



Washington County Citizen Participation Organization 1
3270 NW Kinsley Terrace
Portland, OR 97229

Virginia Bruce, Chair

January 4, 2022

To Paul Schaefer, Washington County LUT

Regarding Development Application L2100351

CPO 1 has reviewed the application and has these comments.

1. Request for many half-street improvement design exceptions. The applicant is requesting a half-street improvement design exception for reduced centerline radius/reduced design speed, decreased roadway width, and decreased right-of-way (ROW) dedication. These requests do not meet the conditions required for such exceptions—specifically, Washington County Community Development Code standards 501-6.1.B and C are not met, which is required by 501-6.3. (Below)

It is important that NW Thompson Road function optimally at this site, as Washington County continues to add residential density west of this arterial, and the requested exceptions to county code threaten roadway safety; there is no reason to believe that a deviation from county code regarding standards for roadway curvature, width, and/or amount of right-of-way dedication will be beneficial for the community. Instead, we can expect that:

- a) a sharp curve in the road will continue to pose a safety risk in the future if the exception for reduced centerline radius is accepted, particularly as the proposed design speed is lower than the recorded 85th percentile speeds from the applicant's speed study. (We think there is good reason to think that these would likely be higher under normal non-pandemic conditions.)
- b) a narrower lane of travel, narrower turn lane, and narrower bike lane than required by TSP standards will result in a more dangerous roadway than if standards were met
- c) approval of this development application with a decreased right-of-way width would substantially limit flexibility for the county to later provide roadway features that meet Washington County arterial standards and best provide for a growing population.

We are aware that an exception to these standards should not be allowed unless it would offer the community an improvement in function, performance, and safety—or at the least the same benefit that the community would accrue if it were not offered.

From applicant:

Current WACO Standards for Arterials:

- Posted Speed = 40 mph
- Advisory speed signs due to curve: 30 mph
- 45-foot half ROW width (90 feet total)
- Required half-street cross-section (A-4 designation)
 - Total paved half-street width = 25'
 - 7' half-width of center turn lane (total 14-foot turn lane width)
 - 12' travel lane
 - 6' bike lane
 - 4.5' landscape planter
 - 5' wide sidewalk

Proposed NW Thompson Rd Improvements(Future Design Exception):

- Design speed: 35 mph (posted advisory speed to remain)
- 36-foot half ROW width (71 feet total with existing 35 feet on north side)
- Proposed half-street cross-section (A-4 designation)
 - Total paved half-street width = 25'
 - 6.5' half-width of center turn lane (results in total 13-foot center turn lane width)
 - 11.5' travel lane
 - 5' bike lane with additional 2' buffer
 - 4.5' landscape planter
 - 5' wide sidewalk
 - 1' separation between back of sidewalk to ROW

County code criterion for half street improvements (described above and below) are not met and an exception would not be beneficial for the community.

501-6 Exceptions for Critical and Essential Services

501-6.1 Development proposals that cannot ensure critical and essential services other than those required by Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] within the required time frames shall be denied unless all of the following findings can be made:

- A. The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the time period identified by the service provider;
- B. The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;
- C. The approval of the development application without the assurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and
- D. It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provisions of the unacceptable facility(ies) and service(s).

501-6.2 Exceptions to the Public Facility and Service Standards as provided under Section 501-6.1 will be reviewed through a Type III process.

501-6.3 Development proposals that cannot ensure improvements required by Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] within the required time frames shall be denied unless the Review Authority determines that the findings required under Sections 501-6.1 B. and C. plus the findings required by at least one of Sections 501-6.3 A. through C. below can be made.

As referenced above:

(4) A half-street improvement shall be constructed along the site's frontage of existing Local and Neighborhood Route roads which abut the site and are not improved in accordance with the Washington County Transportation System Plan and Road Design and Construction Standards.

G. A half-street improvement shall be constructed along the site's frontage of existing Collector and Arterial roads which abut the site and are not improved in accordance with the Washington County Transportation System Plan and Road Design and Construction Standards.

Please note—the applicant misstates the ROW requirement for urban arterials as requiring only a minimum of 10 feet of right-of-way dedication, when instead the ROW dedication for half-street improvements is to meet county arterial standards.

From applicant:

E. The adopted Transportation System Plan shall prevail in location, course, grade and widths of streets. Where there is a conflict between the Transportation Plan and existing street pattern, the Transportation System Plan shall prevail;

use: NW Thompson Road is shown on the TSP as an arterial roadway. As shown on the Preliminary Plans (Exhibit A), an 11-foot right-of-way dedication is planned to provide for the full planned width as required for an Arterial roadway. This criterion is met.

