

# **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 oral 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 175<sup>th</sup> 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 175<sup>th</sup> 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.

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,



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 @  
Meeting of May 27, 2015  
Read into record by  
Staff on May 27 - person  
did not testify - BJ

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 175<sup>th</sup>, 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 175<sup>th</sup>. And, finally to ask for your support in dealing with the problems of traffic increases, control, safety and enforcement on and around SW 175<sup>th</sup>.

SW 175<sup>th</sup> 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 ¼ 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 175<sup>th</sup> 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, 175<sup>th</sup> 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 175<sup>th</sup> from their home, creating a daily hazard doing something as simple as getting one's mail.

I have been involved with the Save 175<sup>th</sup> 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 175<sup>th</sup> 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 175<sup>th</sup>. 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.

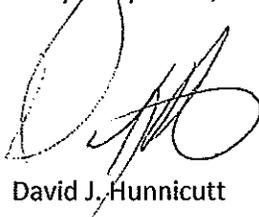
Due to the uncertainty of the location of the proposed collector, it is impossible for the applicant to demonstrate compliance with requirements for adequate transportation facilities. For that reason alone, the application must be denied.

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,

A handwritten signature in black ink, appearing to read 'D. Hunnicutt', written over a faint, circular stamp or watermark.

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.M.  
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 175<sup>th</sup> 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.