

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. King
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.

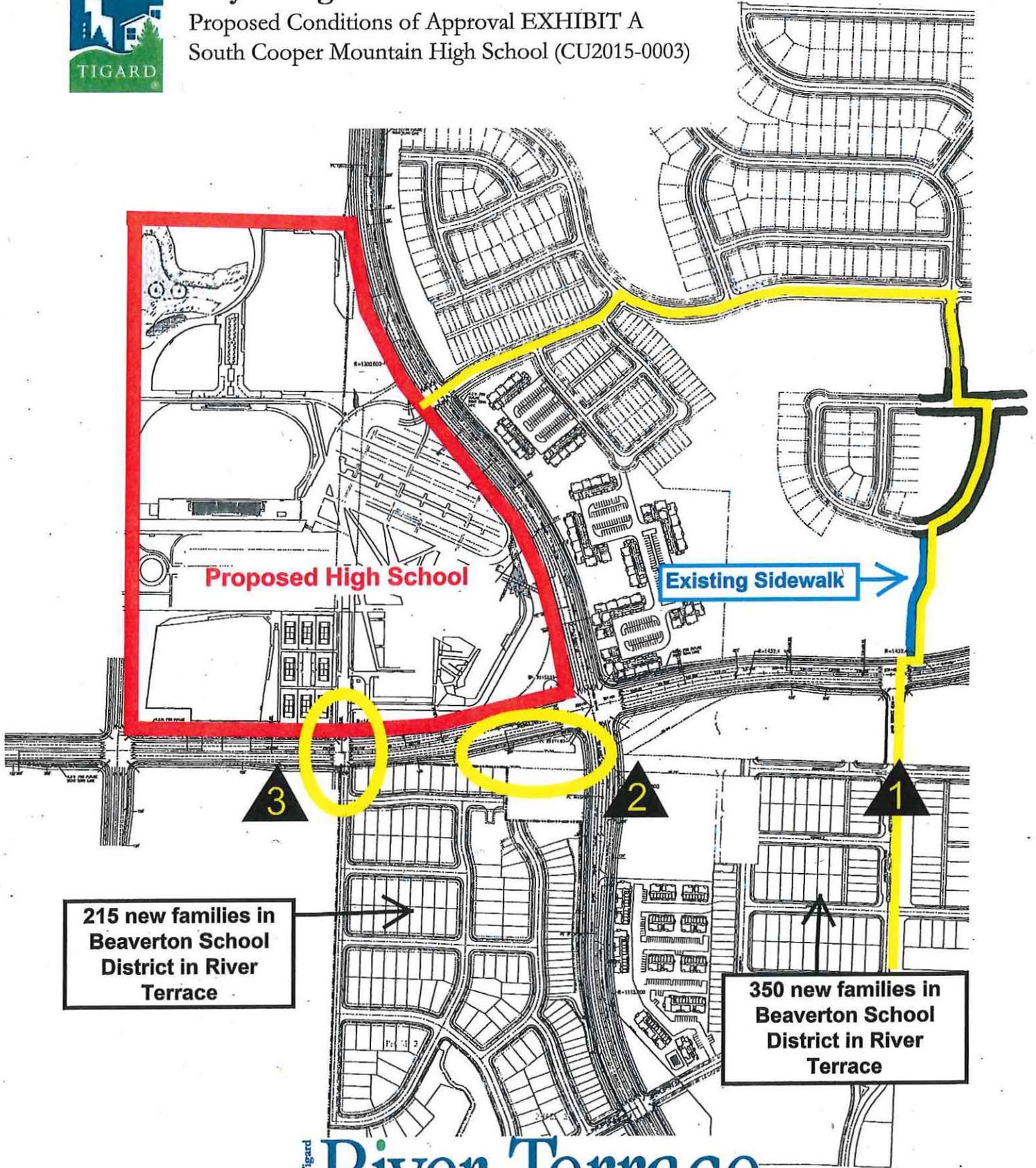
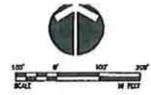
3

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)



215 new families in
Beaverton School
District in River
Terrace

350 new families in
Beaverton School
District in River
Terrace

River Terrace



Received after Staff Meeting of June 17. Entered into record at hearing of June 24.

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.

