE OF 5.71 FEET TO A BRASS SCREW AS SET IN SAID SURVEY; THENCE S82° 26' 05" W, A DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S 13° 14' 20" E, A DISTANCE 24.21 FEET TO AN IRON ROD AS SET IN SAID SURVEY; S 06° 05' 18" W, A DISTANCE OF 12.29 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S82° 29' 20" W, A DISTANCE OF 148.25 FEET TO AN IRON ROD; THENCE S17° 10' 40" E ALONG THE EASTERLY EDGE OF A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY LINE OF SW CANYON LANE; THENCE CONTINUING S 17° 10' 40" E, A DISTANCE OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE S 62° 30' 05" W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE N 17° 10' 40" W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING N 17° 10' 40" W, A DISTANCE OF 140.19 FEET TO AN

Page 3 EASEMENT AGREEMENT (w:\a_sys\clients\4452\corp\lease-agmt.doc 12-22-97)

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1. Grant of Easement to Holway: Diagram of Easement. In consideration of Holway sharing the costs of maintenance and repair of the roadway contained within the grant of this easement, The Grayce M. Pattillo Trust conveys to Holway, his heirs, executors, personal representatives, successors and assigns, a perpetual, nonexclusive, easement for ingress and egress all described in section 2. below, over, across, and through the paved roadway (only) existing on the real property as described in Exhibit A. This grant of easement is specifically limited to the area of the paved roadway existing on the real property described in Exhibit A which is owned by the Grayce M. Pattillo Trust.

For an approximate diagram of the paved roadway located on the real property described in Exhibit A for which this easement lies, see Exhibit B, attached hereto and incorporated herein by this reference as if fully set forth.

2. Use by Holway.

(a) Holway, his agents, employees, independent contractors, suppliers, vendors, and invitees shall use the easement strip for a roadway for ingress and egress by vehicle or on foot in connection with Holway's use and occupancy of the property described in paragraph 9; and

(b) The Easement shall also be used as a roadway for all fire apparatus, and any other police, ambulance or other emergency vehicles of any nature for ingress and egress, as necessary, convenient or required, for the benefit of Holway, his agents, employees, independent contractors, suppliers, vendors and invitees.

3. Use by The Grayce M. Pattillo Trust. The Grayce M. Pattillo Trust reserves the right for itself and for any and all third parties to use the roadway located upon the easement for any purposes whatsoever including, but not limited to, ingress and egress to or from the property described in Exhibit A, to or from SW Canyon Lane and/or SW Pointer Road.

4. Cooperation. The Grayce M. Pattillo Trust and Holway agree to cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other's use.

5. Maintenance and Repair of Roadway. Until this Easement expires, or is terminated, if at all, and to the extent that the roadway is located on the easement granted by this instrument, The Grayce M. Pattillo Trust and Holway agree that maintenance and/or repair of such roadway shall be divided between The Grayce M. Pattillo Trust and Holway with Holway paying fifty percent (50%) of such maintenance and repair costs and The Grayce M. Pattillo Trust paying fifty (50%) of such maintenance and repair costs.

6. Named as an Additional Insured. Holway agrees to name The Grayce M. Pattillo Trust, or its successors and assigns, as additional insureds on the liability policy insuring Holway.

7. Easement Appurtenant. This easement is appurtenant to and shall benefit the real property owned by Holway and described in paragraph 9. No sale or other transfer or

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conveyance, in whole or in part, of the real property described in Exhibit A shall eliminate or in any way diminish the rights of Holway in such easement.

This easement shall be perpetual; however, in the event that it is not used by Holway or other persons described in paragraphs 2(a) or 2(b) above for a period of five consecutive years, or if otherwise abandoned by Holway, the Grayce M. Pattillo Trust may demand in writing that Holway execute a recordable document evidencing such expiration of this Easement and Holway shall comply with this demand within ten (10) days of receipt of the written demand.

8. Prior Easements or Encumbrances. This easement is granted subject to all prior encumbrances of record. The Grayce M. Pattillo Trust warrants that no prior easements or encumbrances shall unreasonably restrict or interfere with the use of Holway, as provided in 2(a) or 2(b).

9. Description. The legal description of the real property owned by Holway to which this easement is appurtenant and for which this easement shall benefit is legally described as follows:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE S07° 21' 18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS;" THENCE S0 7° 16' 14"E, A DISTANCE OF 106.96 FEET TO IRON ROD SET IN SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE S 82° 27'59" W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN SAID SURVEY NUMBER 24282; THENCE N0 7° 16' 20" W, A DISTANCE OF 5.71 FEET TO A-BRASS SCREW AS SET IN SAID SURVEY; THENCE S82° 26' 05" W, A DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S 13° 14'20" E, A DISTANCE 24.21 FEET TO AN IRON ROD AS SET IN SAID SURVEY; S 06° 05'18" W, A DISTANCE OF 12.29 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S82° 29'20" W, A DISTANCE OF 148.25 FEET TO AN IRON ROD; THENCE S17° 10'40" E ALONG THE EASTERLY EDGE OF A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY LINE OF SW CANYON LANE; THENCE CONTINUING S 17° 10'40" E, A DISTANCE OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE S 62° 30' 05" W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE N 17° 10'40" W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING N 17° 10' 40" W, A DISTANCE OF 140.19 FEET TO AN

Page 3 EASEMENT AGREEMENT ((w:\a_y\sysclients\4452\corp\seament-gmp.doc 12-22-97))

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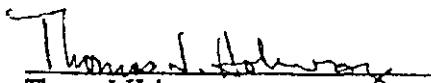
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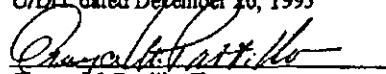
For a diagram of the real property owned by Holway to which this easement is appurtenant and for which this easement shall benefit, SEE EXHIBIT C, attached hereto and incorporated herein by this reference as if fully set forth.

10. Attorneys Fees. In the event that any action is filed in relation to the enforcement of this agreement, the unsuccessful party, in the action shall pay to the successful party in addition to all of the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees, including any costs and attorneys fees on appeal.

11. Successor and Assign. This Easement Agreement shall bind and inure to the benefit of the parties hereto and to their respective successors, including successors in ownership and assigns.

IN WITNESS WHEREOF, The Grayce M. Pattillo Trust and Holway have caused this instrument to be executed on the day and year first above written.


Thomas J. Holway

THE GRAYCE M. PATILLO TRUST
U/D/T dated December 26, 1995

Grayce M. Pattillo, Trustee

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STATE OF OREGON)
) ss.
County of Multnomah)
On January 28, 1998

Personally appeared the above named Thomas J. Holway and acknowledged the foregoing instrument to be his voluntary act and deed.



Lindy Bake
Notary Public for Oregon
My Commission expires: 12-9-01

STATE OF OREGON)
) ss.
County of Multnomah)

On January 28, 1998
Personally appeared Grayce M. Pattillo who, being duly sworn did say that she is the Trustee of The Grayce M. Pattillo Trust and that said instrument was signed on behalf of said Trust and she acknowledged said instrument to be its voluntary act and deed.



Lindy Bake
Notary Public for Oregon
My Commission expires: 12-9-01

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EXHIBIT A

A part of that tract of land that was conveyed to John Pointer, et ux, by deed recorded in Volume 125, page 87, of Washington County Deed Records, and more particularly described as follows:

BEGINNING at the Iron pipe at the NE corner of the tract conveyed to Myrtle Veatch, by deed recorded in Vol. 308, page 347 of said Washington County Deed Records, said point being 580.0 feet N and 1255.1 feet E of the NE corner of the A.W. Hart D.L.C.; thence S 7° 10' E, 114.77 feet to an iron bar at the SE corner of the said Veatch Tract; thence S 11° 52' W, 6.85 feet to an iron rod at the true point of beginning of the parcel herein described; thence S 11° 52' W, 105.55 feet to an iron pipe; thence S 38° 05' E, 55.40 feet to an iron pipe; thence N 79° 12' E, 102.20 feet to an iron rod; thence N 08° 10' W, 133.40 feet to an iron rod; thence S 87° 25' W, 94.00 feet to an iron rod and true point of beginning of the parcel herein described.

Together with easements for ingress and egress as recorded June 9, 1961 in Deed Book 445, p. 166, and recorded June 27, 1962, in Deed Book 465, p. 530, and recorded June 27, 1962, in Deed Book 465, p. 531

TAX LOT
3502
15' 1" DE

EASEMENT
IS OVER
THIS piece of
PROPERTY
ON THE
EXISTING
ROADWAY

EXEMPT # 15

Amendment

4

MAR 04 1999

After Recording Return to:

Terence J. Yamada, Attorney at Law
1515 SW Fifth Avenue, Suite 1020
Portland, OR 97201

Space Reserved
for
Recorder's Use

STATE OF OREGON }
County of Washington } SS

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

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

Doc : 99027064
Rect: 227121 36.00
03/04/1999 01:22:29pm

(w: f:\clerk\forms\estate\county recorders cover page.doc 3-3-99)

1-6

MAR 04 1999

AMENDMENT TO EASEMENT AGREEMENT

This Amendment to Easement Agreement (the "Amendment Agreement") is made this 1 day of March, 1999, by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself, and its successors and assigns, of 7420 SW Pointer Road, Portland, Oregon 97225 (hereinafter referred as "the Grayce M. Pattillo Trust"); and Thomas J. Holway, an unmarried individual, for himself and his heirs, executors, successors and assigns of 7385 SW Canyon Lane, Portland, Oregon 97225 (hereinafter referred to as "Holway").

RECITALS

WHEREAS, the Grayce M. Pattillo Trust and Holway entered into an Easement Agreement on the 28th day of January, 1998, initially recorded on January 30, 1998 under Instrument No. 98008596; and re-recorded on March 27, 1998 under Instrument No. 98029961 (hereinafter referred to as the "Pattillo Trust/Holway Easement Agreement"); and

WHEREAS, Reference is made in the Pattillo Trust/Holway Easement Agreement to a parcel of real property purchased under a Contract of Sale by Holway from Charles E. Pattillo, Trustee of the Charles E. Pattillo Trust, a memorandum of which was recorded on January 29, 1998 under Instrument No. 98007882, records of Washington County, Oregon; and

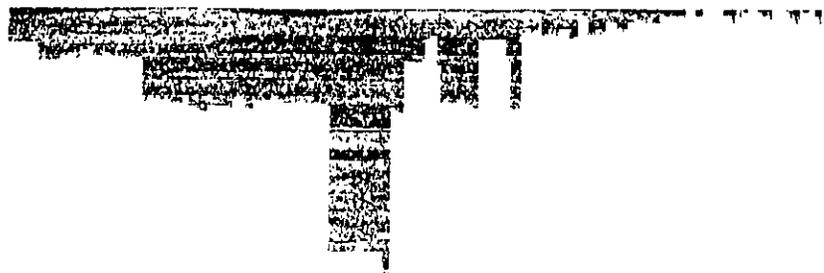
WHEREAS, The real property purchased by Holway under the Contract of Sale was legally described in Paragraph 9 to the Pattillo Trust/Holway Easement Agreement; and

WHEREAS, Under Section 1 of the Pattillo Trust/Holway Easement Agreement, the Grayce M. Pattillo Trust conveyed to Holway, his heirs, executors, personal representatives, successors and assigns, a perpetual, non-exclusive, easement for ingress and egress over, across and through the paved roadway (only) existing on the real property described in Exhibit A to the Pattillo Trust/Holway Easement Agreement, as specifically limited in the Pattillo Trust/Holway Easement Agreement; and

WHEREAS, Pursuant to a Judgment by Stipulation entered into between Holway, as Plaintiff and Arthur Dean Jones, III, as Defendant, under Case No. C99-0089CV, recorded on February 23, 1999 under Instrument No. 99022367, records of Washington County, Oregon, the property subject to the Contract of Sale diminished in size by approximately 405 square feet, more or less; and

WHEREAS, The legal description described in Paragraph 9 to the Pattillo Trust/Holway Easement Agreement is no longer accurate because of the Judgment by Stipulation;

2



MAR 04 1999

STATE OF OREGON)
) ss.
County of Washington)

On this 1st day of March, 1999, personally appeared Grayce M. Pattillo, who, being duly sworn, did say that she is the Trustee of the Grayce M. Pattillo Trust and that the foregoing instrument was signed on behalf of said Trust and she acknowledged the foregoing instrument to be its voluntary act and deed.



Kathy M. Fode
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-18-2000

04 1999

EXHIBIT 1

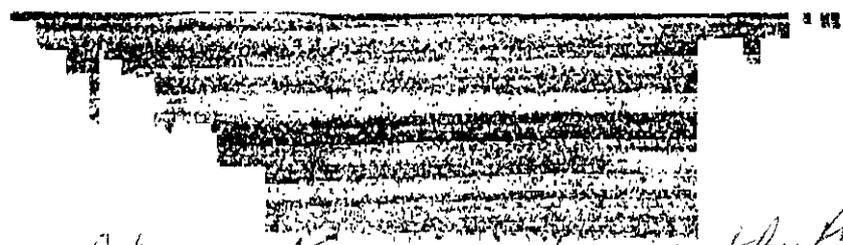
A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE S07° 21' 18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS;" THENCE SO 7° 16' 14"E. A DISTANCE OF 106.96 FEET TO IRON ROD SET IN SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE S 82° 27'59" W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN SAID SURVEY NUMBER 24282; THENCE N0 7° 16' 20" W, A DISTANCE OF 5.71 FEET TO A-BRASS SCREW AS SET IN SAID SURVEY; THENCE S82° 26' 05" W, A DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S 13° 14'20" E, A DISTANCE 24.21 FEET TO AN IRON ROD AS SET IN SAID SURVEY; S 06° 05'18" W, A DISTANCE OF 12.29 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S82° 29'20" W, A DISTANCE OF 148.25 FEET TO AN IRON ROD; THENCE S17° 10'40" E ALONG THE EASTERLY EDGE OF A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY LINE OF SW CANYON LANE; THENCE CONTINUING S 17° 10'40" E, A DISTANCE OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE S 62° 30' 05" W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE N 17° 10'40" W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING N 17° 10' 40" W, A DISTANCE OF 140.19 FEET TO AN IRON PIPE; THENCE N 50° 02' 20" W ALONG THE NORTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO MARION ROGERS BY A DEED RECORDED IN BOOK 309 PAGE 373, A DISTANCE OF 114.51 FEET TO AN IRON PIPE; THENCE N0 8° 25' 10" W, A DISTANCE OF 121.57 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8074; THENCE N 78° 55' 47" E, A DISTANCE OF 208.18 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8697; THENCE N 8° 28'23" W, A DISTANCE OF 91.34 FEET TO AN IRON ROD; THENCE N 81° 23'57" E, A DISTANCE OF 32.74 FEET TO AN IRON ROD (ALSO REFERRED TO AS AN IRON BAR); THENCE N 07° 21' 18" W, A DISTANCE OF 33.14 FEET TO AN IRON ROD; THENCE N 82° 38' 42" E, A DISTANCE OF 90.30 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 72,236 SQUARE FEET OR 1.658 ACRES MORE OR LESS.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTY:

Page 1 (w: \\a_sys\clients\4452\corp\exhibit a (2).doc 7-2-98)

5



Small
strip along
North side
of TC 4500
has been
excluded by
this Amendment

only change made by the Amendment document

MAR 04 1999

A TRACT OF LAND BEING PART OF THE LAND DESCRIBED IN PARCEL FOUR OF FEE NO. 96025537, WASHINGTON COUNTY DEED RECORDS, BEING LOCATED IN THE NW ¼ OF THE NE ¼ OF SECTION 12, T.1S, R.1W, W.M., WASHINGTON COUNTY, OREGON, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTERLINE OF SW CANYON LANE (COUNTY ROAD #210), SAID POINT BEING THE MOST SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN FEE NO. 97083863, WASHINGTON COUNTY DEED RECORDS; THENCE N17°10'40"W, ALONG THE WEST LINE OF THEREOF, A DISTANCE OF 188.73 FEET TO THE NORTHWESTERLY CORNER OF SAID FEE NO. 97083863 AND THE TRUE POINT OF BEGINNING; THENCE N08°58'46"W, A DISTANCE OF 4.58 FEET; THENCE N82°29'20"E, PARALLEL TO THE NORTH LINE OF SAID FEE NO. 97083863, A DISTANCE OF 88.39 FEET; THENCE S07°16'14"E, ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID FEE NO. 97083863, A DISTANCE OF 4.58 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE S82°29'20"W, ALONG THE NORTH LINE OF SAID FEE NO. 97083863, A DISTANCE OF 88.25 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 405 SQUARE FEET, MORE OR LESS.

STATE OF OREGON

County of Washington

} 89

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



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

Doc : 98029961

Rect: 205702

03/27/1998 10:52:45am

58.00

50
46

STATE OF OREGON } 88
County of Washington

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


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

Doc : 98008596
Rect: 202131 73.00
01/30/1998 03:18:17pm

BEING RE-RECORDED TO ADD NOTARY PREVIOUSLY RECORDED AS #98008596

AFTER RECORDING RETURN TO:
ANDERSON AND YAMADA PC
1515 SW Fifth Avenue #1010
Portland, OR 97201
Terence J Yamada

1045
8
20

EASEMENT AGREEMENT

This Easement Agreement made this 29th day of January, 1998 by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself and its successors and assigns, of 7420 SW Pointe Road, Portland, Oregon 97225 (hereinafter referred to as "The Grayce M. Pattillo Trust"); and Thomas J. Holway, an unmarried individual, for himself and his heirs, executors, successors and assigns, of 7385 SW Canyon Lane, Portland, OR 97225 (hereinafter referred to as "Holway").

RECITALS

WHEREAS, The Grayce M. Pattillo Trust owns and has title to certain real property located in the County of Washington and State of Oregon described as follows:

See Exhibit A, attached hereto and incorporated herein by this reference as if fully set forth; and

WHEREAS, by Memorandum of Contract of Sale recorded as instrument number 98-007882 on January 29, 1998, records of Washington County, Oregon, The Charles E. Pattillo Trust sold and conveyed certain real property to Holway located in the County of Washington and State of Oregon described as follows:

See legal description in paragraph 9 of this Easement Agreement, incorporated herein by this reference as if fully set forth; and

WHEREAS, the real property described in Exhibit A owned by The Grayce M. Pattillo Trust and the real property conveyed to Holway described in paragraph 9, are adjacent to each other so that the southerly and easterly line of the real property owned by The Grayce M. Pattillo Trust is the northerly and (partially) the westerly line of the real property owned by Holway; and

WHEREAS, there exists a paved roadway located on the southerly portion of the real property owned by The Grayce M. Pattillo Trust and described in Exhibit A, with such roadway running generally easterly to westerly over the entire southerly boundary of the real property owned by The Grayce M. Pattillo Trust and described in Exhibit A; and

WHEREAS, Holway desires to acquire from The Grayce M. Pattillo Trust an Easement for ingress and egress for use of this roadway in connection with the use of his real property; and

WHEREAS, The Grayce M. Pattillo Trust desires to convey an Easement for such ingress and egress for such use in accordance with the terms hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, The Grayce M. Pattillo Trust and Holway agree as follows:

127188W
OREGON TITLE INS CO.

FORWARDED BY OREGON TITLE INS CO. FOR INFORMATION ONLY NO LIABILITY IS ACCEPTED BY OREGON TITLE INS CO. FOR THE CONTENTS OF THIS DOCUMENT.

1. Grant of Easement to Holway: Diagram of Easement. In consideration of Holway sharing the costs of maintenance and repair of the roadway contained within the grant of this easement, The Grayce M. Pattillo Trust conveys to Holway, his heirs, executors, personal representatives, successors and assigns, a perpetual, nonexclusive, easement for ingress and egress all described in section 2. below, over, across, and through the paved roadway (only) existing on the real property as described in Exhibit A. This grant of easement is specifically limited to the area of the paved roadway existing on the real property described in Exhibit A which is owned by the Grayce M. Pattillo Trust.

For an approximate diagram of the paved roadway located on the real property described in Exhibit A for which this easement lies, see Exhibit B, attached hereto and incorporated herein by this reference as if fully set forth.

2. Use by Holway.

(a) Holway, his agents, employees, independent contractors, suppliers, vendors, and invitees shall use the easement strip for a roadway for ingress and egress by vehicle or on foot in connection with Holway's use and occupancy of the property described in paragraph 9; and

(b) The Easement shall also be used as a roadway for all fire apparatus, and any other police, ambulance or other emergency vehicles of any nature for ingress and egress, as necessary, convenient or required, for the benefit of Holway, his agents, employees, independent contractors, suppliers, vendors and invitees.

3. Use by The Grayce M. Pattillo Trust. The Grayce M. Pattillo Trust reserves the right for itself and for any and all third parties to use the roadway located upon the easement for any purposes whatsoever including, but not limited to, ingress and egress to or from the property described in Exhibit A, to or from SW Canyon Lane and/or SW Pointer Road.

4. Cooperation. The Grayce M. Pattillo Trust and Holway agree to cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other's use.

5. Maintenance and Repair of Roadway. Until this Easement expires, or is terminated, if at all, and to the extent that the roadway is located on the easement granted by this instrument, The Grayce M. Pattillo Trust and Holway agree that maintenance and/or repair of such roadway shall be divided between The Grayce M. Pattillo Trust and Holway with Holway paying fifty percent (50%) of such maintenance and repair costs and The Grayce M. Pattillo Trust paying fifty (50%) of such maintenance and repair costs.

6. Named as an Additional Insured. Holway agrees to name The Grayce M. Pattillo Trust, or its successors and assigns, as additional insureds on the liability policy insuring Holway.

7. Easement Appurtenant. This easement is appurtenant to and shall benefit the real property owned by Holway and described in paragraph 9. No sale or other transfer or

conveyance, in whole or in part, of the real property described in Exhibit A shall eliminate or in any way diminish the rights of Holway in such easement.

This easement shall be perpetual; however, in the event that it is not used by Holway or other persons described in paragraphs 2(a) or 2(b) above for a period of five consecutive years, or if otherwise abandoned by Holway, the Grayce M. Pattillo Trust may demand in writing that Holway execute a recordable document evidencing such expiration of this Easement and Holway shall comply with this demand within ten (10) days of receipt of the written demand.

8. Prior Easements or Encumbrances. This easement is granted subject to all prior encumbrances of record. The Grayce M. Pattillo Trust warrants that no prior easements or encumbrances shall unreasonably restrict or interfere with the use of Holway, as provided in 2(a) or 2(b).

9. Description. The legal description of the real property owned by Holway to which this easement is appurtenant and for which this easement shall benefit is legally described as follows:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE S07° 21' 18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS;" THENCE SO 7° 16' 14"E, A DISTANCE OF 106.96 FEET TO IRON ROD SET IN SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE S 82° 27'59" W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN SAID SURVEY NUMBER 24282; THENCE N0 7° 16' 20" W, A DISTANCE OF 5.71 FEET TO A-BRASS SCREW AS SET IN SAID SURVEY; THENCE S82° 26' 05" W, A DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S 13° 14'20" E, A DISTANCE 24.21 FEET TO AN IRON ROD AS SET IN SAID SURVEY; S 06° 05'18" W, A DISTANCE OF 12.29 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S82° 29'20" W, A DISTANCE OF 148.25 FEET TO AN IRON ROD; THENCE S17° 10'40" E ALONG THE EASTERLY EDGE OF A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY LINE OF SW CANYON LANE; THENCE CONTINUING S 17° 10'40" E, A DISTANCE OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE S 62° 30' 05" W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE N 17° 10'40" W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING N 17° 10' 40" W, A DISTANCE OF 140.19 FEET TO AN

Page 3 EASEMENT AGREEMENT (w:\la_yisys\clients\4452\corp\case\ement-gmp.doc 12-22-97)

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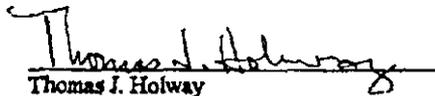
IRON PIPE; THENCE N 50° 02' 20" W ALONG THE NORTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO MARION ROGERS BY A DEED RECORDED IN BOOK 309 PAGE 373, A DISTANCE OF 114.51 FEET TO AN IRON PIPE; THENCE NO 8° 25' 10" W, A DISTANCE OF 121.57 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8074; THENCE N 78° 55' 47" E, A DISTANCE OF 208.18 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8697; THENCE N 8° 28' 23" W, A DISTANCE OF 91.34 FEET TO AN IRON ROD; THENCE N 81° 23' 57" E, A DISTANCE OF 32.74 FEET TO AN IRON ROD (ALSO REFERRED TO AS AN IRON BAR); THENCE N 07° 21' 18" W, A DISTANCE OF 33.14 FEET TO AN IRON ROD; THENCE N 82° 38' 42" E, A DISTANCE OF 90.30 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 72,236 SQUARE FEET OR 1.658 ACRES MORE OR LESS.

