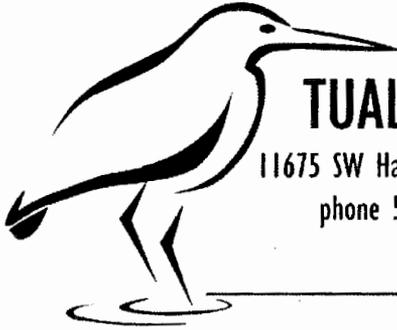


ALL WRITTEN PUBLIC
TESTIMONY TO THE RECORD
(RECEIVED IN TIME FOR
PLANNING COMMISSON
DELIBERATION PRIOR TO
DECISIONS ON JULY 1, 2015)

Public Testimony

Received to the date of May 20, 2015



TUALATIN RIVERKEEPERS.

11675 SW Hazelbrook Road • Tualatin, Oregon 97062

phone 503-218-2580 • fax 503-218-2583

www.tualatinriverkeepers.org

Exhibit 9.1
copy sent (phon)
April 2, 2015
He says - yes
the letter intended
for land use
record - SW

RECEIVED
FEB 06 2015
City of Beaverton
Planning Services

February 6, 2015

Jeff Rose, Ed.D.
Superintendent of Schools
Beaverton School District
Central Administration Center
16550 SW Merlo Rd.
Beaverton, OR 97003

RE: South Cooper Mountain High School Wetlands

Dear Dr. Rose,

Wetlands provide significant ecological services including pollutant removal, flood protection, groundwater recharge, wildlife habitat and aesthetic and recreational values. Despite these important ecological services, 57% of wetlands in the Willamette Valley have been lost to development since 1850. To prevent any further loss of wetlands both state and federal laws, including the federal Clean Water Act Section 404, now protect wetlands.

Wetlands on Cooper Mountain are particularly important because of the hydrogeology of the area. The slopes of Cooper Mountain are covered by shallow slow-draining soils that are unsuitable for infiltration of stormwater. With development and deforestation, stormwater impacts are exacerbated. Retaining wetlands is a necessary part of an overall environmental strategy to reduce downstream impacts from increasing stormwater runoff as South Cooper Mountain develops.

Tualatin Riverkeepers has reviewed alternative development schemes for the new high school a South Cooper Mountain. All of the schemes shown on the Beaverton School District (BSD) website show filling of wetlands on the north end of the property for the development of athletic fields. We believe that additional alternatives development schemes that avoid all impacts to these wetlands are practicable and available.

Policy of the U.S. Army Corps of Engineers requires that wetland fill permits cannot be issued when practicable alternatives that are less damaging to the environment are available. The Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material (Section 404(b)(1) Guidelines) in CFR 40 Part 230 requires that, for non-water dependent activities, the applicant overcome the presumption that a practicable, less environmentally

damaging alternative site, outside special aquatic sites, exists. Development schemes shown on the BSD website do not appear to accomplish this.

Acquiring and utilizing adjacent upland property for athletic fields is one available practicable alternative to filling wetlands. Tualatin Riverkeepers suggest that BSD develop alternative schemes for the new high school that shows no impact to wetlands on the north end of the property. This would be consistent with BSD's sustainability goal to "assure safe and healthy environments for learning and include sustainability practices in facility siting, design, construction, and maintenance". By designing the new high school without wetland impact, BSD will not only protect the wetlands and the valuable ecological services that they provide, but also expedite the permitting for construction on the site and avoid costly and time-consuming legal challenges.

Thank you for your consideration development schemes that avoid all wetland impacts at the new high school on South Cooper Mountain.

Sincerely,

A handwritten signature in black ink that reads "Brian Wegener". The signature is written in a cursive style with a large, looping initial "B".

Brian Wegener, Riverkeeper
Advocacy Manager

Exhibit 9.1

RECEIVED

2015-04-30

City of Beaverton
Department of Planning



TUALATIN RIVERKEEPERS.

11675 SW Hazelbrook Road • Tualatin, Oregon 97062

phone 503-218-2580 • fax 503-218-2583

www.tualatinriverkeepers.org

April 30, 2015

Community Development Department

City of Beaverton

ATTN: Scott Whyte - swhyte@beavertonoregon.gov

PO Box 4755

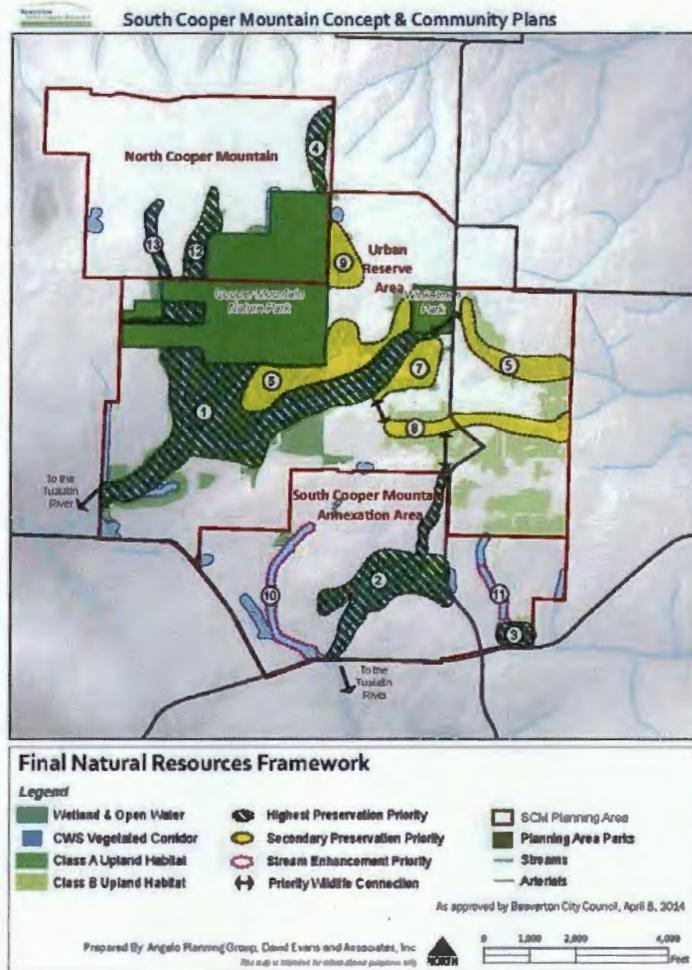
Beaverton, OR 97076

RE: South Cooper Mountain High School

Case Files: CU2015-0003, DR2015-0029, ADJ2015-0005 and LD2015-0005

Tualatin Riverkeepers offers the following comments on the development application for South Cooper Mountain High School. The application does not comply with the South Cooper Mountain Community Plan (SCMCP) in two important ways.

1. The tree plan is contrary to the South Cooper Mountain Community Plan. According to the SCMCP, "Efforts should be made to restore and maintain tree canopy throughout the Community Plan area." The proposal to remove 99.1% of the trees on site, including 150 "community trees" demonstrates that no effort was made to maintain tree canopy.
2. The wetland fill does not comply with the South Cooper Mountain Community and Concept Plans. The SCMCP states that "Locally significant wetlands and protected riparian corridors within the Community Plan area shall be protected and enhanced, consistent with local, state, and federal regulations." Filling 2.52 acres of wetland on the north end of the site is not protection and enhancement of a locally significant wetland. The South Cooper Mountain Concept Plan assigns this wetland the "Highest Preservation Priority" (see map). The applicant has not received the required wetland fill permits from the US Army Corps of Engineers or the Oregon Department of State Lands. The Corps of Engineers must deny any permit to fill this wetland because of federal regulation. Section 404 of the federal Clean Water Act states, "No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed work, which would have less adverse impact on the aquatic ecosystem." Practicable alternatives have been identified by Tualatin Riverkeepers and shared with the Corps of Engineers.



The applicant should go back to the drawing board and submit a new development application that is consistent with the South Cooper Mountain Community Plan and the federal Clean Water Act. That plan should include efforts to protect community trees on the site and no wetland fill. Alternative sites for athletic fields, and other design modifications in order to avoid wetland impacts should be included in that new application.

Thank you for consideration of these comments.

Sincerely,

Brian Wegener, Riverkeeper
Advocacy & Communications Manager

Scott & Nancy Edmonds
18043 SW Scholls Ferry Rd
Beaverton, OR 97007

City of Beaverton
Planning Department
PO Box 4755
Beaverton, OR 97076

RECEIVED
APR 03 2015

City of Beaverton
Community & Economic Dev

March 30, 2015

Re: South Cooper High School Construction

We are the adjacent neighbors to the West of the new high school. As we have looked over the plans for the new school we have several concerns that we would like to express.

1. Maintaining and installing proper fencing to keep intruders from coming onto our farm and to keep livestock from getting out. The original plans indicated a 4 ft. tall perimeter fence. This is not high enough to keep students from crawling over and it did not specify the material.
2. Lighting: The football stadium has been placed to maximize the light intrusion into our property. There are many other alternatives to where it could be located but to put it backed up to our property with 90 ft. tall light towers is not appropriate as the initial plans indicated this would cause excessive light intrusion into our property.
3. Landscaping: The plan to remove all of the fir trees on the property is excessive. With proper planning many could be saved and would help resolve the issue of light intrusion.
4. Wetlands: The plans call for filling in a significant wetland, approximately 2.5 acres, with 77,000 cubic yards of rock. This wetland is upslope from our property. No effort has been made to determine what impact this will have on our property. This will obviously change the water flows in the area.
5. Traffic: The School District has estimated that the high school will bring an additional 950 cars, twice a day, to the area surrounding the school. There is already a building congestion problem on SW 175th. The School District has expressed the opinion that they will not address this problem until after the school is open. Why not try to mitigate the known problem in the planning stages?
6. Parking: There is not going to be enough parking for school events in the proposed parking lots. The surrounding community is not built out that would allow for on street parking. What is the school district's plan to handle this problem? To assume neighbors are going to provide parking solutions is presumptuous.

We look forward to your response.

Sincerely,



May 5, 2015

Scott Whyte, Senior Planner
City of Beaverton Community Development Department
12725 SW Milikan Way
PO Box 475
Beaverton, OR 97076

Re: Comments on South Cooper Mountain High School application
CU2015-0003, DR2015-0004, ADJ2015-0005, LD2015-0005

We are property owners of adjacent property to the west of the South Cooper Mountain High School project (18043 SW Scholls Ferry Road, Beaverton, 97007; Tax Lot 2S1060000403). We live on the property, board horses, and have outbuildings and a riding corral adjacent to the proposed stadium (football/lacrosse/soccer field and track), softball field, and parking area.

The following are concerns regarding impact to our property from the proposed high school development and do not feel the proposed project meets all the code criteria in the Beaverton Community Development Code.

Hydrology/Wetlands: Natural Resources mapping for South Cooper Mountain shows the wetland area to be filled as being an area for “highest preservation priority”

<http://www.beavertonoregon.gov/DocumentCenter/View/7673>

How will filling of wetlands impact the groundwater, surface runoff, and hydrology that feed the existing wetlands on our property? We are concerned that the wetlands on our property will be impacted by disturbance of the existing wetland areas on the school property.

Buffering. The grading plans shows significant grading in the vicinity of our property boundary, including large fills for the “padding” of the sports fields. The grades appear to be ten to thirty feet higher than existing grade. These slopes will have an adverse impact to our existing views and privacy by “looming” over our property. We do not see any detail of how the slopes will be vegetated during construction or at final development stage. What is proposed with the school development to buffer impacts to our property? Landscape screening, fencing, setback/buffer?

Access/Fencing. We would like to make sure there is adequate fencing to keep potential trespassers from entering our property, is there more detail on the fencing and landscaping provided along our property line?

Sidewalk connections. The existing site plans show sidewalk connections stubbing to property. While this may be good for future pedestrian connectivity with future development of our property, it may lead to trespass during the interim. We request pedestrian connections be held well short of property line and barricades be placed to discourage access to our property.

Event parking. Proposed parking does not appear to be adequate for large events (football games). We are concerned parking on School Ferry or attempting to park in driveway access off Scholls Ferry will occur during events.

Lighting. We are concerned about the potential impact of field lights on our adjacent private property (both residence and barn). Will lighting face the ball fields? Will light spill onto our property? What are the heights of the proposed lights and will there be restrictions on hours the lights can be on?

Communication. We are the only resident homeowners that own property that is adjacent to the school site. It is unfortunate that the Beaverton School District has chosen not to communicate directly with us regarding their plans for the location and the impact their plans will have on our home. It is also unfortunate that they chose not to respond to our previous letter dated March 30, 2015.

Please request that Beaverton School District officials respond to these issues and include this letter in the Public Record. We are also submitting comments on the South Cooper Mountain High School Early Grading and Tree Removal land use application.

Thank you,

A handwritten signature in cursive script, appearing to read "Scott and Nancy Edmonds".

Scott and Nancy Edmonds

Exhibit 9.3

Scott Whyte

From: Vicki Fink <vikpnw@comcast.net>
Sent: Monday, April 27, 2015 11:18 AM
To: Scott Whyte
Subject: New High School site

#TP2015-0002
#DR2015-0002

Dear Commissioner Whyte,
I appreciate the committee's decision to save and incorporate the large walnut tree on the corner of Scholls Ferry Road and 175th Avenue, into the design of the new high school to be located there.

Kudos to the Planning Commission for this wonderful decision! It is an old and lovely tree worthy of saving.

My thanks to all of you,
Vicki Fink
12305 SW 158th Ave
Beaverton, OR 97007

Exhibit 9-4

RECEIVED
APR 24 2015
CITY OF BEAVERTON

Scott Whyte

From: Scott Whyte
Sent: Friday, April 24, 2015 9:29 AM
To: 'Robert Bierma'
Subject: RE: Tree Removal

Robert. Comments received and will be made part of the land use record. If you would like a copy of the Notice of Decision, please provide a mailing address in reply to this e-mail. Also, if you have questions, feel free to call me at (503)526-2652. Plans and materials submitted by the School District are available for public inspection here at city offices, 4th floor, Community Development, from 7:30am to 4pm (12725 SW Millikan Way).

Sincerely,
Scott Whyte,
Senior Planner
City of Beaverton

From: Robert Bierma [mailto:robertbierma@gmail.com]
Sent: Friday, April 24, 2015 7:42 AM
To: Scott Whyte
Subject: Tree Removal

Project Name: South Cooper Mountain High School – Early Grading and Tree Removal
Case Files: TR2015-0001 and DR2015-0002

This seem like an over removal of trees. Is there even a comprehensive design for the site yet? Why aren't more of the trees on site being kept? Why must there be as extensive of site grading that calls for some many trees to be removed?

Please consider other options and site plans!!!

Thanks,
Robert Bierma

Exhibit 9.5

Scott Whyte

From: Ed Bartholemy <ed@bartholemy.biz>
Sent: Wednesday, April 15, 2015 2:33 PM
To: Jim Duggan; Scott Whyte
Cc: richard.steinbrugge; ron_porterfield@beaverton.k12.or.us; Matt Sprague; bfitch@pd-grp.com; Desi Kurtz; Dave Hunnicutt
Subject: South Cooper Mountain Main Street Collector
Attachments: Untitled.PDF - Adobe Acrobat Pro.pdf

Scott,

Thank you very much for your time today.

Attached is the letter and email correspondence from the Beaverton School District regarding the collector road. Our main concerns with the letter and the road detail plan was that the street stopped at their driveway and their water quality facility precluded the road from being extended. BSD appeared to be unwilling to discuss these concerns.

We are happy to sign off on allowing them access to our property to do the necessary public improvements. We have reached out to BSD today requesting a meeting with their team and ours. Also, I will ask our engineer to reach out to BSD's engineer. Hopefully we will be able to resolve these issues.

Ed Bartholemy
18485 SW Scholls Ferry Rd.
Beaverton, OR 97007
USA
(503)628-0526
ed@bartholemy.biz

Desi Kurtz

*Included as
attachment
to Ed Bartholmey
e-mail
dated
April 15, 2015*

From: leslie imes <Leslie_Imes@beaverton.k12.or.us>
Sent: Monday, March 2, 2015 9:35 AM
To: Desi Kurtz
Subject: New High School
Attachments: 150119-SitePlan_small.pdf

Desi -

Attached is the drawing for the site plan. I have oreliminary Conditional Use documents - but the files are quite large. If Ed would like to see them all, I can send them in packages. Please let me know.

Regarding the collector road along the property line adjacent, we are currently showing the extention to where access is on our property. I have been told that the City has requested it extend further but since no development plans have been prepared for your property - they have been unable to tell us where to extend this to. Generally, public funds for school construction are not used to enable private development off of our property. Once we receive direction from the City - we will be extending the road as required.

Leslie Imes
Project Manager
Facilities Development
Beaverton School District
503-591-4575 (Office)
503-601-9830 (Cell)

Date: March __, 2015
To: Steve Sparks, City of Beaverton Planning Division
From: Ed Bartholemy, Property Owner
Re: Beaverton School District - Consent for land use applications

*Included as
attachment
to Ed Bartholemy
e-mail dated
April 15, 2015*

The Beaverton School District is submitting land use applications for development of a new high school campus in South Cooper Mountain. The proposed development plan for the high school includes a new signalized intersection along SW Scholls Ferry Road and a new collector street. The design of the new collector street and intersection impacts Tax Lot 2S1 06 700, which is property that I own (see attached figure). The property affected is necessary to construct portions of the new collector street and required improvements (traffic signal SW Scholls Ferry Road) adopted as a part of the South Cooper Mountain Community Plan. I understand that in order for the District to submit land use applications that impact my property, I must consent to those applications.

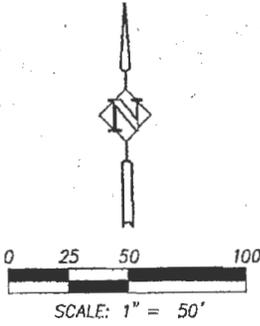
I hereby provide my consent to the Beaverton School District to submit the following land use applications for the new high school:

- Conditional Use, New Type 3
- Design Review Type 3
- Major Adjustment Type 3 (building height)
- Preliminary Partition

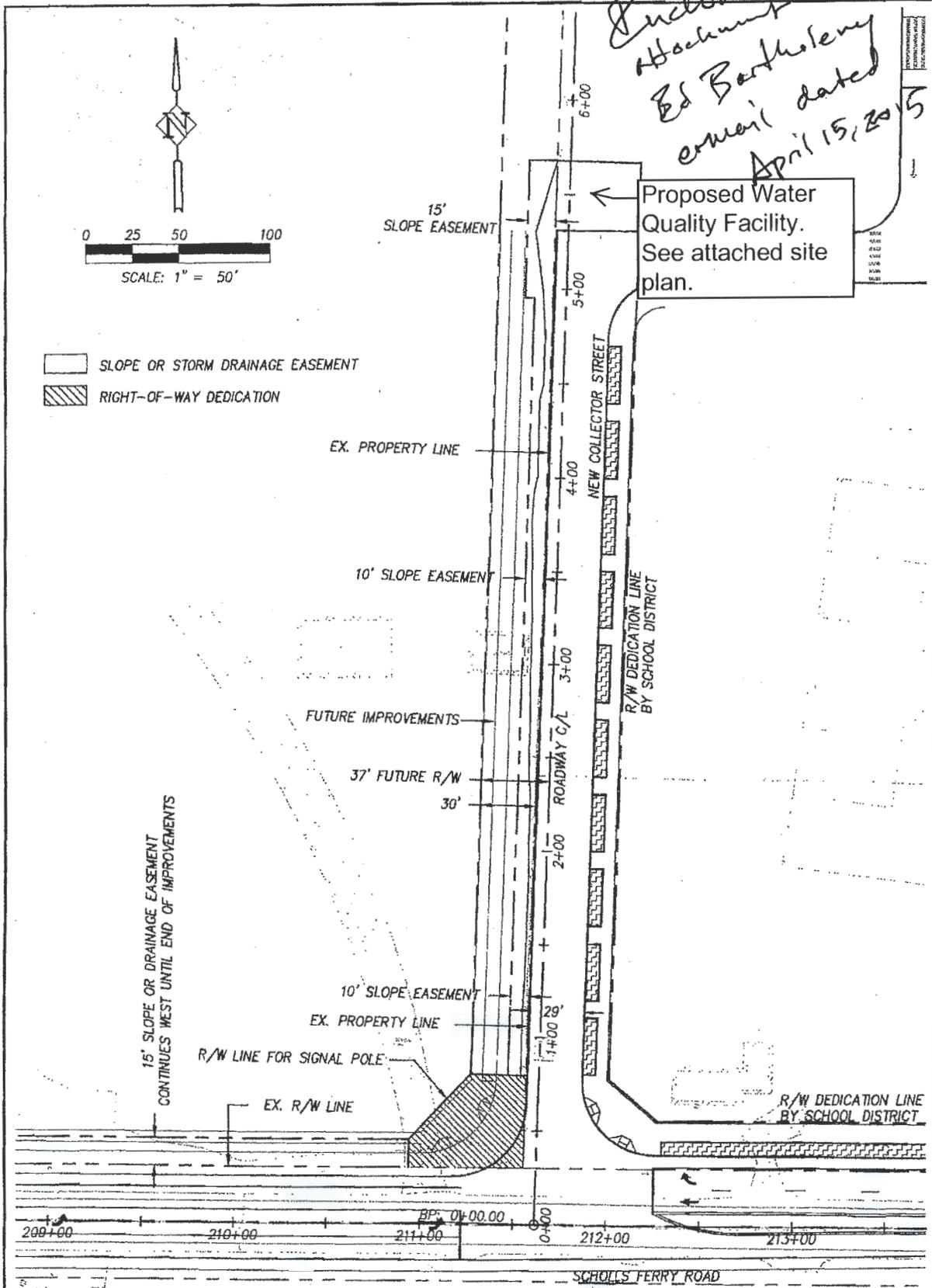
It is my understanding that these applications will be submitted in March and require this consent before they may be deemed completed and reviewed by the City of Beaverton.

Ed Bartholemy
Address

Included as Attachment to Ed Bartholmey email dated April 15, 2015



- SLOPE OR STORM DRAINAGE EASEMENT
- RIGHT-OF-WAY DEDICATION



Proposed Water Quality Facility. See attached site plan.