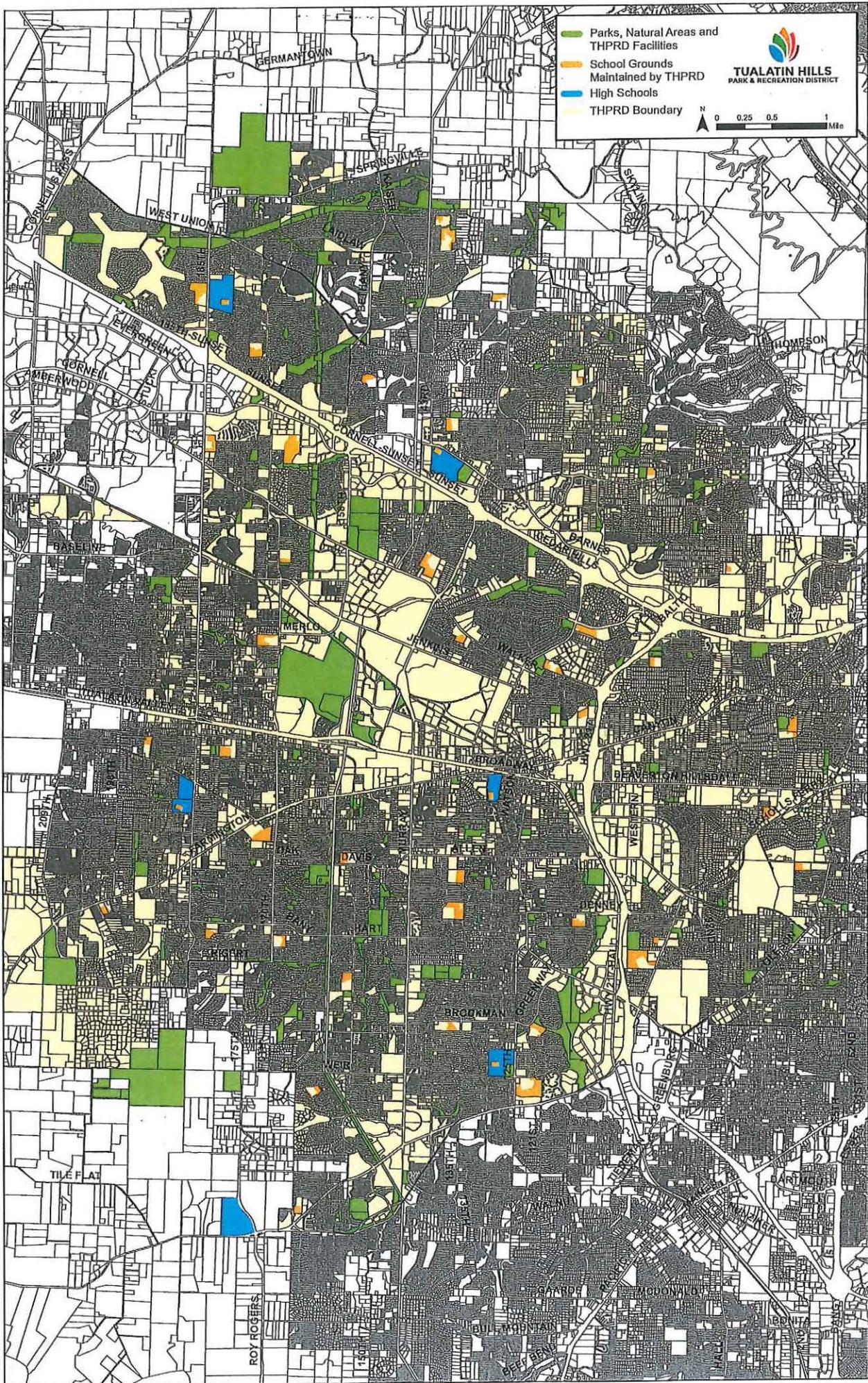
THPRD is excited to continue the longstanding partnership between our organizations. This partnership has benefitted the community in many ways and we look forward to continuing our collaborative approach to address the needs of current and future Beaverton residents.

Sincerely,



Doug Menke
General Manager

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



DAVID J. HUNNIBUTT

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.

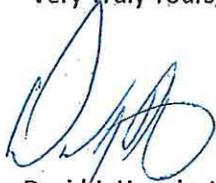
From that point forward, a series of efforts were made to resolve the differences between my clients and BSD. From my clients viewpoint, which we acknowledge may be different than BSD's, they were never given sufficient information to calculate the impacts of BSD's proposal upon the subsequent development 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.