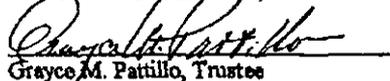
For a diagram of the real property owned by Holway to which this easement is appurtenant and for which this easement shall benefit, SEE EXHIBIT C, attached hereto and incorporated herein by this reference as if fully set forth.

10. Attorneys Fees. In the event that any action is filed in relation to the enforcement of this agreement, the unsuccessful party, in the action shall pay to the successful party in addition to all of the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees, including any costs and attorneys fees on appeal.

11. Successor and Assign. This Easement Agreement shall bind and inure to the benefit of the parties hereto and to their respective successors, including successors in ownership and assigns.

IN WITNESS WHEREOF, The Grayce M. Pattillo Trust and Holway have caused this instrument to be executed on the day and year first above written.


Thomas J. Holway

THE GRAYCE M. PATTILLO TRUST
U/D/T dated December 26, 1995

Grayce M. Pattillo, Trustee

STATE OF OREGON)
) ss.
County of Multnomah)
On January 28, 1998

Personally appeared the above named Thomas J. Holway and acknowledged the foregoing instrument to be his voluntary act and deed.



Cindy Bake
Notary Public for Oregon
My Commission expires: 12-9-01

STATE OF OREGON)
) ss.
County of Multnomah)

On January 28, 1998
Personally appeared Grayce M. Patillo who, being duly sworn did say that she is the Trustee of The Grayce M. Patillo Trust and that said instrument was signed on behalf of said Trust and she acknowledged said instrument to be its voluntary act and deed.



Cindy Bake
Notary Public for Oregon
My Commission expires: 12-9-01

EXHIBIT A

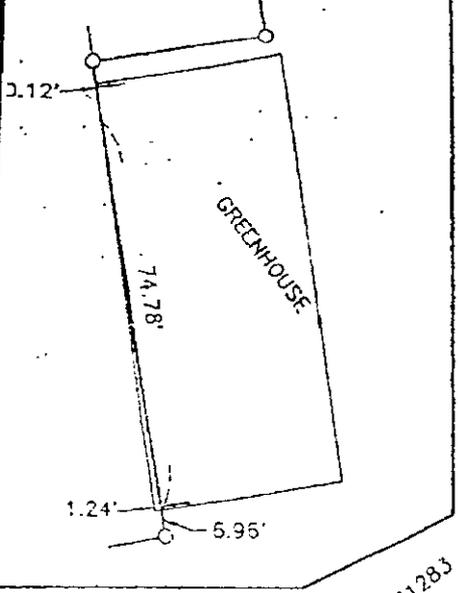
A part of that tract of land that was conveyed to John Pointer, et ux, by deed recorded in Volume 125, page 87, of Washington County Deed Records, and more particularly described as follows:

BEGINNING at the Iron pipe at the NE corner of the tract conveyed to Myrtle Veatch, by deed recorded in Vol. 308, page 347 of said Washington County Deed Records, said point being 580.0 feet N and 1255.1 feet E of the NE corner of the A.W. Hart D.L.C.; thence S 7° 10' E, 114.77 feet to an iron bar at the SE corner of the said Veatch Tract; thence S 11° 52' W, 6.85 feet to an iron rod at the true point of beginning of the parcel herein described; thence S 11° 52' W, 105.55 feet to an iron pipe; thence S 38° 05' E, 55.40 feet to an iron pipe; thence N 79° 12' E, 102.20 feet to an iron rod; thence N 08° 10' W, 133.40 feet to an iron rod; thence S 87° 25' W, 94.00 feet to an iron rod and true point of beginning of the parcel herein described.

Together with easements for ingress and egress as recorded June 9, 1961 in Deed Book 445, p. 166, and recorded June 27, 1962, in Deed Book 465, p. 530, and recorded June 27, 1962, in Deed Book 465, p. 531

NOT TO SCALE

Exhibit B



FEE No. 94061283

FEE No. 96025535

SEE DETAIL "A"

FD 5/8" IR HELD [SN 8074]

N08°25'10"W 121.5'

N78°55'47"E

FEE No. 96025537
AREA INCLUDING
RIGHT-OF-WAY = 1.66 ACRES

FD 5/8" IR HELD {NO RECORD}

FD 5/8" IR HELD {NO RECORD}

N08°28'23"W 91.34'
(91.4' = BK. 590 PG. 537)

FD JUNE, 1991 3/4" IP-HELD ["SYLVAN HILLS"]

FD 5/8" IR HELD [SN 3697]

FD JUNE, 1991 1/2" IP-HELD ["SYLVAN HILLS"]

FD 3/4" IP... S82°38'42"W 0.09' ["SYLVAN HILLS"]

N82°38'42"E 90.29'

N07°21'18"W 35.14'

32.74'

N81°23'57"E (90.05' = BK. 590 PG. 537)

N07°25'16"W 90.24'

N73°20'05"E 31.10'

FD 1" x 1" x 30" IB {NO RECORD}

LOT 2

LOT 3

BASIS OF BEARING (348.80' = SYLVAN HILLS) S07°21'18"E 348.80'

86.92'

174.36'

87.44'

"SYLVAN HILLS" LOT

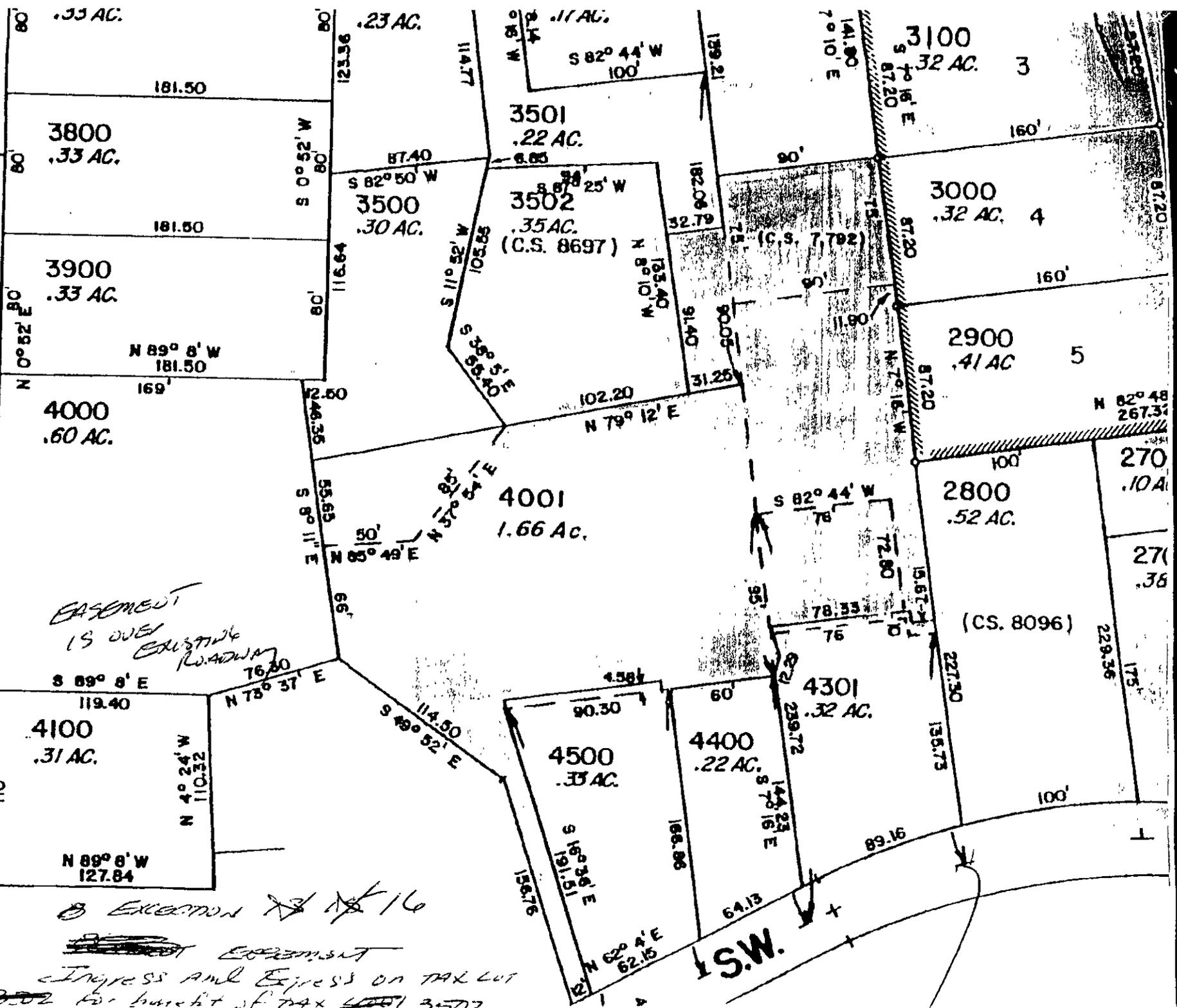
LOT

106.96'

S07°16'14"E

0360

EASEMENT 214/527
20'



EASEMENT
IS OVER
EXISTING
ROADWAY

Excavation 16

~~Excavation~~
Egress and Egress on TAX LOT
4001 for benefit of TAX LOT 3502

3100
32 AC. 3

3501
.22 AC.
6.65

3502
.35 AC.
(C.S. 8697)

3800
.33 AC.

3900
.33 AC.

4000
.60 AC.

4001
1.66 Ac.

4100
.31 AC.

4301
.32 AC.

4500
.33 AC.

4400
.22 AC.

270
.10 AC.

2800
.52 AC.

(C.S. 8096)

3000
.32 AC. 4

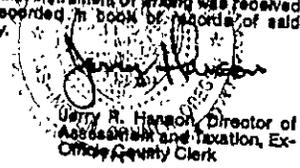
2900
.41 AC. 5

3100
32 AC. 3

1 S.W.

STATE OF OREGON }
County of Washington } 88

I, Jerry R. Hanson, Director of Assessment and Taxation and Co-Clerk for said county, do hereby verify that the within instrument of writing was received and recorded in book of records of said county.



Jerry R. Hanson, Director of Assessment and Taxation, Co-Clerk

Doc : 98008597
Rect: 202131 73.00
01/30/1998 03:18:17pm

EXCEPTION 16

AFTER RECORDING RETURN TO:
ANDERSON AND YAMADA PC
1515 SW Fifth Avenue #1010
Portland, OR 97201
Terence J Yamada

48 45
20

OREGON TITLE INS. CO. 1271880

EASEMENT AGREEMENT

This Easement Agreement made this 29th day of January, 1998 by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself and its successors and assigns, of 7420 SW Pointe Road, Portland, Oregon 97225 (hereinafter referred to as "The Grayce M. Pattillo Trust"); and Thomas J. Holway, an unmarried individual, for himself and his heirs, executors, successors and assigns, of 7385 SW Canyon Lane, Portland, OR 97225 (hereinafter referred to as "Holway").

RECITALS

WHEREAS, The Grayce M. Pattillo Trust owns and has title to certain real property located in the County of Washington and State of Oregon described as follows:

See the legal description in paragraph 9 of this Easement Agreement, incorporated herein by this reference as if fully set forth; and

WHEREAS, by Memorandum of Contract of Sale recorded as Instrument number 98-007882 on January 29, 1998, records of Washington County, Oregon, The Charles E. Pattillo Trust sold and conveyed certain real property to Holway located in the County of Washington and State of Oregon described as follows:

See Exhibit A, attached hereto and incorporated herein by this reference as if fully set forth; and

WHEREAS, the real property described in paragraph 9 owned by The Grayce M. Pattillo Trust and the real property conveyed to Holway described in Exhibit A, are adjacent to each other so that the southerly and easterly line of the real property owned by The Grayce M. Pattillo Trust is the northerly and (partially) the westerly line of the real property owned by Holway; and

WHEREAS, there exists a paved roadway located on the northerly portion of the real property owned by Holway and described in Exhibit A, with such roadway running generally easterly to westerly over the northerly boundary of the real property owned by Holway and described in Exhibit A where the properties are contiguous; and

WHEREAS, The Grayce M. Pattillo Trust desires to acquire from Holway an Easement for ingress and egress for use of this roadway in connection with the use of his real property; and

WHEREAS, Holway desires to convey an Easement for such ingress and egress for such use in accordance with the terms hereinafter set forth;

WARRANTED BY OREGON TITLE INSURANCE COMPANY. ACCOMMODATION ONLY. NO LIABILITY IS ACCEPTED FOR LOSS OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR CORRECTNESS OF THIS DOCUMENT.

2

EXHIBIT 'A' = TMT LOT 44001

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, The Grayce M. Pattillo Trust and Holway agree as follows:

1 Grant of Easement to The Grayce M. Pattillo Trust: Diagram of Easement. In consideration of The Grayce M. Pattillo Trust sharing the costs of maintenance and repair of the roadway contained within the grant of this easement, Holway conveys to The Grayce M. Pattillo Trust, its successors and assigns, a perpetual, nonexclusive, easement for ingress and egress all described in section 2. below, over, across, and through the paved roadway (only) existing on the real property as described in Exhibit A. This grant of easement is specifically limited to the area of the paved roadway existing on the real property described in Exhibit A which is owned by the Holway.

For an approximate diagram of the paved roadway located on the real property described in Exhibit A for which this easement lies, see Exhibit B, attached hereto and incorporated herein by this reference as if fully set forth.

2. Use by The Grayce M. Pattillo Trust.

(a) The Grayce M. Pattillo Trust, its agents, beneficiaries, Trustees, occupants, employees, independent contractors, suppliers, vendors, and invitees shall use the easement strip for a roadway for ingress and egress by vehicle or on foot in connection with the use and occupancy of the property described in paragraph 9 by The Grayce M. Pattillo Trust, including, but not limited to, the use of such easement for ingress and egress to SW Canyon Lane and/or SW Pointer Road.

(b) The Easement shall also be used as a roadway for all fire apparatus, and any other police, ambulance or other emergency vehicles of any nature for ingress and egress, as necessary, convenient or required, for the benefit of The Grayce M. Pattillo Trust, its agents, beneficiaries, Trustees, occupants, employees, independent contractors, suppliers, vendors and invitees.

3. Use by Holway. Holway reserves the right for himself and for any and all third parties to use the roadway located upon the easement for any purposes whatsoever including, but not limited to, ingress and egress to or from the property described in Exhibit A, to or from SW Canyon Lane and/or SW Pointer Road; provided, however, that commercial use of the easement roadway shall only be to and from SW Canyon Lane.

4. Cooperation. The Grayce M. Pattillo Trust and Holway agree to cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other's use.

5. Maintenance and Repair of Roadway. Until this Easement expires, or is terminated, if at all, and to the extent that the roadway is located on the easement granted by this instrument, The Grayce M. Pattillo Trust and Holway agree that maintenance and/or repair of such roadway shall be divided between The Grayce M. Pattillo Trust and Holway

with Holway paying fifty percent (50%) of such maintenance and repair costs and The Grayce M. Pattillo Trust paying fifty (50%) of such maintenance and repair costs.

6. Named as an Additional Insured. The Grayce M. Pattillo Trust agrees to name Holway, or his successors and assigns, as additional insureds on the liability policy insuring The Grayce M. Pattillo Trust.

7. Easement Appurtenant. This easement is appurtenant to and shall benefit the real property owned by The Grayce M. Pattillo Trust and described in paragraph 9. No sale or other transfer or conveyance, in whole or in part, of the real property described in Exhibit A shall eliminate or in any way diminish the rights of The Grayce M. Pattillo Trust in such easement.

This easement shall be perpetual; however, in the event that it is not used by The Grayce M. Pattillo Trust or other persons described in paragraphs 2(a) or 2(b) above for a period of five consecutive years, or if otherwise abandoned by the Grayce M. Pattillo Trust, Holway may demand in writing that The Grayce M. Pattillo Trust execute a recordable document evidencing such expiration of this Easement and The Grayce M. Pattillo Trust shall comply with this demand within ten (10) days of receipt of the written demand.

8. Prior Easements or Encumbrances. This easement is granted subject to all prior encumbrances of record. Holway warrants that no prior easements or encumbrances shall unreasonably restrict or interfere with the use of The Grayce M. Pattillo Trust, as provided in 2(a) or 2(b).

9. Description. The legal description of the real property owned by the Grayce M. Pattillo Trust to which this easement is appurtenant and for which this easement shall benefit is legally described as follows:

A part of that tract of land that was conveyed to John Pointer, et ux, by deed recorded in Volume 125, page 87, of Washington County Deed Records, and more particularly described as follows:

BEGINNING at the Iron pipe at the NE corner of the tract conveyed to Myrtle Veatch, by deed recorded in Vol. 308, page 347 of said Washington County Deed Records, said point being 580.0 feet N and 1255.1 feet E of the NE corner of the A.W. Hart D.L.C.; thence S 7° 10' E, 114.77 feet to an iron bar at the SE corner of the said Veatch Tract; thence S 11° 52' W, 6.85 feet to an iron rod at the true point of beginning of the parcel herein described; thence S 11° 52' W, 105.55 feet to an iron pipe; thence S 38° 05' E, 55.40 feet to an iron pipe; thence N 79° 12' E, 102.20 feet to an iron rod; thence N 08° 10' W, 133.40 feet to an iron rod; thence S 87° 25' W, 94.00 feet to an iron rod and true point of beginning of the parcel herein described.

7 Ad Lot
3502

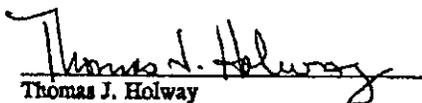
Together with easements for ingress and egress as recorded June 9, 1961 in Deed Book 445, p. 166, and recorded June 27, 1962, in Deed Book 465, p. 330, and recorded June 27, 1962, in Deed Book 465, p. 331

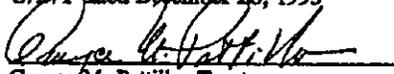
For a diagram of the real property owned by The Grayce M. Pattillo Trust to which this easement is appurtenant and for which this easement shall benefit, SEE EXHIBIT C, attached hereto and incorporated herein by this reference as if fully set forth.

10. Attorneys Fees. In the event that any action is filed in relation to the enforcement of this agreement, the unsuccessful party, in the action shall pay to the successful party in addition to all of the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees, including any costs and attorneys fees on appeal.

11. Successor and Assign. This Easement Agreement shall bind and inure to the benefit of the parties hereto and to their respective successors, including successors in ownership and assigns.

IN WITNESS WHEREOF, The Grayce M. Pattillo Trust and Holway have caused this instrument to be executed on the day and year first above written.


Thomas J. Holway

THE GRAYCE M. PATILLO TRUST
U/D/T dated December 26, 1995

Grayce M. Pattillo, Trustee

STATE OF OREGON)
) ss.
County of Multnomah)

On January 28, 1998
Personally appeared the above named Thomas J. Holway and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission expires: _____

STATE OF OREGON)
) ss.
County of Multnomah)

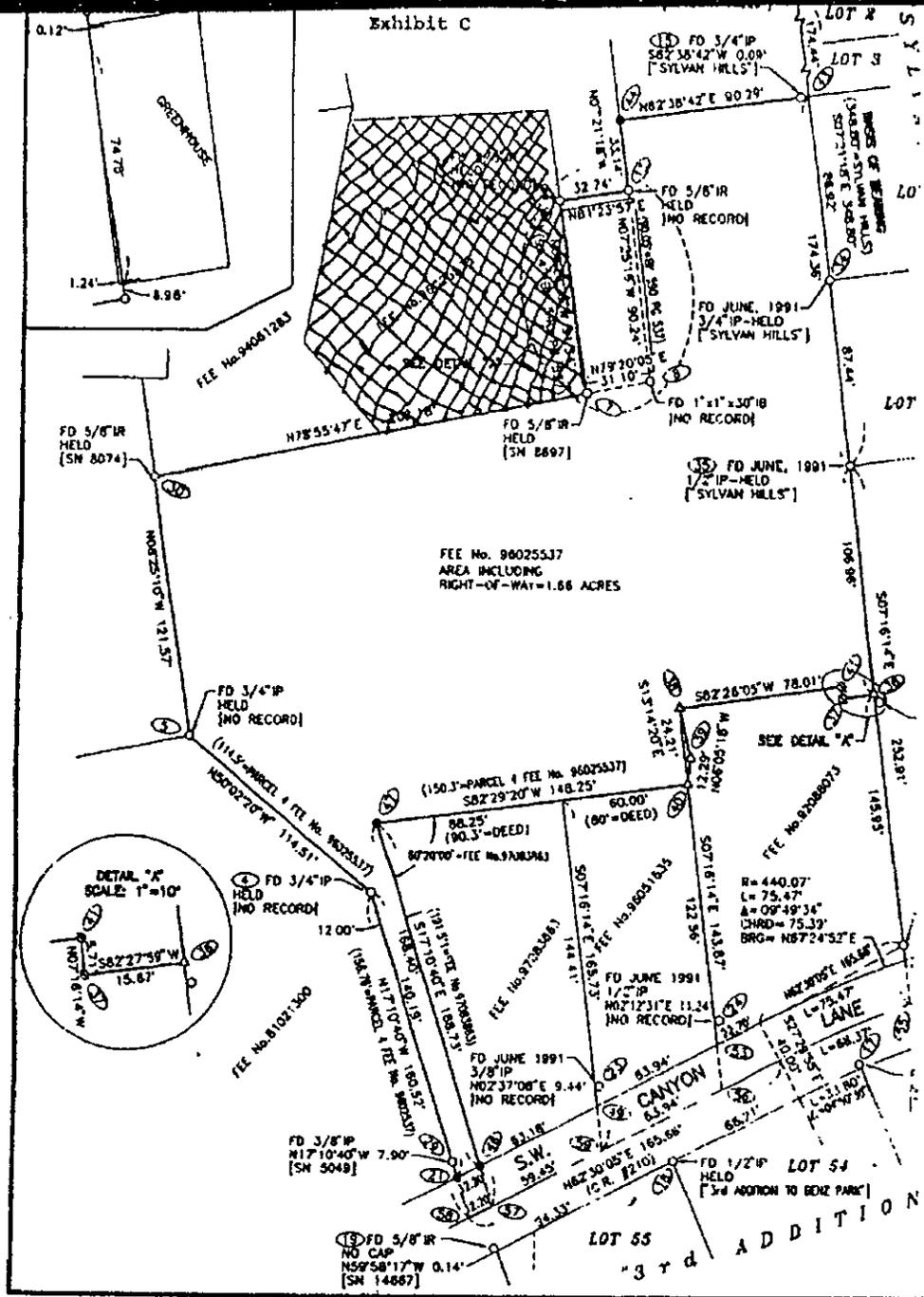
on January 28, 1998
Personally appeared Grayce M. Pattillo who, being duly sworn did say that she is the Trustee of The Grayce M. Pattillo Trust and that said instrument was signed on behalf of said Trust and he acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon
My Commission expires: _____

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER DESCRIBED AS FOLLOWS:

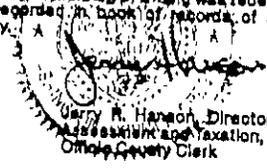
BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE S07° 21' 18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS;" THENCE SO 7° 16' 14"E, A DISTANCE OF 106.96 FEET TO IRON ROD SET IN SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE S 82° 27'59" W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN SAID SURVEY NUMBER 24282; THENCE NO 7° 16' 20" W, A DISTANCE OF 5.71 FEET TO A BRASS SCREW AS SET IN SAID SURVEY; THENCE S82° 26' 05" W, A DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S 13° 14'20" E, A DISTANCE 24.21 FEET TO AN IRON ROD AS SET IN SAID SURVEY; S 06° 05'18" W, A DISTANCE OF 12.29 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S82° 29'20" W, A DISTANCE OF 148.25 FEET TO AN IRON ROD; THENCE S17° 10'40" E ALONG THE EASTERLY EDGE OF A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY LINE OF SW CANYON LANE; THENCE CONTINUING S 17° 10'40" E, A DISTANCE OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE S 62° 30' 05" W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE N 17° 10'40" W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING N 17° 10' 40" W, A DISTANCE OF 140.19 FEET TO AN IRON PIPE; THENCE N 50° 02' 20" W ALONG THE NORTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO MARION ROGERS BY A DEED RECORDED IN BOOK 309 PAGE 373, A DISTANCE OF 114.51 FEET TO AN IRON PIPE; THENCE NO 8° 25' 10" W, A DISTANCE OF 121.57 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8074; THENCE N 78° 55' 47" E, A DISTANCE OF 208.18 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8697; THENCE N 8° 28'23" W, A DISTANCE OF 91.34 FEET TO AN IRON ROD; THENCE N 81° 23'57" E, A DISTANCE OF 32.74 FEET TO AN IRON ROD (ALSO REFERRED TO AS AN IRON BAR); THENCE N 07° 21' 18" W, A DISTANCE OF 33.14 FEET TO AN IRON ROD; THENCE N 82° 38' 42" E, A DISTANCE OF 90.30 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 72,236 SQUARE FEET OR 1.658 ACRES MORE OR LESS.