EX. PROPERTY LINE

10' SLOPE EASEMENT

FUTURE IMPROVEMENTS

37' FUTURE R/W
30'

10' SLOPE EASEMENT

EX. PROPERTY LINE

R/W LINE FOR SIGNAL POLE

EX. R/W LINE

15' SLOPE OR DRAINAGE EASEMENT CONTINUES WEST UNTIL END OF IMPROVEMENTS

NEW COLLECTOR STREET

R/W DEDICATION LINE BY SCHOOL DISTRICT

R/W DEDICATION LINE BY SCHOOL DISTRICT

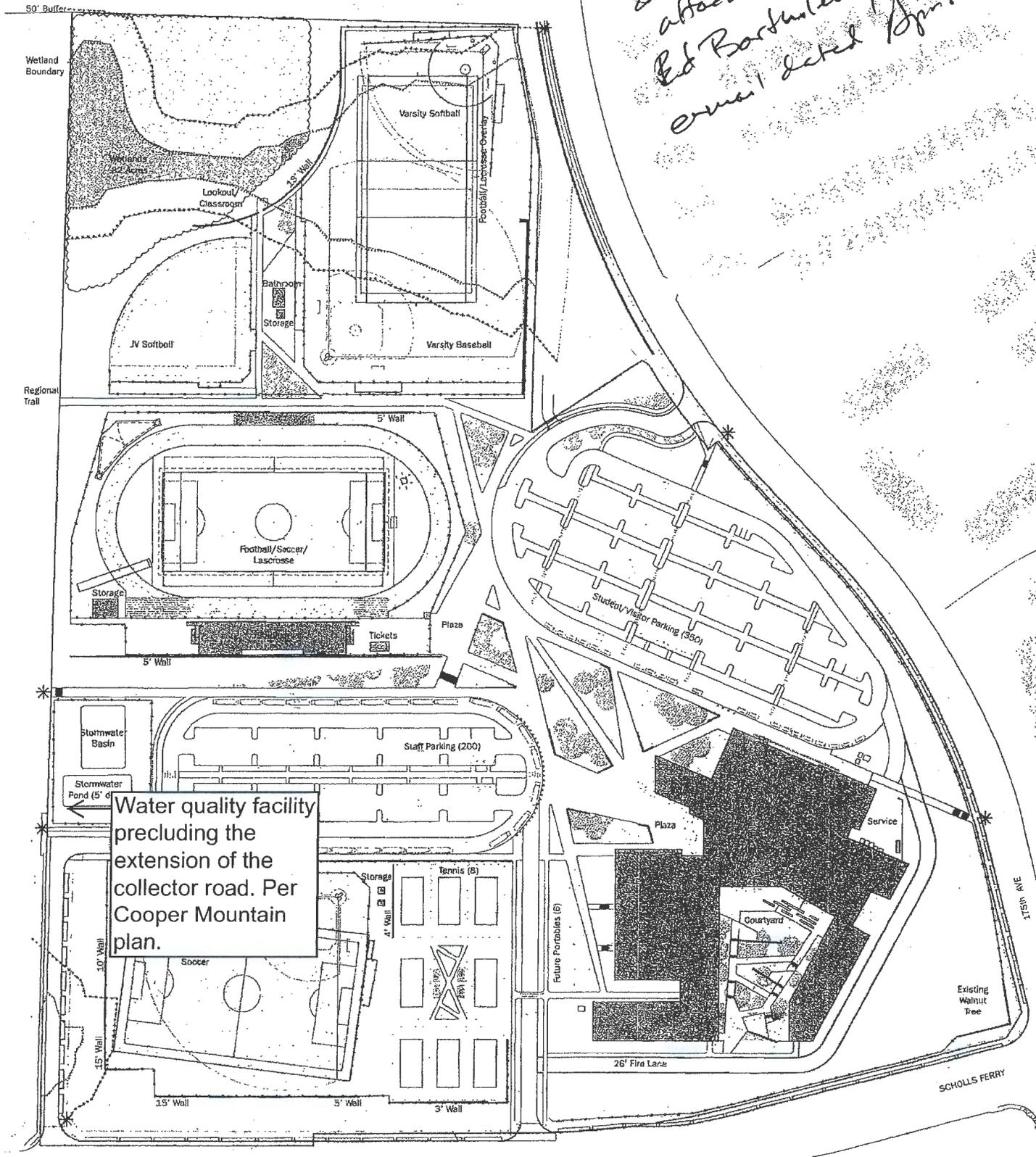
SCHOOL'S FERRY ROAD

DATE	DESIGNED:	19/WR
	DRAWN:	CAB
DATE	CHECKED:	CAB
DATE	DATE:	2/25/14
REVISIONS		

Harper Houf Peterson Righellis Inc.
 209 SE Spokane Street, Suite 200, Portland, OR 97202
 Phone: 503.221.1131 www.hhp.com Inc. 203.221.1179

R/W AND EASEMENTS FOR NEW COLLECTOR STREET SOUTH COOPER MOUNTAIN HIGH SCHOOL BEAVERTON, OR

*Included as
attachment to
Ed Bartholmey
email dated April 15, 2015*

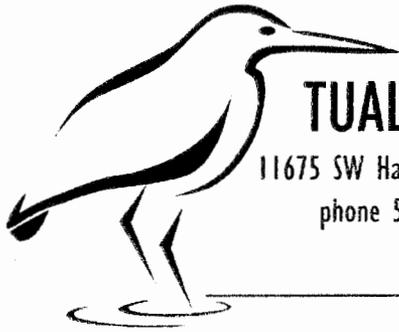


Water quality facility precluding the extension of the collector road. Per Cooper Mountain plan.

Notes:
Wall and fence layouts are in process and for reference only.

Written Public Testimony

Received at the Planning Commission Hearing of **May 27, 2015**
for South Cooper Mountain High School



TUALATIN RIVERKEEPERS.

11675 SW Hazelbrook Road • Tualatin, Oregon 97062

phone 503-218-2580 • fax 503-218-2583

www.tualatinriverkeepers.org

RECEIVED

JUN 02 2015

City of Beaverton
Planning Services

June 1, 2015

Beaverton Planning Commission

ATTN: Scott Whyte - swhyte@beavertonoregon.gov

PO Box 4755

Beaverton, OR 97076

RE: South Cooper Mountain High School

Case Files: CU2015-0003, DR2015-0029, ADJ2015-0005 and LD2015-0005

Tualatin Riverkeepers requests that the Beaverton Planning Commission impose the condition that **no fill of wetlands or buffer on the north end of the South Cooper Mountain High School Site** (identified as Wetland A in various documents) to approval of the South Cooper Mountain High School project. The applicant has proposed to fill 2.5 acres of wetlands, contrary to the Cooper Mountain Plan and to Beaverton regulations that protect Locally Significant Wetlands.

We also wish to clear up some confusion and misinformation that came out in the public hearing on May 27, 2015.

1. Contrary to staff's recollection, Wetland A is a significant wetland included in the Local Wetland Inventory. Wetlands in the South Cooper Mountain Annexation Area were added to the inventory as a comprehensive plan amendment by the Beaverton City Council through Ordinance 4651 in February 2015. This local wetland inventory was omitted from the Facts and Findings in the Staff Report under 7.3.
2. Athletic fields proposed for placement on Wetland A can and should be relocated to nearby areas identified as suitable by the South Cooper Mountain Plan. The South Cooper Mountain Plan identifies several areas meeting schools criteria (Fig. 10) and several areas meeting local parks criteria (Fig. 11). Beaverton School District has a long history of co-managing athletic facilities with THPRD. There is no indication in the staff report that the applicant has applied for a hardship variance described under 7.3.3.1.c.. Because suitable sites for athletic facilities exist, there is no hardship and **no hardship variance should be granted.**

Figure 10 - Schools Framework

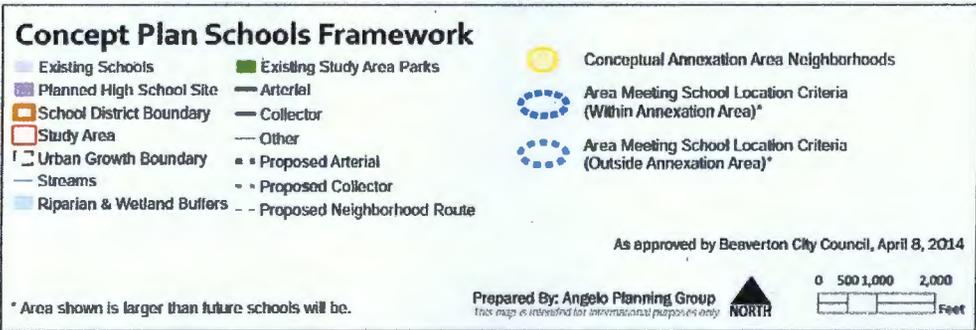
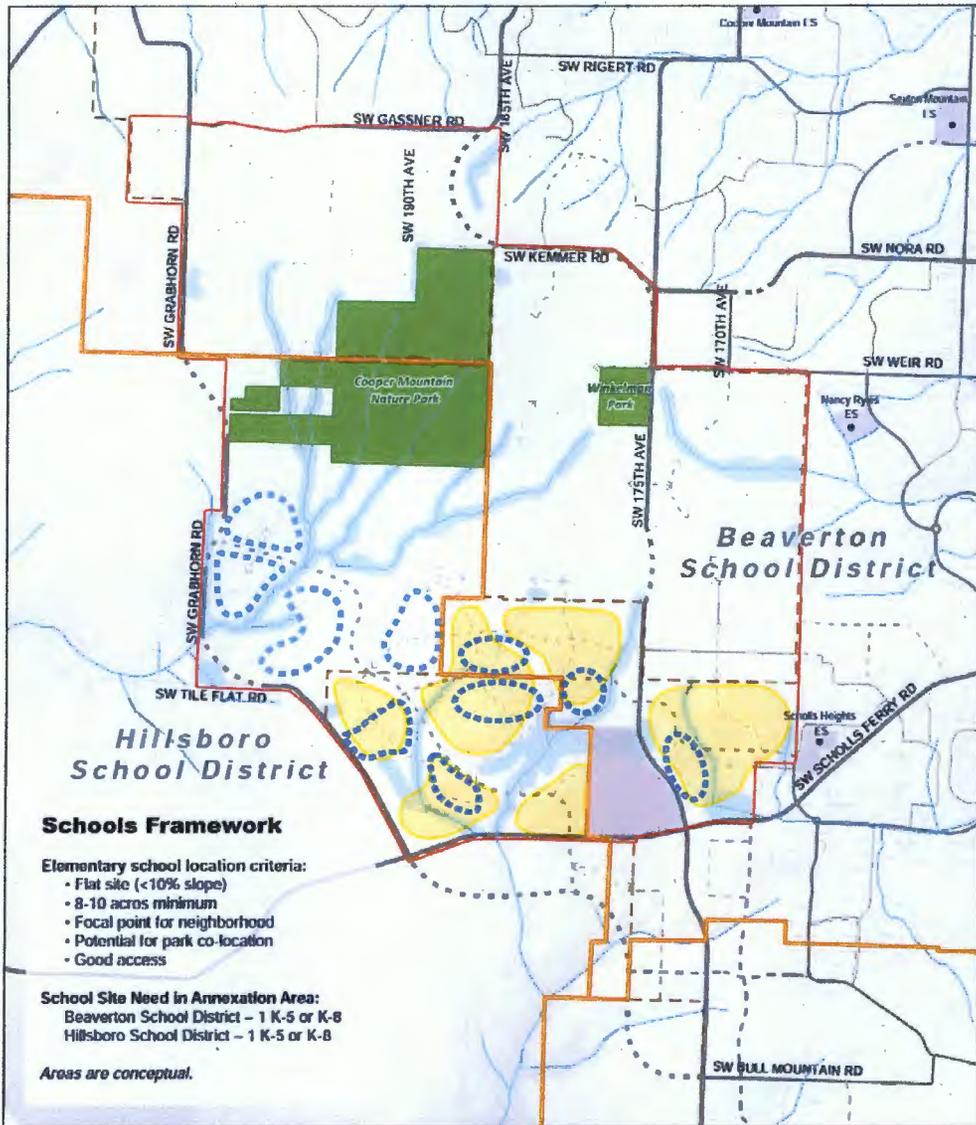
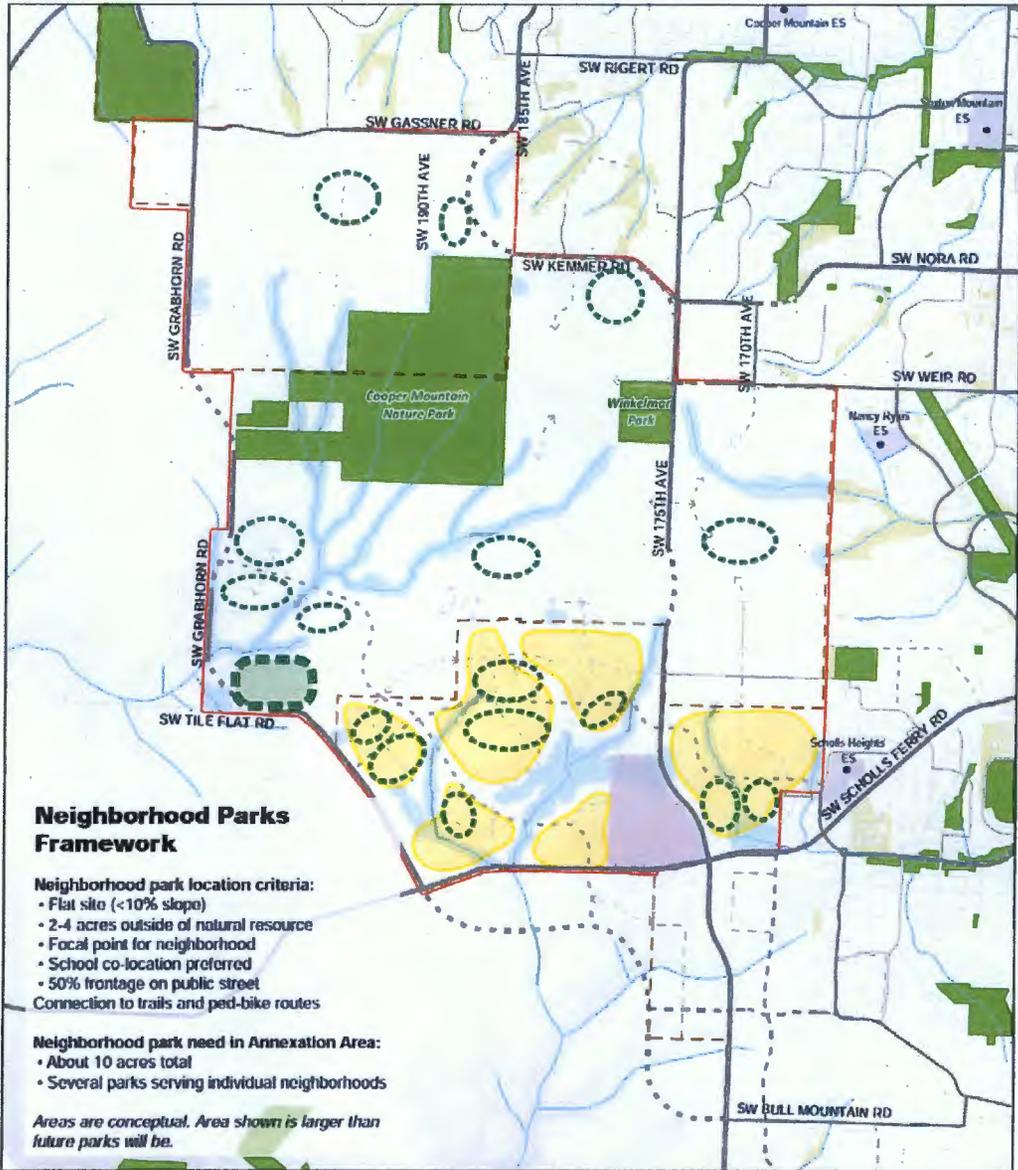


Figure 11 - Concept Plan Parks Framework



Concept Plan Parks Framework

Existing Parks and Natural Areas	Study Area	Conceptual Annexation Area Neighborhoods
Preserved by Home Owners Associations	Urban Growth Boundary	Area Meeting Neighborhood Park Location Criteria*
Arterial	Streams	Potential Community Park Location
Collector	Riparian & Wetland Buffers	Planned High School Site
Neighborhood Route	Existing School Grounds	
Other		
Proposed Arterial		
Proposed Collector		
Proposed Neighborhood Route		

As approved by Beaverton City Council, April 8, 2014

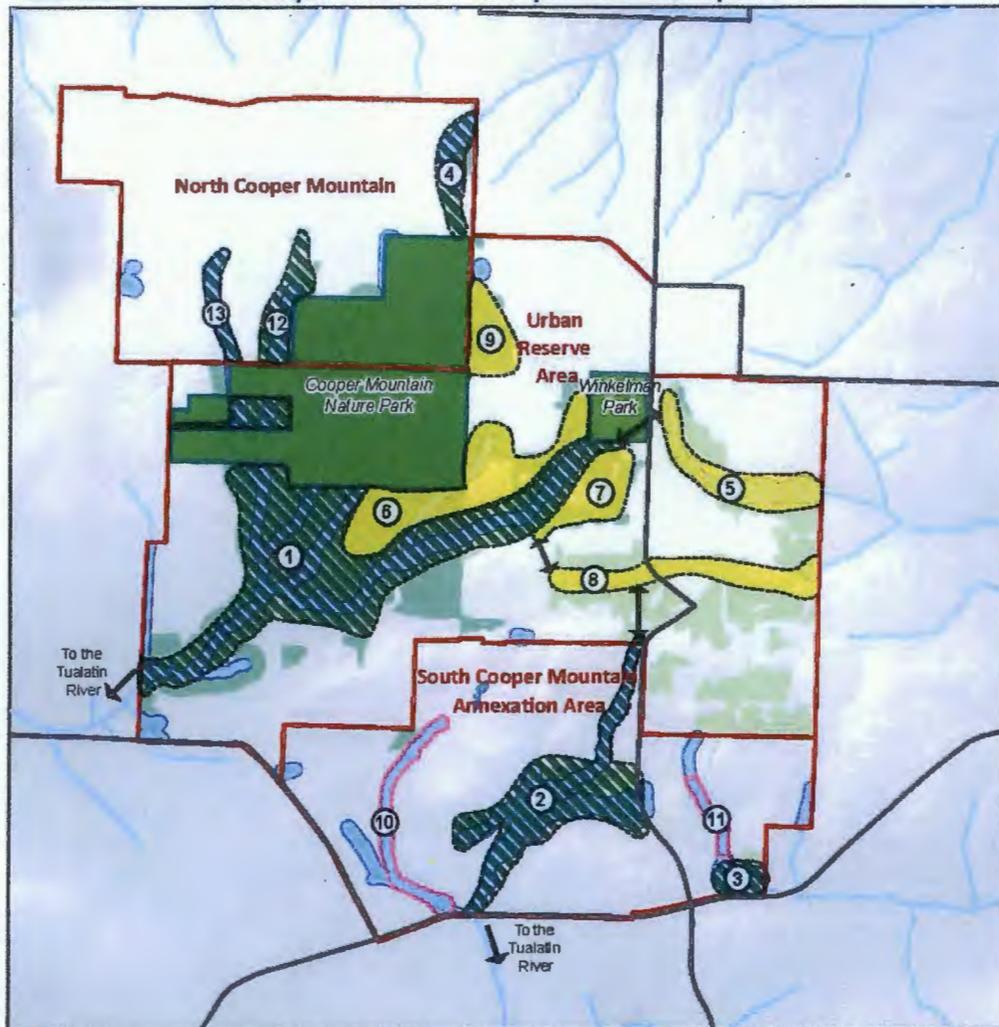
Prepared By: Angelo Planning Group
This map is intended for informational purposes only.

NORTH

0 500 1,000 2,000 Feet

* Area shown is larger than future parks will be.

South Cooper Mountain Concept & Community Plans



Final Natural Resources Framework

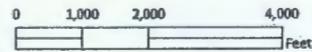
Legend

- | | | |
|------------------------|---------------------------------|---------------------|
| Welland & Open Water | Highest Preservation Priority | SCM Planning Area |
| CWS Vegetated Corridor | Secondary Preservation Priority | Planning Area Parks |
| Class A Upland Habitat | Stream Enhancement Priority | Streams |
| Class B Upland Habitat | Priority Wildlife Connection | Arterials |

As approved by Beaverton City Council, April 8, 2014

Prepared By: Angelo Planning Group, David Evans and Associates, Inc.

This map is intended for informational purposes only.



- The South Cooper Mountain Concept Plan assigns this wetland the "Highest Preservation Priority" (see map). This fact was omitted from the Staff Report and should have been included in Facts and Findings under 7.3.1.1 and 7.3.3.1.

4. Commissioner Wilson stated some confusion as to the Planning Commission's role in protecting wetlands. In Resolution 3870 amending the bylaws of the Planning Commission, the duties of of the Planning Commission under Article II include the Application of Development Regulations:

Except for those matters which may be delegated to the Director, the Commission shall review and take action on quasi judicial and legislative matters, and other proposals which result from the application of development regulations contained within the Development Code on specific pieces of property and uses of land, buildings, etc. The Development Code shall be followed in holding hearings and taking required action.

The relevant regulation for the Planning Commission shall apply to this application is Beaverton Development Code 60.05.25.12 Natural Areas:

Development on sites with City-adopted natural resource features such as streams, wetlands, significant trees and significant tree groves, shall preserve and maintain the resource without encroachment into any required resource buffer standard unless otherwise authorized by other City or CWS requirements. [ORD 4531; April 2010]

It is clear from the above bylaws that the Planning Commission's duty is to apply the above stated regulation and preserve and maintain Wetland A without any encroachment into the wetland or its surrounding buffer.

5. Chair Doukas asked a question about available resources for restoration of Wetland A if the wetland is protected from encroachment. The following resources are available for voluntary wetland restoration:
 - a. The Department of State Lands is now recruiting wetland projects to be funded through the Payment in Lieu (PIL) program.
 - b. The Oregon Watershed Enhancement Board (OWEB) is a state agency that provides grants to help Oregonians take care of local streams, rivers, wetlands and natural areas. OWEB grants are funded from the Oregon Lottery, federal dollars, and salmon license plate revenue. OWEB offers a variety of grant types and programs.
 - c. Metro's Nature in Neighborhoods grants support community projects and programs across the region, from local park improvements to stream restoration to hands-on nature education for people of all ages and backgrounds.