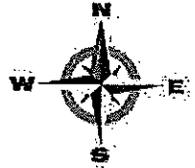
Thank you for the opportunity to comment.

Very Truly Yours,

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

David J. Hunnicutt

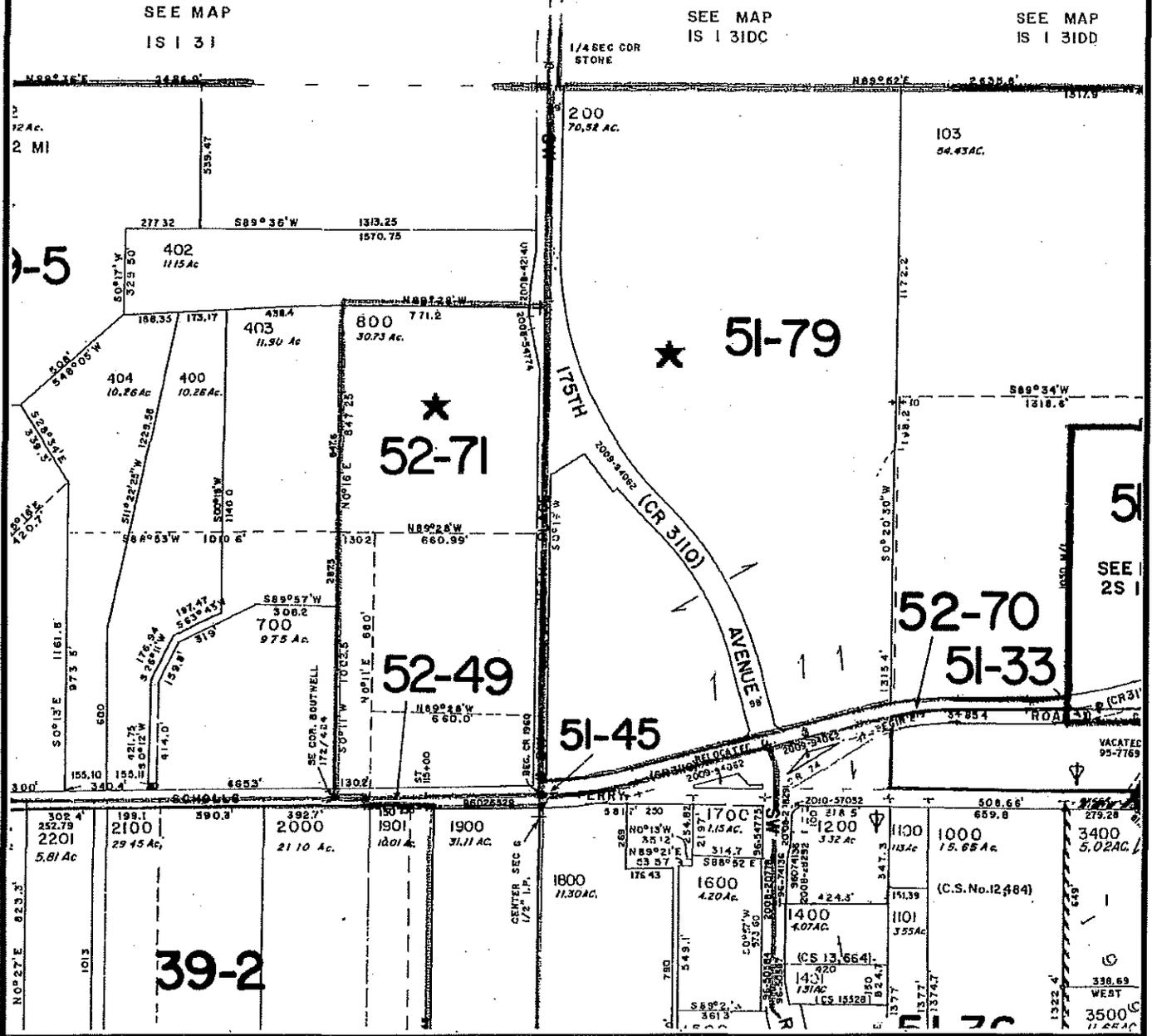
Reference Parcel #: 2S10600 00200



SECTION 6 125 RIW W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=400'



First American
Title Company of Oregon

Customer Service Department
121 SW Morrison Street Suite 300 Portland, OR 97204
Phone: 503.219.TRIO (8746) Fax: 503.790.7872
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