9

STATE OF OREGON } 58
County of Washington }

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



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Reot: 205702 58.00
03/27/1998 10:52:45am

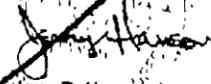
EXCEP 16

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54

STATE OF OREGON }
County of Washington } 88

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


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

Doc : 98008597
Rect: 202131 73.00
01/30/1998 03:18:17pm

BEING RE-RECORDED TO ADD NOTARY PREVIOUSLY RECORDED AS #98008597

1-9

AFTER RECORDING RETURN TO:
ANDERSON AND YAMADA PC
1515 SW Fifth Avenue #1010
Portland, OR 97201
Terence J Yamada

48 45
20

OREGON TITLE INS. CO. 12718870

REPRODUCED BY OREGON TITLE INSURANCE COMPANY FOR THE ACCOMMODATION ONLY AND LIABILITY ACCEPTED BY OREGON TITLE INSURANCE COMPANY FOR THE WAIVER, SUPPLEMENT, OR THIS DOCUMENT.

EASEMENT AGREEMENT

This Easement Agreement made this 29th day of January, 1998 by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself and its successors and assigns, of 7420 SW Pointer Road, Portland, Oregon 97225 (hereinafter referred to as "The Grayce M. Pattillo Trust"); and Thomas J. Holway, an unmarried individual, for himself and his heirs, executors, successors and assigns, of 7385 SW Canyon Lane, Portland, OR 97225 (hereinafter referred to as "Holway").

RECITALS

WHEREAS, The Grayce M. Pattillo Trust owns and has title to certain real property located in the County of Washington and State of Oregon described as follows:

See the legal description in paragraph 9 of this Easement Agreement, incorporated herein by this reference as if fully set forth; and

WHEREAS, by Memorandum of Contract of Sale recorded as instrument number 98-007882 on January 29, 1998, records of Washington County, Oregon, The Charles E. Pattillo Trust sold and conveyed certain real property to Holway located in the County of Washington and State of Oregon described as follows:

See Exhibit A, attached hereto and incorporated herein by this reference as if fully set forth; and

WHEREAS, the real property described in paragraph 9 owned by The Grayce M. Pattillo Trust and the real property conveyed to Holway described in Exhibit A, are adjacent to each other so that the southerly and easterly line of the real property owned by The Grayce M. Pattillo Trust is the northerly and (partially) the westerly line of the real property owned by Holway; and

WHEREAS, there exists a paved roadway located on the northerly portion of the real property owned by Holway and described in Exhibit A, with such roadway running generally easterly to westerly over the northerly boundary of the real property owned by Holway and described in Exhibit A where the properties are contiguous; and

WHEREAS, The Grayce M. Pattillo Trust desires to acquire from Holway an Easement for ingress and egress for use of this roadway in connection with the use of his real property; and

WHEREAS, Holway desires to convey an Easement for such ingress and egress for such use in accordance with the terms hereinafter set forth;

2

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, The Grayce M. Pattillo Trust and Holway agree as follows:

1. Grant of Easement to The Grayce M. Pattillo Trust: Diagram of Easement. In consideration of The Grayce M. Pattillo Trust sharing the costs of maintenance and repair of the roadway contained within the grant of this easement, Holway conveys to The Grayce M. Pattillo Trust, its successors and assigns, a perpetual, nonexclusive, easement for ingress and egress all described in section 2. below, over, across, and through the paved roadway (only) existing on the real property as described in Exhibit A. This grant of easement is specifically limited to the area of the paved roadway existing on the real property described in Exhibit A which is owned by the Holway.

For an approximate diagram of the paved roadway located on the real property described in Exhibit A for which this easement lies, see Exhibit B, attached hereto and incorporated herein by this reference as if fully set forth.

2. Use by The Grayce M. Pattillo Trust.

(a) The Grayce M. Pattillo Trust, its agents, beneficiaries, Trustees, occupants, employees, independent contractors, suppliers, vendors, and invitees shall use the easement strip for a roadway for ingress and egress by vehicle or on foot in connection with the use and occupancy of the property described in paragraph 9 by The Grayce M. Pattillo Trust, including, but not limited to, the use of such easement for ingress and egress to SW Canyon Lane and/or SW Pointer Road.

(b) The Easement shall also be used as a roadway for all fire apparatus, and any other police, ambulance or other emergency vehicles of any nature for ingress and egress, as necessary, convenient or required, for the benefit of The Grayce M. Pattillo Trust, its agents, beneficiaries, Trustees, occupants, employees, independent contractors, suppliers, vendors and invitees.

3. Use by Holway. Holway reserves the right for himself and for any and all third parties to use the roadway located upon the easement for any purposes whatsoever including, but not limited to, ingress and egress to or from the property described in Exhibit A, to or from SW Canyon Lane and/or SW Pointer Road; provided, however, that commercial use of the easement roadway shall only be to and from SW Canyon Lane.

4. Cooperation. The Grayce M. Pattillo Trust and Holway agree to cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other's use.

5. Maintenance and Repair of Roadway. Until this Easement expires, or is terminated, if at all, and to the extent that the roadway is located on the easement granted by this instrument, The Grayce M. Pattillo Trust and Holway agree that maintenance and/or repair of such roadway shall be divided between The Grayce M. Pattillo Trust and Holway

Page 2 BASEMENT AGREEMENT (w:\a_y\clients\4452\corp\basement2-gmp.doc 12-22-97)

with Holway paying fifty percent (50%) of such maintenance and repair costs and The Grayce M. Pattillo Trust paying fifty (50%) of such maintenance and repair costs.

6. Named as an Additional Insured. The Grayce M. Pattillo Trust agrees to name Holway, or his successors and assigns, as additional insureds on the liability policy insuring The Grayce M. Pattillo Trust.

7. Easement Appurtenant. This easement is appurtenant to and shall benefit the real property owned by The Grayce M. Pattillo Trust and described in paragraph 9. No sale or other transfer or conveyance, in whole or in part, of the real property described in Exhibit A shall eliminate or in any way diminish the rights of The Grayce M. Pattillo Trust in such easement.

This easement shall be perpetual; however, in the event that it is not used by The Grayce M. Pattillo Trust or other persons described in paragraphs 2(a) or 2(b) above for a period of five consecutive years, or if otherwise abandoned by the Grayce M. Pattillo Trust, Holway may demand in writing that The Grayce M. Pattillo Trust execute a recordable document evidencing such expiration of this Easement and The Grayce M. Pattillo Trust shall comply with this demand within ten (10) days of receipt of the written demand.

8. Prior Easements or Encumbrances. This easement is granted subject to all prior encumbrances of record. Holway warrants that no prior easements or encumbrances shall unreasonably restrict or interfere with the use of The Grayce M. Pattillo Trust, as provided in 2(a) or 2(b).

9. Description. The legal description of the real property owned by the Grayce M. Pattillo Trust to which this easement is appurtenant and for which this easement shall benefit is legally described as follows:

A part of that tract of land that was conveyed to John Pointer, et ux, by deed recorded in Volume 125, page 87, of Washington County Deed Records, and more particularly described as follows:

BEGINNING at the Iron pipe at the NE corner of the tract conveyed to Myrtle Veatch, by deed recorded in Vol. 308, page 347 of said Washington County Deed Records, said point being 580.0 feet N and 1255.1 feet E of the NE corner of the A.W. Hart D.L.C.; thence S 7° 10' E, 114.77 feet to an iron bar at the SE corner of the said Veatch Tract; thence S 11° 52' W, 6.85 feet to an iron rod at the true point of beginning of the parcel herein described; thence S 11° 52' W, 105.55 feet to an iron pipe; thence S 38° 05' E, 55.40 feet to an iron pipe; thence N 79° 12' E, 102.20 feet to an iron rod; thence N 08° 10' W, 133.40 feet to an iron rod; thence S 87° 25' W, 94.00 feet to an iron rod and true point of beginning of the parcel herein described.

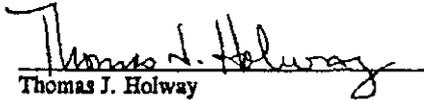
Together with easements for ingress and egress as recorded June 9, 1961 in Deed Book 445, p. 166, and recorded June 27, 1962, in Deed Book 465, p. 530, and recorded June 27, 1962, in Deed Book 465, p. 531

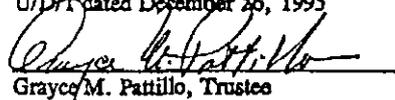
For a diagram of the real property owned by The Grayce M. Pattillo Trust to which this easement is appurtenant and for which this easement shall benefit, SEE EXHIBIT C, attached hereto and incorporated herein by this reference as if fully set forth.

10. Attorneys Fees. In the event that any action is filed in relation to the enforcement of this agreement, the unsuccessful party, in the action shall pay to the successful party in addition to all of the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees, including any costs and attorneys fees on appeal.

11. Successor and Assign. This Easement Agreement shall bind and inure to the benefit of the parties hereto and to their respective successors, including successors in ownership and assigns.

IN WITNESS WHEREOF, The Grayce M. Pattillo Trust and Holway have caused this instrument to be executed on the day and year first above written.


Thomas J. Holway

THE GRAYCE M. PATTILLO TRUST
U/D/T dated December 26, 1995

Grayce M. Pattillo, Trustee

STATE OF OREGON)
) ss.
County of Multnomah)

On January 28, 1998
Personally appeared the above named Thomas J. Holway and acknowledged the foregoing instrument to be his voluntary act and deed.



Cindy Bake
Notary Public for Oregon
My Commission expires: 12-9-01

STATE OF OREGON)
) ss.
County of Multnomah)

on January 28, 1998
Personally appeared Grayce M. Pattillo who, being duly sworn did say that she is the Trustee of The Grayce M. Pattillo Trust and that said instrument was signed on behalf of said Trust and he acknowledged said instrument to be its voluntary act and deed.

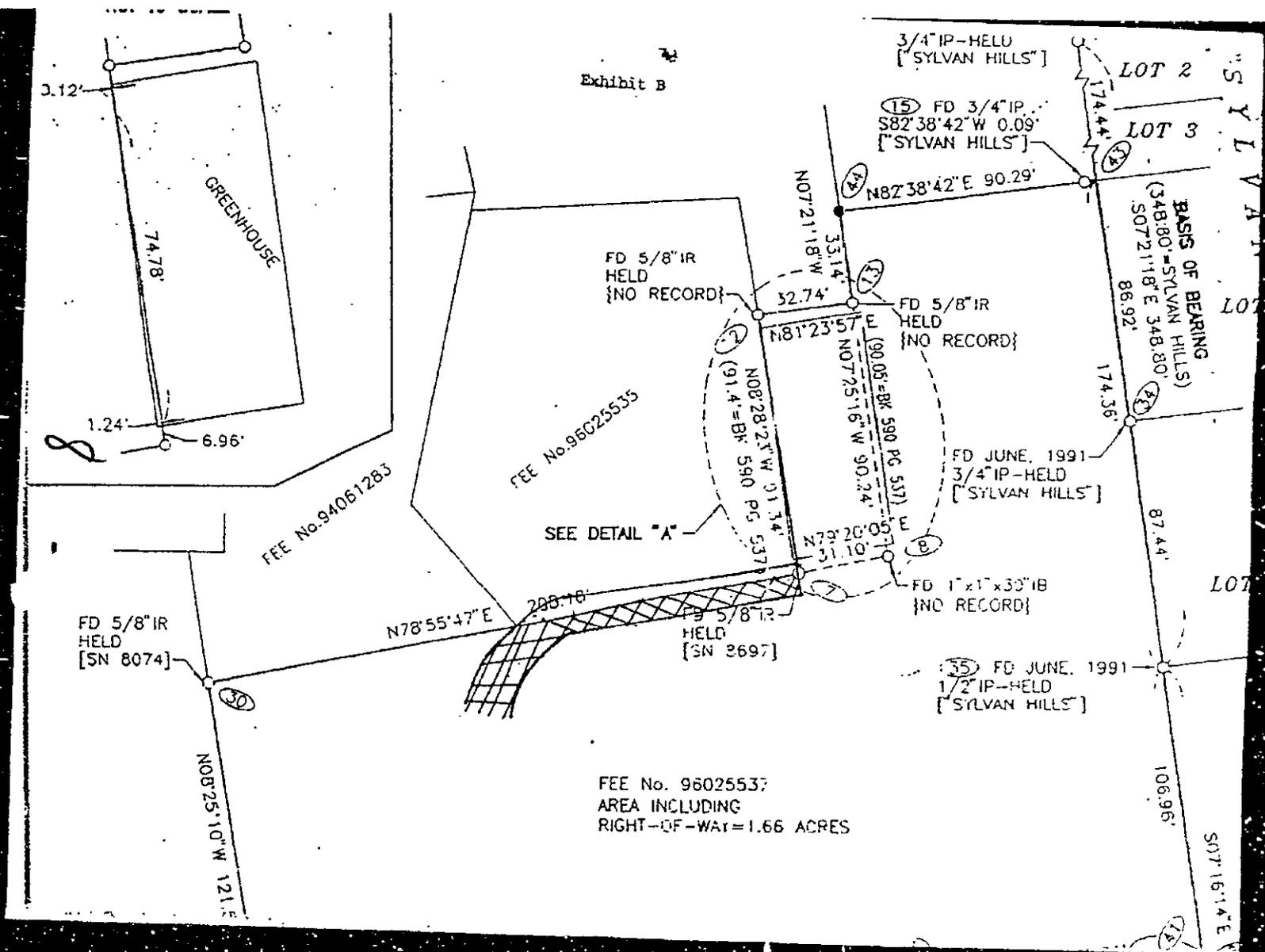


Cindy Bake
Notary Public for Oregon
My Commission expires: 12-9-01

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE S07° 21' 18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS;" THENCE S07° 16' 14"E, A DISTANCE OF 106.96 FEET TO IRON ROD SET IN SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE S 82° 27'59" W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN SAID SURVEY NUMBER 24282; THENCE N07° 16' 20" W, A DISTANCE OF 5.71 FEET TO A BRASS SCREW AS SET IN SAID SURVEY; THENCE S82° 26' 05" W, A DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S 13° 14'20" E, A DISTANCE 24.21 FEET TO AN IRON ROD AS SET IN SAID SURVEY; S 06° 05'18" W, A DISTANCE OF 12.29 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S82° 29'20" W, A DISTANCE OF 148.25 FEET TO AN IRON ROD; THENCE S17° 10'40" E ALONG THE EASTERLY EDGE OF A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY LINE OF SW CANYON LANE; THENCE CONTINUING S 17° 10'40" E, A DISTANCE OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE S 62° 30' 05" W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE N 17° 10'40" W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING N 17° 10' 40" W, A DISTANCE OF 140.19 FEET TO AN IRON PIPE; THENCE N 50° 02' 20" W ALONG THE NORTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO MARION ROGERS BY A DEED RECORDED IN BOOK 309 PAGE 373, A DISTANCE OF 114.51 FEET TO AN IRON PIPE; THENCE N08° 25' 10" W, A DISTANCE OF 121.57 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8074; THENCE N 78° 55' 47" E, A DISTANCE OF 208.18 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8697; THENCE N 8° 28'23" W, A DISTANCE OF 91.34 FEET TO AN IRON ROD; THENCE N 81° 23'57" E, A DISTANCE OF 32.74 FEET TO AN IRON ROD (ALSO REFERRED TO AS AN IRON BAR); THENCE N 07° 21' 18" W, A DISTANCE OF 33.14 FEET TO AN IRON ROD; THENCE N 82° 38' 42" E, A DISTANCE OF 90.30 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 72,236 SQUARE FEET OR 1.658 ACRES MORE OR LESS.



3

30
8
W

Space Reserved
for
Recorder's Use

After Recording Return to:

Terece J. Yamada, Attorney at Law
1515 SW Fifth Avenue, Suite 1020
Portland, OR 97201

STATE OF OREGON }
County of Washington } 88

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

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

Doc : 99027063
Rect: 227121 36.00
03/04/1999 01:22:29pm

MAR 04 1999

AMENDMENT TO EASEMENT AGREEMENT

This Amendment to Easement Agreement (the "Amendment Agreement") is made this ^{15th} day of March, 1999, by and between Grayce M. Pattillo, Trustee of the Grayce M. Pattillo Trust U/D/T dated December 26, 1995, for itself, and its successors and assigns, of 7420 SW Pointer Road, Portland, Oregon 97225 (hereinafter referred as "the Grayce M. Pattillo Trust"); and Thomas J. Holway, an unmarried individual, for himself and his heirs, executors, successors and assigns of 7385 SW Canyon Lane, Portland, Oregon 97225 (hereinafter referred to as "Holway").

RECITALS

WHEREAS, the Grayce M. Pattillo Trust and Holway entered into an Easement Agreement on the 28th day of January, 1998, initially recorded on January 30, 1998 under Instrument No. 98008597; and re-recorded on March 27, 1998 under Instrument No. 98029960 (hereinafter referred to as the "Pattillo Trust/Holway Easement Agreement"); and

WHEREAS, Reference is made in the Pattillo Trust/Holway Easement Agreement to a parcel of real property purchased under a Contract of Sale by Holway from Charles E. Pattillo, Trustee of the Charles E. Pattillo Trust, a memorandum of which was recorded on January 29, 1998 under Instrument No. 98007882, records of Washington County, Oregon; and

WHEREAS, The real property purchased by Holway under the Contract of Sale was legally described on the attached Exhibit A to the Pattillo Trust/Holway Easement Agreement; and

WHEREAS, Under Section 1 of the Pattillo Trust/Holway Easement Agreement, Holway conveyed to the Grayce M. Pattillo Trust, its successors and assigns, a perpetual, non-exclusive, easement for ingress and egress over, across and through the paved roadway (only) existing on the real property described in Exhibit A to the Pattillo Trust/Holway Easement Agreement, as specifically limited in the Pattillo Trust/Holway Easement Agreement; and

WHEREAS, Pursuant to a Judgment by Stipulation entered into between Holway, as Plaintiff and Arthur Dean Jones, III, as Defendant, under Case No. C99-0089CV, recorded on February 23, 1999 under Instrument No. 99022367, records of Washington County, Oregon, the property subject to the Contract of Sale diminished in size by approximately 405 square feet, more or less; and

WHEREAS, The legal description attached as Exhibit A to the Pattillo Trust/Holway Easement Agreement is no longer accurate because of the Judgment by Stipulation;

04

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, the Grayce M. Pattillo Trust and Holway agree as follows:

1. Exhibit 1 to Amendment Agreement. The Grayce M. Pattillo Trust and Holway agree that the legal description attached as Exhibit 1 to this Amendment Agreement shall supersede and replace the legal description attached as Exhibit A to the Pattillo Trust/Holway Easement Agreement.

The Grayce M. Pattillo Trust and Holway agree that the new legal description superseding and replacing the legal description attached as Exhibit A to the Pattillo Trust/Holway Easement Agreement is as follows:

See Exhibit 1 attached hereto and incorporated herein by this reference as is fully set forth.

2. Other Terms and Conditions of Pattillo Trust/Holway Easement Agreement to Remain the Same. Except as herein provided with respect to the legal description of the property described in Exhibit 1 to this Amendment Agreement, the terms and conditions of the Pattillo Trust/Holway Easement Agreement entered into on January 28, 1998, recorded on January 30, 1998 under Instrument No. 98008597, and re-recorded on March 27, 1998 under Instrument No. 98029960, are ratified and affirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Grayce M. Pattillo Trust and Holway have caused this Amendment Agreement to be executed on the day and year first above written.

Thomas J. Holway
Thomas J. Holway

GRAYCE M. PATTILLO TRUST
By [Signature]
Grayce M. Pattillo, Trustee

STATE OF OREGON)
) ss.
County of Washington)

On this 1st day of March, 1999, personally appeared the above named Thomas J. Holway, and acknowledged the foregoing instrument to be his voluntary act and deed.



Kathy M. Fode
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-16-2000

MAR 04 1999

STATE OF OREGON)
) ss.
County of Washington)

On this 1st day of March, 1999, personally appeared Grayce M. Pattillo, who, being duly sworn, did say that she is the Trustee of the Grayce M. Pattillo Trust and that the foregoing instrument was signed on behalf of said Trust and she acknowledged the foregoing instrument to be its voluntary act and deed.