Tualatin Riverkeepers has raised over \$1 million for wetland restoration from these sources and others. Our restoration projects have taken place on land owned by Metro, City of Tigard, City of Sherwood, and the Tualatin River National Wildlife Refuge. Tualatin Riverkeepers is eager to partner with Beaverton School District, Clean Water Services, Tualatin Hills Park and Restoration District, and the City of Beaverton for wetland restoration in the South Cooper Mountain Annexation Area.

Thank you for your consideration of these comments and conditions of approval for the Sout Cooper Mountain High School.

Sincerely,

A handwritten signature in cursive script that reads "Brian Wegener".

Brian Wegener, Riverkeeper
Advocacy & Communications Manager

28 May 2015

Beaverton Planning Commission
12725 SW Millikan Way
Beaverton, OR 97005

RECEIVED

JUN 01 2015

City of Beaverton
Planning Services

Dear Beaverton Planning Commissioners,

Re: South Cooper Mountain High School - CU2015-0003, DR2015-0029, ADJ2015-0005, LD2015-0005

Thank you for hearing my testimony regarding the significance of wetlands in the overall ecosystem of Cooper Mountain. This letter is a follow up to provide you with additional information to support my request for you to deny Beaverton School District's request to fill in Wetland A in order to construct superfluous ball fields on-site of the new SCM high school. As I had stated, I believe that the ball fields are an important part of student life but they can be located elsewhere in the best interest of the community.

My objections are based on concepts which follow SCM Community Plan and I will quote below:

1. Ball fields could/should be integrated within the community
2. Retaining wall would cut off Wildlife Corridor
3. Wetlands fill violates SCM Community Plan Natural Resource Policies
4. This sets a poor precedent for the lack of protection for natural resources

In addition, Ordinance 4651 – Adoption of the South Cooper Mountain Community Plan Comprehensive Plan Land Use Map Amendment, the City of Beaverton provides for protection of this Wetland. It states “Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values.”

The ecosystem of Cooper Mountain, including the Cooper Mountain Nature Park, is dependent upon many smaller wetlands in the area. The South Cooper Mountain Annexation Area Local Wetland Inventory Report, prepared by David Evans Associates – December 2013, is the source for the Wetlands Inventory and Figure 3 in Ord 4651. According to the report, this Wetland (Wetland A on the north end of the high school site) is described in the Evans' document as Locally Significant. “Vegetative diversity and wildlife use in the wetland was fairly high.” It has already been documented as Locally Significant and contributing to the Cooper Mountain ecosystem. This is why it is important for the local authorities to continue to protect this wetland and for the Beaverton School District to modify their school plan site to relocate some of their ball fields offsite and to provide a buffer zone for the wetlands – as cited in Ordinance 4651. The noise and light pollution of the ball fields is highly detrimental to wildlife and steps should be taken to limit these as well. At the Land Use Application Hearing, I was glad to hear you voicing this concern for the nearby human community, I'm sure the wildlife will benefit.

For the cost trade-off, the BSD can purchase land very nearby on SCM and construct ball fields within close walking distance. These fields could be co-maintained by THPRD thus reducing total maintenance fees for the city while providing greater access to the total community. Surely, a win-win for the whole community, human and non-human, while continuing Beaverton as a Great Place to Live.

Detail reference in SCM Community Plan for items 1-4 above:

1. Ball fields could/should be integrated within the community:

The SCM Plan states that: *“Plan new civic uses so they are focal points for the community. Ensure schools, parks and other civic uses are centers of community activity. Integrate the planned new high school with neighborhoods and other development within the plan.”*

There are currently 3-4 Neighborhood Parks (Nine to 11 acres) allocated in the SCM Community Plan. None of these parks are built as yet so it’s a blank drawing board. These parks could accommodate the sports fields that overflow into the wetlands while providing the local community with additional services and complying with the intent of integrating services. Families would have better access to sports facilities without having to violate school grounds thus making better use of the resources. So there is a very viable alternative site for this specific portion of the school physical plan that requires the fill-in of the wetlands.

2. Retaining wall would cut off Wildlife Corridor.



Wildlife Corridors Map provided by Lori Hennings, Sr. Natural Resource Scientist - Metro

In a series of connectivity workshops facilitated by Metro in 2010-2011, information was compiled based on professional judgment and local knowledge from a group of environmental professionals in the region and general mapping done (of course, with many caveats). I have received this information from communications with Metro wildlife biologists. On these maps, it appears that this particular segment of the property may span across potential wildlife (“biodiversity”) corridors. This means there is definitely an excellent opportunity to create wildlife crossings at this precise spot to allow wildlife to travel under the heavily-traveled 175th Ave. on their way back and forth to the wetlands in Churchill Forest as well as down to the Tualatin River and not become “road kill.” As a matter of fact, I have already met with Mary Rose Navarro of Metro to initiate

discussions about a Nature in Neighborhoods grant for this specific purpose. The protection of this wetland would be essential to the feasibility of this particular Wildlife Crossing so I have not filed the necessary Letter of Intent as yet. Any retaining wall, as proposed by the BSD developer, would block much of this natural wildlife passage. Note: chain link fencing would, at least allow a more natural flow of smaller organisms such as salamanders, frogs, small turtles, insects, seeds and others to provide food source to birds and fish in the water source.

3. Wetlands fill-in violates SCM Community Plan Natural Resource Policies

In the R1-Zoning approval process, the City of Beaverton approved the Beaverton High School application, stating "... that the environmental impacts must be assessed by the applicant to demonstrate that the development will not impact the natural resources in the SCMAA and comply with the requirements in the SCM Community Plan."

Wetlands fill violates SCM Community Plan Natural Resource Policies. *Per SCM Community Plan:*

Locally significant wetlands and protected riparian corridors within the Community Plan area shall be protected and enhanced, consistent with local, state, and federal regulations.

The Beaverton School District violates compliance with the R-1 Approval because they are impacting natural resources with this request to fill this wetland and remove it from the total Cooper Mountain natural resources inventory. The SCM Community plan gives this wetland on the northern end of the site the "highest preservation priority." The Beaverton Comprehensive Plan states, "Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values." Ordinance 4651 includes this wetland in the Local Wetland Inventory.

4. This sets a poor precedent for the lack of protection for natural resources

This is the very first development to begin in the SCM area and it is by a public agency of the City of Beaverton with first, a request to fill-in the wetlands, and now, as of 13 May, the City of Beaverton has approved removal of 338 of the 341 trees on the property. This sets a poor precedent for the lack of protection for natural resources of Cooper Mountain (not to mention for high school-aged students) – as both requests are contrary to the Community Plan indicating an intent to preserve the natural resources.

The SCM Concept Plan states:

"The South Cooper Mountain Annexation Area provides the greatest opportunities for habitat restoration where a number of wetlands and waterways have been degraded by agricultural activities. Primary opportunities include protecting and enhancing native vegetation (in wetlands, riparian areas, and wildlife corridors) and enhancing stream functions and values for fish and other species."

The City of Beaverton Local Wetland Inventory was completed in 2000 and updated in 2010 so ignorance of this being a designated wetland seems highly unlikely and would certainly not be an acceptable reason for deferment for a private citizen. This project proposal and these actions are contradictory to this direction and send a poor message to other developers.

Again, the recommendation is to look at alternative sites for the additional athletic fields which are feasible within the SCM Community Plan.

Thank You for considering this additional information,

*Fran Warren
17830 SW Outlook Ln
Beaverton, OR 97007*

DAVID J. HUNNICUTT

ATTORNEY AT LAW
P.O. Box 230637
TIGARD, OR 97281

June 2, 2015

City of Beaverton Planning Commission
12725 SW Millikan Way
Beaverton, OR 97076

Re: South Cooper Mountain High School
Case files CU2015-0003, DR2015-0029, LD2015-0004 and ADJ2015-0004

Commissioners:

As you know, I represent Ed and Kathy Bartholemy, who own property immediately to the west of the proposed site for the new Beaverton School District high school. At the May 27, 2015 public hearing on the above-numbered applications, the Commission continued the hearing until Wednesday, June 24, 2015, and left the record open until June 3, 2015 for additional comments. The purpose of this letter is to provide additional comments relating to concerns we have with the proposed high school. Please enter this letter into the record in these proceedings.

The South Cooper Mountain Community Plan (SCMCP) was a frequent source of discussion at the last public hearing. The SCMCP contain a series of overarching policies which were developed from the South Cooper Mountain Concept Plan, and which serve as broad criteria for decision making on development in the Community Plan area, which includes the proposed school site.

SCMCP Overarching Policies:

The proposed application is inconsistent with a number of the overarching policies set forth in the SCMCP, as follows:

1. **Overarching Policy #2:** *Create Beaverton's next great community. Create a community that is walkable, family-friendly, livable, and includes quality neighborhoods, great green spaces, community focal points, a Main Street, and well-designed development.*

The proposed school will not result in a walkable, family friendly community, due to the fact that the majority of properties in the vicinity of the school, including my clients property and the Edmonds property, both of which are immediately to the west of the proposed school, are located within the Hillsboro School District. Residents of future development on each of the neighboring properties will not be able to walk to the proposed school site to attend school. Rather, they will be required to board a HSD bus (likely at a bus stop on the collector street immediately across the street from the proposed

school) for a 10 mile ride to Hillsboro High School, rather than being allowed to cross the new collector street to attend school (as demonstrated by SCMCP Table 3: Civic Use Land Needs, HSD has no intentions of building a new high school in the area). Alternatively, their parents will be forced to take a 20 mile round trip to get their students to school, with the attendant expense for operating the family automobile and the increase in carbon footprint resulting from the auto use, when the alternative would be to allow the students to walk across the collector street and be at school. This arrangement is not walkable, livable, or family-friendly, and is within the applicant's control.

2. Overarching Policy #3: Create a sustainable community. *Create a community that meets the needs of Beaverton and the South Cooper Mountain area today and tomorrow, while minimizing negative environmental, social, and economic impacts. Support low-carbon economies and lifestyles, energy efficiency and security, health and well-being, and ecosystem stewardship; and enable future residents and the broader community to meet their own needs.*

Placing a state of the art high school across the street from a brand new residential area in another school district exacerbates negative social impacts, as well as community health and well-being, and makes it more difficult for future residents and the broader community to meet their own needs. Forcing families to wake up each morning and look across the street at a brand new high school that their children cannot attend has negative impacts on those families. It doesn't take a rocket scientist to understand that parents will be frustrated knowing that they live across the street from a school their children cannot attend.

Nor does filling a wetland to create ball fields minimize negative environmental consequences, or support ecosystem stewardship, particularly when my clients have made it clear to the applicant that they will sell them a portion of their adjoining property to allow the applicant to avoid filling the wetlands and create the ball fields on property acquired from my clients.

3. Overarching Policy #6. Provide transportation options. *Provide a well-connected transportation network that promotes options for all modes of travel, and encourages walking, biking and future transit service. Address north-south, east-west, and other regional travel issues in coordination with neighboring cities, Washington County, Metro, Tri-Met and Oregon Department of Transportation.*

Placing a new high school at the extreme edge of the district boundary does not promote options for all modes of travel. Depending upon the attendance area for the new school, which does not appear in the record, placing the new school at the edge of the attendance area will make it more difficult for students and community residents to walk and bike to the new facility. Residents who would otherwise be able to walk and bike to the facility will be discouraged from doing so, as the new school will not be within their school district.

4. Overarching Policy #7. Provide appropriate protection, enhancement and access to Cooper Mountain's natural resources and public lands. *Avoid and minimize impacts, protect key natural resources, and design new growth so that it is integrated with natural areas and other open spaces. Provide appropriately located access to natural areas and open space.*

It is difficult to imagine how filling a wetland that is identified as a wetland in the SCMCP and is also listed on the City's Local Wetlands Inventory complies with this requirement, particularly when my clients have offered to sell the district sufficient property to build the ball fields that the district is so keen to construct over the top of an identified wetland. At the public hearing, a number of Commissioners expressed concern over allowing the first applicant for development in the SCMCP to ignore the express desire of both the drafters and adopters of the SCMCP to protect natural features identified in the SCMCP, including the wetland on the subject site. At least one Commissioner expressed concern of the precedent that was being set. As a lawyer who typically represents property owners with development applications, I would expect similar treatment for private clients proposing residential developments in the area, particularly since the primary purpose for the inclusion of the area within Metro's urban growth boundary was to provide residential housing to meet the region's housing needs. If residential housing is the primary need, which is certainly reflected by the zoning of the area, then residential developments should take priority, and if non-residential developments like schools are allowed to fill wetlands, then so should private residential developments.

5. Overarching Policy #11. *Plan new civic uses so they are focal points for the community. Ensure schools, parks and other civic uses are centers of community activity. Integrate the planned new high school with neighborhoods and other development within the plan.*

The applicant cannot possibly satisfy this policy. The proposed school cannot serve as a focal point for the community or as the center of community activity, when the vast majority of new residents in the area will be unable to attend the new school. The focal point for the new residents of the area will be Hillsboro High School, where their children attend school, participate in school activities, and commute each weekday. Until the boundary between the Beaverton and Hillsboro School Districts is changed, the proposed new high school cannot integrate with neighborhoods and other development within the plan.

SCMCP Main Street Policies

My clients' property is shown on the SCMCP maps as a "Main Street Neighborhood." The SCMCP describes Main Street areas as areas which contain a mix of commercial and residential uses. The SCMCP makes clear that there is a strong need to coordinate the design of the Main Street development with the proposed new high school, as a means of enhancing the viability of retail development on Main Street.

Unfortunately, the applicant has chosen a design for the proposed new high school that creates a main entrance to the school along SW 175th Ave., rather than the new collector street that will serve as "Main Street". School access along "Main Street" will be reserved for employee parking and school buses, rather than the primary access. If the bulk of school attendees do not access the school on the new Main Street, how can there be a complimentary relationship between the school and the Main Street development, as required by Main Street Policy #3? In fact, contrary to the Main Street Policy, the proposed design of the new school does not enhance the viability of retail on Main Street. The school should be designed in a manner such that the primary entrance of the school faces the commercial

development that will appear along the Main Street, in order to enhance the likelihood of success of that commercial development.

Resource Protection and Enhancement

As discussed during the public hearing, the subject property contains a wetland that is listed on the City's Local Wetland Inventory (LWI) and regulated by the SCMCP. The SCMCP calls for protection and enhancement of locally significant wetlands, including those in the central riparian/wetland area. It is significant, and a dangerous precedent, for this application, the first major development action in the South Cooper Mountain area, to propose a development plan that directly violates the protection/enhancement elements of the SCMCP. It is even more significant given that the proposed development is a public development, brought by a school district that could enhance and utilize the wetlands as a teaching tool for the incoming students.

The concern is exacerbated when considering that my clients have offered to sell to the district (at fair market value), sufficient land adjacent to the school site in which to construct the ball fields that are slated to be built on top of the filled wetland. Attached to this letter is a scaled map prepared by our engineer showing the reconfiguration of the ball fields and proposed collector street, which will enable the district to avoid disturbing the wetlands, and thus complying with this element of the SCMCP. My clients have previously made this offer to the district, and continue to do so, as a means of resolving this situation. While we appreciate the desire of the district to proceed with construction, complying with a pre-ordained construction schedule is no excuse for ignoring the natural resource protection element of the SCMCP, when there are perfectly good alternatives to the proposed wetlands fill.

BDC §60.05.25.12 - Natural Areas

This section of the Development Code requires preservation and maintenance of City-adopted natural resource features, including wetlands. The City has identified wetlands on the subject site in both its LWI and in the SCMCP. The district proposes to fill a portion of the identified wetland. This proposed action is inconsistent with this section.

BDC §60.05.45.10 – Natural Areas

The proposed site contains a wetland. Like BDC §60.06.25.12, this section requires preservation and enhancement of that wetland when reasonably possible. As discussed above, my clients have offered to sell land to the district to enable the district to construct the ball fields slated for the wetland. This would enable the district to preserve the wetland area, and the city could condition approval upon enhancement of the wetland, so that the district could integrate the wetland into its curriculum. Compliance with this criterion has not been met.

Road Vacation

At the public hearing, there was brief mention that Washington County maintains an interest in the subject property for a road. Nothing in the Staff Report or the application materials shows the location of that road, and there is no indication that the county has completed (or even initiated) proceedings to

vacate the potential road. Obviously, this is a significant detail, as the construction of the school is jeopardized by a competing county interest for potential road construction. Absent a final decision by the Washington County Commission to vacate its interest in the subject property, it is premature to authorize the development to proceed.

ORS 197.763 – Hearing Procedures

Finally, it was unclear at the public hearing what process is envisioned by staff and the commission for further proceedings. It is our understanding that the Commission continued the hearing, pursuant to ORS 197.763(6)(b) to June 24, 2015. However, it is also our understanding that the Commission moved to allow only testimony by staff and the applicant at the continued hearing. ORS 197.763(6)(b) requires the Commission to allow all persons to present and rebut new evidence at the continued hearing, not just the applicant and staff. My clients may wish to address any new evidence submitted prior to or during the continued hearing, and may wish to offer new evidence at that hearing. Accordingly, to the extent the Commission intended to allow only the applicant and staff to present at the continued hearing, that is procedural error.

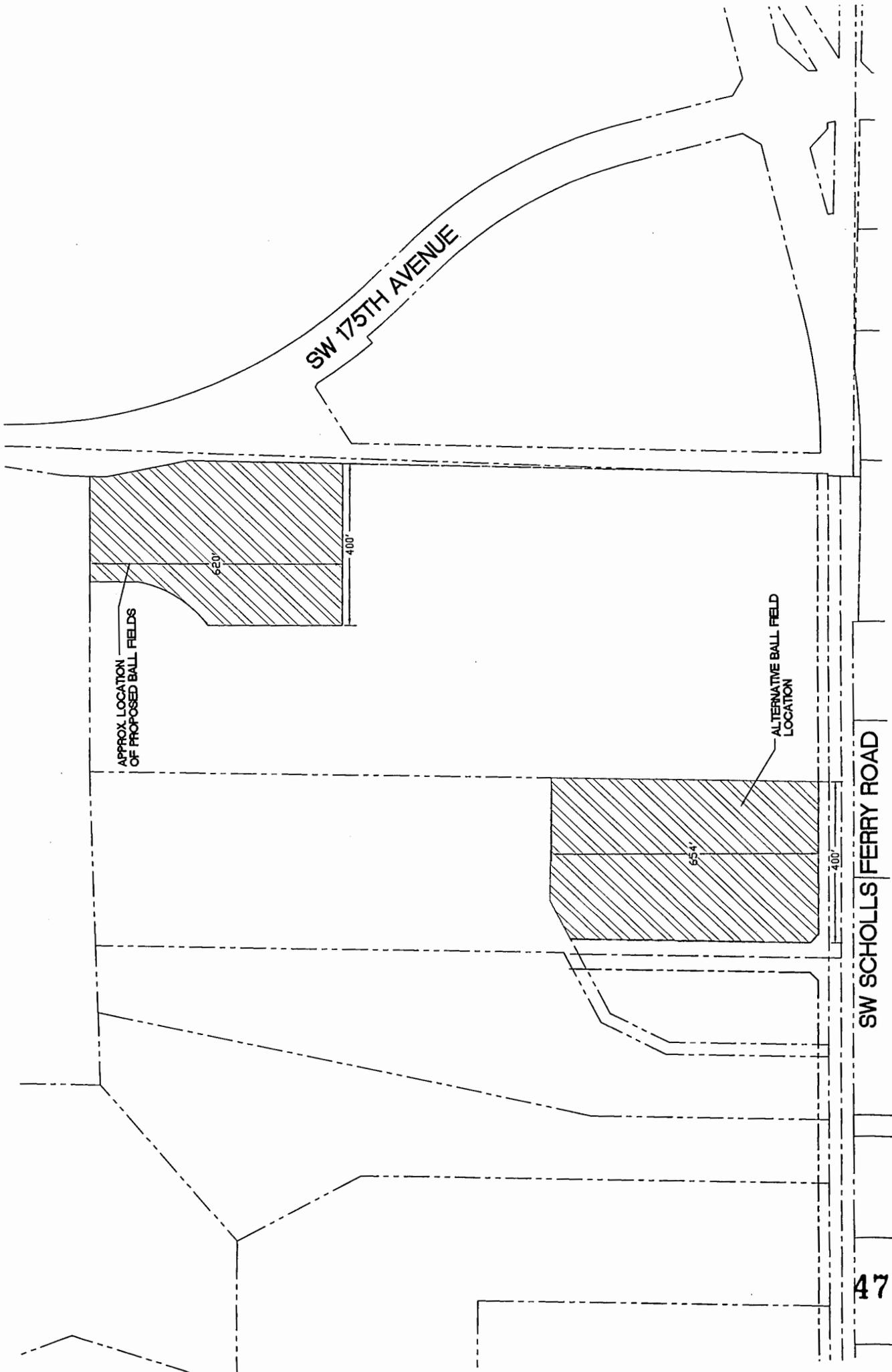
Alternatively, if the Commission did not intend to continue the hearing, but rather intended to simply leave the record open pursuant to ORS 197.763(6)(c), then we ask for the opportunity to respond to any new evidence submitted prior to the June 24, 2015 hearing, and ask that the Commission not consider any evidence submitted after today's 5 p.m. deadline.

Thank you for the opportunity to comment.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'D. Hunnicutt', with a large, stylized initial 'D'.

David J. Hunnicutt



SW 175TH AVENUE

APPROX LOCATION OF PROPOSED BALL FIELDS

ALTERNATIVE BALL FIELD LOCATION

SW SCHOLLS FERRY ROAD

477



**Citizen Participation Organization 6
Steering Committee**

Reedville, Aloha, Cooper Mountain
Washington County, Oregon
c/o OSU Washington County Extension Office
155 N. First Ave, Suite 200 MS 48
Hillsboro, OR 97124-3072
503-821-1128

June 3, 2015

Beaverton Planning Commission
Mimi Doukas, Chair
Beaverton Planning Department
12725 SW Millikan Way, P.O. Box 4755
Beaverton, OR 97076

RECEIVED
JUN 9 2015
City of Beaverton
Planning Department

ATTN: Scott Whyte, Senior Planner swhyte@beavertonoregon.gov

RE: South Cooper Mountain High School
Case Files: CU2015-0003, DR2015-0029, ADJ2015-0005 and LD2015-0005

Dear Mr. Whyte, Chair Doukas and Planning Commission Members:

Washington County's CPO 6 Steering Committee wishes to express its strongest concern regarding the wetland mitigation as well as an entire tree grove removal presently proposed for the subject high school plan. To avoid these same circumstances, the city provides Beaverton Development Code 60.05.25.12 requiring protection of significant wetlands as follows:

"Natural Areas: Development on sites with City-adopted natural resource features such as streams, wetlands, significant trees and significant tree groves, shall preserve and maintain the resource without encroachment into any required resource buffer standard unless otherwise authorized by other City or CWS requirements. [ORD 4531; April 2010]"

Additionally, this specific wetland was added to the local wetland inventory in February 2015 through Ordinance 4651 which adopted the South Cooper Mountain Concept and Community Plans (SCMCCP) where it was assigned "Highest Preservation Priority."