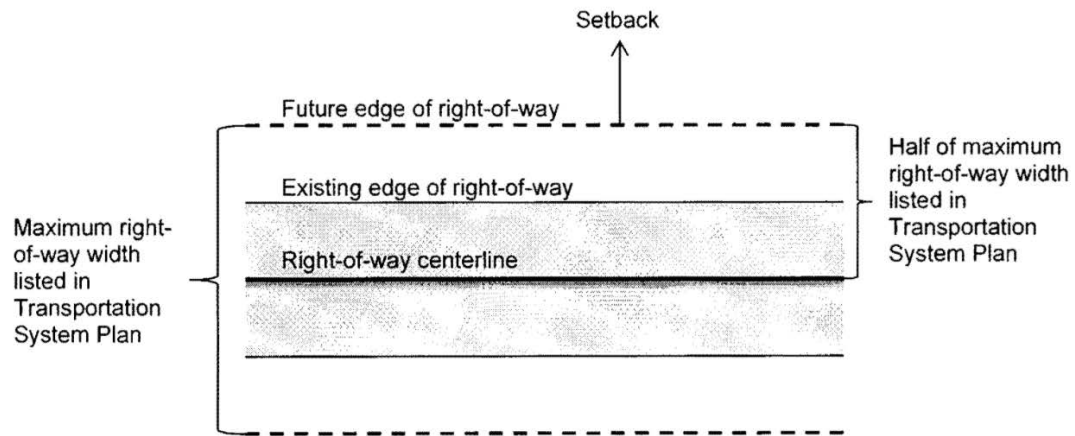
Code below

501-8.4 Dedication of Right-of-Way

Except as provided in Section 418-2.2, dedication of right-of-way shall be required pursuant to the classification of the facility as designated by the Washington County Transportation System Plan and based upon the county Road Standards.

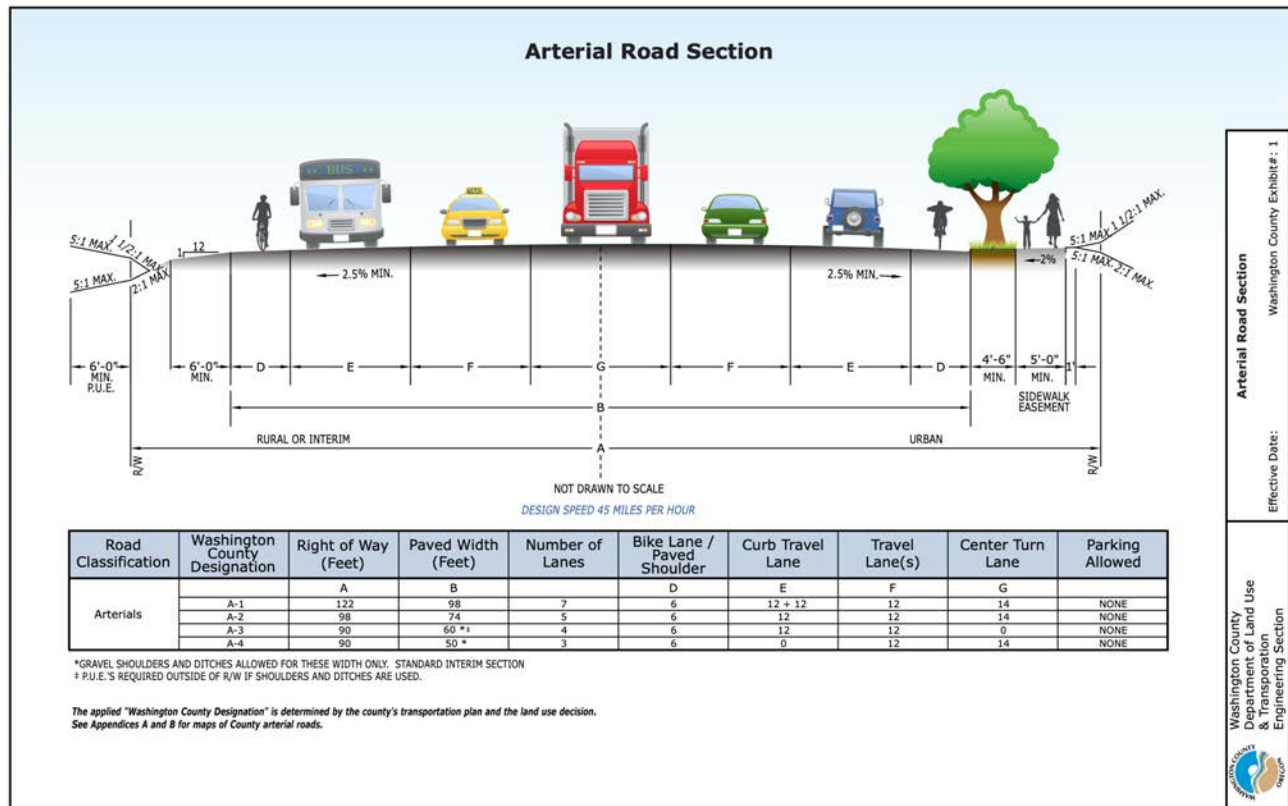
418-2 Additional Setbacks Required for Future Right-of-Way