Kathy M. Fode
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-18-2000

MAR 04 1999

EXHIBIT 1

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEING FURTHER DESCRIBED AS FOLLOWS:

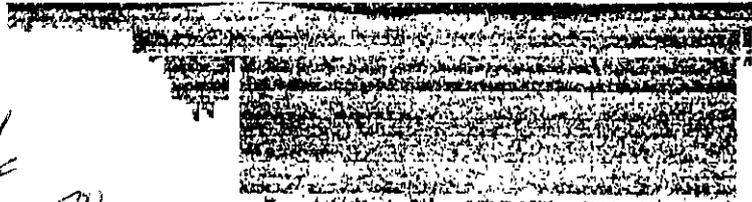
BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 "SYLVAN HILLS" A DULY RECORDED PLAT IN THE WASHINGTON COUNTY PLAT RECORDS; THENCE S07° 21' 18"E, ALONG THE EAST LINE OF THAT LAND CONVEYED TO JOHN POINTER, ET UX, BY DEED RECORDED IN BOOK 128 PAGE 87 OF THE WASHINGTON COUNTY DEED RECORDS, A DISTANCE OF 174.36 FEET TO A HALF INCH IRON PIPE AT THE SOUTHWEST CORNER OF LOT 5 "SYLVAN HILLS;" THENCE SO 7° 16' 14"E, A DISTANCE OF 106.96 FEET TO IRON ROD SET IN SURVEY NUMBER 24282 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE S 82° 27'59" W, A DISTANCE OF 15.67 FEET TO A BRASS SCREW AS SET IN SAID SURVEY NUMBER 24282; THENCE N0 7° 16' 20" W, A DISTANCE OF 5.71 FEET TO A-BRASS SCREW AS SET IN SAID SURVEY; THENCE S82° 26' 05" W, A DISTANCE OF 78.01 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S 13° 14'20" E, A DISTANCE 24.21 FEET TO AN IRON ROD AS SET IN SAID SURVEY; S 06° 05'18" W, A DISTANCE OF 12.29 FEET TO AN IRON ROD AS SET IN SAID SURVEY; THENCE S82° 29'20" W, A DISTANCE OF 148.25 FEET TO AN IRON ROD; THENCE S17° 10'40" E ALONG THE EASTERLY EDGE OF A 12.00 FOOT WIDE STRIP OF LAND FOR DRIVEWAY PURPOSES, A DISTANCE OF 168.40 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT OF WAY LINE OF SW CANYON LANE; THENCE CONTINUING S 17° 10'40" E, A DISTANCE OF 20.33 FEET TO THE CENTERLINE OF SAID SW CANYON LANE; THENCE S 62° 30' 05" W ALONG SAID CENTERLINE, A DISTANCE OF 12.20 FEET; THENCE N 17° 10'40" W, A DISTANCE OF 20.33 FEET TO AN IRON ROD SET ON SAID NORTH RIGHT OF WAY LINE; THENCE CONTINUING N 17° 10' 40" W, A DISTANCE OF 140.19 FEET TO AN IRON PIPE; THENCE N 50° 02' 20" W ALONG THE NORTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO MARION ROGERS BY A DEED RECORDED IN BOOK 309 PAGE 373, A DISTANCE OF 114.51 FEET TO AN IRON PIPE; THENCE N0 8° 25' 10" W, A DISTANCE OF 121.57 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8074; THENCE N 78° 55' 47" E, A DISTANCE OF 208.18 FEET TO AN IRON ROD AS SET IN SURVEY NUMBER 8697; THENCE N 8° 28'23" W, A DISTANCE OF 91.34 FEET TO AN IRON ROD; THENCE N 81° 23'57" E, A DISTANCE OF 32.74 FEET TO AN IRON ROD (ALSO REFERRED TO AS AN IRON BAR); THENCE N 07° 21' 18" W, A DISTANCE OF 33.14 FEET TO AN IRON ROD; THENCE N 82° 38' 42" E, A DISTANCE OF 90.30 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 72,236 SQUARE FEET OR 1.658 ACRES MORE OR LESS.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTY:

Page 1 (w: \\a_y\sys\clients\4452\corp\exhibit a (2).doc 7-2-98)

ONLY CHANGE

SMALL STRIP ON NORTH SIDE OF TAX LOT 450



MAR 04 1999

A TRACT OF LAND BEING PART OF THE LAND DESCRIBED IN PARCEL FOUR OF FEE NO. 96025537, WASHINGTON COUNTY DEED RECORDS, BEING LOCATED IN THE NW ¼ OF THE NE ¼ OF SECTION 12, T.1S, R.1W, W.M., WASHINGTON COUNTY, OREGON, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTERLINE OF SW CANYON LANE (COUNTY ROAD #210), SAID POINT BEING THE MOST SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN FEE NO. 97083863, WASHINGTON COUNTY DEED RECORDS; THENCE N17°10'40"W, ALONG THE WEST LINE OF THEREOF, A DISTANCE OF 188.73 FEET TO THE NORTHWESTERLY CORNER OF SAID FEE NO. 97083863 AND THE TRUE POINT OF BEGINNING; THENCE N08°58'46"W, A DISTANCE OF 4.58 FEET; THENCE N82°29'20"E, PARALLEL TO THE NORTH LINE OF SAID FEE NO. 97083863, A DISTANCE OF 88.39 FEET; THENCE S07°16'14"E, ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID FEE NO. 97083863, A DISTANCE OF 4.58 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE S82°29'20"W, ALONG THE NORTH LINE OF SAID FEE NO. 97083863, A DISTANCE OF 88.25 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 405 SQUARE FEET, MORE OR LESS.

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Wilson Estates - RKW3324
Lot 11