CPO6 urges you to protect the wetland from any fill or encroachment. The SCMCCP has identified nearby sites suitable for school and park facilities. And, while we fully support these identified sites as alternative locations for baseball and softball fields, we also encourage a renewed view of the tree grove removal as being incompatible with BDC 60.05.25.12 ORD 4531.

Your consideration of this written testimony is much valued and appreciated.

Sincerely,

Liles Garcia

Liles Garcia, Chair
Citizen Participation Organization 06 Steering Committee

478



City of Tigard
Memorandum

*Did not receive
until after May 27
hearing. Not entered
into record on
May 27. Commission
did not receive.*

To: Beaverton Planning Commission
From: Buff Brown – City of Tigard, Senior Transportation Planner
Copy: Scott Whyte – City of Beaverton Senior Planner
Re: New High School Conditional Use Application Comments (CU2015-0003)
Date: May 27, 2015

Similar to the City of Beaverton, the City of Tigard recently completed a long range planning project to facilitate the transition of its urban growth area from rural to urban land use. Tigard's urban growth area, known as River Terrace, abuts the proposed South Cooper Mountain High School. Additionally, the northern portion of River Terrace is within the Beaverton School District boundary. See the attached map.

The City of Tigard has already approved or is currently reviewing subdivision applications for approximately 465 new homes in the northern part of River Terrace. These future residents will be sending their children to the proposed high school and to the existing elementary school, both of which are on the north side of Scholls Ferry Road in Beaverton. Applications for another 516 new homes further to the south have already been approved. Given the size and type of community and recreational facilities being proposed, it is reasonable to assume that many existing and future residents south of Scholls Ferry Road will have reason to travel to the new high school site as well.

With that said, the South Cooper Mountain High School application for Conditional Use Approval does not adequately address access to the proposed new facility from the south even though a portion of this area is within the district's service area. It also does not adequately consider or analyze the adopted multi-modal transportation plan for this southern area as described in the River Terrace Community Plan and River Terrace Transportation System Plan. See attached River Terrace Map.

In summary, the Conditional Use application and Traffic Impact Analysis (TIA) for the proposed South Cooper Mountain High School:

- 1) do not address pedestrian traffic, and as such, are leading to a design of buildings and infrastructure that are pedestrian unfriendly,
- 2) do not address the planned developments and approved street networks in Tigard south of Scholls Ferry, outlined in the River Terrace Community Plan; in particular,
 - a. the intersection of Scholls Ferry and River Terrace Blvd, a collector, is not considered in this analysis,

- b. the intersection of Scholls Ferry/Site Access (#6) does not include the neighborhood street going south.

Safe Routes to School Desired

Tigard's Strategic Plan is to become the most walkable community in the Pacific Northwest where people of all ages and abilities enjoy healthy and interconnected lives. As part of this plan, Tigard is developing a Safe Routes to School (SRTS) program in partnership with the Tigard-Tualatin School District and Washington County. Additionally, the City of Beaverton has well-established SRTS and Active Transportation programs, and the proposed high school should be developed with these program goals in mind. In summary, the development of a new high school provides the school district and the broader community with a unique opportunity to implement a wide variety of policies related to our children's health and well-being. The City of Tigard encourages the Beaverton Planning Commission to condition the proposed high school such that walking and biking trips are prioritized and are made as safe and as comfortable as possible given the site's proximity to two high-volume and high-speed roads.

Traffic Impact Analysis is missing a Pedestrian Traffic Analysis

As a general rule, a Traffic Impact Analysis (TIA) determines the impact of a development on neighboring roads. Vehicular traffic is certainly the most impactful and requires the most resources for planning and the most financial resources to mitigate, but "traffic" is not limited to vehicles. Pedestrians are also part of the traffic. This is why numerous other standards such as the NACTO Urban Street Design Guide and the ITE/CNU Designing Walkable Urban Thoroughfares guide have recently been developed to address the human aspects of the urban context so that our streets have lower car traffic, more pedestrians, slower speeds, less lanes, shorter crossing distances, and improved safety for all users.

This high school location is far from ideal for pedestrian access and safety. It lies on two high-speed, high-volume, multi-lane roads. Under these conditions, we must specifically address how the school, street designs and traffic plans and programs are going to overcome the inherent pedestrian unfriendliness of this site.

Although the TIA has a current pedestrian count and an inventory of the existing and proposed infrastructure, this is not an analysis. An analysis would include an expected number of pedestrian and bicycle trips initially (opening of the school) and in 2035 as was done for cars, the area from which they would come, and routes they would be expected to take (not just the routes that would be safest), the infrastructure accommodations that are being made, the mitigative safety measure that are being taken to make sure they are safely provided protection, the crash expectations as a result of these scenarios and other scenarios.

Given the global, regional, and local interest in reducing car trips and encouraging walking and biking trips, this analysis should go beyond this to create and expect a shift in vehicular demand. The current traffic analysis is a standard supply-side analysis, which assumes a continuation of business as usual demand (1% growth), and meets that demand with a sufficient supply of roadway and parking. Given the new paradigm of active transportation, livability, sustainability, smart growth, climate smart, and Transportation Demand Management, we now realize that what we build determines what modes are used. When we start by making sure that today's suburban car-use standards are met along with yesterday's growth trends, then we have self-determined the modes.

Traffic Impact Analysis is missing important Infrastructure

Since Roy Rogers is being designed as a relatively limited-access facility, then River Terrace Blvd, which is a collector, will carry a substantial amount of the local movement. River Terrace Blvd is noted in the material, but does not appear to be part of the analysis. Not including River Terrace Blvd in this analysis is a flaw. Currently, it is being considered by the county as an unsignalized intersection at Scholls Ferry with no left-out movement. A traffic analysis does not project this intersection to meet the vehicle or pedestrian warrants for signalization. These warrants do not contemplate high-school-aged pedestrians and bicyclists who will cross here whether or not there is a signal. An attractive path on the north side of this intersection already exists that connects to a cul-de-sac and will eventually lead to the high school. River Terrace will also have a multi-use trail that will, again, add to the attraction of crossing here. Good engineering judgment beyond the warrants is necessary under these unusual circumstances not contemplated by those who developed the standards.

Likewise, the no-left-out will cause people to drive substantial out of their way (adding VMT), going all the way south to the Lorenzo extension, adding vehicles to Roy Rogers that would not otherwise use it.

As noted, the River Terrace Community Plan provides a neighborhood street (currently unnamed) that parallels Roy Rogers and connects to Scholls Ferry at the south leg of intersection #6 (Scholls Ferry/Site Access) in the TIA. This TIA does not show a south leg at this intersection for their 2035 analysis. This leg will act very similarly to River Terrace Blvd to the east, carry much of the local traffic due to the lack of access to Roy Rogers. It will also be the conduit for pedestrian and bicycle movement since it is the most direct route, and virtually only reasonable bike/ped option to the school's main entrance.

The pedestrian access (Exhibit H.) to the school site for those students and residents south of Scholls Ferry appears to be limited by this analysis to crossing at the intersection of Scholls Ferry and 175th/Roy Rogers – the only location that is signalized along Scholls Ferry. However, Exhibit H: Pedestrian Access Narrative does not show a convenient pedestrian entrance from that intersection; the entrance to the building appears to be on the opposite side of the school building from that intersection. Using Access points #3 & #4 are the only two that avoid having to cross more traffic. Neither are ADA compliant. Only Access points #5 & #6 are ADA compliant, and require crossing traffic or a parking lot. This inconvenience will be another reason students will seek these other noted intersections to cross that are currently not slated for signals and not analyzed correctly in this TIA.

Concluding Remarks

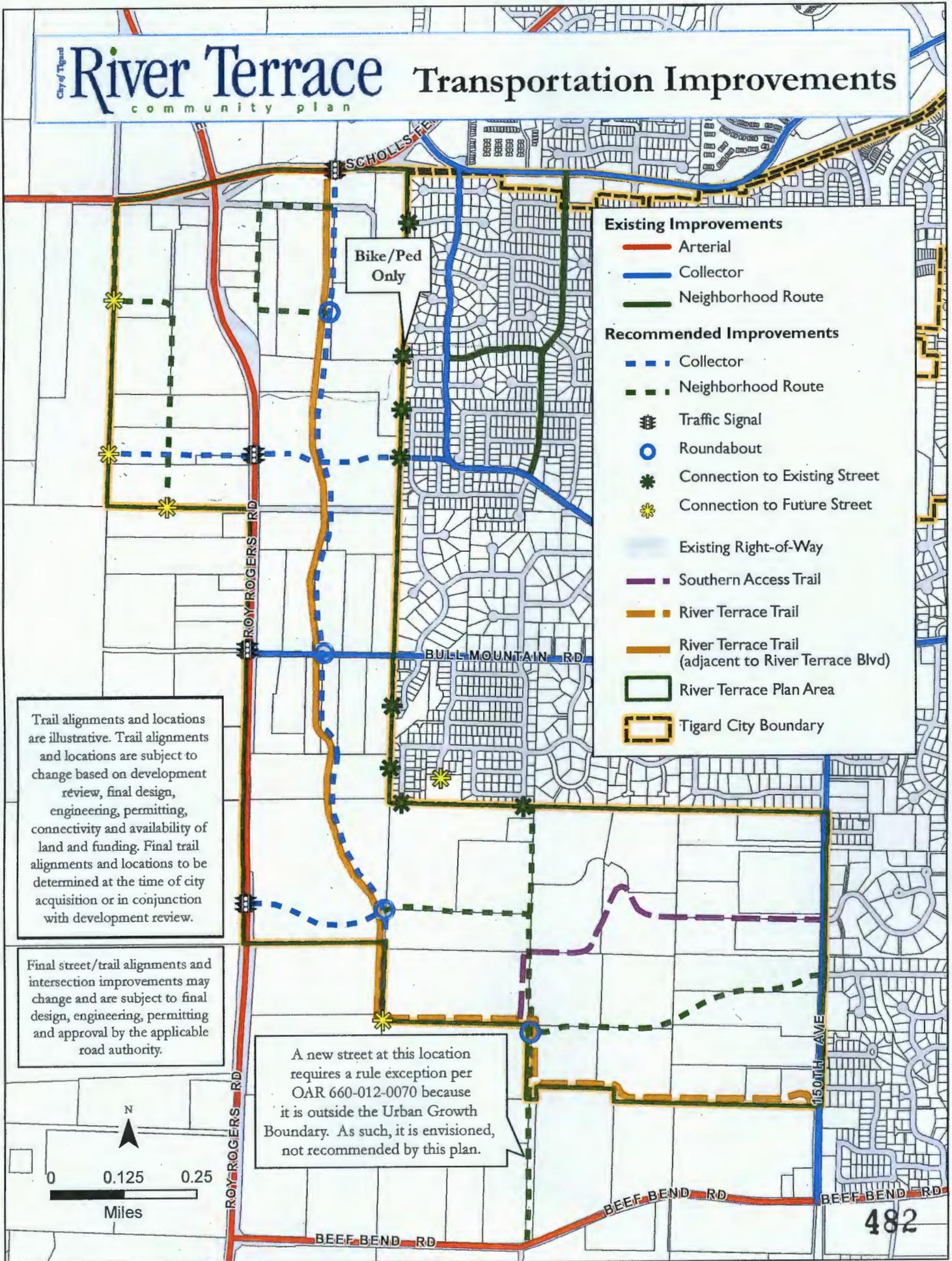
Under "IV. B. Chapter 40", p 9-10 of the Application, it lists the planned transportation improvements and states: "With the above improvements, the transportation network will be adequate to safely serve the school at the time of its completion." We submit that the above comments need to be addressed before this conclusion can be drawn.

It is important that we create infrastructure that give walkers and cyclists safe, legal, conspicuous right-of-way, and options that are of a quality that they opt in. There will be many young walkers and cyclists here. Walkers go the shortest route, and we need to accommodate those routes. The author of "Traffic", Eric Vanderbilt, said it well in a recent [New York Times article about pedestrian signals](#), "*When you actually give people a signal, more will cross with it. As the field of behavioral economics has been discovering, rather than penalizing people for opting out of the system, a more effective approach is to make it easier to opt in.*"

River Terrace

community plan

Transportation Improvements



Existing Improvements

- Arterial
- Collector
- Neighborhood Route

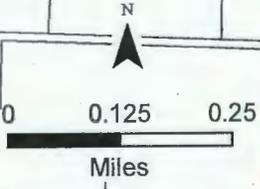
Recommended Improvements

- - - Collector
- - - Neighborhood Route
- Traffic Signal
- Roundabout
- Connection to Existing Street
- Connection to Future Street
- Existing Right-of-Way
- - - Southern Access Trail
- - - River Terrace Trail
- River Terrace Trail (adjacent to River Terrace Blvd)
- River Terrace Plan Area
- Tigard City Boundary

Trail alignments and locations are illustrative. Trail alignments and locations are subject to change based on development review, final design, engineering, permitting, connectivity and availability of land and funding. Final trail alignments and locations to be determined at the time of city acquisition or in conjunction with development review.

Final street/trail alignments and intersection improvements may change and are subject to final design, engineering, permitting and approval by the applicable road authority.

A new street at this location requires a rule exception per OAR 660-012-0070 because it is outside the Urban Growth Boundary. As such, it is envisioned, not recommended by this plan.



Written Public Testimony

Received after the Planning Commission Hearing of **May 27, 2015**
and during the seven day open record period as requested
for South Cooper Mountain High School



Record copy
5/27
6:24
Read into record
No need testimony

May 27, 2015

Mimi Doukas, Chair
Beaverton Planning Commission
City of Beaverton
12175 SW Millikan Way
Beaverton, OR 97076

RE: South Cooper Mountain High School – CU2015-0003, DR2015-0029, ADJ2015-0005, LD2015-0005

Dear Ms. Doukas,

The Tualatin Hills Park and Recreation District (THPRD) is excited about the many opportunities the Beaverton School District's (BSD) proposed South Cooper Mountain high school will bring to our common residents. The longstanding partnership between our organizations has benefitted the community in many ways and we look forward to continuing our collaborative approach to address the needs of current and future Beaverton residents.

After reviewing the staff report for the May 27 hearing, THPRD has two primary concerns for the Planning Commission's consideration: 1) the trail alignment identified along SW 175th and Scholls Ferry, and 2) the limitations on hours of operation of the sports fields on the future high school site.

South Cooper Mountain Loop Trail

The South Cooper Mountain Loop Trail is identified along both the 175th and Scholls Ferry frontages of the future high school site. The staff report for the high school calls for a 10-foot wide sidewalk along these frontages and refers to the area as providing for a future regional trail alignment. However, the trail in this location is a community trail, which the South Cooper Mountain Community Plan indicates could be up to 12-foot wide and include buffering from adjacent roadways. Due to site constraints, the 12-foot width may not be practicable, therefore THPRD asks that the city consider asking BSD to work with THPRD further to develop this concept prior to development of construction documents for the site. Providing for this additional review will allow THPRD and BSD to continue its collaborative relationship and provide for the necessary bicycle and pedestrian connections in South Cooper Mountain.

Limitations on Hours of Operations

THPRD has a long history of working with BSD to deliver recreational facilities on school properties in exchange for maintenance at these sites. The prospect of a continued collaboration at the proposed South Cooper Mountain high school is particularly compelling in that it can offer opportunities for participation to the future residents that currently have no recreational or athletic facilities available nearby.

The community sports groups affiliated with and supported by THPRD have forged close ties with the school district programs. A large part of that support is the provision of facilities that meet the needs of multiple sport participants of all ages and abilities. THPRD is concerned about the proposed limitations on hours of operation for the new school fields. Throughout the district, THPRD-affiliated programs at BSD school sites typically begin at 8:00 am on weekends, which requires arrival as early as 7:00 am. These shared facilities are currently programmed for play from 8 am until 10 pm to accommodate practices, games and tournaments. On weekdays, THPRD is allowed the opportunity to program fields after school hours and until 10 pm. THPRD asks that the conditions of approval for the aforementioned application be amended to reflect the revised hours requested by BSD. This change will ensure that activities at the new high school site will be consistent with those at other school sites in Beaverton.

Administration Office • 15707 SW Walker Road, Beaverton, OR 97006 • 503/645-6433 • www.thprd.org

THPRD looks forward to exploring how we can continue to bring value to our community through our cooperative relationship with BSD through this project. Our community is growing and the relationship that we have forged with the school district will be important to providing quality recreational opportunities for our citizens.

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug Menke', written over a horizontal line.

Doug Menke
General Manager

C: Dick Steinbrugge, Beaverton School District
Frank Angelo, Angelo Planning Group

Roger Staver
17470 SW Reusser Court
Beaverton, OR 97007

May 27, 2015

Beaverton Planning Commission
The Beaverton Building
12725 SW Millikan Way
Beaverton, OR 97076

*Received @
Henry of May 27, 2015
Read into record by
Staff on May 27 - person
did not testify - BU*

Dear Chair Doukas and Commission Members:

My wife, Lynne & I live at 17470 SW Reusser Court. We have been here four years, and have watched a substantial increase in traffic since we arrived. Our side-yard fronts 175th, so we have first-hand view.

I am writing not only to discuss the traffic increases that will be brought about by the School's development, but to also remind you of the multiple projects that are approved or pending approval, all of which will add to the already existing traffic problems we observe almost daily on 175th. And, finally to ask for your support in dealing with the problems of traffic increases, control, safety and enforcement on and around SW 175th.

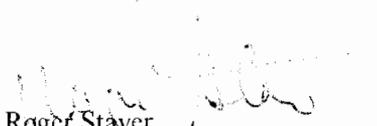
SW 175th is unique due to its topography, its current level of use, multiple points of potential traffic conflict and its current physical limitations. The main points to bring to your attention are:

- ❖ It is common to see morning N-bound traffic backed up from Kemmer south for ¾ of a mile. This condition will clearly worsen with added traffic created by the School District's project.
- ❖ Visibility is limited almost over the entire 2 ¾ -mile stretch of 175th from Scholl's Ferry Road to Rigert Road. It is particularly severe South of Kemmer, from the fire Dept to the top of the hill, just above Outlook Lane. The situation in this area is sufficiently hazardous that the county has recently placed warning signs cautioning drivers of the limited visibility, recommending a speed of 25 MPH.
- ❖ Speeds, particularly south of Kemmer exceed posted speed limits, often by quite a margin, especially in the summer months. However the Sheriff's office has said enforcement is difficult, because there are few if any areas to safely pull violators over to write citations.
- ❖ The road surface stops at the fog line, with no shoulder in many areas, and those areas where shoulders do exist, are mostly grass. This leaves little or no area for bicycles or pedestrians, although they exist.
- ❖ With the exception of half-street improvements where a few new subdivisions have been added, 175th has seen little change over the years, yet the traffic has increased multifold, and continues to do so.
- ❖ Many residents have mailboxes on the opposite side of 175th from their home, creating a daily hazard doing something as simple as getting one's mail.

I have been involved with the Save 175th group, since just after its inception. We have met with and discussed these issues with multiple agencies and representatives, but we need to see more attention focused on the issues that everyone seems to understand but can offer no immediate solutions. Long term planning is a wonderful tool, but it has failed either to foresee or address the problems we currently face with multiple developments around the corner. Those of us who depend on 175th for our daily travels, as well as the many commuters who use it, need immediate and effective solutions to the problems that we see every day, which will only worsen as development plans become reality.

Please don't overlook the critical need to find solutions for 175th. Drive it at 7:45 in the morning or 5:15 in the evening. Examine the roadway itself and realize how narrow and inadequate it is to function under current and future conditions, and call on citizen involvement to help search out solutions – we have been working on this, and we are intimately familiar with the area and the problems.

Thank You,


Roger Staver

May 27, 2015

*Record during
May 27, 2015
Hearings*

Beaverton Planning Commission,
12725 SW Millikan Way
Beaverton Oregon 97005

Beaverton Planning Commissioners;

Re: South Cooper Mountain High School - CU2015-0003, DR2015-0029, ADJ2015-0005, LD2015-0005

Kindly apply the approved South Cooper Mountain Community Plan to this planning effort.

- 1) Despite the labelling of the existing wetlands as degraded, they may be rehabilitated, and the approved South Cooper Mountain Community Plan places high priority of the protection of this irreplaceable community asset. Degradation fails as a justification for destruction, and their potential rehabilitation is noted in the approved South Cooper Mountain Community Plan.
- 2) Suitable off site options used as shared resources are available as a substitute for the proposed sport fields.

Respectfully,

Eric Squires
17172 SW Rider Lane
Aloha Oregon
97007-8581

DAVID J. HUNNICUTT

ATTORNEY AT LAW
P.O. BOX 230637
TIGARD, OR 97281

*Received during
May 27, 2015 P.C.
hearing.*

May 27, 2015

City of Beaverton Planning Commission
12725 SW Millikan Way
Beaverton, OR 97076

Re: South Cooper Mountain High School
Case files CU2015-0003, DR2015-0029, LD2015-0004 and ADJ2015-0004

Commissioners:

I represent Ed and Kathy Bartholemy. My clients own property immediately to the west of the proposed site for the new Beaverton School District high school. We have significant concerns about the proposed high school, and submit these comments to voice those concerns. Please enter this letter into the record in these proceedings.

As an initial matter, the proposed development will have a direct impact on my clients ability to develop their property, which is designated by the South Cooper Mountain Community Plan (SCMCP) for both commercial and high-density residential development. In particular, the location of the proposed collector street, the location of the infrastructure needed to serve both the proposed school and my client's future development, and the existing boundary between the Beaverton School District and the Hillsboro School District will impact development of both my clients' property as well as properties in the entire South Cooper Mountain area.

Because of this impact, my clients, who do not oppose a new high school that would serve as a hub of activity for the future South Cooper Mountain community, must oppose the application. We remain both hopeful and committed to working with the applicant and the city to resolve the issues that impact us so that we can support the proposed application, and pledge our support to those efforts.

School District Boundary

My clients realize that the city has no direct control over the location of the district boundaries between the Hillsboro and Beaverton School Districts. We do note, however, that the applicant has chosen a site for the new high school that abuts the current district boundary of the two districts. A significant portion of the property within the SCMCP, including my clients' property, is currently within the boundary of the Hillsboro School District, and is slated for residential development, despite being in the Beaverton city limits and receiving Beaverton services.

It is exceedingly cruel to ask the future residents of my client's property to accept the negative impacts caused by a development as large as the proposed high school development (noise, traffic, lights, constant activity etc.), yet be forbidden by a school district boundary drawn decades ago (when the area was quite different than it is today) from attending that new school. Instead, students on my clients' property will be forced to ride a bus to Hillsboro High School, some 10 miles away. There is zero logic for such a result, and it will only encourage animosity toward the applicant and city from the eventual residents on my clients' property. If the applicant wishes to build a new school, why did it choose a site next to a proposed high-density residential area in another school district?

This is precisely why the SCMCP calls for inclusion of all of the property within the SCMCP boundaries to be included in the Beaverton School District. As the SCMCP notes:

"As a matter of policy and planning for neighborhood cohesiveness, the City encourages BSD and HSD to work toward an adjustment of the boundary that would result in all of the Community Plan area being served by BSD"

While my clients recognize the expressed urgency by the applicant in siting the new high school, it is inconsistent with the City's desire to ensure proper "policy" and "neighborhood cohesiveness" to allow a new school on the district boundary. As a result, the proposed application is inconsistent with the SCMCP, and must be denied, until such time as the district boundary is adjusted to comply with the SCMCP requirement quoted above.

Collector Street

In addition to the boundary issues, my clients have significant concerns over the location of the portion of the proposed collector street which the applicant proposes to construct. The applicant's plan calls for access to the staff parking lot from a driveway access perpendicular to the proposed collector street on the west boundary of the proposed site. As staff notes in the staff report, the SCMCP identifies the proposed collector street as a critical facility essential to both the development of the proposed school and to future development of the entire SCMCP area, including my clients' adjoining property.

Beaverton Development Code (BDC) §40.03 establishes a Facilities Review Committee (FRC) to review certain applications, including the application in this matter. The FRC makes a recommendation to the decision making authority on the application. That recommendation is based upon the applicant submitting evidence to establish compliance with a variety of criteria. Among those criteria are the following:

"(1)(A) All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion"

and

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

BDC §40.03(1)(A) and (G).

In addition, BDC §60.55.25(4) provides:

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

Unfortunately, as staff notes repeatedly throughout the staff report, the exact alignment of the proposed collector street is undetermined. The eventual alignment may be in the location proposed by the school, or it may be moved further to the west onto my client’s property. As the SCMCP shows, the collector runs north-south in the vicinity of my client’s property and the proposed site, and then turns west and runs east-west in the vicinity of my client’s property and their northerly neighbors (Edmonds), with the street appearing to be located on the Edmonds property.

Staff recognizes the uncertainty of the final alignment of the proposed collector street by recommending Condition of Approval #7 as a condition to Conditional Use approval. Condition of Approval #7 reads as follows:

“The property owner shall not remonstrate against reconfiguration of the drive access provided to the west parking lot from the collector street. The access is to be perpendicular to the tangent of the curve of the collector street at the point of connection. The property owner shall also ensure that the driveway maintains safe and adequate visibility at the intersection of the drive aisle and the collector street.”

Until the boundary of the collector street is finalized, it is impossible for the applicant to satisfy the standards in BDC §40.03 and §60.55.25(4). The applicant cannot demonstrate that the proposed driveway for access to the staff parking lot, a critical facility to the proposed development, will properly function if the location of the collector street is adjusted and moved onto my clients property, absent action by the district to acquire an interest in a portion of my clients property (through acquisition or condemnation) to enable the driveway to access onto the collector.

The applicant certainly cannot demonstrate that the on-site transportation system connects to the collector until such time as the location of the collector is planned and set. Moreover, as city staff noted to my client yesterday, it is the city’s intent to require the east-west portion of the collector to run along the boundary between my clients’ property and the Edmonds property. In order to make that happen, and assuming the collector is not relocated further to the west on my clients’ property (which is no certainty), the collector will need to curve at a point much further to the south of the proposed driveway access, meaning that the applicants proposed driveway will need to be redrawn and moved further south (interfering with the proposed retention ponds) in order to comply with the requirements of Condition of Approval #7.

Due to the uncertainty of the location of the proposed collector, it is impossible for the applicant to demonstrate compliance with requirements for adequate transportation facilities. For that reason alone, the application must be denied.

Infrastructure

The applicant calls for water to the proposed facility to stub at the north end of the proposed collector street, but does not propose to extend water within the right of way of the new collector. The SCMCP calls for the proposed collector to serve as primary access to development on my clients' property, and it is likely that the fire district will require water to serve a hydrant at the intersection of the collector and the entrance to my clients property, which the SCMCP has designated for apartments and commercial development. Since water and sewer services are typically located on opposite sides of a public street, the failure of the city to require the applicant to extend water on the east side of the proposed collector, or to condition the approval of the application upon an agreement by the applicant not to remonstrate against the location of a water line along the east side of the proposed collector, could make development of my clients property unfeasible, since it is unlikely that the city would approve the location of water and sewer lines on the same side of the street. The city should require the applicant to extend the water line within the right of way along the eastern boundary of the collector street.

Thank you for the opportunity to comment.

Very Truly Yours,



David J. Hunnicutt

To: Department of State Lands
Attn: Anita Huffman
Re: APP0057434, Beaverton School District
From: Fran Warren
Date: 22 May 2015

Received during
May 27, 2015 P.C.
hours by Fran Warren

1. Ballfields could/should be integrated within the community:

The SCM Plan states that: *"Plan new civic uses so they are focal points for the community. Ensure schools, parks and other civic uses are centers of community activity. Integrate the planned new high school with neighborhoods and other development within the plan."*

There are currently 3-4 Neighborhood Parks (Nine to 11 acres) allocated in the SCM Community Plan. None of these parks are built as yet so it's a blank drawing board. These parks could accommodate the sports fields that overflow into the wetlands while providing the local community with additional services and complying with the intent of integrating services. Families would have better access to sports facilities without having to violate school grounds thus making better use of the resources. So there is a very viable alternative site for this specific portion of the school physical plan that requires the fill-in of the wetlands.

2. Retaining wall would cut off Wildlife Corridor.

In a series of connectivity workshops facilitated by Metro in 2010-2011, information was compiled based on professional judgment and local knowledge from a group of environmental professionals in the region and general mapping done (with caveats) – see Oregon GIS maps (I, personally do not have access to these files so I cannot provide the actual links nor PDF's but I have received this information from communications with Metro wildlife biologists). On these maps, it appears that this particular segment of the property may span across potential wildlife ("biodiversity") corridors. This means there is definitely an excellent opportunity to create wildlife crossings at this precise spot to allow wildlife to travel under the heavily-traveled 175th Ave. on their way down to the Tualatin River and not become "road kill." Any retaining wall, as proposed by the developer, would block much of this natural wildlife passage.

3. "Smaller wetlands more valuable than previously thought:"

Per Oregonian article dated, Tuesday, March 24, 2015, Doctoral student Kim Van Meter and Professor Nandita Basu from the Department of Earth and Environmental Sciences in the Faculty of Science argue that not only have we drained large numbers of smaller, isolated wetlands, but that the remaining wetlands have much simpler shapes, leading to an extensive loss of wetland perimeter. It has been shown that wetland perimeters provide important habitat for aquatic species and allow for more chemical reactivity to improve water quality.

Smaller wetlands also function best as a group, forming an interconnected "landscape mosaic" which provide unique habitat and safe breeding grounds for species such as salamanders and migratory birds.

As described in another recent paper by Basu in the journal Bioscience, these small, geographically isolated wetlands act like landscape filters, preventing excess nutrients, sediments and contaminants from entering larger waterways.

This is another reason to retain this wetland intact. This may be perceived as a "smaller wetland" but that does not necessarily reduce its significance to the overall Cooper Mountain and Tualatin ecosystem. This project would be one of those projects that eliminate small wetlands of the kind mentioned above. This is that case in action.

4. R-1 Approval was conditional assuming that the development would not impact natural resources. Beaverton School District is in violation of the R-1 Approval.

“As directed by the Removal-Fill Law, DSL may accept and rely upon a public body’s findings as to local public need. However, such applicants must still consider alternatives with potentially lesser impact.”

In the R1-Zoning approval process, the City of Beaverton approved the Beaverton High School application, stating “... that the environmental impacts must be assessed by the applicant to demonstrate that the development will not impact the natural resources in the SCMAA and comply with the requirements in the SCM Community Plan.” Wetlands fill-in violates SCM Community Plan Natural Resource Policies. Per SCM Community Plan:

Locally significant wetlands and protected riparian corridors within the Community Plan area shall be protected and enhanced, consistent with local, state, and federal regulations.

The Beaverton School District violates compliance with the R-1 Approval because they are impacting natural resources with this request to fill-in this wetland and remove it from the total Cooper Mountain natural resources inventory. The SCM Community plan gives this wetland on the northern end of the site the “highest preservation priority”. The Beaverton Comprehensive Plan states, “Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values.” Ordinance 4651 includes this wetland in the Local Wetland Inventory.

And, though this wetland may be in a dry condition at this time, the construction of many homes upland and the addition of the necessary asphalt roads will create significant run-off. The existing soils in this wetland are essential to the total balance of the ecosystem. Fill-in and replanting changes the soils, the natural filtration, the carbon storage, and can even modify chemistry downstream – mitigation is not the same as protection of existing conditions.

5. Smaller footprint is feasible:

The original plan presented by Beaverton School District at the Public Open Houses was different from what is being presented in this petition. It showed a smaller footprint with a 50 foot buffer zone between the school and the wetlands. Also, I have seen other proposals by other architects demonstrating the same school functionality in a smaller physical footprint without damaging the existing wetlands. The noise and light pollution from the number of athletic fields will impact the wildlife activity in the area of the nearby stream and wetlands as well as the wildlife corridors and any buffers we can provide are essential to protect the wildlife wherever possible.

6. Endangered Species Study not completed as yet:

Page 23 of Metro’s Master Plan & Management Recommendations, cites the *Accipiter gentiles* (Northern goshawk) as Federal *Species of Concern* and *Critical* for the State of Oregon with the *Contopus cooperi* (Olive-sided flycatcher) also a Federal *Species of Concern* and *Vulnerable* for the State of Oregon. And this document states that they have been sighted in the South Central area, specifically around wetlands A. This document notes that the greatest threats are “.. loss of habitat..” I do hope that the recent clear-cuts to the north and the one to the east of this wetland haven’t done irreparable damage there already. I don’t know what other Sensitive Species might be trying to survive amidst all this turmoil, but I we are obliged by law to do our best to protect these rare, threatened and endangered plant/animal/soil species of Oregon. Golden paintbrush is listed as threatened as is the White rock larkspur and these two plants are known to occur on Cooper Mountain in undisturbed locations. Do we know if these 2 endangered plants are surviving in this location and would be further threatened by this fill-in? Are there plans to complete a biological evaluation or consultation before this permit is approved?

Per Mr. Michael LaDouceur, US Army Corps of Engineers, none of the potentially required consultation has been done: “..the project may have adverse impacts to Endangered Species, but we are still currently investigating and have not initiated consultation..” Has there been an Opinion Paper published by U.S. Fish & Wildlife for the complete of Cooper Mountain ecosystem? How does this segment of wetlands fit into the overall habitat and reserve?

The stand of 338 trees and this particular wetlands area on this property, together, would provide essential cover for flora and fauna once the massive SCM development construction commences, and it is important to comply with the letter and the spirit of the law.

7. Sets a poor precedent:

This is the very first development to begin in the SCM area and it is by a public agency with first, a request to fill-in the wetlands, and now, as of 13 May, the City of Beaverton has approved removal of 338 of the 341 trees on the property. This sets a poor precedent for the lack of protection for natural resources of Cooper Mountain (not to mention for high school-aged students) – as both requests are contrary to the Community Plan indicating an intent to preserve the natural resources.

The SCM Concept Plan states:

“The South Cooper Mountain Annexation Area provides the greatest opportunities for habitat restoration where a number of wetlands and waterways have been degraded by agricultural activities. Primary opportunities include protecting and enhancing native vegetation (in wetlands, riparian areas, and wildlife corridors) and enhancing stream functions and values for fish and other species.”

The City of Beaverton Local Wetland Inventory was completed in 2000 and updated in 2010 so ignorance of this being a designated wetland seems highly unlikely and would certainly not be an acceptable reason for deferment for a private citizen. This project proposal and these actions are contradictory to this direction and sends a poor message to other developers.

Again, the recommendation is to look at alternative sites for the additional athletic fields which are feasible within the SCM Community Plan.

This smaller wetland, like many of the other natural resources on Cooper Mountain, contributes to the biodiversity of Cooper Mountain Nature Park. I have observed the wildlife movements personally for 27 years now. This wetland and many of the trees also allow a stop-over and cover for the migratory birds and smaller wildlife that will inhabit the community parks in SCM.

Written Public Testimony

Received at the Planning Commission Hearing of **June 24, 2015**
for South Cooper Mountain High School (continued hearing)

*City of Beaverton
Received 6-24-15
at PC Meeting.
C. Ruiz
Recording Secretary*

Public testimony, proposed Beaverton high school, June 24 2015

Paul Whitney Ph.D.

12035 SW Bull Mountain Road

Tigard, Oregon 97224

I am a retired ecologist. After receiving my Ph.D. in 1972 I worked as an environmental consultant in Alaska, Canada and the Pacific Northwest. I specialized in wildlife and wetlands. During that time I served as president of a national firm of about 300 employees. That firm was sold to a series of larger companies before I retired. As president and manager of the Portland office my duties included reviewing hundreds of wetland, wildlife and environmental reports to assure quality standards were met. I continued that role after retirement and most recently was asked to review the wetland and wildlife parts of an EPA environmental assessment of the proposed Pebble Mine in Alaska. I was also paid by the Friends of the Tualatin River National Wildlife Refuge to review the environmental work associated with the Grabhorn Landfill.

I have reviewed the wetland fill permit application for the proposed Beaverton high school. My conclusion is that the permit application is the poorest application I have seen in 40+/- years and runs the risk of being rejected by state and federal agencies. The application is so risky because it relies in whole or in part on negligence. The School District is negligent because they did not get an environmental professional to review the property for wetland impact BEFORE purchasing the property. Stating that they didn't know there were wetlands present when they purchased the property is not a valid justification for filling wetlands.

Consider a circumstance where a motorist is pulled over for doing 85 miles an hour on Interstate 5 in downtown Portland. Imagine the drivers defense was that he did not know the speed limit. Do you think claiming not to know the speed limit was justification for breaking the law?

About a month ago I attended an onsite review of the proposed project and tried to inform the School District's consultant about the Clean Water Act, the law that regulates wetland fill. I explained the requirement to conduct an alternatives analysis and to clearly demonstrate that an upland alternative is not practicable. The response from the School District's consultant was "That's Bull Shit". In my 40 years I had never heard such an unprofessional response. During my career I would hear a lot of disagreement but never "That's Bull Shit". It is hoped that consultant will not be representing the School District during meetings with the regulatory agencies.

The failure of the Wetland Permit Application to clearly demonstrate that an upland alternative is not available adds to the risk of the permit application being rejected. This is especially troublesome considering that one or more neighbors are willing sellers of upland habitat. The School District is very fortunate to have a willing seller. This is A LOT better and less expensive than having to use eminent domain to force a sale.

I encourage the School District to work with a willing seller to demonstrate that an upland alternative(s) is available. Doing so will greatly reduce the risk of the permit application being rejected.

I also believe the School District is negligent in not acknowledging that the Cooper Mountain Plan designated the wetlands proposed for fill as having the highest priority for restoration. This potential for restoration is not mentioned in the applicants June 6 rebuttal and flies in the face of the proposal to fill the wetland because it is low quality. Furthermore using the argument that it is OK to fill low quality wetlands is not valid for at least three more reasons. First, if low quality was a valid reason for filling low quality wetlands most of the wetlands in the City could be filled tomorrow. It's a sad truth that a majority of our urban and agricultural wetlands are degraded BUT that is not a reason to fill them. Second, using a HGM methodology to document that the wetlands are low quality and should be filled is not what the HGM methodology is intended for. The HGM purpose is to document what functions have low value so a mitigation plan can be designed to increase those functions for a good before and after comparison. Third, just because a wetland dries out in the summer does not mean it should be filled as implied in the most recent rebuttal. Ephemeral wetlands are very valuable because they provide changing wet and dry habitats that are good for many species of wildlife. For years local wetland biologists went to the mat against ODFW that preferred permanent open water wetlands dubbed "duck donuts". Fortunately good science demonstrated that the best wetlands are ones that are seasonally wet and dry, not permanently wet.

The June 6 rebuttal about wildlife corridors misses the mark and is not based on any wildlife data. It is true that wooded corridors do provide connectivity for species such as deer that prefer cover. But many species of birds, amphibians and reptiles do not require wooded cover for connectivity and do in fact move perpendicular to wooded corridors. For example, turtles require upland habitat adjacent to wetlands for nesting.

To conclude, the permit application as it is runs the risk of being rejected by state and federal agencies due to negligence, not siting regional planning and misapplied science. I think the fix is relatively straight forward and I am confident that I and a few others could, within a week, come up with an upland alternative that would save the high cost of mitigating and dealing with a rejection letter(s) from the regulatory agencies.

Finally, I am not a planner and have not opined how my testimony may apply to the parts of the Beaverton Comp Plan or Development Code that protect wetlands and wildlife. I'd be pleased to answer any specific questions that might help you relate my testimony to the codes you have to uphold.



City of Tigard
Memorandum

RECEIVED

JUN 24 2015

City of Beaverton
Planning Services

To: Beaverton Planning Commission
From: Buff Brown – City of Tigard, Senior Transportation Planner
Susan P Shanks – City of Tigard, Senior Planner
Copy: Scott Whyte – City of Beaverton Senior Planner
Re: Proposed Conditions of Approval
South Cooper Mountain High School (CU2015-0003)
Date: June 24, 2015

Assuming the Beaverton Planning Commission approves the Beaverton School District's Conditional Use application (CU2015-0003), the City of Tigard respectfully requests that the following conditions of approval are included in the final order. The three proposed conditions correspond to the numbers on the attached **Exhibit A**.

1 Conduct a pedestrian and bicycle analysis. Use the findings from the analysis to develop a Pedestrian and Bicycle Access Plan in coordination with pedestrian and bicycle transportation specialists from the City of Beaverton, the City of Tigard, and Washington County to address the access challenges associated with this site for these modes. At a minimum, the Pedestrian and Bicycle Access Plan should identify and implement a network of safe routes for all students within the school's service boundary. [Exhibit A includes one possible route for students coming from northeast River Terrace.]

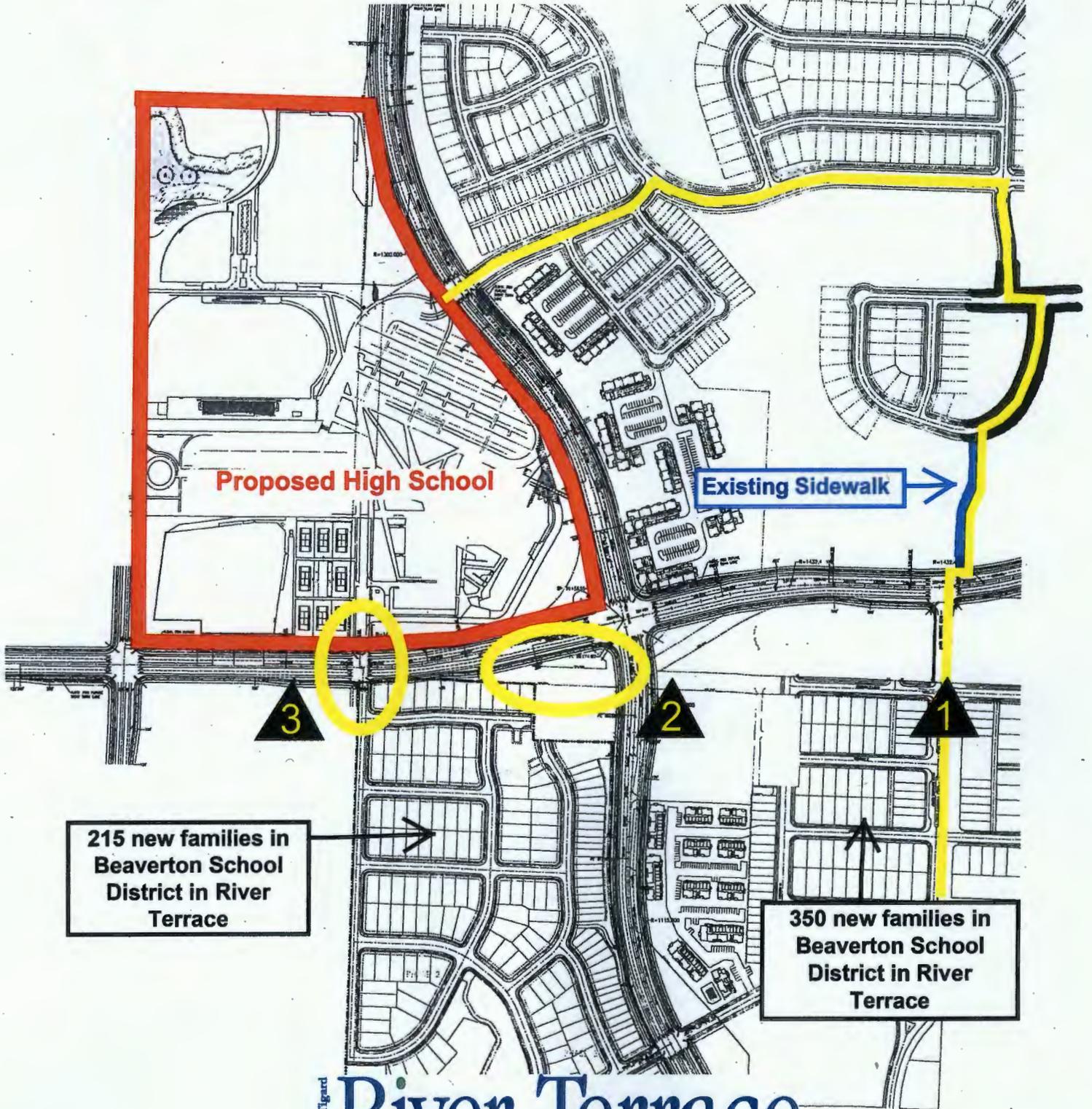
2 Install a sidewalk on the south side of Scholls Ferry Road along the frontage of the undeveloped corner lot at Scholls Ferry Road and Roy Rogers Road to ensure there is a complete sidewalk system available for students in northeast and northwest River Terrace.