RE
JUL
City
Development Services

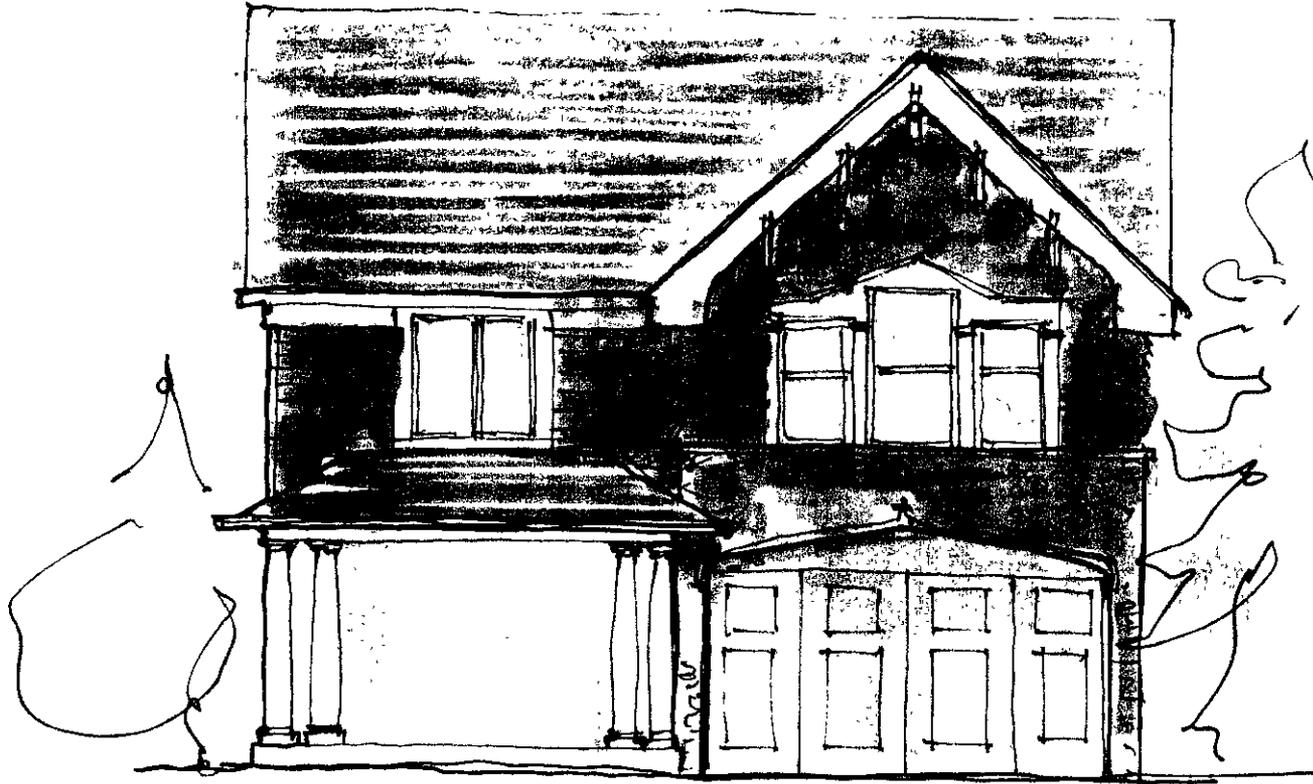
EXHIBIT I.4

 **RK Wilson Corporation**

0388



Wilson Estates - RKW3324
Lot 11



Wilson Estates - RKW2771
Lots 3,4,6 & 7

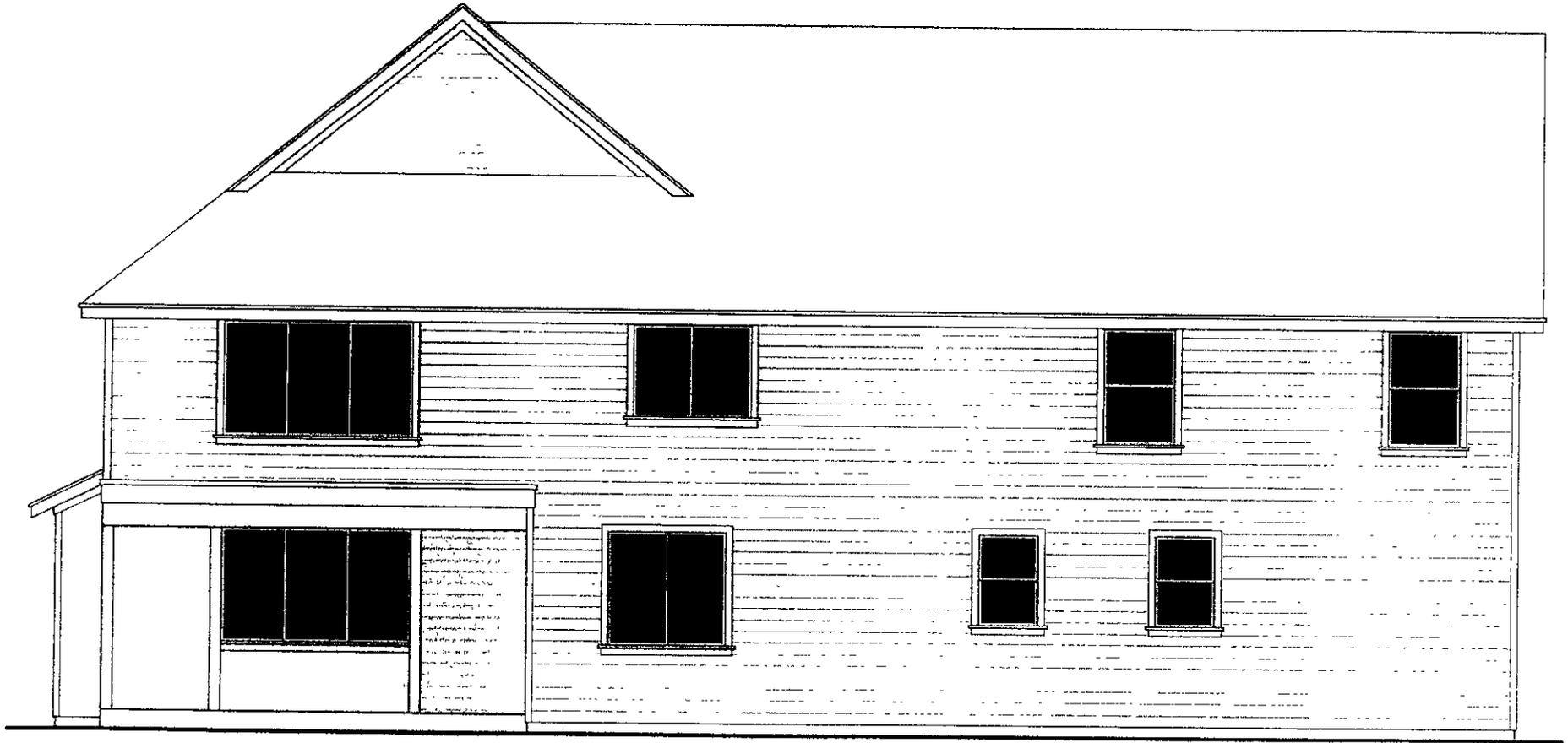


Wilson Estates - RKW2771
Lots 3,4,6 & 7



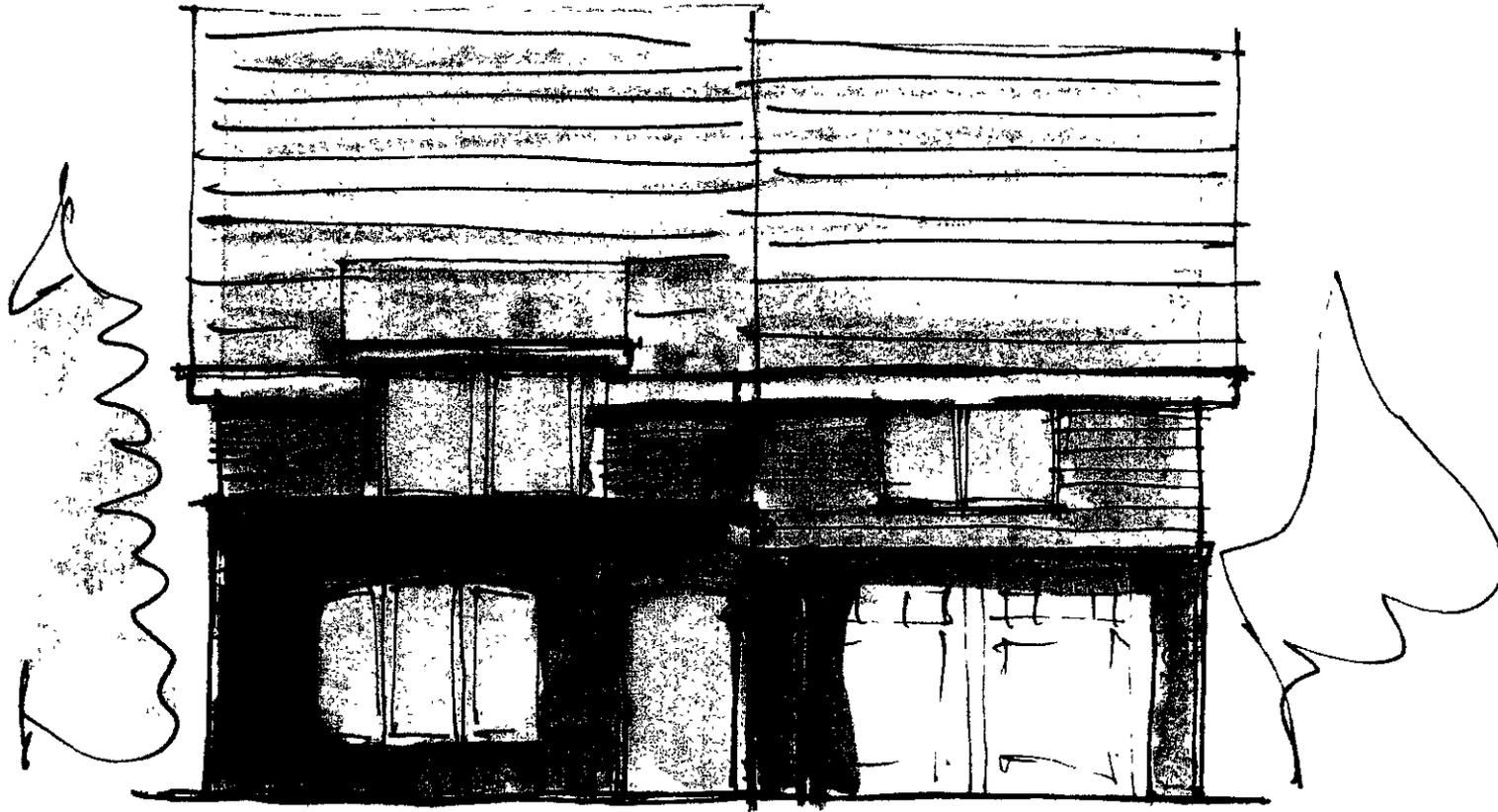
Wilson Estates - RKW3000
Lots 1 & 2

 **RK Wilson Corporation**



Wilson Estates - RKW3000
Lots 1 & 2

0393



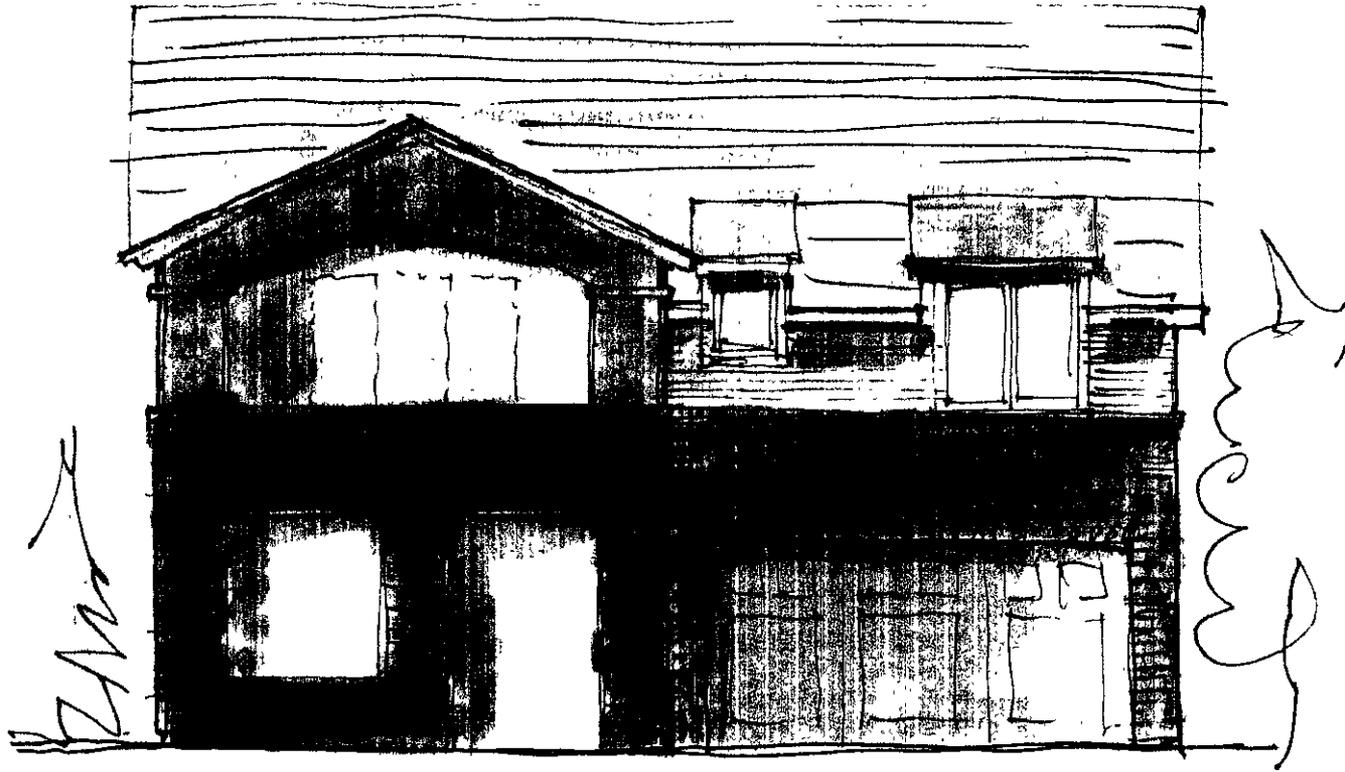
Wilson Estates - RKW2500
Lots 5 & 10

 **RK Wilson Corporation**



Wilson Estates - RKW2500
Lots 5 & 10

0395

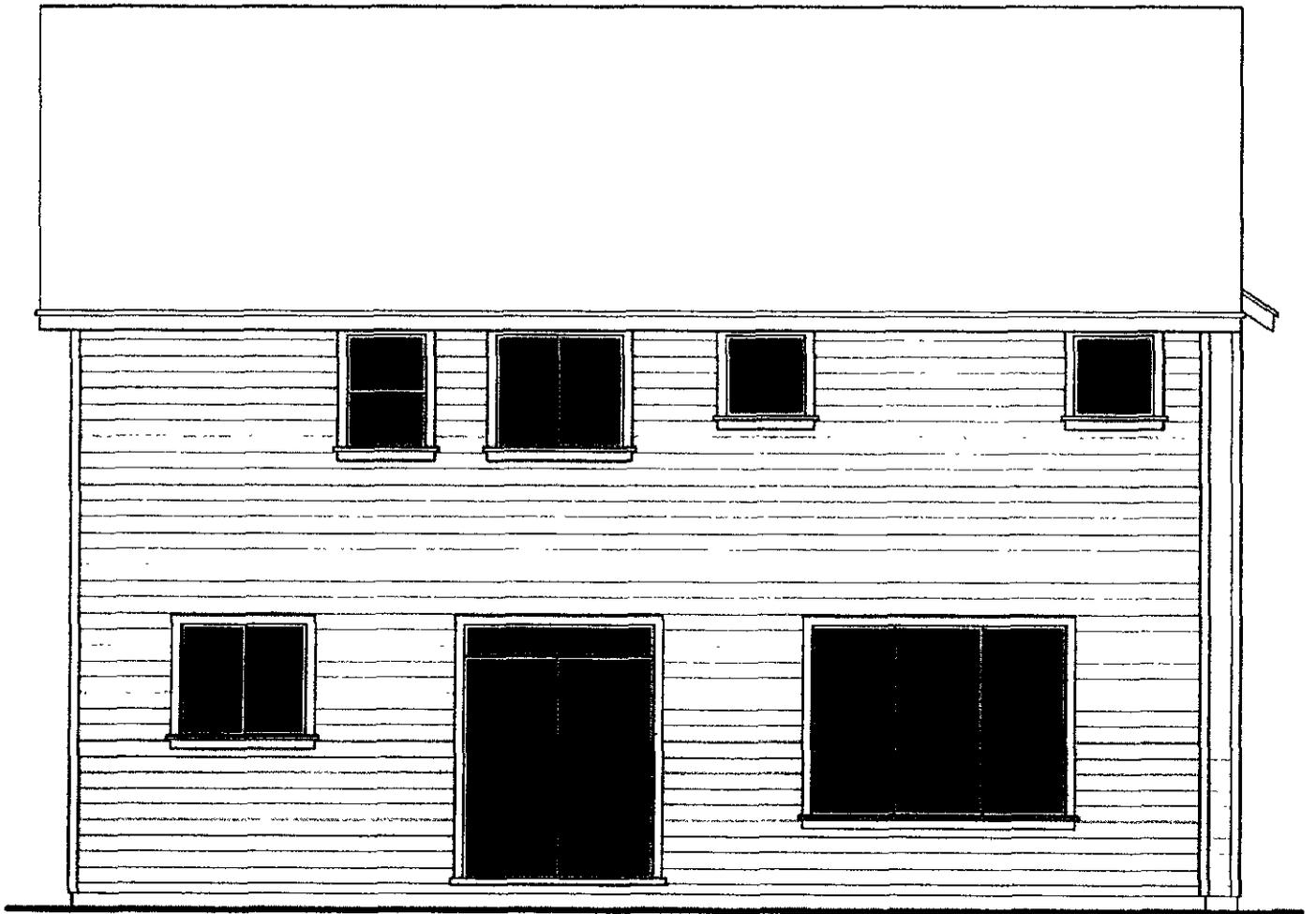


Wilson Estates - RKW2311
Lots 8 & 9

0396

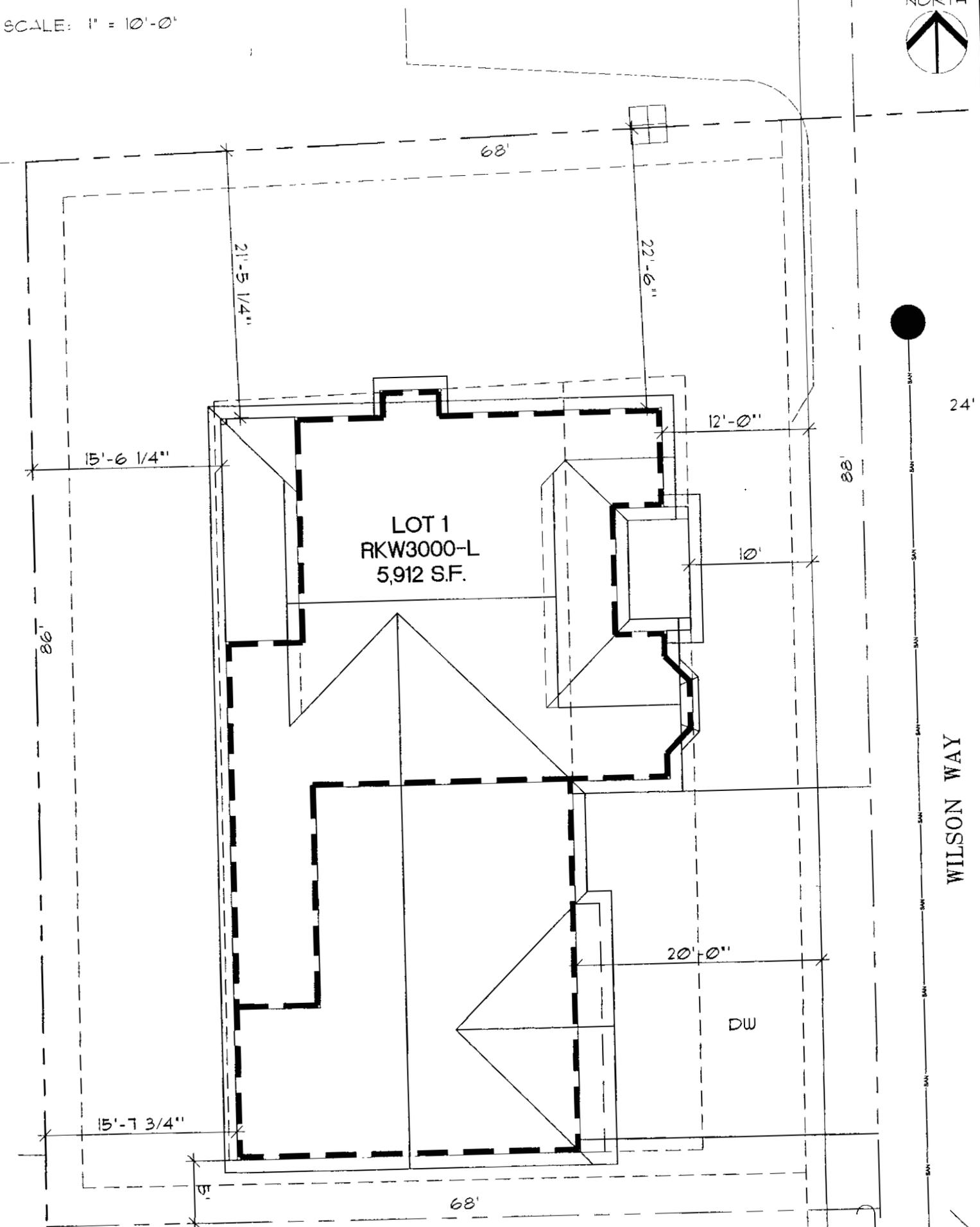


RK Wilson Corporation



Wilson Estates - RKW2311
Lots 8 & 9

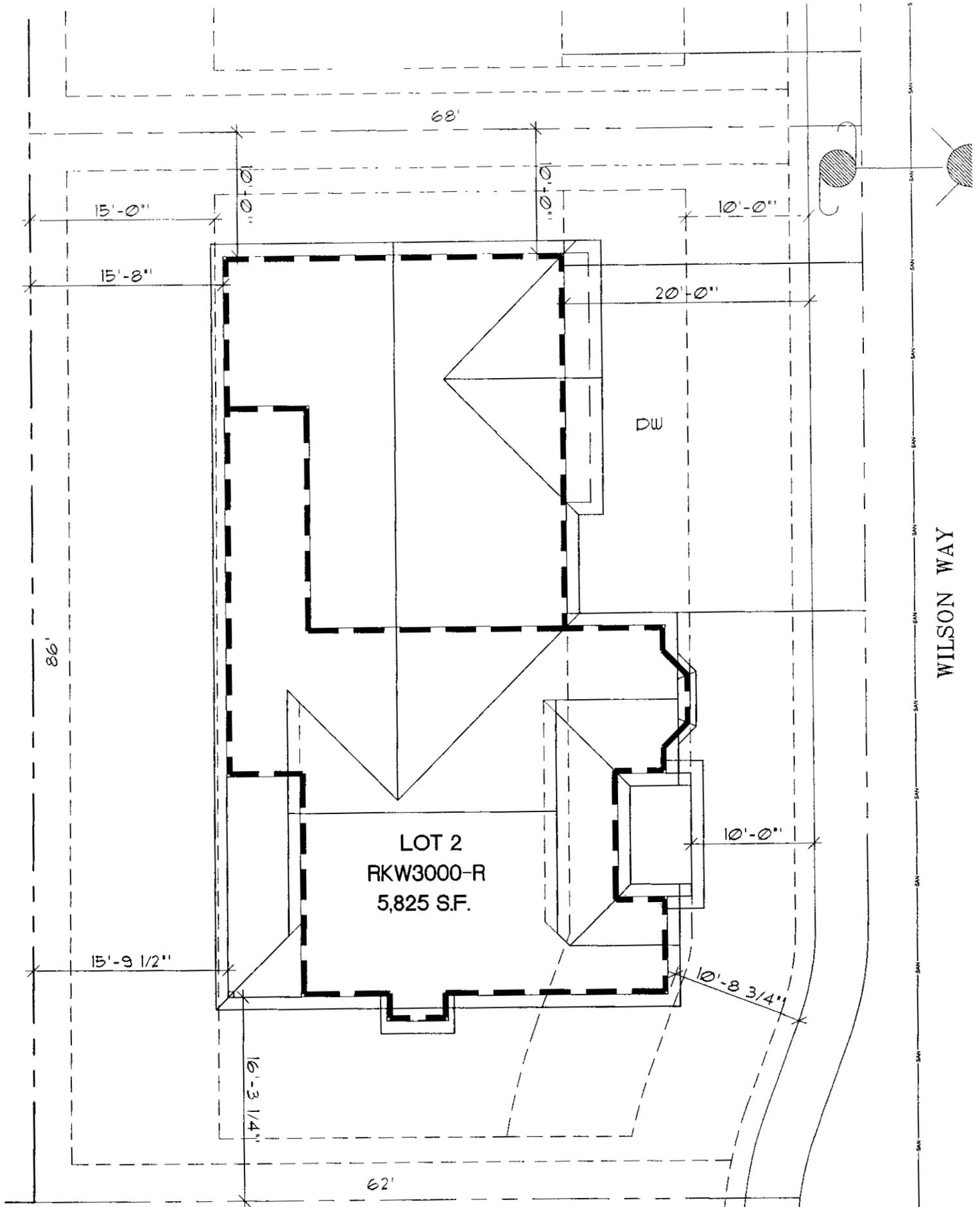
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24'

WILSON WAY

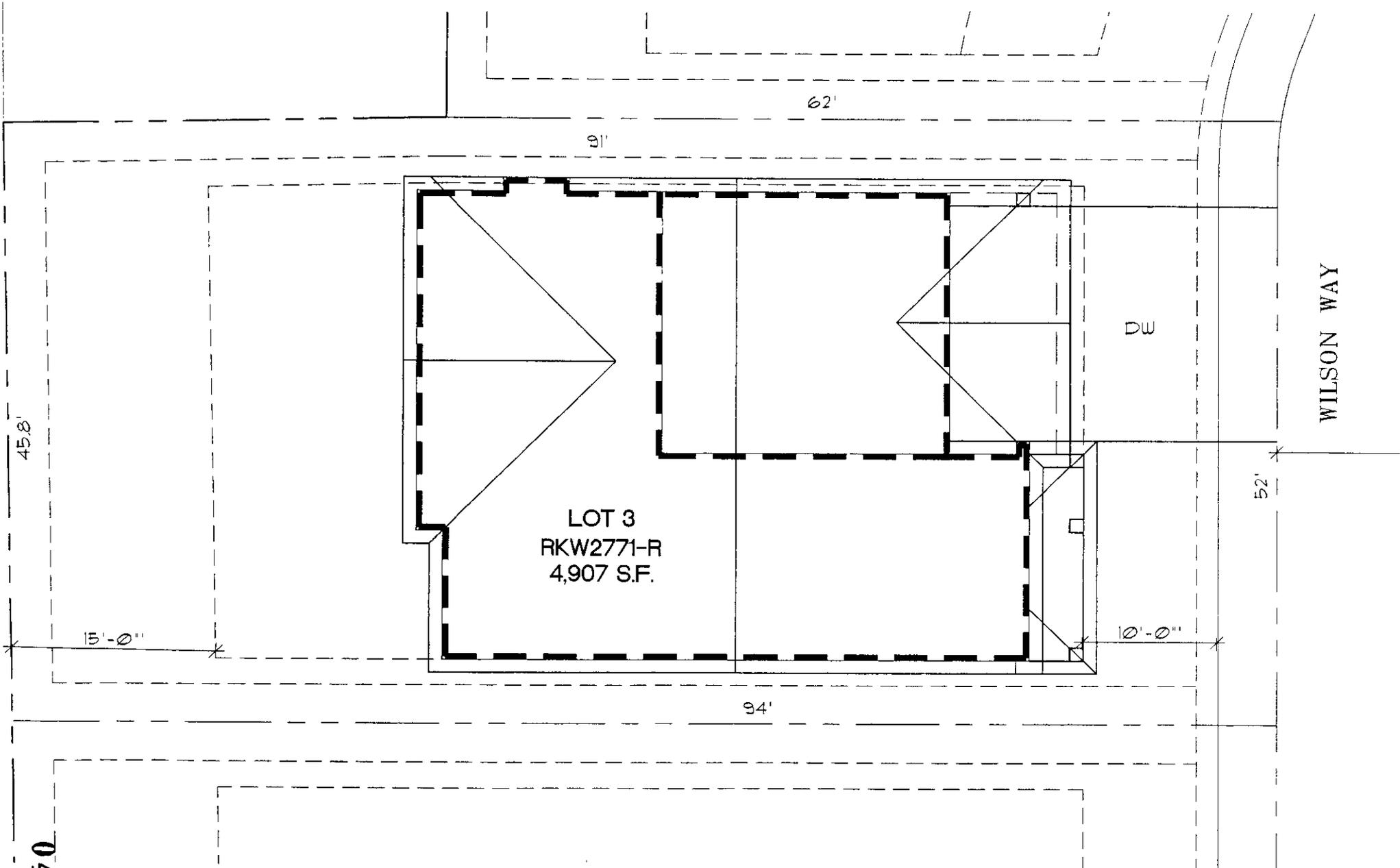
0398



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0399





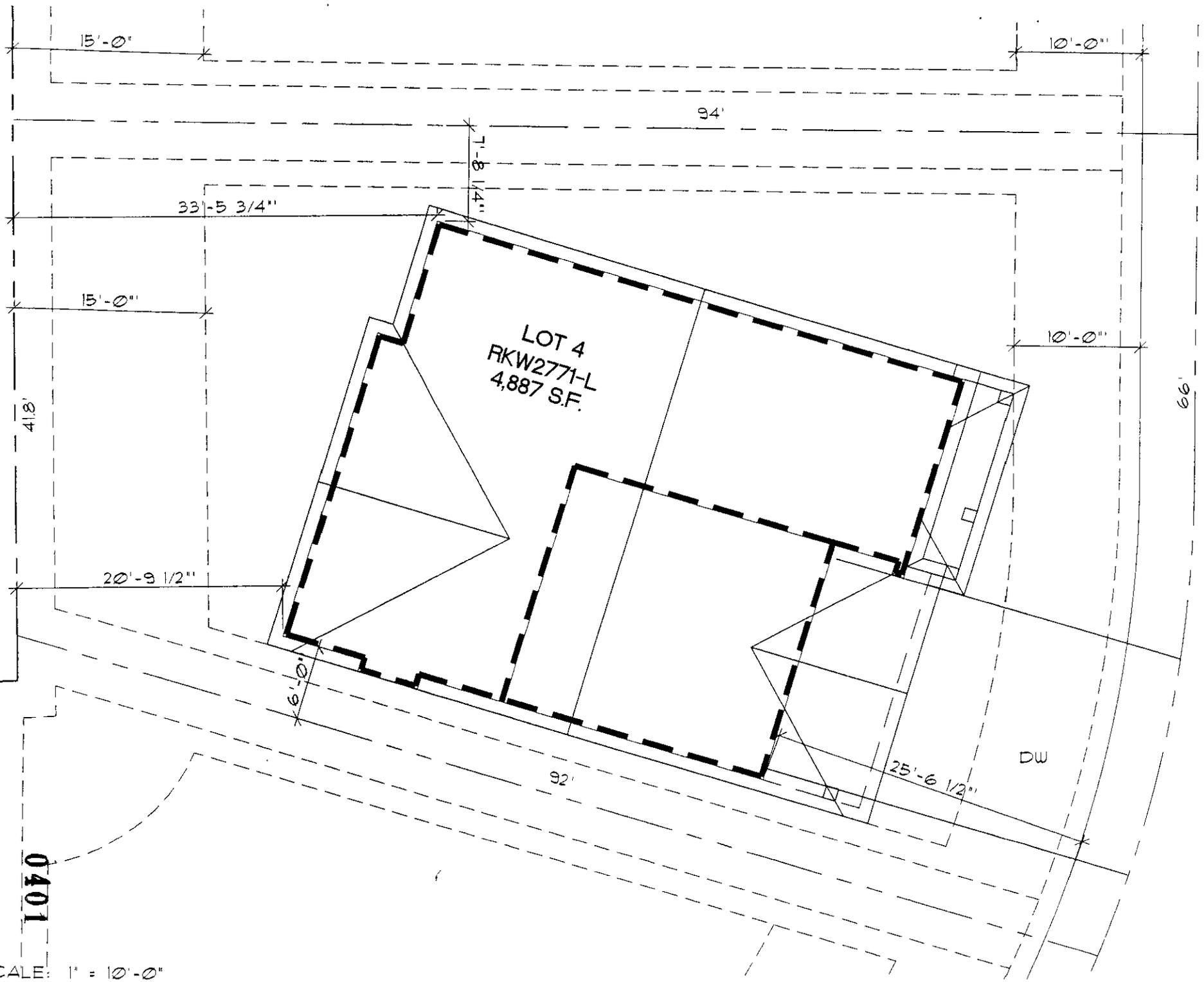
LOT 3
RKW2771-R
4,907 S.F.

WILSON WAY



SCALE: 1" = 10'-0"

0400



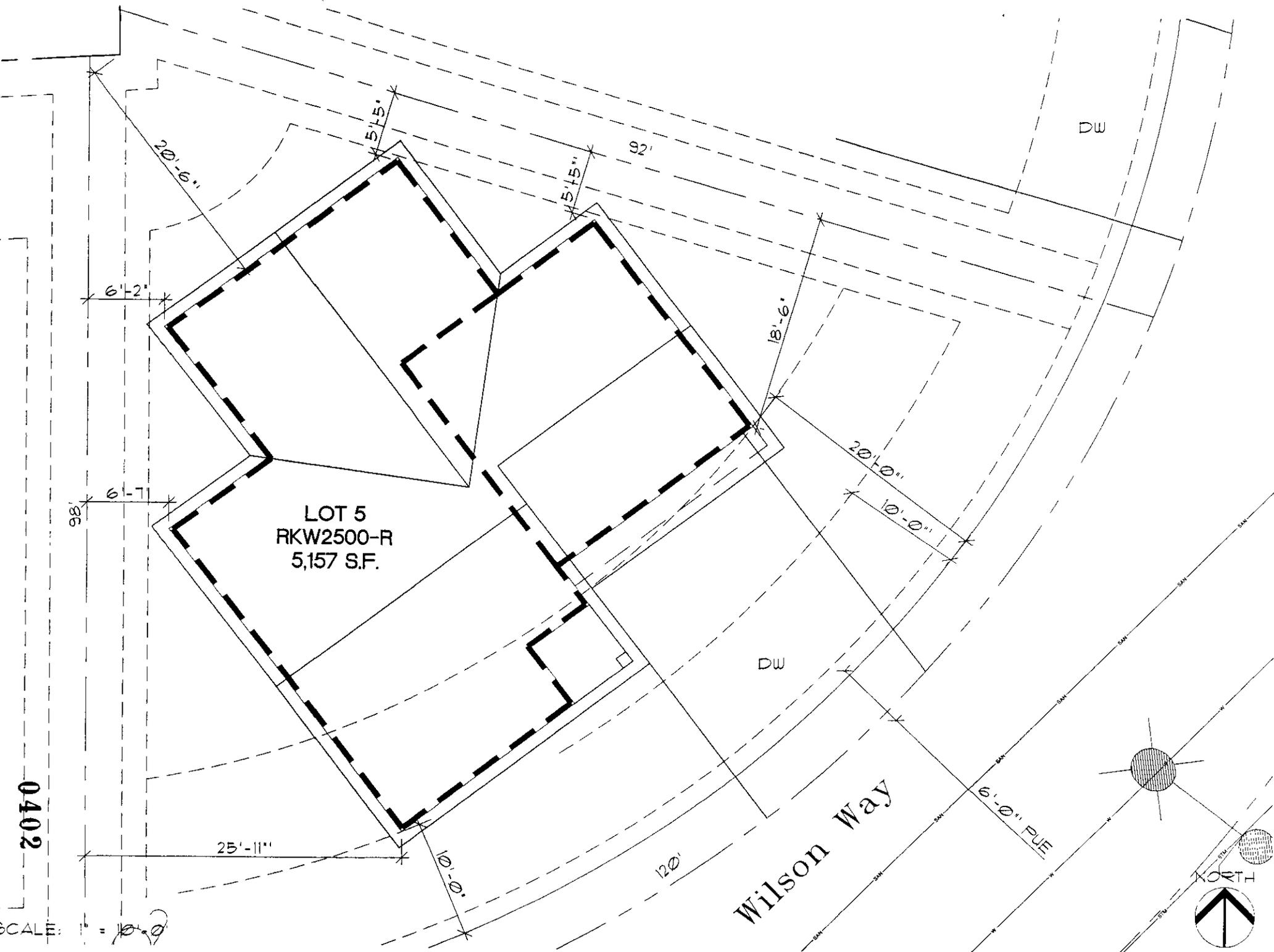
LOT 4
RKW2771-L
4,887 S.F.

WILSON WAY

0401

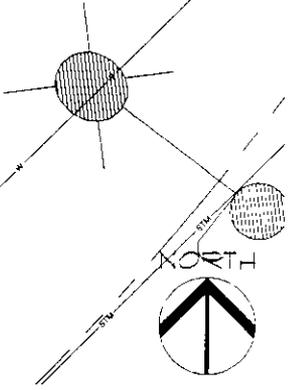
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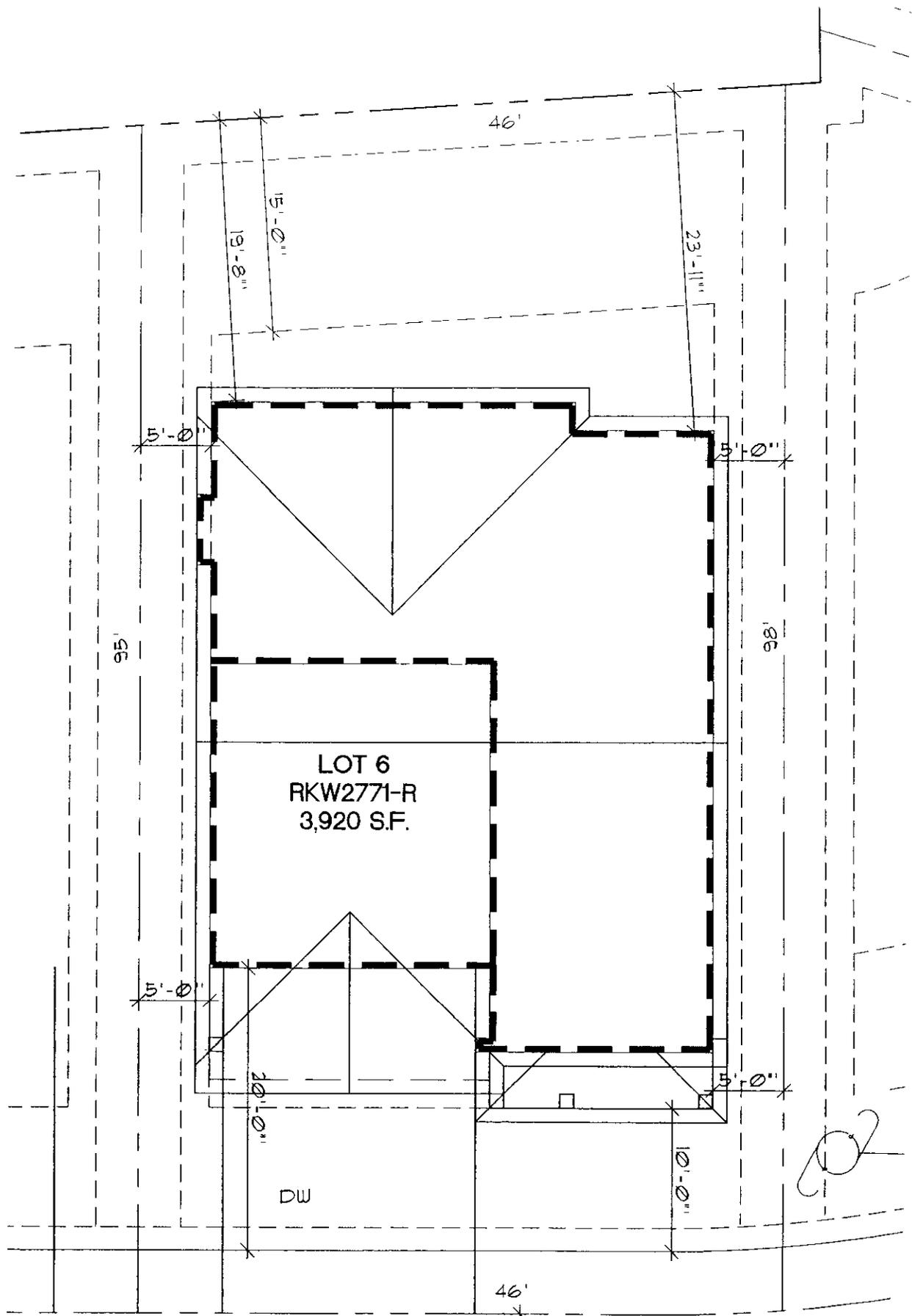
LOT 5
RKW2500-R
5,157 S.F.