3 Install a treatment providing pedestrian right-of-way, such as a HAWK (high intensity activated crosswalk) signal beacon or pedestrian bridge, at the intersection of the Neighborhood Route in northwest River Terrace and Scholls Ferry Road to provide a direct and safe pedestrian route for students in northwest River Terrace.



City of Tigard

Proposed Conditions of Approval EXHIBIT A
South Cooper Mountain High School (CU2015-0003)



Proposed High School

Existing Sidewalk

3

2

1

**215 new families in
Beaverton School
District in River
Terrace**

**350 new families in
Beaverton School
District in River
Terrace**

City of Tigard **River Terrace**



Handwritten notes:
Mimi Doukas
Beaverton Planning Commission
6/18/15

RECEIVED

JUN 18 2015

City of Beaverton
Planning Services

Board of Directors

June 16, 2015

John Griffiths
President

Bob Scott
Secretary

Jerry Jones, Jr.
Secretary Pro-Tem

Joseph Blowers
Director

Larry Pelatt
Director

Mimi Doukas, Chair
Beaverton Planning Commission
City of Beaverton
12175 SW Millikan Way
Beaverton, OR 97076

RE: South Cooper Mountain High School – CU2015-0003, DR2015-0029,
ADJ2015-0005, LD2015-0005

Dear Ms. Doukas,

General Manager

Doug Menke

Thank you for considering the Tualatin Hills Park and Recreation District's (THPRD) testimony on May 27, 2015 regarding the Beaverton School District's (BSD) proposed South Cooper Mountain high school. During the public hearing on May 27, THPRD staff heard concerns regarding noise generated in association with athletic fields on the future school site. THPRD would like to provide additional detail regarding the use of athletic fields to assist the Planning Commission in its deliberations. Please add this letter and its accompanying map into the record for the proceedings noted above and include THPRD as a party of record for these land use actions.

THPRD permits and allocates use of sports fields on all five BSD high school campuses, eight middle schools, 34 elementary schools, the HMT Recreation Complex, PCC Rock Creek Recreation Complex, Sunset Park, Powerline Park, Tualatin Valley Water District Athletic Fields and 15 additional park locations. All locations are permitted with a start time of 8:00 am for games on Saturdays and Sundays and programming occurs after school hours during the week. These fields throughout the district are not in high use all year long. Rather, we see high use primarily between August and November and again between March and June due to tournament use; special events are often held in June and July.

On the attached map, please find a depiction of the athletic fields that are actively programmed by THPRD. These fields are located throughout the district and each location has residents located directly adjacent to the fields. As shown on the map, these fields are adjacent to the entire spectrum of neighborhoods – low, medium, and high residential densities. On these fields, play begins at 8:00 am and in most cases goes until 10:00 pm on high school fields and major complexes. The only noise complaints THPRD has received have been related to the use of amplified announcing or music. THPRD discourages the use of amplified announcing equipment or music for major events. When used, the volume of the announcing equipment is limited significantly and hours of use are managed carefully.

Finally, with regard to the potential for noise on the high school site, those planning to move to South Cooper Mountain will most likely have knowledge of the future high school. Because the site plan for the school has largely been established, prospective property owners will be able to evaluate for themselves whether being located next to a high school site is positive or negative.

In addition to providing information about THPRD's use of fields throughout the district and particularly when co-located with schools, we would also like to reiterate our concerns about the future design of the South Cooper Mountain Loop Trail. This trail is identified along both the 175th and Scholls Ferry frontages of the future high school site. The staff report for the high school calls for a 10-foot wide sidewalk along these frontages that will serve as a future community trail. The South Cooper Mountain Community Plan indicates this trail could be up to 12-feet wide and include buffering from adjacent roadways. Due to site constraints, the 12-foot width may not be practicable, therefore THPRD requests that the Planning Commission ask BSD to work with THPRD further to develop this concept prior to development of construction documents for the site. Providing for this additional review will allow THPRD and BSD to continue its cooperative relationship and provide for the necessary bicycle and pedestrian connections in South Cooper Mountain. In terms of maintenance of this facility, THPRD views the future trail/sidewalk improvement as part of the roadway and as such, believes the segments of the South Cooper Mountain Loop Trail would be maintained by the road owner – in this case Washington County – similar to another on-street trail/sidewalk segment along the north side of Bronson Creek that serves as an on-street segment of the Waterhouse Trail.

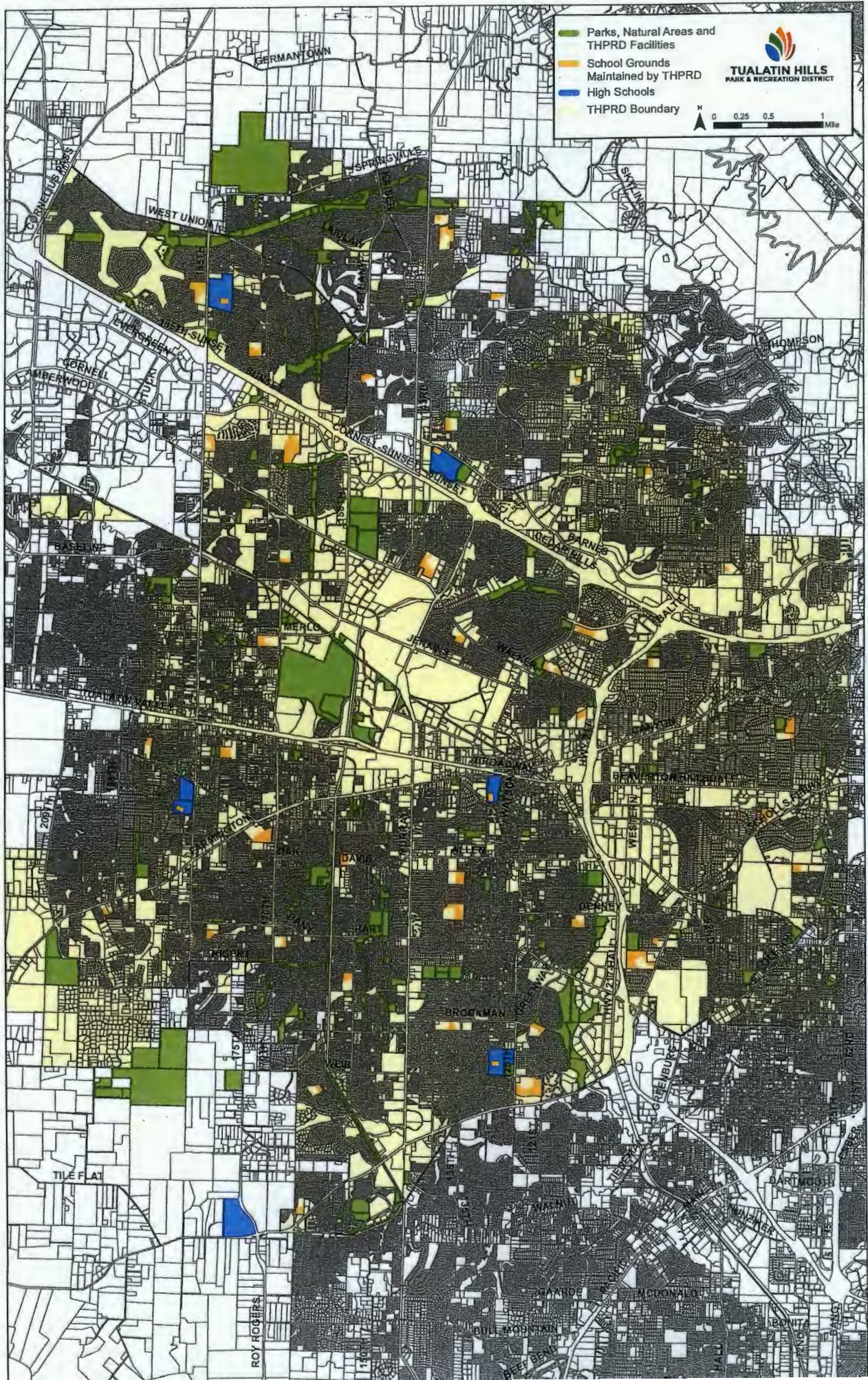
THPRD is excited to continue the longstanding partnership between our organizations. This partnership has benefitted the community in many ways and we look forward to continuing our collaborative approach to address the needs of current and future Beaverton residents.

Sincerely,



Doug Menke
General Manager

C: Dick Steinbrugge, Beaverton School District
Frank Angelo, Angelo Planning Group
Steve Sparks, City of Beaverton



DAVID J. HUNNIGUTT

ATTORNEY AT LAW
P.O. Box 230637
TIGARD, OR 97281

RECEIVED

JUN 24 2015

City of Beaverton
Planning Services

June 24, 2015

City of Beaverton Planning Commission
12725 SW Millikan Way
Beaverton, OR 97076

Re: South Cooper Mountain High School
Case files CU2015-0003, DR2015-0029, LD2015-0004 and ADJ2015-0004

Commissioners:

As you know, I represent Ed and Kathy Bartholemy, who own property immediately to the west of the proposed site for the new Beaverton School District (BSD) high school. At the May 27, 2015 public hearing on the above-numbered applications, the Commission continued the hearing until Wednesday, June 24, 2015. Under Oregon law (ORS 197.763(6)(b)), when a quasi-judicial land use hearing is continued, the hearings authority is required to allow additional public testimony at the continued hearing. The purpose of this letter is to provide additional comments relating to concerns we have with the proposed high school. Please enter this letter into the record in these proceedings.

WETLANDS

In the supplemental staff report dated June 17, 2015, but which was not posted to the City's website until yesterday morning (June 23), or transmitted to me, despite my request, staff indicates support for BSD's plan to fill nearly three acres of wetlands on the site, in contravention of the South Cooper Mountain Community Plan (SCMCP). According to staff, BSD is in a unique position, due to the requirement of having to comply with Federal Title IX requirements, which justifies filling the wetland.

We agree with staff that BSD is in a unique position compared to my clients or any other adjoining landowner, but that unique position detracts from the argument that they should be allowed to fill the wetlands on the subject property. First, unlike my clients or any of the other private landowners in the area, BSD holds the power of eminent domain, which enables BSD to condemn property from my clients or any other private property owner in order to achieve their development purposes. In fact, BSD exercised their eminent domain authority to purchase the subject site, so they are obviously familiar with the power they are afforded and have demonstrated a willingness to exercise that authority to take land that they desire.

My clients have offered to sell sufficient land to BSD (they should not be expected to give it away) to enable BSD to construct the ball fields and avoid filling the wetland. Conversely, BSD can exercise its eminent domain authority and condemn my clients' property, or the property of any other adjoining landowner. Both staff and BSD ignore this, and make no effort to explain why there are not other sufficient sites to enable them to construct the ball fields without filling the wetland.

Instead, BSD and staff attempt to minimize concerns by arguing that the wetlands proposed to be filled are "degraded" and thus somehow unimportant. But that argument is misleading, and is certainly inconsistent with the SCMCP, which is part of the City's comprehensive plan, and which makes no distinction between the wetlands that BSD wants to fill and other wetlands shown on the LWI map for South Cooper Mountain, which the City Council adopted on February 3, 2015, incorporated in the City's Comprehensive Plan, and which you are required by state (ORS 197.175(2)(d)) and local law to follow.

Rather than being in a unique position that is disadvantageous to BSD, the uniqueness of BSD's position enables BSD to resolve its wetlands issue in a way that avoids filling the wetlands, and to do so in a way that no other private property owner can. By exercising the power of eminent domain, BSD can take land it needs to take to complete the ball fields, and leave the wetland undisturbed, as contemplated by the SCMCP. My clients realize that BSD wishes to rush ahead with their plans with little interference. I would hope staff and the Planning Commission will afford others in the South Cooper Mountain area the same courtesies when it comes time to develop their properties.

Second, BSD's proposed development is unique in that it is not the primary use for the area, or even the subject property. South Cooper Mountain was brought into the urban growth boundary by the Oregon legislature in the "land use grand bargain" in 2014, after the Oregon Court of Appeals struck down the urban and rural reserve designations which Washington County and Metro had earlier approved. The legislature understood that the subsequent Metro boundary expansion which had brought the area into the boundary, but which had been challenged, would likely fail as well, as it was based upon the urban and rural reserve designations which Metro and Washington County had adopted.

As a result, the legislature enacted a bill, House Bill 4078 (2014), which brought South Cooper Mountain inside the boundary. The purpose for expanding the boundary to include South Cooper Mountain, and the reason why Metro attempted to bring the area into the boundary in the first place, was because the area was needed to accommodate the region's need for additional housing. This is reflected in both the zoning for the area shown on the SCMCP and on the zoning of the subject property. This is a residential area, intended for medium and high density residential development. That is its purpose.

A school, on the other hand, is a secondary use. The legislature did not bring South Cooper Mountain into the Metro UGB in order to provide the BSD with a site for a new high school. If the Planning Commission intends to make an exception for BSD to construct a development that is clearly secondary to the principle purpose for the South Cooper Mountain area, then surely the Planning Commission should be expected to make the same exception for residential development, which is what the boundary expansion was intended to accomplish.

While it may be true that BSD is required to comply with Title IX standards (neither BSD nor staff provide any detail of what Title IX requires or how Title IX requires BSD to construct the additional ball fields), all developers, public or private, are required to comply with various laws regarding property development. There is nothing unique about that. Welcome to the world of property development, BSD.

Staff further asserts that Clean Water Services (CWS), the Oregon Department of State Lands (DSL), and the Army Corps of Engineers (COE), each have standards for wetland fill/removal activities that “are sufficient to protect Wetland W-A in a manner consistent with the requirements of the CMP-CP.” With all due respect, this is simply incorrect.

ORS 197.175(2)(d) requires the City to make all of its land use decision in compliance with the City’s acknowledged comprehensive plan and land use regulations. The SCMCP was adopted by the City Council on February 3, 2015 (Ordinance 4651), and incorporated into the City’s comprehensive plan. Requirements of the CWS, DSL, and COE must certainly be followed (and to date, BSD does not have fill permits from DSL or COE), but they are not a substitute for compliance with the SCMCP, or any other provision of the Beaverton Development Code (BDC). And in fact, the proposed wetlands fill violates a number of provisions of the City’s comprehensive plan and BDC.

For example, Chapter 7.1.1(b) of the City’s comprehensive plan states:

“7.1.1(b) Where adverse impacts to Significant Natural Resources cannot be practicably avoided, require mitigation of the same resource type commensurate with the impact, at a location as close as possible to the impacted resource site.”

In order to obtain a conditional use approval for the school, BSD must demonstrate that the school complies with all requirements of the comprehensive plan. BDC §40.15.15(3)(c)(3). Both staff and BSD acknowledge that the wetland is designated as a significant natural resource by the LWI for the South Cooper Mountain area, which was incorporated into the City’s comprehensive plan by Ordinance 4651.

This makes sense, since Ordinance 4651 incorporates the facts and findings contained in the various staff reports and Planning Commission orders leading to the enactment of the SCMCP, including the December 3, 2014 staff memo in which staff indicated to the Planning Commission,

“with adoption of the SCMCP, the City acknowledges wetlands W-A; W-C, and W-H of the South Cooper Mountain Annexation Area Local Wetland Inventory, Exhibit 10.1 as Locally Significant Wetlands subject to pending review and approval by the Oregon Department of State Lands (DSL).”

The wetland to be filled is identified on the map as part of wetlands W-A, and is considered significant for purposes of Chapter 7 of the City’s comprehensive plan.

It is certainly “practicable” to avoid the fill of Wetland W-A which BSD proposes. We have already offered evidence into the record demonstrating a willingness to sell BSD sufficient property to construct

the ball field, and if an agreement cannot be reached, then BSD can exercise its eminent domain authority and take the property, from my clients or any other adjoining property owner, upon payment of just compensation. Doing so will enable BSD to avoid filling a portion of Wetland W-A, while still complying with its desire to construct the additional ball fields, and without creating a precedent for subsequent development.

The proposal to fill the wetland is also inconsistent with Chapter 7.3.1.1(a) and 7.3.3.1(c) of the City's comprehensive plan, which provide:

"7.3.1.1(a) Inventoried natural resources shall be conserved, protected, enhanced or restored;"

and

"7.3.1.1(c) Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development plan, recognizing them as amenities for residents and employees alike."

Wetland W-A is an inventoried natural resource site on the City's comprehensive plan maps. Although BSD and staff claim that the site is not subject to Goal 5 of the Land Conservation and Development Commission, because the City's LWI amendments have not yet been approved by DSL, that argument is irrelevant. The City has amended its comprehensive plan to include Wetland W-A as a locally significant wetland. In a telephone call with Anne Debbaut, DLCDC Field Rep for the Beaverton area, I was informed that the City complied with ORS 197.610 and 197.625 and properly notified the Oregon Department of Land Conservation and Development of the amendments from Ordinance 4651, and thus the amendments have been acknowledged by LCDC (ORS 197.625(1)(a)). As a result, they are directly applicable to this application.

Filling nearly 3 acres of Wetland W-A cannot possibly be considered to comply with the conservation or protection of that resource, as required by Chapter 7.3.1.1(a), nor can the filling in any way be deemed to "incorporate" the natural resource into the site development, as required by Chapter 7.3.1.1(c). BSD certainly has the capability of doing so, but they have chosen not to. The Planning Commission does not have the luxury of choosing to ignore the comprehensive plan – you are required to follow it.

The proposal is also inconsistent with Chapter 7.3.3.1(a) of the City's comprehensive plan, which provides:

"7.3.3.1(a) Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values."

BSD acknowledges that Wetlands W-A is considered a locally significant wetland, but, as addressed above, staff takes the position that the wetlands are not part of the LWI until DSL approves the updated LWI maps. It is true that DSL approval is required before the LWI can be substituted for the NWI for

purposes of determining the location of wetlands within the City, but that hardly means that Wetland W-A is not considered a locally significant wetland for purposes of the City's comprehensive plan. In fact, as discussed above, the February 3, 2015 amendments to the comprehensive plan arising from the adoption of Ordinance 4651 have been acknowledged by LCDC, and the City is required by ORS 197.175(2)(d) to apply them to BSD's application. See *Doob v. City of Grants Pass*, 48 Or LUBA 245 (2004).

Filling a portion of Wetland W-A can hardly be considered "protection" of that wetland, particularly when there are perfectly reasonable alternatives to filling the wetland. Unfortunately, although the issue has been raised in both these proceedings and the DSL fill permit application, neither BSD nor the staff have chosen to address our alternative proposal. The only evidence in the record, therefore, is that our proposal is reasonable, BSD can purchase adjoining property and avoid filling the wetland, and therefore, their application should be denied on that ground alone.

Finally, the proposal to fill a portion of Wetland W-A is inconsistent with BDC §60.05.45.10, which provides:

"60.05.45.10 Natural Areas: Natural features that are indigenous to a development site, such as streams, wetlands, and mature trees should be preserved, enhanced and integrated when reasonably possible into the development plan."

For the foregoing reasons, it is certainly "reasonably possible" for BSD to incorporate the preservation of Wetland W-A into their development plan. BSD has exercised eminent domain in the past to purchase property (including the site in question and the associated wetlands), and neither BSD nor staff has addressed (likely because they can't) the reasonableness of our proposal to site the ball fields on my clients property, or the property of another adjoining property owner. Because it is reasonably possible to preserve Wetland W-A, it should be done, and failure to do so is inconsistent with this section of the BDC, and is ground for denial of the Design Review application, of which this BDC section is a requirement.

ROAD VACATION

As shown in the attached map, the subject site is bisected by a public right of way owned by Washington County, and labeled on the attached map as 176th Place. Until recently, the right of way was the location of that portion of 175th Avenue between Scholls Ferry Road and the northern end of the subject site. That right of way remains under the ownership of Washington County.

It is my clients understanding that Washington County has signed the development application as a property owner on the subject site, conditioned upon the public right of way being properly vacated. ORS 368.361 proscribes the procedure for a county road vacation of a portion of a road within a city limits. Under that section, both the city and county must initiate and complete road vacation proceedings, and issue separate orders or resolutions to vacate the property. To date, neither

Washington County nor the City of Beaverton have initiated the road vacation proceedings, and neither has issued an order vacating the road.

As long as the County maintains a right of way across the subject site, the public is free to use that right of way for transportation purposes, as a means of passage across the site. Obviously, the proposed development is inconsistent with that public right, as the applicant proposes construction activities and development within the right of way that will not allow access by the public. Neither BSD nor staff have addressed the impact of the proposed development on public access across the right of way, including setbacks, construction activities, or the requirement that BSD submit an application for street vacation under BDC §40.75.15. As a result, BSD's application cannot be approved.

BARTHOLEMY PROPERTY TOPICS

BSD devotes a portion of its response memorandum to discussing the ongoing efforts they have with my clients to resolve their outstanding issues. Needless to say, my clients have quite a different view of the proceedings from that of BSD.

On February 26, 2015, my clients received an email from Leslie Imes asking that my clients consent to the use of their property for a portion of the new collector street which BSD has proposed to construct. Ms. Imes included a copy of a consent form, and asked my clients to return the consent form by March 5, 2015 (seven days later), as BSD planned on submitting its application by March 9, 2015.

On March 2, 2015, pursuant to my clients request, Leslie Imes submitted a copy of their proposed site plan, which had not been shared with my clients to that point. Obviously, my clients were not interested in signing a development application for a development which would impede their ability to develop their property.

The proposed site plan sent by Ms. Imes showed a stormwater pond at the end of the proposed collector street, which would have interfered with the further extension of the collector, which is vital to the success of development on my clients property and throughout the SCMCP. As a result my clients were not willing to sign the application, and informed BSD of this fact.

From that point forward, a series of efforts were made to resolve the differences between my clients and BSD. From my clients viewpoint, which we acknowledge may be different than BSD's, they were never given sufficient information to calculate the impacts of BSD's proposal upon the subsequent development of their property. For example, it was not until my clients met with staff in May that they received a copy of the grading plans for the road, despite repeated requests by my clients engineer. Those plans are critical to a proper evaluation of the impact of the road construction.

As I testified at the May hearing, my clients remain willing to engage with BSD to resolve their differences. BSD apparently is willing to do so as well. To that end, my clients have offered to sell a portion of their property to BSD for the ball fields, and reroute the proposed collector street to the west

end of the ball field, to enable BSD to avoid having to disturb the wetland, resolve their wetlands issue under the SCMCP and with the DSL and COE, and move forward. To date, BSD has been unwilling to address this proposal, but my clients remain committed to working with BSD, on this and any other issue regarding the proposed site. My clients are good neighbors, and wish to remain so. They will not, however, agree to a proposal which negatively impacts their ability to develop their property in conformance with all applicable land use requirements.

Thank you for the opportunity to comment.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'D. Hunnicutt', written in a cursive style.

David J. Hunnicutt

Written Public Testimony

Received **after** the Planning Commission Hearing of **June 24, 2015**
and during the seven day open record period as requested
for South Cooper Mountain High School

DAVID J. HUNNICUTT

ATTORNEY AT LAW
P.O. BOX 230637
TIGARD, OR 97281

July 1, 2015

City of Beaverton Planning Commission
12725 SW Millikan Way
Beaverton, OR 97076

Re: South Cooper Mountain High School
Case files CU2015-0003, DR2015-0029, LD2015-0004 and ADJ2015-0004

Commissioners:

As you know, I represent Ed and Kathy Bartholemy, who own property immediately to the west of the proposed site for the new Beaverton School District (BSD) high school. At the June 24, 2015 public hearing on the above-numbered applications, the Commission kept the record open for additional testimony until July 1, 2015. The purpose of this letter is to provide additional comments relating to concerns we have with the proposed high school raised at the June 24 hearing. Please enter this letter into the record in these proceedings.

WETLANDS

At the hearing, staff gave the Commission and the audience the impression that the City does not regulate wetlands under the BDC or the City's Comprehensive Plan, leaving that regulation to Clean Water Services, the federal government (through the Army Corps of Engineers), and the state (through the Department of State Lands). Respectfully, I don't believe the City has abdicated its role as broadly as staff would have you believe.

As Mr. Sparks acknowledged near the end of the hearing, you are required to apply the city's comprehensive plan and BDC requirements to this decision. That requirement is not just a matter of local law – it's a requirement of Oregon statute (ORS 197.175(2)(d)), and has been a part of Oregon law since our land use system was created in 1973.

Both your comprehensive plan and BDC contain a number of provisions addressing development and wetlands. I have addressed those provisions in previous letters. As a quasi-judicial decision making body, you are required to respond to address those provisions, adopt findings regarding their applicability, and if applicable, apply the evidence submitted in the record to determine whether BSD has met its burden of proof that the criteria have been satisfied.

You cannot, as some seem to hope, shrug off the comprehensive plan and BDC provisions on the ground that CWS, COE, and DSL will “handle it.” If Beaverton doesn’t wish to regulate wetlands, then the City Council can amend the comprehensive plan and BDC and remove reference to them. But until the City Council takes that step, you have to address them.

Respectfully, your personal beliefs about the wetlands (which appear to vary greatly, based upon comments made during the hearing and deliberations) are irrelevant in this process. This is not a legislative action where you are setting policy as a policy making commission, it is a quasi-judicial proceeding. Your job in this application is to determine whether BSD has satisfied the applicable criteria for siting their school. While some of you may feel strongly about protecting the wetlands, others may wish to fill them, and others simply wish to kick the can down the road to DSL, COE, and CWS, your personal preferences are not relevant. The comprehensive plan and the BDC are what are relevant.

Staff made a comment during the hearing that was telling – Mr. Whyte indicated that this application was unique in that the applicant was attempting to fill a wetland, where in applications for private development, the applicant works with the wetlands delineation and takes steps to avoid development in the wetland area. As a lawyer who represents private development interests, I can say that that is an accurate statement. The reason why private developers don’t try and develop in wetlands is because they want to get their applications approved, and realize the difficulty in doing so if they start seeking approval to fill wetlands. We ask that you apply the same rigorous standards for filling wetlands to the BSD that you apply to private development – no more, no less. If so, you will see that the application cannot be approved, based upon the evidence in the record and the applicable provisions of the comprehensive plan and BDC.

ROAD VACATION

As mentioned in my letter dated June 24 and during my oral presentation last week, the subject site is bisected by a public right of way owned by Washington County, and labeled on the attached map as 176th Place. Until recently, the right of way was the location of that portion of 175th Avenue between Scholls Ferry Road and the northern end of the subject site. That right of way remains under the ownership of Washington County.

The County right of way is a public right of way, and remains as such until the right of way is vacated by the County and Beaverton City Council. The process for vacating the right of way is set forth in ORS 368.361, and in BDC §40.75.15. To date, there has been no effort by BSD to submit the vacation application required by the BDC, and no action taken by either the County or the City Council to vacate the right of way. Until that occurs, the public retains the right of access across the right of way.

At last Wednesday’s hearing, staff indicated that BSD can simply cut off the public’s right to access the right of way during construction, as is routinely done during construction in public rights of way. That is simply inaccurate. While the right of the public access to a right of way is certainly subject to limitation, particularly during construction activity, the construction activity in this case would be to eliminate the right of way, not maintain it. That is a significant difference. BSD does not have the right to commence

construction activities to eliminate public access to the right of way, until such time as the County and City Council have acted, and BSD has submitted an application pursuant to the BDC.

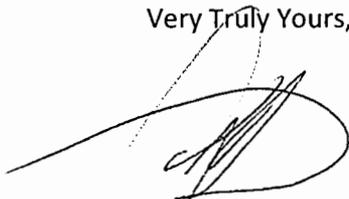
Moreover, even if BSD were to somehow temporarily prohibit public access during construction, once construction is complete, the public right of way must remain open, free to the public to access for transportation purposes. That is inconsistent with the development plan submitted by BSD. Until such time as the right of way is vacated, this application cannot be approved.

EARLY DELIBERATIONS

At the conclusion of last week's hearing, the Commission proceeded to begin deliberating on the application. In over 20 years of practicing land use law, I have never seen a quasi-judicial decision maker deliberate the outcome of an application before the record is closed and all of the evidence has been submitted. As a quasi-judicial decision making body, you are required to base your decision upon all of the evidence in the record, not just the evidence to a certain date. Although you appear anxious for some reason to reach a decision (we understand and appreciate that the applicant is anxious to receive a final decision, but that desire shouldn't impact your deliberations), your early deliberations give the appearance that the additional comments which you are required to consider are not going to be considered. That is both unfortunate and constitutes procedural error.

Thank you for the opportunity to comment.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'D. Hunnicutt', with a large, sweeping flourish extending to the left.

David J. Hunnicutt

RECEIVED

June 30, 2015

JUL 01 2015

City of Beaverton
Planning Services

One thing that has made itself evident, is that the school district is being disrespectful. Disrespectful of the city, disrespectful of the county, disrespectful of the city staff, disrespectful of the Community Plan, and disrespectful of its neighbors.

The Community Plan approved by the planning commissioners and city council gave a detailed account of the community they want built in South Cooper Mountain. Several issues raised in the hearing regarding the new school are tied back to the community plan. School Boundary issue, wetlands issue and support of the Main Street.

The school boundary is an issue addressed by the community plan, Washington County Board of Commissioners and by all the property owners in South Cooper Mountain. All would like to see it changed. Included with this testimony is a letter from Jeff Rose letting the County Commissioners know they would be open to discussion with Hillsboro School District on the boundary change, along with an email from a Hillsboro School Board member stating that the Beaverton School District cancelled their meetings with Hillsboro on the boundary change and could not get them to reschedule.

I don't believe that Beaverton School District has any intention of changing the district boundary with Hillsboro, meaning the shiny new high school will serve as a divisive force in the South Cooper Mountain community. Half of the South Cooper Mountain area (the lower density, more upscale neighborhoods) will attend the brand new Beaverton High School, while the other half (higher density, apartments and row houses – working class neighborhoods) will be bused off to Hillsboro High School. Does Beaverton School District think that's going to sit well with the community? What is good about that?

Regarding Main Street, Commissioner Kroger asked a good question at the last meeting - "What will this site look like from the Main St.?" The School District didn't have a site plan or picture looking from that direction. If you look in their grading plan on pages C301 & C302 it shows a 30 foot embankment along the new collector. Any commercial development along Main Street will face a steep embankment. They further weakened the value of Main Street development by making the entrance near the school a service entrance to be used only by buses and employees. How will this support the support the Main Street and allow the Main Street to support the school as stated in the community plan?

The Edmunds have a very valid request – why not exchange the parking lot and the ball field? That would allow Main Street to serve its intended function as the primary road through the area. Is it because the school district is trying to cram this through in record time? Due to the time frame constraints is the school district really taking into consideration the future impact these rushed decisions will have on the community?

The impacts to the Main Street are not being fully considered. Filling the wetlands is not being fully considered. Edmunds request to swap the ballpark for the parking lot is not being fully considered. This building will be here for over 100 years. Haste makes waste – It is very clear that the school district is wanting this done this year. When you are planning for next 100 years, in the whole scheme of things what is one more year to make sure it's done correctly?

The last few years we have worked on and helped contributed to the South Cooper Mountain Community Plan, sat through several planning commission hearings listening to testimony and staff defending their findings. Then, the first application out of the gate ignores all these efforts and sets a precedent going forward. Is this the precedent you want to set?



Ed Bartholemy

**18485 SW Scholls Ferry Rd
Beaverton, OR 97007**



Jeff Rose, Ed.D.
Superintendent of Schools
16550 SW Merlo Road
Beaverton, OR 97003
503-591-4401



March 16, 2015

Washington County
Board of Commissioners, Andy Duyck
Suite 300
155 N First Avenue
Hillsboro, OR 97124-3072

Dear Commissioner Duyck:

For several years, the Beaverton School District has been closely monitoring the developing interest in making a boundary adjustment between our District and the Hillsboro School District in the South Cooper Mountain area. We have had multiple conversations with interested parties, including Washington County officials, City of Beaverton leaders, and the Hillsboro School District.

With the finalization of the urban growth boundary expansion in South Cooper Mountain, the Beaverton City Council's adoption of the South Cooper Mountain Community Plan effective on March 6th, and our preparations for building a new high school near the existing boundary with Hillsboro School District, it is a logical time to study the benefits to parents and students of a boundary adjustment between the two districts. The Beaverton School Board, our Superintendent, and our administrative leadership are interested and prepared to collaborate with the Hillsboro School District to fairly and thoughtfully process any adjustment proposals, with a common goal of serving Washington County students and their families.

We understand that the Hillsboro School District has developed a process and criteria for evaluating a boundary adjustment and will be considering formal action to initiate this process at its March 17, 2015 School Board business meeting. Our District is supportive of the Hillsboro process and expects to be fully engaged in this effort after the Hillsboro decision.

Beaverton School District appreciates the interest by the Washington County Board of Commissioners in supporting the boundary review process in its role as the District Boundary Board. We look forward to fully exploring the significant potential presented by a boundary adjustment, with the welfare of all students and families in mind.

Sincerely,

Jeff Rose, Ed.D.

Mary VanderWeele
Beaverton School Board Chair

District Goal: All students will show continuous progress toward their personal learning goals, developed in collaboration with teachers and parents, and will be prepared for post-secondary education and career success.

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veterans' status, genetic information or disability in any educational programs, activities or employment.

Ed Bartholemy

From: Glenn Miller <gdmiller004@gmail.com>
Sent: Wednesday, April 29, 2015 10:06 AM
To: Ed Bartholemy
Subject: we have moved the ball down the field a bit
Attachments: 1 - Boundary Adjustment Process Discussion.pdf; 2 - Questions to be Answered by Requesting Party.pdf; 3 - Questions to be Answered by the District.pdf; 4 - BSD Property in South Hillsboro.pdf; 5 - HSD Property in South Cooper Mountain.pdf; SCSH Follow-up.pdf

Ed,

Just wanted you to know the board has agreed to take the next step. Staff is preparing a document that has language to allow us to officially negotiate with Beaverton School District. I hope that will break the log jam on their side and bring BSD to the table. Their public rhetoric does not match their private actions. They cancelled the meeting they had with us and have not rescheduled. My belief is that this memorandum of understanding is what they are waiting for.

I have to give kudos to Kim for allowing this to move forward even in Monte's absence. The issue could very easily have deadlocked until the next meeting if she had not been fair.

Now, as promised, here are the documents of Adam's analysis. These were not in the board packet, but they are not classified.

His analysis clearly shows that if we do nothing the region buys 2 additional elementary schools. The one in South Cooper Mountain is a given. However, his analysis states that we have adequate capacity planned to absorb the additional 600 students in South Hillsboro. If we don't move the line Beaverton is not so lucky. I don't see how they can absorb that many students in a concentrated area without building. The only thing is the timing. It might be a bit longer to build in that area than in South Cooper.

It is clear that my proposal has resonated with quite a few elected officials in the area. The city of Beaverton, and the county have both made it perfectly clear they want the deal done.

Today I have shared this information with a number of people. I have also made certain the reporters from the Argus and Tribune have my SCSH Follow-up analysis. Last night before the meeting I was interviewed by KOIN TV although so far I have not seen them run it.

As you can see I am making a full court press for this. I am doing it because I believe in it, not because anyone else is pulling my strings. It is the right thing to do for families in Hillsboro.

--

Thanks and Best Regards,

Glenn Miller



TUALATIN RIVERKEEPERS.

11675 SW Hazelbrook Road • Tualatin, Oregon 97062

phone 503-218-2580 • fax 503-218-2583

www.tualatinriverkeepers.org

July 1, 2015

Beaverton Planning Commission

ATTN: Scott Whyte -

swhyte@beavertonoregon.gov PO Box 4755

Beaverton, OR 97076

RE: South Cooper Mountain High School

Case Files: CU2015-0003, DR2015-0029, ADJ2015-0005 and LD2015-0005

Tualatin Riverkeepers raises the following objections to approval of the Conditional Use Permit for South Cooper Mountain High School.

1. The proposal to fill the wetland on the north end of the school site inconsistent with Chapter 7.3.1.1(a), 7.3.1.1(c) and 7.3.3.1(a) of the City's comprehensive plan, which provide that "7.3.1.1(a) Inventoried natural resources shall be conserved, protected, enhanced or restored;" and "7.3.1.1(c) Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development pion, recognizing them as amenities for residents and employees alike," and "7.3.3.1(a) Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values."
2. The proposal to fill the wetland is contrary to the South Cooper Mountain Community Plan (SCMCP) adopted on February 3, 2015 as a comprehensive plan amendment through Ordinance 4651. The SCMCP assigns this wetland the "highest preservation priority". The SCMCP states that "Locally significant wetlands and protected riparian corridors within the Community Plan area shall be protected and enhanced".
3. Contrary to comments by several Planning Commissioners, the City of Beaverton has "wetland experts". Such experts from David Evans & Associates were hired by the city to prepare the Local Wetland Inventory as part of the South Cooper Plan. This inventory was adopted as a comprehensive plan amendment when the City Council approved Ordinance 4651.

4. The Planning Commission is required by ORS 197.175(2)(d) to comply with the comprehensive plan.
5. Alternatives to filling the wetland are readily available. The adjacent Bartholomy property to the west of the school is already zoned for schools and parks, and does not require a conditional use permit to build athletic fields. The SCMCP also identified properties for parks and schools within walking distance of the high school site that are suitable for athletic fields, so no hardship exists.
6. The proposal does not meet the criteria for a conditional use permit in Beaverton Development Code 40.15.15.3.C:

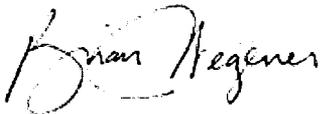
3. The proposal will comply with the applicable policies of the Comprehensive Plan.

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

The proposal does not protect inventoried natural resources, and, as stated by Commissioner Nye on June 24, "there is too much program on the site to reasonably accommodate both the natural and manmade features."

Tualatin Riverkeepers requests that the Beaverton Planning Commission, in order to comply with Oregon Land-use Planning Laws, Beaverton's Comprehensive plan, the South Cooper Mountain Community Plan, and Beaverton's Development Code, **deny approval of the conditional use permit CU2015-0003 for South Cooper Mountain High School.**

Sincerely,



Brian Wegener, Riverkeeper
Advocacy & Communications Manager

RECEIVED

City of Beaverton Planning Commission
The Beaverton Building
12725 SW Millikan Way
Beaverton OR 97076

29 June 2015

JUN 30 2015

City of Beaverton
Planning Services

From: Fran Warren (17830 SW Outlook Lane, Beaverton OR 97007)
Re: South Cooper Mountain High School Application
Case File: CU2015-0003, DR2015-0029, LD2015-0004 and ADJ2015-0005

Thank you all for your quality time serving on the Beaverton Planning Commission. I am supplying this written testimony in hopes of clarifying some issues raised by the Commissioners in the session on 24 June 2015. It seemed there were two significant areas of concern: traffic and the wetlands. And I have one comment regarding architectural aesthetics.

WETLANDS:

I am a lay citizen who has lived on Cooper Mountain for 28 years. As I have testified before, I live in the urban forest just to the North of the proposed new High School site and many of the wildlife birds and animals that come through my forest can be seen in Cooper Mountain Nature Park as well as in the trees down by the wetlands on the BSD property in the Application being reviewed.

I have heard the testimony of Pacific Habitat Services, the mitigation biologists on retainer by BSD, and it seems to me from the statements they made during the hearings that this firm's business objective is to do their best to re-plant a wetland area after it has been condemned rather than the "first step of conservation: to preserve and protect before the last wetland is lost." Available on Beaverton City Staff Report website: <http://apps.beavertonoregon.gov/developmentprojects/StaffReport/Ex%2010.1%20-%20SCM%20Annexation%20Area%20Local%20Wetland%20Inventory%20-%20December%202013.pdf>, is the South Cooper Mountain Annexation Area Local Wetland Inventory Report, produced December 2013 by David Evans Associates, the Environmental Consulting firm engaged by the City of Beaverton and paid for by the citizens of Beaverton, prior to this application – and the basis for the SCM Concept and Community Plans. This report presents Wetlands-A in a very different light from what I was hearing from Pacific Habitat Services, the biologists on retainer by BSD. This report identifies this as: "*Vegetative diversity and wildlife use in the wetland was fairly high.*"

There is no doubt this is currently a degraded wetland at this particular point in time, but as Dr. Whitney testified, by definition, wetlands have sub-soils which allow them to be restored. There are a number of indicators to support this as an opportunity area – not as totally degraded area as Pacific Habitat Services would lead us to believe. And, a wetlands would not require any form of artificial watering system such as the mitigated planted form would require.

Some observations in support of my statement:

- 1) The farmers never had to water their crops just to the north of this wetlands – a clear indication that there is ample water beneath the soils to support the vegetation.
- 2) I had reported at earlier SCM hearings that the water tables at the top of Cooper Mountain are quite high as I see wild flowers (Oregon Trout Lillies) growing along my driveway which normally grow along waterfalls in Oregon – see attached **Exhibit A**. And when this water travels downhill, the water levels rise and fall significantly at the bottom of Cooper Mountain. These fluctuations were mentioned in one of the reports during the hearing of 24 June 2015. When more asphalt (which Beaverton will be putting down for the streets of SCM) covers the fields, there will be more runoff into the storm drain system which will likely support this wetland.

- 3) Brian Wegener had testified at the 27 May 2015 hearing that he would use his Tualatin Riverkeepers organization to muster resources to restore this wetlands at little or no cost to the City of Beaverton or to BSD. And I'm certain that the existing residents would also support this cause.
- 4) Also noteworthy is the Metro mapping (**Exhibit B** attached) – which I had submitted in my last testimony showing that this particular wetlands crosses at or near significant wildlife corridor for the Cooper Mountain region.
- 5) I had also indicated in my prior testimony that I have spoken with Mary Rose Navarro of Metro to inquire about Nature in Neighborhoods grant monies for a Wildlife Crossing because of this significant corridor intersecting at this spot. This Wildlife Crossing would allow reptiles and mammals to cross 175th to and from the SCM wetlands to west of 175th to the east wetlands at Churchill Forest. Clearly I cannot do this if the ballfields totally cut across this connection point. P.S. I'm particularly fond of the Northern red-legged frog (*Rana aurora aurora*) found here.
- 6) It is also surprising to me that the City of Beaverton and/or Planning Commission would relinquish their rights for decisions over local wetlands to Clean Water Services unless it was just for the SCM project alone – and that would be even more surprising given that the City had engaged their own environmental consultants. I do believe that the City might want to re-examine the statements made at the 24 June 2015 hearing to determine if it is a conscious long term policy decision to relinquish all rights to make these decisions – or if this is an oversight, or just an interpretation of verbiage for a specific testimony which might be interpreted differently in a future application.

TRAFFIC:

I am the chairperson for 175th Neighborhood Association and our group has been paying very detailed attention to the 175th Avenue traffic issues for the past year. Our group is working to make this street as safe as possible for current and future residents. We have been meeting with traffic planners, with the Washington County Commissioners, with the State Legislators as well as with many other citizen advisory groups so we can keep up to date on the status of current and future events.

- 1) In response to the question regarding Washington County Transportation plans for Scholls Ferry and 175th – I have not seen any plans for any changes in the next 10+ year plan. As you are probably very much aware, there is now a venue for the Cities to appeal special transportation needs considering their High-Growth special circumstance. I suggest that if the changes to Scholls Ferry are COA for the High School, you might require that these changes be shown on an official project list such as this for the record. Washington County is keenly aware of the impact of the 4 major new High Growth areas and has a very full platter of requests and recently has taken action (published in their LUT Weekly this week) – Per Commissioner Andy Duyck:

The Board of County Commissioners (BCC) on Tuesday unanimously approved a transportation finance program for four high-growth residential areas.