Wilson Way



0402

SCALE: 1" = 10'-0"



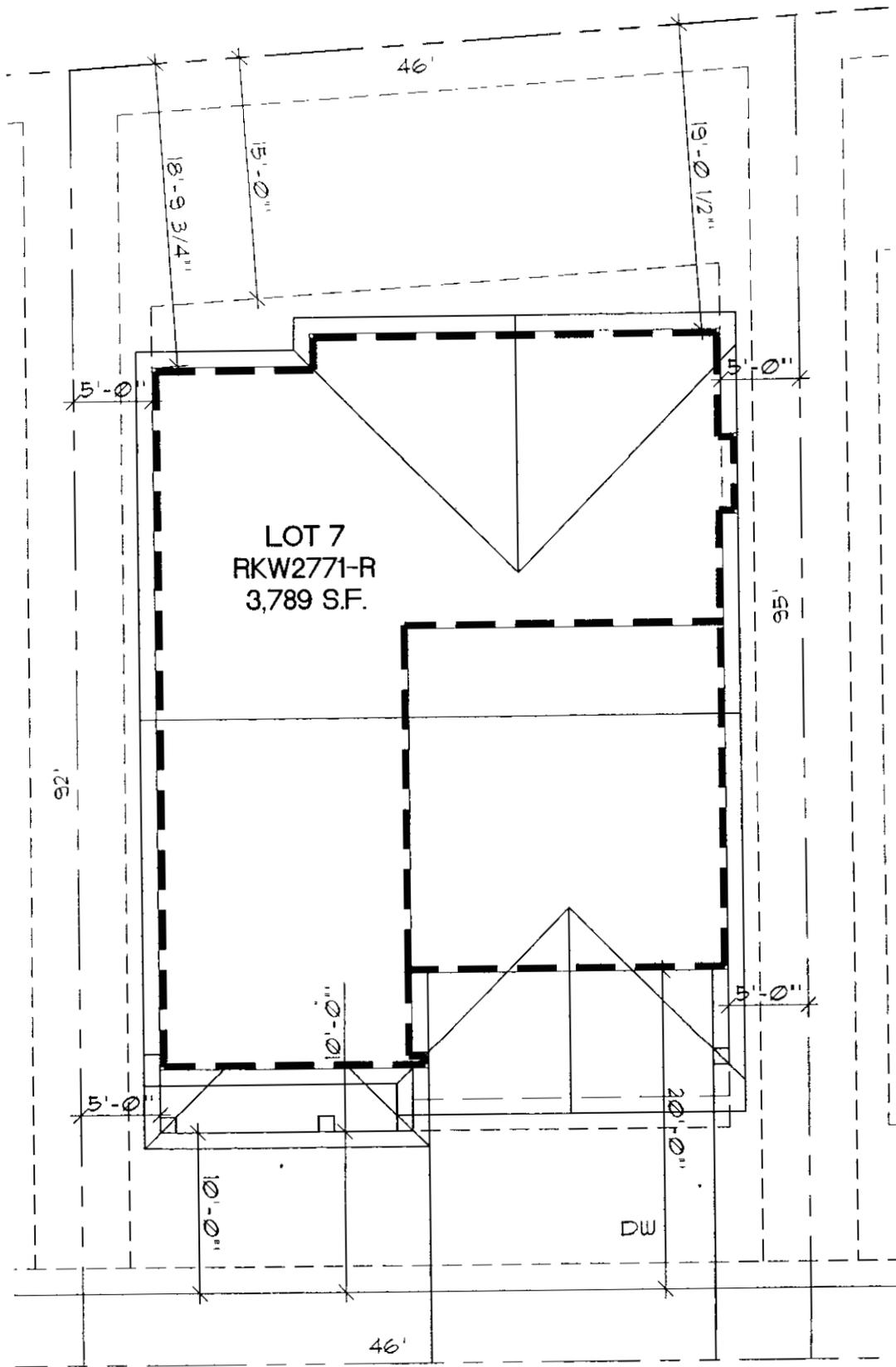
Wilson Way

SCALE: 1" = 10'-0"

1/4"

0403



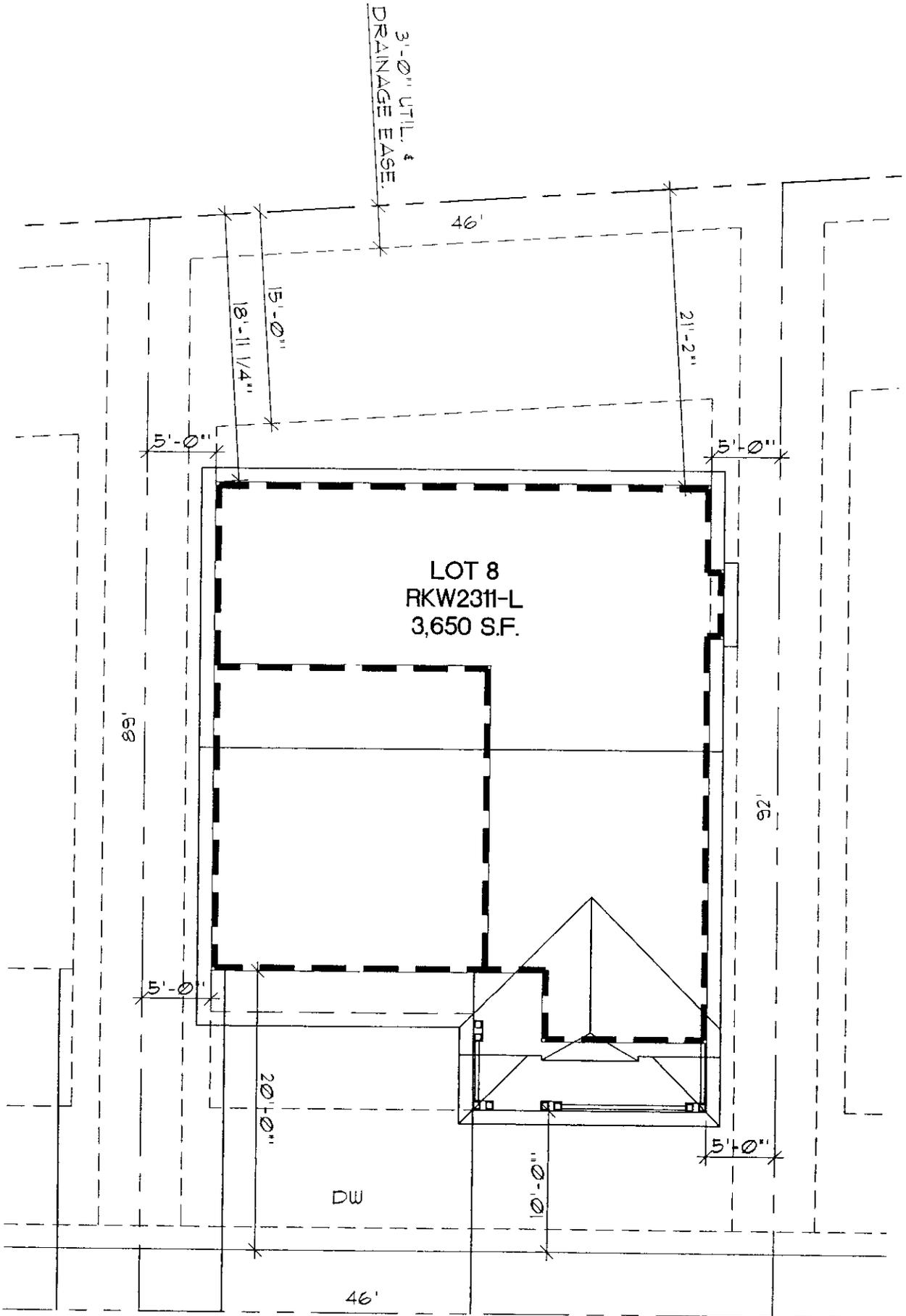


Wilson Way

0404



SCALE: 1" = 10'-0"

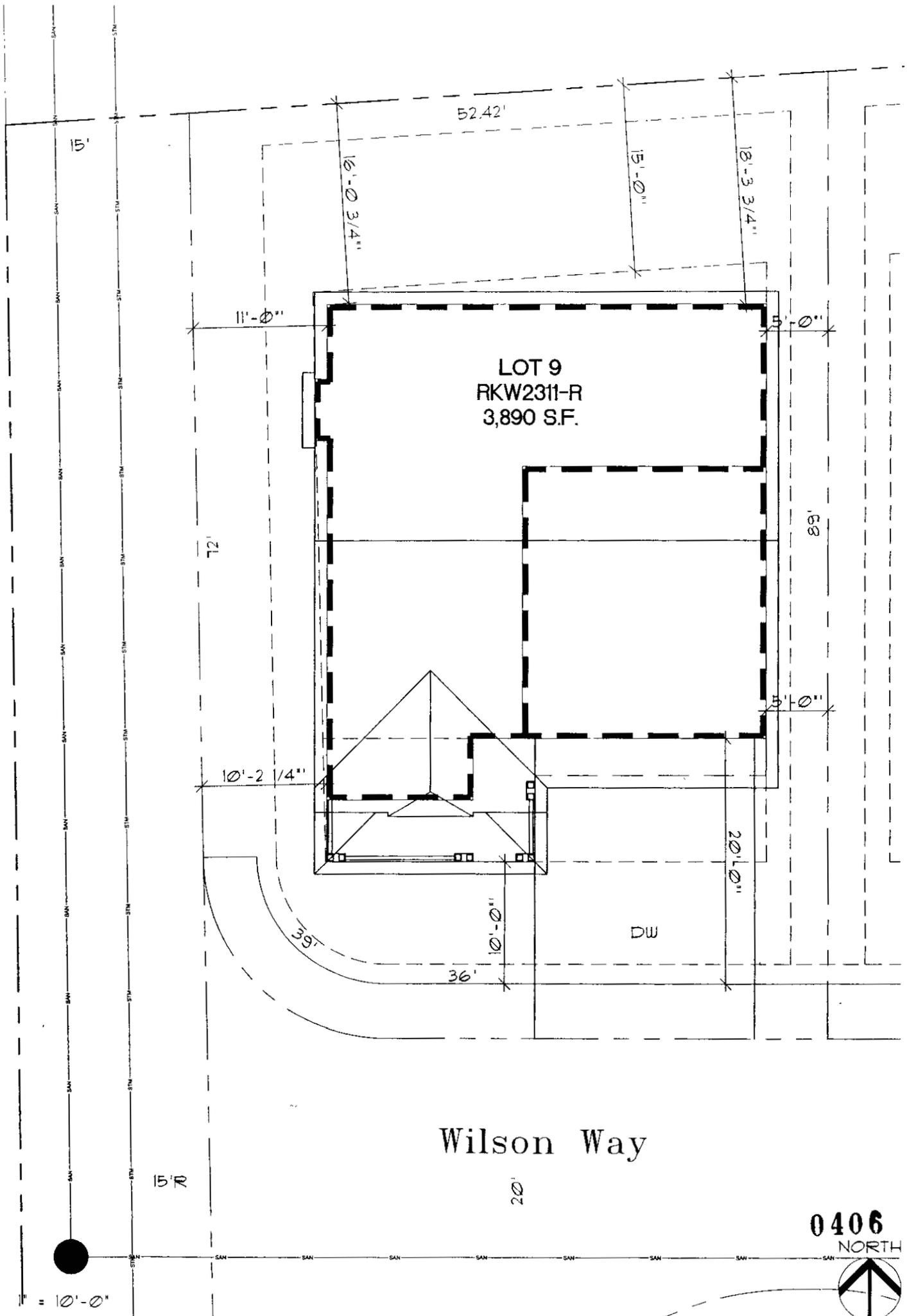


0405

Wilson Way



SCALE: 1" = 10'-0"



LOT 9
 RKW2311-R
 3,890 S.F.

Wilson Way

0406
 NORTH

SCALE: 1" = 10'-0"



WILSON WAY

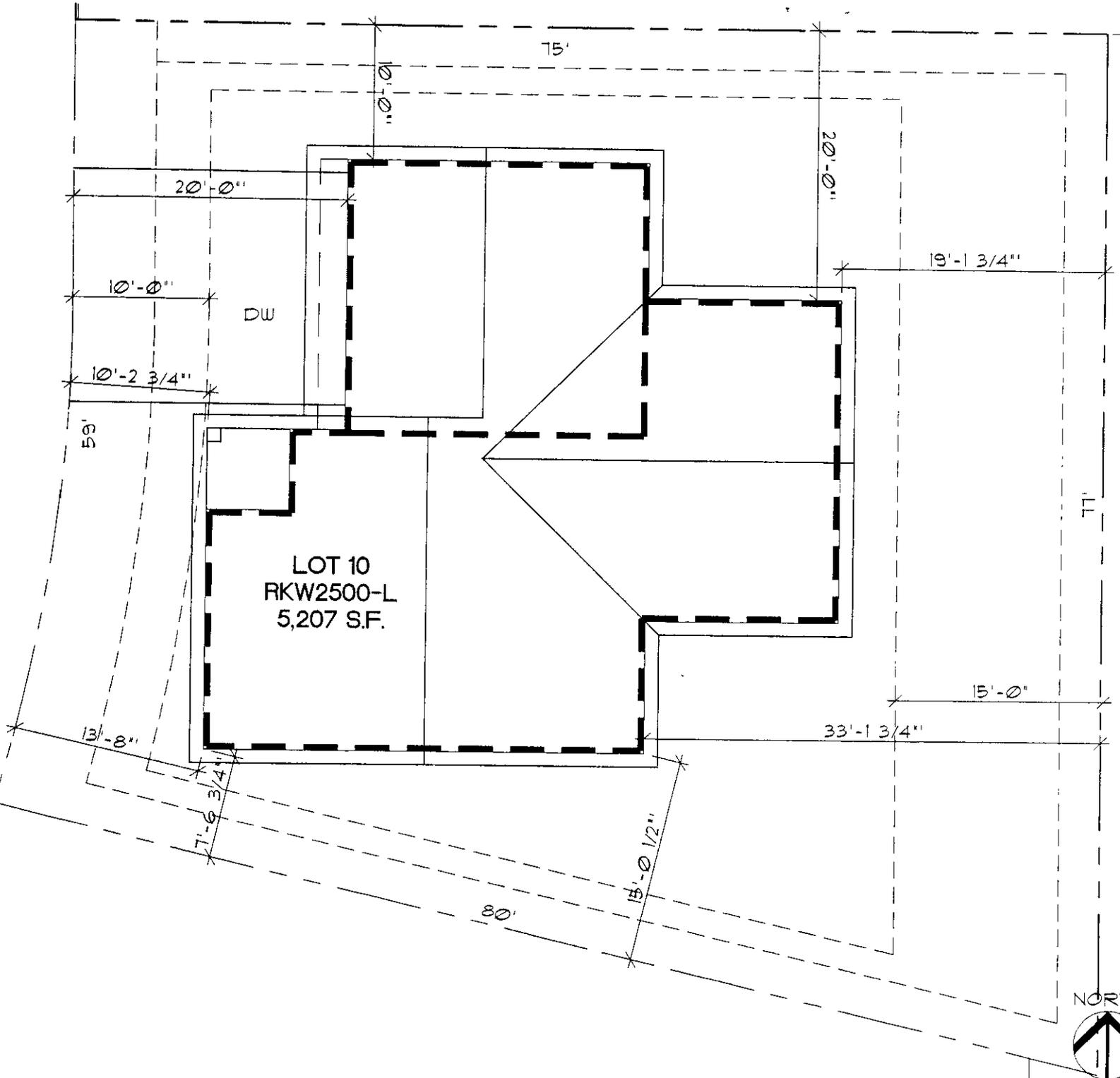
LOT 10
RKW2500-L
5,207 S.F.

DW

NORTH

0407

SCALE: 1" = 10'-0"



8070

88'

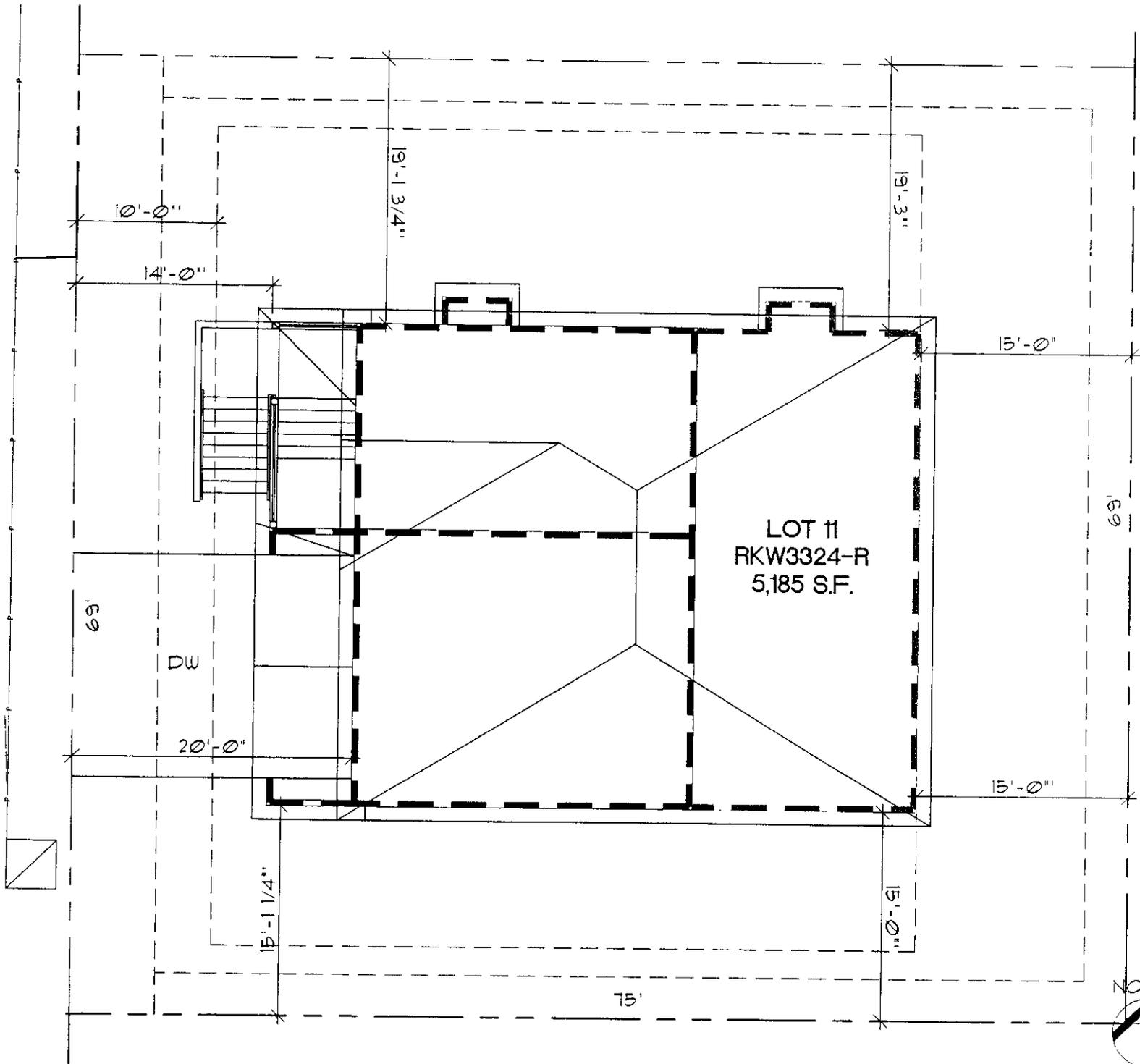
WILSON WAY

24'



Scale bar with markings for 10', 20', 30', 40', 50', 60', 70', 80', 90', 100'.

SCALE: 1" = 10'-0"



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COMPASS ENGINEERING

ENGINEERING - SURVEYING - PLANNING

6564 SE Lake Road
Milwaukie, Oregon 97222

503/653-9093
FAX 503/653-9095
e-mail. compass@compass-engineering.com

June 21, 2006

Liz Jones Associate Planner
Community Development Dept.
City of Beaverton
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR 97076

RECEIVED
JUL 31 2006
City of Beaverton
Development Services

RE: Pointer 11-Lot PUD (CU2006-0001/LD2006-0004)
Additional Submittal Information

Dear Ms. Jones:

The following information is intended to address the completeness issues discussed at our meeting of June 1, 2006. Because of new information regarding stormwater and perimeter setbacks we have made changes to the design. I have attempted to make revisions to the previously submitted narrative only when the design changes have a clear impact on the earlier information. For example I do not believe the changes invalidate any of the findings regarding whether this proposal complies with Plan policies, and those findings have not been altered. Conversely the design changes do effect lot calculations, and revised information is submitted with this letter.

As you mentioned in the meeting, we mistakenly addressed the Preliminary Planned Unit Development instead of the Final Planned Unit Development section. Because we intend to complete the project in one phase, the Final section (40.15.15.6) is appropriate. Following are findings addressing those criteria.

40.15.15.

6. Final Planned Unit Development

A. Threshold. A Final Planned Unit Development (PUD) application is the second application of a two-step application process with a Preliminary PUD as the first step. A Final PUD application may also be a one-step application process which is an alternative to the two-step process required when an applicant chooses to apply for a Preliminary PUD. The option of a one-step or two-step process rests with the applicant. The requirements for a Final PUD may be applied to properties within any City zoning district except Residential-Agricultural.

B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Final PUD approval. The decision making authority is the Planning Commission.

C. Approval Criteria. In order to approve a Final PUD application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the

following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Final PUD application.

We have chosen the optional PUD process due to the due to the complex lot shape and easements on the property, and the Final PUD criteria as the project will be done in one phase.

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

We have submitted the application fees we believe are correct. If other fees are required please contact us.

3. If a Preliminary PUD has been approved, the Final PUD is filed within two (2) years or the Preliminary PUD has received an extension approval pursuant to Section 50.93 of this Code.

NA

4. The final PUD complies with the approved Preliminary PUD, if any.

NA

5. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance which shall be considered concurrently with the subject proposal.

This proposal meets the perimeter setback requirement because no structures have been built, and future structures will meet the required setback distance as part of obtaining a building permit. To make the requirement more obvious, we have shown the perimeter setback lines on the site plan. As you relayed to me, the front yard setbacks are those fronting Pointer Road and Canyon Lane. All remaining perimeter setbacks are side-yard setbacks.

6. The proposal complies with the applicable policies of the Comprehensive Plan.

Please refer to the roughly 5 pages of findings addressing what we believe are the applicable policies of the Comprehensive Plan.

7. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

As shown on the spreadsheet, this property can comply with the minimum/maximum density requirements on the R7 zone. Existing access easements across the property increase the square footage we have to put in the private street system, but even after placing the vehicle access easements into the private street system (and removing that area from the net area requirements) the density allowed is 11 units. The combination of the 21% Open Space and the private street does result in smaller lots and smaller dwellings, adding to the diversity in Beaverton housing.

8. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.

The site has been operating as a wholesale greenhouse nursery business; a non-conforming use. Almost all of the site is covered with buildings. The zone is single-family residential, and the surrounding areas is developed with single-family homes. Average lot size of the surrounding lots are larger than the minimum lot size of the existing zone, and of course larger than the average lot size in our R7 PUD.

Most of the adjacent single-family lots surrounding the property have their backyards adjacent to this property. The larger lots and lot orientation means almost all adjacent dwellings have a good deal of

separation from dwellings built as part of this PUD. (Lot Number 1 is an exception with a possible double side yard orientation, but having 10 foot separation between two single-family homes is a common and acceptable practice. The project will have minimal impact on livability for the existing homes or any re-development under the R7 zone.

9. The lessening of the Site Development Requirements results in benefits to the enhancement of site, building, and structural design or preservation of natural features.

The relaxation in street standards allows the development of this infill area while still maintaining adjacent easement agreements and connectivity. A standard subdivision would result in even shallower lots, many of them odd shape and difficult to build on. The PUD process greatest benefit is requiring the 20% open space. The odd shape area that would result in hard to develop odd-shaped lots in a subdivision works well as open space. The open space area is visible from most of the sites, and also provides separation from the dwellings to the south. The PUD section of the code makes it much easier to develop this infill site and replace a non-conforming use with approximately 85% impervious surface. The PUD approach creates an open space amenity, and provides a desired housing type for the City. Except for a few small trees there are no resource areas on the site (not counting any plants being grown commercially inside the greenhouses).

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

We are attempting to submit required and relevant documents and supporting material in the proper sequence.

Attached to this letter are the revised plan sheets, the reservation of the subdivision plat name, and the revised lot size calculations. Thanks again for your help.