The program, which was also unanimously endorsed by the Washington County Coordinating Committee, is a partnership between Washington County and the cities of Beaverton, Hillsboro, and Tigard to share funding resources for improvements to certain roadways in four major residential growth areas. They are:

- I. North Bethany/Bonny Slope West (unincorporated Washington County)
- II. South Hillsboro (City of Hillsboro)
- III. South Cooper Mountain (City of Beaverton)
- IV. River Terrace (City of Tigard)

- *These areas are slated for development simultaneously. About 18,000 homes - and thousands of additional vehicles - are expected to result from these residential areas over the next 20 years.*

Many county roads will need improvements to accommodate the increased traffic and to improve safety for new and existing residents.

- "The growth is going to occur, and we need to deal with it proactively," said Andy Duyck, BCC chairman. "As always, our goal with this program is to provide residents with safe, efficient roadways as cost effectively as possible."
- "This is an innovative cost-sharing partnership that will allow the County and cities to make transportation improvements - without raising property taxes - before deficient roadways become problematic," said Andrew Singelakis, director of Washington County Land Use & Transportation.
- The transportation finance program will fund a list of capacity and safety projects needed to serve the four areas. Note: I have included the Transportation Finance Proposal Exhibit A Project List for Funding for New Residential High-Growth Areas in Washington County in this Testimony packet as **Exhibit C**. URL of this entire WCCC Meeting packet is [http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/PlanningPrograms/TransportationPlanning/upload/WCCC Meeting Packet 060815-2.pdf](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/PlanningPrograms/TransportationPlanning/upload/WCCC%20Meeting%20Packet%20060815-2.pdf)

You will note that the Scholls Ferry projects that were in question at the 24 June 2015 Hearing are not mentioned on this list.

- 2) In response to the question as whether all of the recommendations in the DKS Traffic Impact Analysis study (I have included this analysis document on our website: www.save175th.org: http://save175th.weebly.com/uploads/6/0/4/8/6048547/2015-03-12_bsd_new_high_school_tia_final_reduced.pdf) as this document was not included in the Staff Report and was not made available to the public. This 72-page document notes that there are several places where streets do not meet mobility targets. Its not clear to me from what is stated in the two excerpts noted in the Applicants document if there is sufficient mitigation funding to accommodate the final solution and increased liability to the City of Beaverton for this increased traffic – in addition to the needs of the Scholls Ferry frontage for the High School. I am no traffic expert. Also note that the study has reaffirmed our previous testimony to the Planning Commission that 175th is currently an overtrafficked street that does not meet current state/county/city mobility targets before the high school or any of SCM is built.

Pg 13: *This study found that traffic signal warrants are met at the unsignalized intersection of SW 175th Avenue/SW Kemmer Road under existing 2014 traffic conditions and would continue to be met with the addition of 2017 background and project related traffic. The signalization of this intersection with the addition of northbound and southbound left turn lanes would bring this intersection to within Washington County and City of Beaverton mobility targets during the a.m. and p.m. peak hours, even with the addition of 2017 background and project related traffic. Review of additional turn lanes at this intersection would improve operations; however would not improve operations to within agency mobility targets.*

Pg14: *"Additionally, the intersection of SW 175th Avenue/SW Teal Boulevard would meet Washington County mobility targets; however would not meet City of Beaverton mobility targets along the westbound approach. This is consistent with the findings of the South Cooper Mountain Concept Plan which identified both of these intersections to operate with a V/C ratio greater than 1.0 during the p.m. peak hour. While specific improvements were not identified at these locations, the plan identified \$2.5 million for intersection improvements at SW 175th Avenue/Kemmer Road and \$500,000 for improvements at SW Scholls Ferry Road/SW Teal Boulevard.*

- 3) As testified by Caroline Wray in the November 2014 Planning Commission Hearing, there is a potential student safety/school bus speed limit issue – unless Oregon state law has changed since then. 175th Neighborhood Association recently attempted to get ODOT to lower the 45mph speed limit on Cooper Mountain, but our request was denied in January 2015 and, in fact, the speed study showed that the average speed on 175th is 55mph. Maybe the Beaverton School District may have some leverage in this speed limit endeavor for the safety of the students – and the Planning Commission could suggest that the High School initiate this request. Below is an excerpt from Caroline Wray's written testimony document:

"Public school buses are not allowed to release children from the bus to properties that are to the left side of the bus in 45 mph zones (where the child would have to cross in front of the bus). When our daughter took the public school bus home from school, the

bus had to pass our property, travel all the way down to Scholls Ferry and onto Roy Rogers Road (where it turned around at the Blueberry Hill Farm) only to make its way back up 175th to drop her off at the top of the hill. Most of the time she was one of two kids that had to make the additional 20 minute trip. With a 55-home subdivision currently being proposed for this stretch of road (between our home and the firestation) many more children will possibly be negatively affected.

Our suggestion: Reduce the speed limit to 35 mph so that kids can safely exit the bus to their respective properties without additional time on the bus, expense to the school district, and pollution to the environment.”

- 4) Regarding bicycle paths: Several of our organization’s members are avid bicyclists and have recommended that the bicycle paths on the SCM plan be the primary usage paths for the students – and there should be some signage (or possibly gates) to steer the students away from the major roads and arterials on Cooper Mountain due to the steepness of the grade and unsafe conditions on the roads themselves, especially during inclement conditions.
- 5) No Parking (tow-away) on 175th: With limited parking and/or complicated parking exit lanes, it is very tempting for visitors to park on the nearest streets to avoid delays after major events such as sports matches. To avoid potential safety hazards on 175th, you may want to recommend as a COA that the City Planners require No Parking (and preferably Tow-Away) signs on 175th (and/or Scholls Ferry) wherever the Traffic Engineers deem there might be safety hazards.

ARCHITECTURAL AESTHETICS:

With all the incredible details you have been able to review I have been very impressed that you have been mindful of the aesthetics for this long-standing structure. One observation: SCM is a neighborhood with a sense of Community and the school is the cornerstone so I might suggest that there be some theme initiated with the school that can be carried throughout the neighborhood to identify with the school and the City of Beaverton. I understand that you cannot dictate such architectural design but you can certainly influence it. When I was passing by Progress Ridge, I noticed the enticing façade on the new structures being built there. The buildings are made of fire-resistant concrete but a mere sampling of warm wood added to the exterior gives one building continuity to another and to the rest of the development across the street. The addition need not be actually made of wood but could be made of some fire-resistant wood-looking material. Just a thought ... this could be an opportunity to identify something (not a school mascot) that could be enthusiastically used by builders to bind the new SCM community together. Nothing wrong with copying the Progress Ridge theme either as it could even steer residents to “shop locally.”

Thank you for including my testimony in your final decision-making process,



Fran Warren

EXHIBIT – A

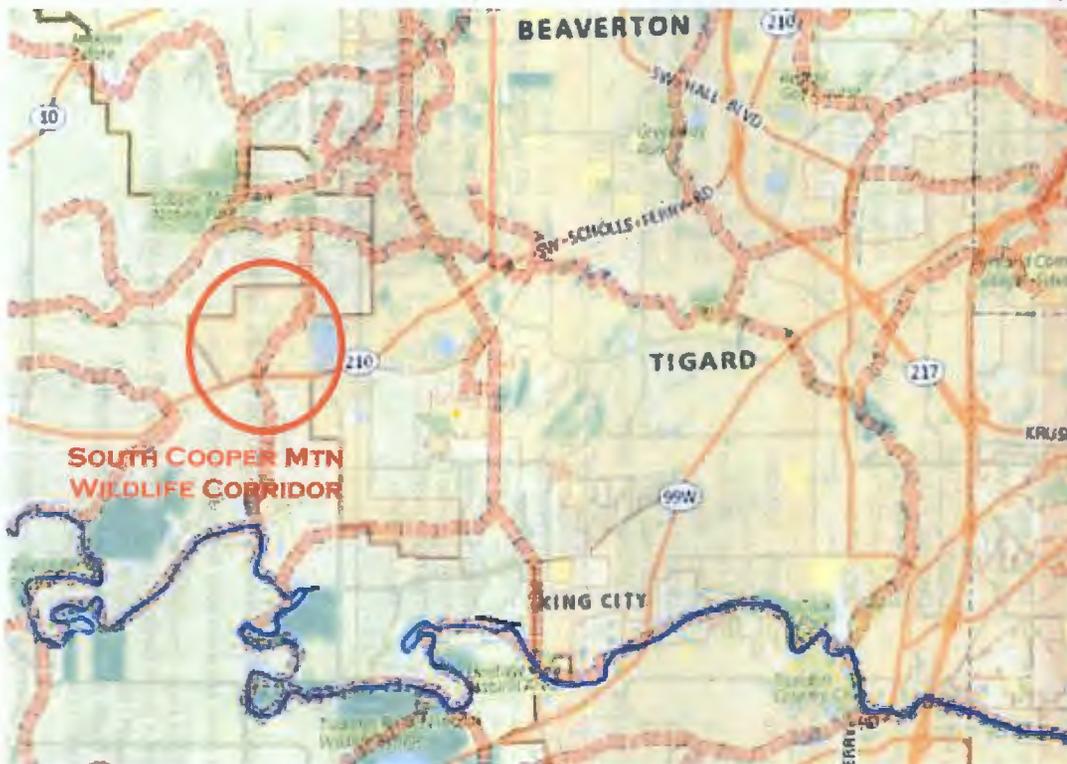
HIGH WATER TABLE YIELDING VOLUNTEER WILDFLOWERS



These are native Oregon Trout Lilies which just popped up in 2013 voluntarily in our forest – due to the exceptionally high water table

EXHIBIT – B

COOPER MOUNTAIN WILDLIFE CORRIDOR - Ballfield bisects wildlife corridor



Wildlife Corridors Map provided by Lori Hennings, Sr. Natural Resource Scientist - Metro

Exhibit A
Residential High-Growth Areas Transportation Funding Program Project List
 June 23, 2015

Road	Extent	Project Description ¹	Total Cost ²	County Cost ² (2/3)	Local Cost ² (1/3)	TDT Project #	Area ³
Years 1-3⁴							
Springville Rd 185th Ave	185th - west of PCC entrance Springville - West Union	Widen to 5 lanes, realign Widen to 5 lanes, intersection improvements at termini	\$ 11,750,000 \$ 6,000,000	\$ 7,833,333 \$ 4,000,000	\$ 3,916,667 \$ 2,000,000	1069 (WC) 1013 (WC)	NB/BSW NB/BSW
Cornelius Pass Rd TV Hwy 175th Ave 175th Ave Roy Rogers Rd	Frances - TV Hwy Cornelius Pass Rd Kemmer Rd E-W collector - Scholls Ferry Scholls Ferry - S of Bull Mountain	Widen to 5 lanes Westbound right turn lane Intersection improvement Widen to 5 lanes Widen to 5 lanes	\$ 14,000,000 \$ 3,107,000 \$ 5,000,000 \$ 6,345,000 \$ 24,900,000	\$ 9,333,333 \$ 2,071,333 \$ 3,333,333 \$ 4,230,000 \$ 16,600,000	\$ 4,666,667 \$ 1,035,667 \$ 1,666,667 \$ 2,115,000 \$ 8,300,000	1030 (WC) 3054 (H) 1010 (WC) Not on list Not on list	SH SH SCM SCM RT
Year 1-3 total			\$ 71,102,000	\$ 47,407,333	\$ 23,700,667		
Years 4-6⁴							
Thompson Rd TV Hwy 209th Ave Blanton St Kinnaman Rd Kinnaman Rd Scholls Ferry Rd	Kenny - Saltzman 209th Ave TV Hwy - Blanton 209th - 198th 209th - 198th 198th Ave N-S Collector - Roy Rogers	Realign, widen to 3 lanes Intersection & railroad improvement Widen to 5 lanes, signal at Blanton Sidewalks, turn lanes as needed Sidewalks, bike lanes, turn lanes Realign & signalize offset intersection Widen to 5 lanes	\$ 6,000,000 \$ 14,794,000 \$ 4,333,000 \$ 3,261,000 \$ 3,261,000 \$ 4,917,000 \$ 2,750,000	\$ 4,000,000 \$ 9,862,667 \$ 2,888,667 \$ 2,174,000 \$ 2,174,000 \$ 3,278,000 \$ 1,833,333	\$ 2,000,000 \$ 4,931,333 \$ 1,444,333 \$ 1,087,000 \$ 1,087,000 \$ 1,639,000 \$ 916,667	Not on list 1020 (WC) 1020 (WC) Not on list 1053 (WC) 1054 (WC) Not on list	NB/BSW SH SH SH SH SH SCM/RT
Year 4-6 total			\$ 39,316,000	\$ 26,210,667	\$ 13,105,333		
Years 7-10⁴							
Thompson Rd TV Hwy 229th Ave Tile Flat Rd Scholls Ferry Rd Scholls Ferry Rd	Saltzman - Marcolte Century Blvd Butternut Creek UGB - Scholls Ferry Tile Flat - N-S Collector Teal / Horizon	Widen to 3 lanes Widen NB/SB approaches to 5-lanes, EB Bus Pullout Replace bridge, widen to 3 lanes Widen to 3 lanes Interim 3-lane and north side half street Intersection improvement	\$ 4,000,000 \$ 10,473,000 \$ 5,827,000 \$ 3,025,000 \$ 5,500,000 \$ 500,000	\$ 2,666,667 \$ 6,982,000 \$ 3,884,667 \$ 2,016,667 \$ 3,666,667 \$ 333,333	\$ 1,333,333 \$ 3,491,000 \$ 1,942,333 \$ 1,008,333 \$ 1,833,333 \$ 166,667	1072 (WC) Not on list 3020 (H) Not on list Not on list Not on list	NB/BSW SH SH SCM SCM/RT SCM
Year 7-10 total			\$ 29,325,000	\$ 19,550,000	\$ 9,775,000		
Year 1-10 total			\$ 139,743,000	\$ 93,162,000	\$ 46,581,000		

NOTES:

- "Widening" projects include pedestrian/bicycle facilities, lighting, stormwater, etc.
- Project costs are estimates and are subject to change.
- Residential High Growth Areas:
 NB/BSW = North Bethany/Bonny Slope West (unincorporated Washington County)
 SH = South Hillsboro (City of Hillsboro)
 SCM = South cooper Mountain (City of Beaverton)
 RT = River Terrace (City of Tigard)
- Project timeframes shown are tentative and subject to change.

Scott Whyte

From: Fran Warren <fran.coopermtn@frontier.com>
Sent: Wednesday, July 01, 2015 4:52 PM
To: Scott Whyte
Subject: Addendum to my Testimony, please

Hello Scott,

I turned in my written testimony yesterday, but I forgot to add the following message for the Beaverton Planning Commission – could you please pass on this note for me?

There is an excellent example of the City of Beaverton and THPRD doing something right and I would like to commend this endeavor and suggest this as a wonderful model for SCM planners. I realize that you can't replicate this model everywhere in Beaverton due to population density requirements, but these pockets are what make cities like Beaverton so special here in Oregon:

Lowami Hart Woods Park – The properties in and around this areas were, and still are, zoned for residential development, and are also listed as a significant tree grove in the City of Beaverton. But, at some point, authorities had actually preserved a small stream (tributary of Johnston Creek) and wetland adjacent to a development (Hyland Park) where the builder(s) had retained the original families of fir trees while constructing the homes. And, over time, THPRD has gone in and continually expanded this Nature Park area superbly. The wildlife flows freely amongst the trees and the wetlands and the adjacent neighborhood in a very healthy environment and its an absolute joy to walk in this area. To me, this is an excellent model of evolving restorations yielding the optimal benefit to nature and nature lovers alike. This is an wonderful example of catching Beaverton, THPRD and developers doing something RIGHT! Thank You.

Take Good Care, Fran Warren

July 1, 2015

City of Beaverton, Planning Commission

ATTN: Scott Whyte - swhyte@beavertonoregon.gov

PO Box 4755 Beaverton, OR 97076

RE: South Cooper Mountain High School Case Files: CU2015-0003, DR2015-0029, ADJ2015-0005 and LD2015-0005

I, Eric Squires, object to approval of the Conditional Use Permit for South Cooper Mountain High School. My objection is based on two points:

1. The proposal to fill the wetland on the north end of the school site incongruent with Chapter 7.3.1.1(a), 7.3.1.1(c) and 7.3.3.1(a) of the City's comprehensive plan, which provide that "7.3.1.1(a) Inventoried natural resources shall be conserved, protected, enhanced or restored;" and "7.3.1.1(c) Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development pion, recognizing them as amenities for residents and employees alike," and "7.3.3.1(a) Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values."

2. The proposal to fill the wetland is completely contrary to the South Cooper Mountain Community Plan adopted on February 3, 2015 as a comprehensive plan amendment through Ordinance 4651. The South Cooper Mountain Community Plan qualifies this (significant) wetland the "**highest preservation priority**". The South Cooper Mountain Community Plan states that "Locally significant wetlands and protected riparian corridors within the Community Plan area shall be protected and enhanced".

Please deny approval of the conditional use permit CU2015-0003 for South Cooper Mountain High School.

Respectfully,

Eric Squires

Concerned and Affected Citizen

17172 SW Rider Lane

Aloha Oregon 97007

MATCHLINE SEE SHEET C305

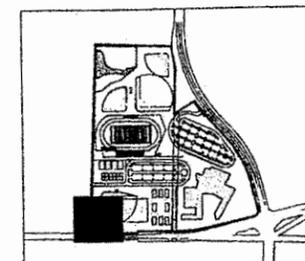
REFER TO LANDSCAPE GRADING
PLANS FOR GRADING INFORMATION
FOR BALL FIELDS, PEDESTRIAN
AREAS AND RETAINING WALLS.

ISSUED FOR
INFORMATIONAL
PURPOSES ONLY

NOT FOR
CONSTRUCTION

SOUTH COOPER MOUNTAIN
HIGH SCHOOL

SCHOLLS FERRY ROAD AND SW 175TH AVENUE



MARK DATE DESCRIPTION

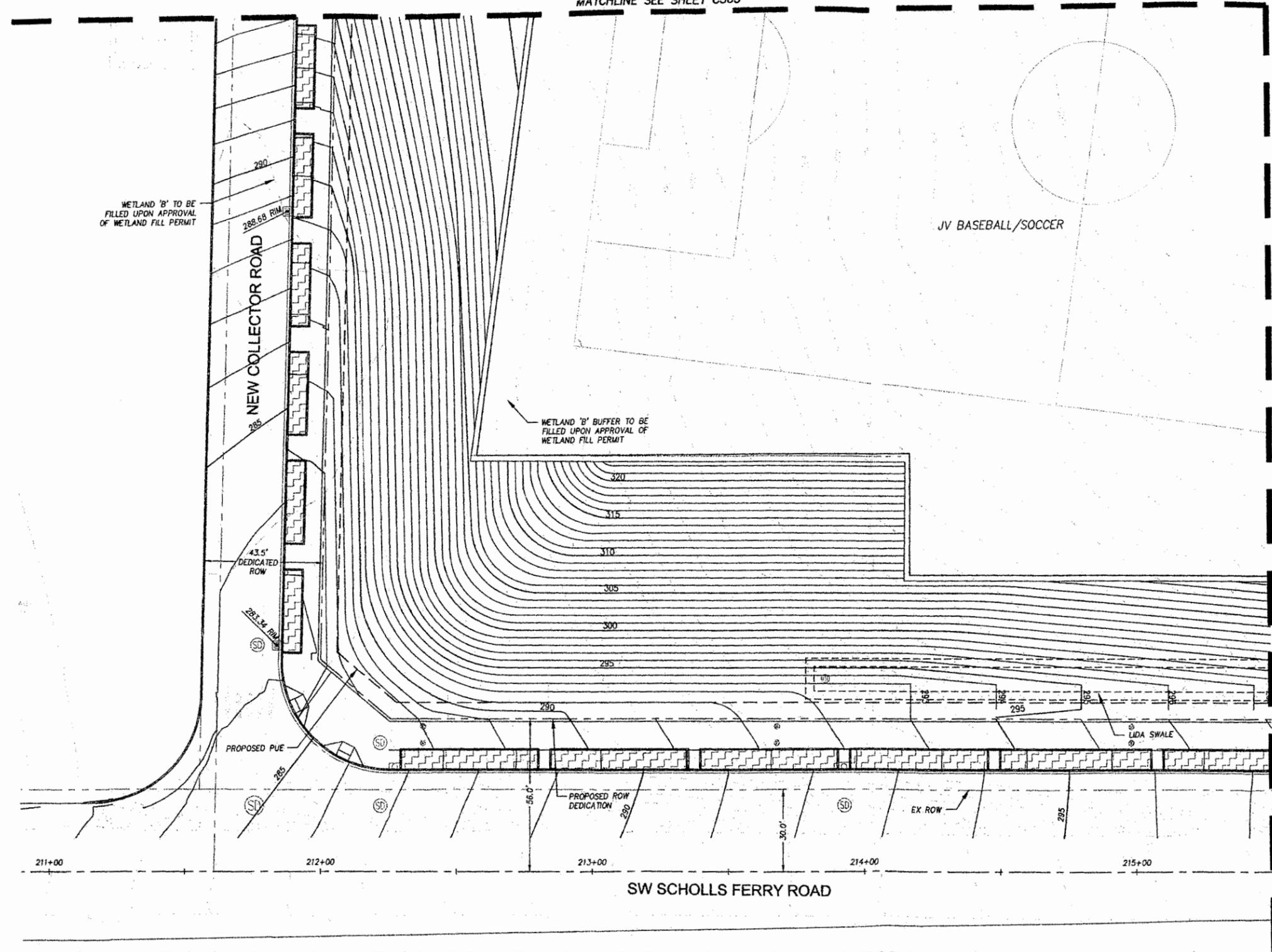
Issued: JANUARY 30, 2015

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Copyright 14013

CONDITIONAL USE &
DESIGN REVIEW PKG
GRADING PLAN

C301



MATCHLINE SEE SHEET C302

WETLAND 'B' TO BE
FILLED UPON APPROVAL
OF WETLAND FILL PERMIT

WETLAND 'B' BUFFER TO BE
FILLED UPON APPROVAL OF
WETLAND FILL PERMIT

NEW COLLECTOR ROAD

JV BASEBALL/SOCCER

SW SCHOLLS FERRY ROAD

211+00 212+00 213+00 214+00 215+00

1/26/2015 10:12:35 AM

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