Sincerely,



Karl Mawson, AICP

Attachments

Subdivision at 7385 SW Canyon Lane RK Wilson, Compass #5878

Individual Lot Information

Lot #	Area	Width	Depth	in sq.ft.
1	5,912.0	67.0	87.0	
2	5,825.0	86.0	64.0	
3	4,381.0	52.0	90.0	
4	5,091.0	52.0	89.0	
5	5,157.0	58.0	90.0	
6	3,920.0	80.0	100.0	
7	3,789.0	48.0	89.0	
8	3,650.0	48.0	86.0	
9	3,890.0	48.0	84.0	
10	5,207.0	69.0	75.0	
11	5,185.0	68.0	75.0	

Totals =	52,007.0	676.0	929.0
Average =	4,727.9	61.5	84.5
	52,007.0 Total of 11 Lots		
	19,480.0 Countable Open Space		
	2,482.0 Setback Open Space		
	16,496.0 Steet Area		
	Net Area with OS = 80,455.0		
	Net Area without OS = 52,007.0		

Drafting Data Totals

Total Site Area =	96,951 sq.ft.
(or)	2.22568871 acres
Lots =	52,007
Private Street =	16,496
Counting Open Space =	19,480
Setback OS =	2,482.0

Design Street Widths

Entrance r-o-w =	24
Remainder of r-o-w =	28
Site Right of Way =	17.0%
Site Open Space =	20.1%
Non-r-o-w Open Space =	24.2% sq.ft.
Area for 20% site =	19,390
Add. Area needed =	-89.8
Proposed Open Space =	20.1%

Standard Density Calc. Based on ACAD Info.

R7 Zone = 7,000.0 OS % = 20.0%

Max = 11.49 Lots

Min = 9.19 Lots

Rounded 11.0 Lots Maximum

9.0 Lots Minimum

In this calculation, the area for the private street (including the pavement area required for adjacent property easements) was removed from the gross acreage to obtain a PUD net acreage of 75,672 square feet.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Development Services Fee for New
Sidewalk Design Modification Application

FOR AGENDA OF: 02-12-07 **BILL NO:** 07033

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: Public Works *HM for GB*

DATE SUBMITTED: 01-23-07

CLEARANCES: Finance *AD Claw*
City Attorney *US*
Community *[Signature]*
Development *[Signature]*

PROCEEDING: Public Hearing

EXHIBITS: 1. Resolution
2. Fee Schedule

BUDGET IMPACT

EXPENDITURE REQUIRED\$0	AMOUNT BUDGETED\$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The Community Development Department is responsible for collecting fees established by resolution of the City Council in order to defray costs associated with development applications. Section 10.55 of the Beaverton Development Code (Ordinance 2050) provides that the City may charge and collect filing and other fees as established by resolution of the Council in order to defray expenses incurred in connection with the processing of applications, preparation of reports, publications of notices, issuance of permits, and other matters.

INFORMATION FOR CONSIDERATION:

The City established a new Development Code application 40.70 Sidewalk Design Modification, which was approved by the Council on January 8, 2007, in Ordinance 4418. A fee of \$103.00 is set for the processing of this application.

The Sidewalk Modification is a Type 1 Land Use application and is therefore tied to that process and fee. A Type 1 takes approximately one and a half hours of staff time to process so a fee of \$103 is recommended for the Sidewalk Design Modification application. The resolution adopting this fee is Exhibit 1. The updated Fee Schedule is Exhibit 2. ORS 294.160 requires an opportunity for public comment when a new fee is proposed for adoption.

RECOMMENDED ACTION:

Open a public hearing for comment on the fee and approve the resolution adopting the fee.

RESOLUTION NO. 3890

A RESOLUTION SUPERSEDING RESOLUTION NO. 3861 AND ESTABLISHING FEES FOR PLANNING PERMITS, APPEALS, AND OTHER SERVICES PURSUANT TO SECTION 10.55 OF THE BEAVERTON DEVELOPMENT CODE, ORDINANCE 2050.

WHEREAS, Section 10.55 of the Beaverton Development Code (Ordinance 2050) provides that the City may charge and collect filing and other fees as established by resolution of the Council in order to defray expenses incurred in connection with the processing of applications, preparation of reports, publications of notices, issuance of permits and other matters; and,

WHEREAS, it is City policy to annually adjust fees for applications and appeals to reflect inflation and processing expenses; and,

WHEREAS, for Fiscal Year 2006-2007, the City has already adjusted fees for applications reflecting inflation for the time between April 2005 and April 2006; and,

WHEREAS, the City has adopted Ordinance 4418 establishing a new application, which requires a processing fee, entitled Sidewalk Design Modification in the Beaverton Development Code; and,

WHEREAS, legal public notice of the Beaverton City Council's consideration of the amendment to the City's Development Services Fee Schedule was published in the January 18, 2007, edition of the *Valley Times*; and,

WHEREAS, the Beaverton City Council met at a regularly scheduled meeting on February 12, 2007, to consider, on consent agenda, the amendment to the City's Development Services Fee Schedule; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

Section 1: The Council adopts the amended fee schedule of the Community Development Department Development Services Division actions on land development applications and processes as shown in Exhibit A to this Resolution, attached and incorporated herein by this reference. The fee schedule shall be effective for all applications received on and after February 22, 2007.

Section 2: The Council directs the Mayor annually to adjust the fee schedule adopted by this Resolution effective for land development applications received on and after July 1 of each succeeding calendar year according to the United States Department of Labor Consumer Price Index West published for the interval last preceding that effective date. The Mayor shall endeavor to give 60 days public notice of the fee adjustment prior to the effective date of each adjustment, but failure to give such notice shall not invalidate the adjustment.

Section 3: This Resolution supersedes anything to the contrary in Resolution No. 3861 and in all prior resolutions setting fees for Development Services Division actions on land development approvals.

Section 4: This Resolution shall take effect on February 22, 2007.

Adopted by the Council this ____ day of _____, 2007.

Approved by the Mayor this ____ day of _____, 2007.

Ayes: _____

Nays: _____

Attest:

Approved:

Sue Nelson, City Recorder

Rob Drake, Mayor

CITY OF BEAVERTON
DEVELOPMENT SERVICES FEE SCHEDULE
FEBRUARY 22, 2007 TO JUNE 30, 2007

APPLICATION TYPE	Fees
ACCESSORY DWELLING UNIT	\$ 173
ADJUSTMENT	
MINOR	\$ 628
MAJOR	\$ 1,934
APPEALS	
TYPE 1 AND TYPE 2 DECISIONS*	\$ 250
TYPE 3 AND TYPE 4 DECISIONS	\$ 1,314
BALLOT MEASURE 37 CLAIM (Deposit)	\$ 1,000
COMPREHENSIVE PLAN AMENDMENT	\$ 4,790
CONDITIONAL USE	
MINOR MODIFICATION	\$ 626
MAJOR MODIFICATION	\$ 2,624
ADMINISTRATIVE	\$ 1,261
NEW CONDITIONAL USE	\$ 2,624
PRELIMINARY PLANNED UNIT DEVELOPMENT	\$ 2,624
FINAL PLANNED UNIT DEVELOPMENT	\$ 2,624
DESIGN REVIEW	
DESIGN REVIEW COMPLIANCE LETTER	\$ 103
DESIGN REVIEW TWO	\$ 1,654
DESIGN REVIEW THREE	\$ 3,638
DEVELOPMENT COMPLIANCE FEES	
DMV REVIEW (License Renewal)	\$ 41
DMV REVIEW (New Business)	\$ 103
DIRECTOR'S INTERPRETATION	\$ 659
EXTENSION OF PRIOR APPROVAL	\$ 309
FLEXIBLE & ZERO YARD SETBACKS	
INDIVIDUAL LOT (with endorsement)	\$ 103
INDIVIDUAL LOT (without endorsement)	\$ 828
PROPOSED RESIDENTIAL LAND DIVISION	\$ 828
PROPOSED ANNEXATION	\$ 828
ZERO SETBACK - PROPOSED RESIDENTIAL LAND DIVISION	\$ 828
ZERO SETBACK - PROPOSED NON-RESIDENTIAL LAND DIVISION	\$ 370
HISTORIC REVIEW	
ALTERATION	\$ 624
EMERGENCY DEMOLITION	\$ 624
DEMOLITION	\$ 624
NEW CONSTRUCTION WITHIN HISTORIC DISTRICT	\$ 624
HOME OCCUPATION	
HOME OCCUPATION ONE	N/C
HOME OCCUPATION TWO	\$ 464
LAND DIVISION	
LOT LINE ADJUSTMENT	\$ 417
PRELIMINARY PARTITION or FEE-OWNERSHIP PARTITION	\$ 3,090
PRELIMINARY SUBDIVISION or FEE-OWNERSHIP SUBDIVISION	\$3842 + \$95 / Lot
FINAL PARTITION	\$ 805
FINAL SUBDIVISION	\$ 979
EXPEDITED LAND DIVISION	\$ 6,077

APPLICATION TYPE	Fees
LOADING DETERMINATION	\$ 270
PARKING DETERMINATION	
PARKING REQUIREMENT DETERMINATION	\$ 270
SHARED PARKING	\$ 270
USE OF EXCESS PARKING	\$ 135
PRE-APPLICATION CONFERENCE	\$ 220
PROJECT MANAGEMENT DEPOSIT (minimum charge)	\$ 3,000
PUBLIC NOTICE (Ballot Measure 56) (deposit)	\$ 10,000
PUBLIC TRANSPORTATION FACILITY	\$ 827
RE NOTIFICATION	\$ 139
RESEARCH / PER HOUR	\$ 139
SIDEWALK DESIGN MODIFICATION	\$ 103
SIGN	\$ 74
SOLAR ACCESS	\$ 717
STREET NAME CHANGE	\$ 1,545
STREET VACATION	\$ 1,854
TEMPORARY USE	
MOBILE SALES	\$ 173
NON-MOBILE SALES	\$ 173
STRUCTURE	\$ 173
REAL ESTATE OFFICE	\$ 173
NON-PROFIT EVENT	\$ 173
TEXT AMENDMENT	\$ 4,357
TREE PLAN	
TREE PLAN ONE	\$ 579
TREE PLAN TWO	\$ 948
TREE PLAN THREE	\$ 1,314
COMMERCIAL TIMBER HARVEST	\$ 579
VARIANCE	\$ 1,934
WIRELESS FACILITY	
WIRELESS FACILITY ONE	\$ 103
WIRELESS FACILITY TWO	\$ 1,261
WIRELESS FACILITY THREE	\$ 2,624
ZONE CHANGE	
QUASI-JUDICIAL	\$ 2,746
LEGISLATIVE	\$ 2,746
ANNEXATION RELATED - NON DISCRETIONARY	N/C
ANNEXATION RELATED - DISCRETIONARY	N/C
REIMBURSE TRAFFIC IMPACT ANALYSIS COST**	\$ 5,000

* Pursuant to ORS 227.175(10), if a land use decision has not previously been heard in a public hearing format, the fee for an appeal of that decision cannot be greater than \$250.00. This fee is not to be charged to any local government agencies. If the appellant prevails in this appeal, this appeal fee is to be refunded.

** Pursuant to Resolution No. 3852, this fee is applicable only to the development of parcels identified as tax map lot identification nos. 2S1060000101 and 2S1060000102. The fee is a one time fee and will be assessed with the initial

Adopted by Resolution No. _____

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: APP 2006-0005 - Appeal of TA 2006-0007
(Code Applicability for Annexed Areas
Amendment)

FOR AGENDA OF: 2-12-07 **BILL NO:** 07034

Mayor's Approval: Bob Drake

DEPARTMENT OF ORIGIN: CDD July

DATE SUBMITTED: 2-7-07

CLEARANCES: City Attorney ARR
Devel. Services AS

PROCEEDING: Action Item

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The City Council was scheduled to hear the appeal of Text Amendment application number TA 2006-0007 at the December 4, 2006 Council meeting. A letter was submitted at the Council meeting by Washington County requesting a continuance of the hearing. The Council decided to continue the hearing to February 12, 2007.

INFORMATION FOR CONSIDERATION:

The Community Development Director, as the applicant for TA 2006-0007, withdrew the proposed text amendment application. The City is proceeding with zoning map amendments to apply City zoning to those areas which have been annexed by the City. By completing the zoning map amendments, the issue addressed by the text amendment will be remedied. Further, City staff are attempting to engage the County in proceeding with minor amendments to the Urban Area Planning Agreement (UPAA) that would expand the existing zoning district cross walk to include all zoning districts in both the County Development Code and City Development Code. With these steps being taken, the hearing on the proposed text will no longer be necessary.

RECOMMENDED ACTION:

Staff recommend that the Council direct staff to refund the fee paid by the appellant to appeal the Planning Commission's recommendation on the proposed text amendment.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Relating to the Use and Possession of Replica Firearms in a Public Place

FOR AGENDA OF: 2-12-07 **BILL NO:** 07025

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 2-2-07

CLEARANCES: Police 

PROCEEDING: FIRST READING

EXHIBITS: 1. Ordinance
2. Annotated Version of Ordinance

BUDGET IMPACT

EXPENDITURE REQUIRED \$0.00	AMOUNT BUDGETED \$0.00	APPROPRIATION REQUIRED \$0.00
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HISTORICAL PERSPECTIVE:

In Summer, 2006, the Chief of Police asked the City Attorney to study and draft an ordinance regulating the possession of realistic-appearing toy guns in public places. The Police Department furnished a copy of New York City provisions pertaining to such regulations. The two departments compiled additional information and drafted legislative provisions. Thereafter, a Council Presentation/Work Session was held on December 11, 2006, to explain why the City may want to regulate realistic-appearing toy guns and to allow the Council to comment on a conceptual draft of the attached Ordinance. Based on comments received at the Council Presentation/Work Session, a draft ordinance was prepared. A public hearing on the draft ordinance was held on January 22, 2007. Based on comments received at the Public Hearing, the draft ordinance was revised and is now submitted for first reading.

INFORMATION FOR CONSIDERATION:

The Ordinance applies to imitation guns that substantially resemble real firearms. One common term for such replicas is an airsoft gun. Despite their appearance as a real gun, these replicas typically discharge a non-lethal plastic pellet. The Ordinance forbids the visible possession of a replica firearm in a public place and the pointing or discharging of a replica firearm at another person if the other person is in a public place. A first offense is punishable as a civil violation. Repeat offenses, and any offense involving a replica firearm committed on or within 1,000 feet of school premises is punishable as a misdemeanor.

The Ordinance provides for several affirmative defenses to an alleged violation of the Ordinance's prohibitions. These defenses include that the defendant carried the replica firearm concealed while in a public place; that the defendant was employed as a police officer and possessed the replica firearm within his or her official duties; and that the defendant possessed the replica firearm in connection with the production of a motion picture, television program, theatrical presentation or period-authentic historical reenactment.

Additional information about the Ordinance is included in the exhibits to the Agenda Bill pertaining to the December 11, 2006, Council Presentation/Work Session and the January 22, 2007, public hearing. Those materials are incorporated herein by this reference.

RECOMMENDED ACTION:

First Reading of Ordinance.

ORDINANCE NO. 4423

**AN ORDINANCE RELATING TO THE USE AND POSSESSION OF
REPLICA FIREARMS IN A PUBLIC PLACE**

WHEREAS, non-projectile toys and non-lethal projectile weapons, such as ones commonly known as airsoft guns, can be manufactured with coloring and dimensions identical to genuine, lethal firearms; and

WHEREAS, such replica firearms can be indistinguishable from authentic weapons, even to a trained and knowledgeable observer such as a police officer; and

WHEREAS, the appearance of a replica firearm in a public place can create a public disturbance or alarm, which distress can escalate into an unnecessary fatality if deadly force is employed to overcome the reasonably perceived lethal threat; and

WHEREAS, it is appropriate to regulate the appearance of replica firearms in public places to reduce the possibility of unnecessary harm or death; and

WHEREAS, Council instructs city staff to create a public information campaign about the public risks of imitation firearms, which campaign shall precede the effective date of this Ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended in Chapter Five by adding the following:

“5.08.250 Short Title. BC 5.08.250 – .270 shall be known and may be cited as the ‘Replica Firearms Ordinance’ and may also be referred to herein as ‘this ordinance.’

“5.08.255 Definitions. For the purposes of this ordinance the following terms have the stated meanings:

Blaze orange tip - Either a plastic plug or a permanent marking which is colored blaze orange, which covers the barrel of a replica firearm from the muzzle end for a depth of at least 6 millimeters, the placement of which is required by Federal law.

Laser pointer - A device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

Period-authentic historical reenactment - A reenactment of past events in which the use of historically accurate uniforms and equipment predominates.

Replica firearm - Any device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm. A device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm shall not

be deemed a replica firearm if:

- A. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright green, bright blue or bright purple, either singly or in combination with other listed colors; or
- B. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or
- C. The device is constructed entirely of a mixture of materials described in subsections (A) and (B) of this definition.

Replica firearm merchant - A retail operation, such as a hobby shop, sporting goods store, or firearms store, that is a place of sale to ultimate consumers of replica firearms for direct consumption, operating in a commercial structure or storefront, with premises open to the general public during business hours.

School premises - The real property comprising a public or private elementary, secondary or career school attended primarily by minors.

“5.08.260 Prohibitions.

- A. No person shall possess a replica firearm in a public place.
- B. No person shall intentionally, knowingly, recklessly, or with criminal negligence point or discharge a replica firearm at another person, said other person being located in a public place.
- C. No person shall possess on school premises a device that otherwise would be a replica firearm but for the fact that:
 - 1. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright green, bright blue or bright purple, either singly or in combination with other listed colors; or
 - 2. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or
 - 3. The device is constructed entirely of a mixture of materials described in subsections (1) and (2).

“5.08.265 Affirmative Defenses.

- A. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(A) that:
 - 1. The defendant possessed the replica firearm in a public place other than on school premises and the replica firearm was completely concealed within an opaque container;
 - 2. The defendant possessed the replica firearm on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the replica firearm was completely concealed within an opaque container;
 - 3. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the replica firearm within his or her official duties;
 - 4. The defendant possessed the replica firearm while using or intending to use

it in connection with the production of a motion picture, television program, theatrical presentation or period-authentic historical reenactment, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production were at least 18 years of age; or

c. One or more person involved in the production held a valid membership in the Associated Actors and Artistes of America (4As) or the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); or

d. The production of the period-authentic historical reenactment took place under the express authorization or direct control or active participation of a governmental entity, a federal tax exempt organization or a nonprofit organization duly registered with either the Oregon Department of Justice or Office of the Secretary of State, and the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.

5. The defendant possessed the replica firearm where all the following conditions are present:

a. The replica firearm is possessed in the course of commerce, or for service or repair, by a replica firearm merchant, or a patron or wholesaler of such a merchant; and

b. The replica firearm is possessed within the merchant's commercial storefront or structure in which the merchant's business is located; and

c. The replica firearm merchant holds a current, valid City of Beaverton business license; and

d. The replica firearm does not bear an attached laser pointer.

B. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(B) that:

1. The defendant was employed as a peace officer as defined in ORS 133.005 and pointed or discharged the replica firearm within his or her official duties;

2. The defendant pointed or discharged the replica firearm in connection with the production of a motion picture, television program, theatrical presentation or period-authentic historical reenactment, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production were at least 18 years of age; or

c. One or more person involved in the production held a valid membership in the Associated Actors and Artistes of America (4As) or the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); or

d. The production of the period-authentic historical reenactment took place under the express authorization or direct control or active participation of a governmental entity, a federal tax exempt organization or a nonprofit organization duly registered with either the Oregon Department of Justice or Office of the Secretary of State, and the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.

C. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(C) that:

1. The defendant possessed the device on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the device was completely concealed within an opaque container;

2. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the device on school premises within his or her official duties;

3. The defendant possessed the device while using or intending to use it in connection with the production of a motion picture, television program, theatrical presentation or a period-authentic historical reenactment, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production were at least 18 years of age; or

c. One or more person involved in the production held a valid membership in the Associated Actors and Artistes of America (4As) or the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); or

d. The production of the period-authentic historical reenactment took place under the express authorization or direct control or active participation of a governmental entity, a federal tax exempt organization or a nonprofit organization duly registered with either the Oregon Department of Justice or Office of the Secretary of State, and the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.

“5.08.270 Penalties.

- A. Except as provided in subsections (B), (C) and (D) of this section, violation of BC 5.08.260 is a Class A violation punishable by a fine of not less than \$250.
- B. Violation of BC 5.08.260(A) or (B) is a Class A violation punishable by a fine of not less than \$500 if the unlawfully possessed, pointed or discharged replica firearm bears an attached laser pointer or has had its blaze orange tip removed or covered with paint, tape, or similar opaque substance.
- C. Violation of BC 5.08.260(A) or (B) is a Class C misdemeanor if the offense occurs on or within 1,000 feet of school premises.
- D. Violation of BC 5.08.260(A), (B) or (C) is a Class A misdemeanor if within five years to the date of the current offense the defendant has been convicted previously of a violation of BC 5.08.260(A), (B) or (C) or a counterpart thereof in another jurisdiction.
- E. In addition to and not in lieu of any other sentence a court may impose, a court may require a defendant convicted under BC 5.08.260 to forfeit any rights of the defendant in the device or replica firearm unlawfully possessed, pointed or discharged.”

Section 2. This Ordinance shall take effect on March 31, 2007. A 30-day public information campaign shall precede the effective date of this Ordinance to inform citizens about the public risks of replica firearms. At minimum, the publication of a City news release on or before March 30, 2007, sent to selected major media covering the Beaverton area announcing the enactment and the effective date of this Ordinance shall fulfill the requirements of this section.

Section 3. BC 5.08.225 of the Beaverton Code, Discharging a Weapon, is amended to read:

“5.08.225 Discharging a Weapon.

- A. No person shall intentionally discharge a firearm into or across a public place or while located in a public place.
- B. No person shall intentionally discharge a pellet gun, BB gun, bow and arrow, sling shot, or other similar weapon that expels a projectile by means other than by the action of smokeless powder.
- C. This section shall not prohibit the discharge of a firearm or a weapon that expels a projectile by means other than by the action of smokeless powder while at a reasonably safe and regularly operated firing range.
- D. This section does not prohibit the discharge of a replica firearm displayed in accordance with the Replica Firearms Ordinance or the discharge of a weapon that expels a projectile by means other than by the action of smokeless powder, so long as the projectile expelled upon discharge is one of the following:
 - 1. A commercially-manufactured spherical projectile which contains paint and which is designed to break and splatter upon impact, commonly known as a “paintball;”
 - 2. A commercially-manufactured spherical projectile with a diameter between and including 5.98 and 8 millimeters, constituted of common styrene plastic or biodegradable plastic, weighing no more than .36 gram per sphere.

E. A person who violates this section commits a Class B misdemeanor.”

First reading this _____ day of _____, 2007.

Passed by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

ORDINANCE NO. 4423

AN ORDINANCE REGULATING ~~RELATING TO THE USE AND POSSESSION OF~~
REPLICA FIREARMS IN A PUBLIC PLACES

Modifies title of ordinance to better describe its subject matter.

WHEREAS, non-projectile toys and non-lethal projectile weapons, such as ones commonly known as an ~~“AirSoft gun.”~~ airsoft guns, can be manufactured with coloring and dimensions identical to genuine, lethal firearms; and

Corrects grammar and punctuation errors.

WHEREAS, such replica firearms can be indistinguishable from authentic weapons, even to a trained and knowledgeable observer such as a police officer; and

WHEREAS, the appearance of a replica firearm in a public place can create a public disturbance or alarm, which distress can escalate into an unnecessary fatality if deadly force is employed to overcome the reasonably perceived lethal threat; and

WHEREAS, it is appropriate to regulate the appearance of replica firearms in public places to reduce the possibility of unnecessary harm or death; and

WHEREAS, Council instructs city staff to create a public information campaign about the public risks of imitation firearms, which campaign shall precede the effective date of this Ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended in Chapter Five by adding the following:

“5.08.250 Short Title. BC 5.08.250 – .270 shall be known and may be cited as the ‘Replica Firearms Ordinance’ and may also be referred to herein as ‘this ordinance.’

“5.08.255 Definitions. For the purposes of this ordinance the following terms have the stated meanings:

Blaze orange tip - Either a plastic plug or a permanent marking which is colored

blaze orange, which covers the barrel of a replica firearm from the muzzle end for a depth of at least 6 millimeters, the placement of which is required by Federal law.

Laser pointer - A device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.

Period-authentic historical reenactment - A reenactment of past events in which the use of historically accurate uniforms and equipment predominates.

Inserts a definition of a term used at BC 5.08.265 in connection with a defense for possession or use of a replica firearm involving an historical reenactment. "Predominates" means "for the most part; mainly; a majority."

Replica firearm - Any device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm. A device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm shall not be deemed a replica firearm if:

- A. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright green, ~~pink~~ bright blue or bright purple, either singly or as the predominant color in combination with other listed colors; or
- B. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or
- C. The device is constructed entirely of a mixture of materials described in subsections (A) and (B) of this definition.

Expands list of permitted bright colors to include all primary and secondary colors.

Replica firearm merchant - A retail operation, such as a hobby shop, sporting goods store, or firearms store, that is a place of sale to ultimate consumers of replica firearms for direct consumption, operating in a commercial structure or storefront, with premises open to the general public during business hours.

School premises - The real property comprising a public or private elementary, secondary or career school attended primarily by minors.

"5.08.260 Prohibitions.

- A. No person shall possess a replica firearm in a public place.
- B. No person shall intentionally, knowingly, recklessly, or with criminal negligence point or discharge a replica firearm at another person, said other person being located in a public place.

C. No person shall possess on school premises a device that otherwise would be a replica firearm but for the fact that:

1. The device is constructed entirely of opaque materials colored bright red, bright orange, bright yellow, bright ~~pink~~ green, bright blue or bright purple, either singly or as the predominant color in combination with other listed colors; or

2. The device is constructed entirely of transparent or translucent materials that permit unmistakable observation of the complete contents of the device; or

3. The device is constructed entirely of a mixture of materials described in subsections (1) and (2).

Changes made here at BC 5.08.260(C) track changes made at BC 5.08.255.

“5.08.265 Affirmative Defenses.

A. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(A) that:

1. The defendant possessed the replica firearm in a public place other than on school premises and the replica firearm was completely concealed within an opaque container;

2. The defendant possessed the replica firearm on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the replica firearm was completely concealed within an opaque container;

3. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the replica firearm within his or her official duties;

4. ~~When the~~ The defendant possessed the replica firearm, ~~he or she was~~ firearm while using or intending to use it for or in connection with the production of a motion picture, television program, or theatrical presentation, or period-authentic historical reenactment, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production ~~are~~ were at least 18 years of age; or

c. One or more person involved in the production ~~holds~~ held a valid membership in ~~t~~The Associated Actors and Artistes of America (4As) or ~~t~~The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); or

d. The production of the period-authentic historical reenactment took place under the express authorization or direct control or active participation of a governmental entity, a federal tax exempt organization or a nonprofit organization

duly registered with either the Oregon Department of Justice or Office of the Secretary of State, and the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.

Three kinds of changes are proposed with regard to BC 5.08.265(A)(4), only one of which is a substantive.

The substantive change is to include as an affirmative defense to a charge of unlawfully possessing a replica firearm in a public place a defense that the defendant possessed the replica firearm in connection with a “period-authentic historical reenactment” that took place “under the express authorization or direct control or active participation” of a governmental, non-profit or charitable organization and “the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.” The intention is to permit period-authentic replica firearms to be openly possessed in a public place in connection with historical reenactments, provided the reenactment occurs under controlled circumstances where there is little or no risk of public disturbance. Examples of productions meeting the requirements of this defense may include a parade, a memorial service or a large-scale battle reenactment.

The two non-substantive changes are, first, to rephrase the subsection’s text to begin with the phrase “The defendant...” so to follow the structure of the other subsections that provide affirmative defenses to similarly charged defendants and, second, to correct grammar errors in subsection 4(b) and (c).

5. The defendant possessed the replica firearm where all the following conditions are present:

- a. The replica firearm is possessed in the course of commerce, or for service or repair, by a replica firearm merchant, or a patron or wholesaler of such a merchant; and
- b. The replica firearm is possessed within the merchant’s commercial storefront or structure in which the merchant’s business is located; and
- c. The replica firearm merchant holds a current, valid City of Beaverton business license; and
- d. The replica firearm does not bear an attached laser pointer.

B. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(B) that:

1. The defendant was employed as a peace officer as defined in ORS 133.005 and pointed or discharged the replica firearm within his or her official duties;
2. ~~When the~~The defendant pointed or discharged the replica firearm, ~~he or she was discharging it for or in~~firearm in connection with the production of a motion picture,

television program program, or theatrical presentation, or period-authentic historical reenactment, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production ~~are~~were at least 18 years of age; or

c. One or more person involved in the production ~~holds~~held a valid membership in ~~either The~~the Associated Actors and Artistes of America (4As) or ~~The~~the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); ~~or-~~

d. The production of the period-authentic historical reenactment took place under the express authorization or direct control or active participation of a governmental entity, a federal tax exempt organization or a nonprofit organization duly registered with either the Oregon Department of Justice or Office of the Secretary of State, and the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.

The proposed changes to the affirmative defenses available under BC 5.08.265(B)(2) to a defendant alleged to have pointed or discharged a replica firearm at a person who is in a public place are essentially the same as those described under BC 5.08.265(A)(4).

C. A defendant may establish by a preponderance of the evidence an affirmative defense to a charge of violating BC 5.08.260(C) that:

1. The defendant possessed the device on school premises, the defendant was an employee or agent of the school acting within his or her official duties, and the device was completely concealed within an opaque container;

2. The defendant was employed as a peace officer as defined in ORS 133.005 and possessed the device on school premises within his or her official duties;

3. ~~When the~~The defendant possessed the device, ~~he or she was~~while using or intending to use it ~~for or in~~in connection with the production of a motion picture, television program program, or theatrical presentation or a period-authentic historical reenactment, and one or more of the following circumstances is present:

a. The production was taking place or was to take place on a stage in an auditorium, including an auditorium on school premises, for which the general admission of an adult to the particular production required the purchase of a ticket; or

b. All of the persons involved in the production ~~are~~were at least 18

years of age; or

c. One or more person involved in the production ~~holds-held~~ a valid membership in either ~~The~~the Associated Actors and Artistes of America (4As) or ~~t~~The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE); ~~or-~~

d. The production of the period-authentic historical reenactment took place under the express authorization or direct control or active participation of a governmental entity, a federal tax exempt organization or a nonprofit organization duly registered with either the Oregon Department of Justice or Office of the Secretary of State, and the production of the reenactment did not create unreasonable public inconvenience, annoyance or alarm.

The proposed changes to the affirmative defenses available under BC 5.08.265(C)(3) to a defendant alleged to have possessed a replica firearm on school premises are essentially the same as those described under BC 5.08.265(A)(4).

“5.08.270 Penalties.

A. Except as provided in subsections (B), (C) and (D) of this section, violation of BC 5.08.260 is a Class A violation punishable by a fine of not less than \$250.

B. Violation of BC 5.08.260(A) or (B) is a Class A violation punishable by a fine of not less than \$500 if the unlawfully possessed, pointed or discharged replica firearm bears an attached laser pointer or has had its blaze orange tip removed or covered with paint, tape, or similar opaque substance.

C. Violation of BC 5.08.260(A) or (B) is a Class C misdemeanor if the offense occurs on or within 1,000 feet of school premises.

D. Violation of BC 5.08.260(A), (B) or (C) is a Class A misdemeanor if within five years to the date of the current offense the defendant has been convicted previously of a violation of BC 5.08.260(A), (B) or (C) or a counterpart thereof in another jurisdiction.

E. In addition to and not in lieu of any other sentence a court may impose, a court may require a defendant convicted under BC 5.08.260 to forfeit any rights of the defendant in the device or replica firearm unlawfully possessed, pointed or discharged.”

Section 2. This Ordinance shall take effect on March 31, 2007. A 30-day public information campaign shall precede the effective date of this Ordinance to inform citizens about the public risks of replica firearms. At minimum, the publication of a City news release on or before March 30, 2007, sent to selected major media covering the Beaverton area announcing the enactment and the effective date of this Ordinance shall fulfill the requirements of this section.

Section 3. BC 5.08.225 of the Beaverton Code, Discharging a Weapon, is amended to read:

“5.08.225 Discharging a Weapon.

A. No person shall intentionally discharge a firearm into or across a public place or while located in a public place.

B. No person shall intentionally discharge a pellet gun, BB gun, bow and arrow, sling shot, or other similar weapon that expels a projectile by means other than by the action of smokeless powder.

C. This section shall not prohibit the discharge of a firearm or a weapon that expels a projectile by means other than by the action of smokeless powder while at a reasonably safe and regularly operated firing range.

D. This section does not prohibit the discharge of a replica firearm displayed in accordance with the Replica Firearms Ordinance or the discharge of a weapon that expels a projectile by means other than by the action of smokeless powder, so long as the projectile expelled upon discharge is one of the following:

1. A commercially-manufactured spherical projectile which contains paint and which is designed to break and splatter upon impact, commonly known as a “paintball;”

2. A commercially-manufactured spherical projectile with a diameter between and including 5.98 and 8 millimeters, constituted of common styrene plastic or biodegradable plastic, weighing no more than .36 gram per sphere.

E. A person who violates this section commits a Class B misdemeanor.”

First reading this ____ day of _____, 2007.

Passed by the Council this ____ day of _____, 2007.

Approved by the Mayor this ____ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

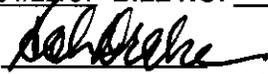
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

02/12/07

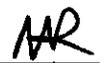
SUBJECT: An Ordinance Annexing a Parcel Located at 12730 SW Fairfield Street to the City of Beaverton and Adding the Property to the Central Beaverton Neighborhood Association Committee: Expedited Annexation 2006-0003

FOR AGENDA OF: ~~01/22/07~~ **BILL NO:** 07023

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 01/09/07

CLEARANCES: City Attorney 
Planning Services 

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: Ordinance

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

In 2005 the City approved an application to develop a piece of property for commercial uses located on the southeast corner of Cedar Hills Boulevard and SW Fairfield Street (directly west of the property proposed for annexation). In reviewing the proposal, the City determined that the property's proximity to the adjacent intersection could disrupt vehicle stacking and impose traffic hazards to oncoming traffic as vehicles attempt to enter or exit the property from the adjacent streets. To address this hazard, the City imposed a condition of approval specifying that if the adjacent parcel (the property proposed for annexation) develops for commercial purposes in the future, the existing access point on Fairfield Street would be removed, a shared access agreement between the two properties would be established, and a new access point would be located further from the intersection on the subject property.

The owner of the parcel proposed for annexation recently approached the City to express his intent to develop the subject property with access and parking facilities designed to serve a related commercial development on a property located further south on Cedar Hills Boulevard. If completed, this activity would enable the condition of approval imposed upon the neighboring property to be implemented.

INFORMATION FOR CONSIDERATION:

For the City to review the application involving the development of both properties, the owner must petition to annex the subject parcel, which is currently unincorporated. This annexation proposal is being initiated in order to fulfill that requirement. Subsequent to annexation, the property owner intends to rezone the property to a City commercial zone and submit an application to develop both properties for commercial uses as proposed. This ordinance and the staff report address the approval criteria for annexation in Metro Code Chapter 3.09.

Beaverton Code Section 9.06.035A provides City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. This parcel is not currently in a NAC. The Neighborhood Office is recommending that this property be added to the Central Beaverton NAC boundary.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

Agenda Bill No: 07023

ORDINANCE NO. 4421

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT 12730 SW FAIRFIELD STREET AND ADJACENT RIGHT-OF-WAY TO THE CITY OF BEAVERTON AND ADDING THE PROPERTY TO THE BEAVERTON CENTRAL NEIGHBORHOOD ASSOCIATION COMMITTEE: EXPEDITED ANNEXATION 2006-0003

- WHEREAS,** ORS 222.125 grants the City authority to initiate an expedited annexation process with the consent of all land owners and at least 50 percent of the electors of the territory to be annexed; and
- WHEREAS,** The owner of 12730 SW Fairfield Street has signed and submitted a petition to annex the property into the City; and
- WHEREAS,** No electors reside on the property; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area, and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City, and this action implements those policies; and now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A, and more particularly described in Exhibit B, is hereby annexed to the City of Beaverton, effective 30 days after the signing of this Ordinance.
- Section 2.** Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Beaverton Central Neighborhood Association Committee Boundary
- Section 3.** The Council accepts the findings in the staff report attached hereto as Exhibit C as adequate demonstration of compliance with all applicable approval criteria.
- Section 4.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

Section 5. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading January 22nd, 2007
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

ATTEST:

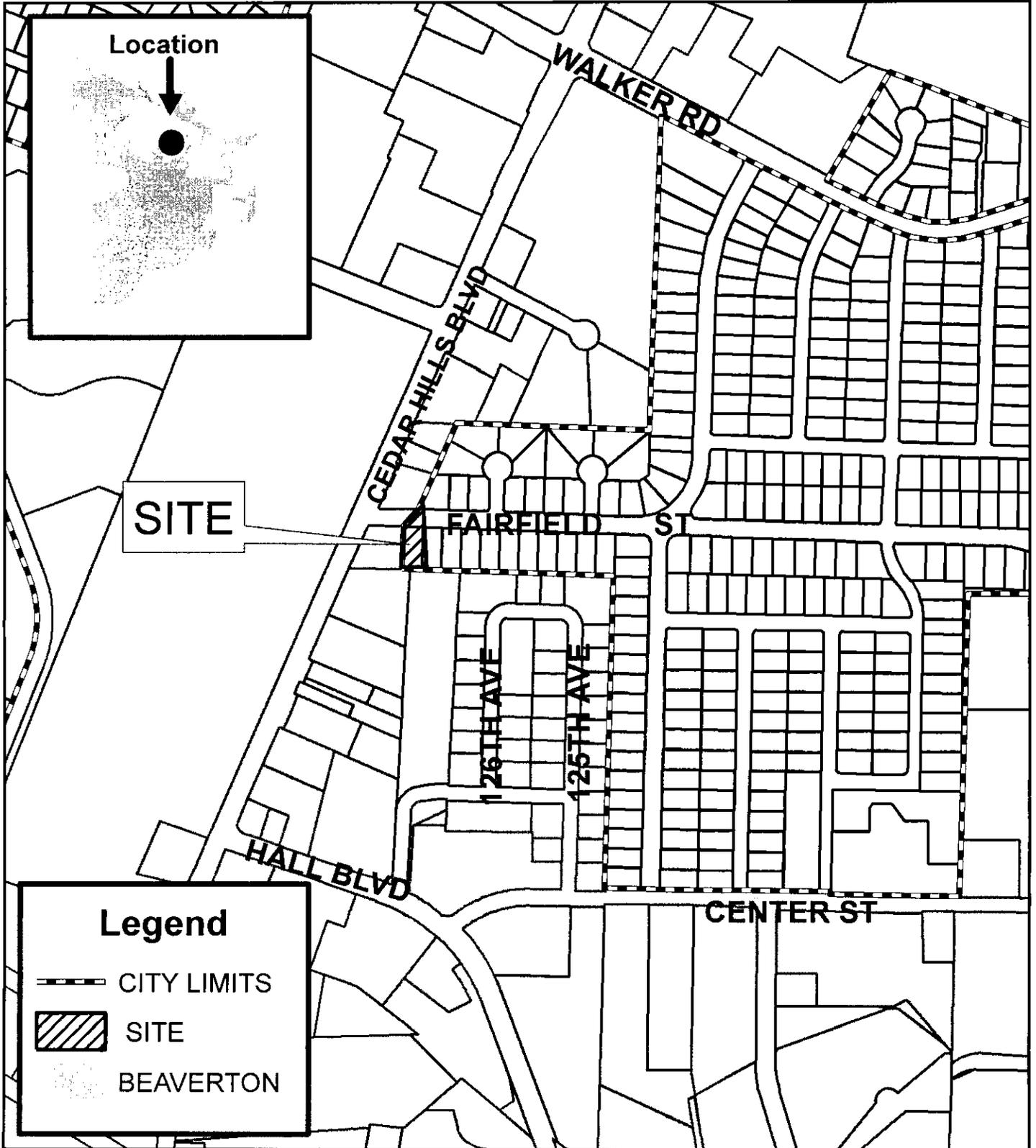
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



12730 SW FAIRFIELD STREET

12/12/06 N

1S109DA02900

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

Application #
ANX2006-0003

City of Beaverton

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

02/12/07

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for 25 Properties Located in North Beaverton; CPA2006-0016/ZMA 2006-0021

FOR AGENDA OF: 01/22/07 **BILL NO:** 07024

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 01/09/07

CLEARANCES: City Attorney *[Signature]*
Planning Services *HTB*

PROCEEDING: ~~First Reading~~ **EXHIBITS:** Ordinance
Second Reading and Passage

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The proposal is to give City Zoning and Comprehensive Plan Land Use Map designations to 25 parcels annexed to the City through Ordinances 4339, 4347, and 4349 in 2005. The parcels are proposed for redesignation from Washington County Industrial to City Employment and Industrial on the Comprehensive Plan Land Use Map and to Campus Industrial (CI) and Light Industrial (LI) on the Zoning Map. The Planning Commission unanimously approved the proposal at their December 20, 2006 meeting. No written or oral testimony was received before or at the meeting.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map to implement CPA2006-0016/ZMA2006-0021

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4422

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR 25 PROPERTIES LOCATED IN NORTHERN BEAVERTON; CPA2006-0016/ZMA2006-0021

- WHEREAS,** the properties were annexed to the City of Beaverton through Ordinances 4339, 4347, and 4349 in 2005, granting the City authority to apply Beaverton's Comprehensive Land Use Map and Zoning Map designations to the properties; and
- WHEREAS,** the Planning Commission held a public hearing on December 20, 2006, to consider CPA2006-0016/ZMA2006-0021, consider comments, and take testimony; and
- WHEREAS,** on December 20, 2006, the Planning Commission recommended approval of the application based upon the Staff Report dated November 9, 2006, attached hereto as Exhibit B, and
- WHEREAS,** final orders (#1935 and #1936) were prepared memorializing the Planning Commission's decision and no appeal therefrom was submitted; now, therefore

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map (Figure III-1) is amended to designate the subject properties identified as Tax Lots 1N132BD00200, 1N132BD01200, 1N132BD01300, 1N132CA01200, 1N132CA01100, 1N132CA01000, 1N132CA00600, 1N132CA00700, 1N132DA01000, 1N132DA01100, 1N131AB01100, 1N131AB01200, 1N131AB01300, 1N131AB00900, 1N131AB00700, 1N131AB00600, 1N131AB00500, 1N131AB00400, 1N131AB00300, 1N131AB00200, 1N131AB00100, 1N131AA01400, 1N131AA00400, and 1N131AA00200 Employment and 1N131AA00201 Industrial as shown on Exhibit "A".
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate properties identified as Tax Lots 1N132BD00200, 1N132BD01200, 1N132BD01300, 1N132CA01200, 1N132CA01100, 1N132CA01000, 1N132CA00600, 1N132CA00700, 1N132DA01000, 1N132DA01100, 1N131AB01100, 1N131AB01200, 1N131AB01300, 1N131AB00900, 1N131AB00700, 1N131AB00600, 1N131AB00500, 1N131AB00400, 1N131AB00300, 1N131AB00200, 1N131AB00100, 1N131AA01400, 1N131AA00400, and 1N131AA00200 Campus Industrial (CI) and 1N131AA00201 Light Industrial (LI) as shown on Exhibit "A".

First reading this 22nd day of January, 2007.

Passed by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

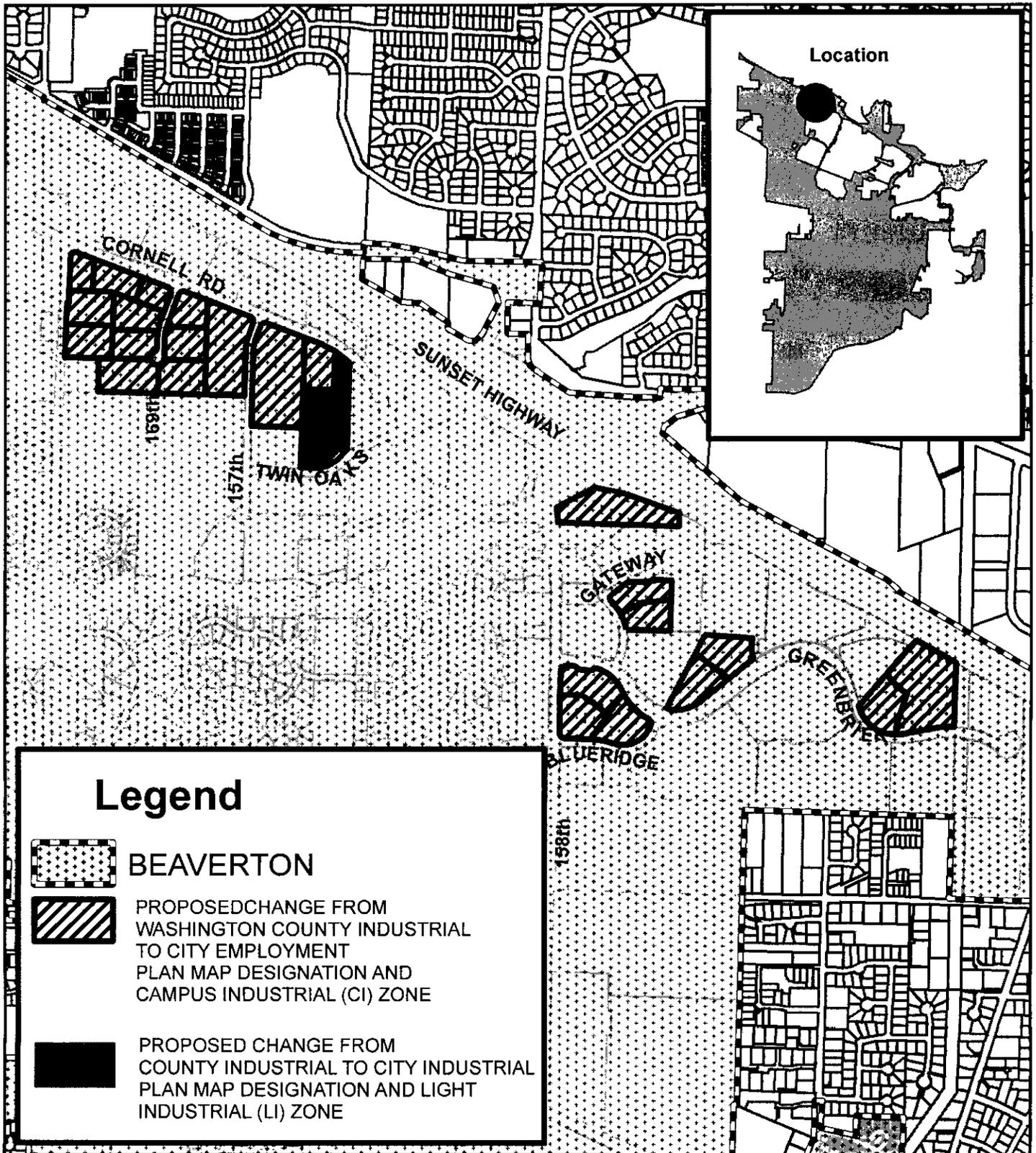
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



Legend

-  BEAVERTON
-  PROPOSED CHANGE FROM WASHINGTON COUNTY INDUSTRIAL TO CITY EMPLOYMENT PLAN MAP DESIGNATION AND CAMPUS INDUSTRIAL (CI) ZONE
-  PROPOSED CHANGE FROM COUNTY INDUSTRIAL TO CITY INDUSTRIAL PLAN MAP DESIGNATION AND LIGHT INDUSTRIAL (LI) ZONE



CITY OF BEAVERTON

CPA2006-0016 ZMA2006-0021

COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

10/24/06
 TAX LOT #'S
 VARIOUS



CORNELL
 OAKS 2
 0003