418-2.1 Where a yard or setback abuts a street having insufficient right-of-way width, the minimum yard or setback requirement shall be increased to accommodate the future right-of-way. The yard or setbacks shall be measured from the centerline of the existing right-of-way. The yard or setback shall be measured from the future edge of right-of-way and allow for half the maximum right-of-way as shown in the following diagram. The maximum right-of-way width shall be determined by the Transportation System Plan, including the Functional Classification Map, the Functional Classification Design Parameters Table and the Lane Numbers Map. The County Engineer may designate an alternative future right-of-way for streets where the area of the right-of-way is not balanced with respect to the current right-of-way centerline.



418-2.2 Prior to issuance of a building permit where the land use action is subject to growth management, an applicant shall dedicate the additional right-of-way to meet the County standard. Notwithstanding the above, outside the UGB, dedication of additional right-of-way to meet the county standards shall be required prior to the issuance of any building permit where required as a valid condition of approval.

418-2.3 Setback requirements shall be determined from future rights-of-way as set forth by the official Washington County Functional Classification System Map, and as indicated on the Washington County Transportation System Plan. When a stub street abuts a site, the property owner shall place all on-site structures in such a way as to not preclude extension of that stub street into or through the site.

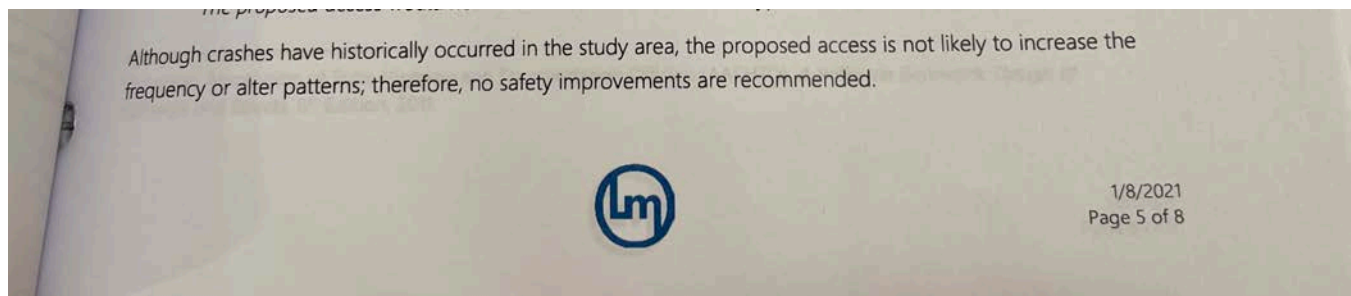


2. Request for an access management exception. Granting the applicant an access management exception would decrease roadway safety, especially if the requests for design exceptions described above were to be granted as well.

Clearly, spacing access points on an arterial is beneficial for traffic flow, but it also improves safety by reducing the number of conflict points by limiting the number of roadways entering the arterial, decreasing interruption in traffic flow by reducing the interference of turning and through traffic, and reducing conflicts between motorized and non-motorized traffic (bicycles and pedestrians).

The proposed development's access roadway is 315 ft from a neighboring roadway to the west. The required spacing for roadways entering an arterial is 600 ft. This condition is not met.

Instead of acknowledging concerns about closely spaced streets and engaging in a discussion regarding risk mitigation, the applicant mentions the troublesome roadway safety information and crash data., but fails to address and minimizes the safety concerns related to cars from the proposed development entering and exiting the roadway at this site, instead stating only:



3. In addition to the aforementioned requests, which clearly would decrease roadway safety, the applicant also seeks to decrease the sight distance requirements at the entrance/exit from this site. The applicant has used a speed study conducted during the height of this area's COVID-19 pandemic shutdown of December 2020 to request a reduced sight distance requirement, though *this study is unlikely to reflect future traffic patterns*. As justification for the use of such a speed study, the applicant mentions that traffic speeds have been reported to have increased during the pandemic but presents no related supporting data for this claim or its relevance to this roadway.

Instead, the community believes that the applicant's speed study is representative only of conditions during a shutdown during a global pandemic and that no extrapolations should be made. In support of the irrelevance of this study, it is clear using the applicant's estimates for usual roadway travel and comparing those to traffic counts during this speed study, the traffic volume during this speed test seems to have been approximately half of that they would have expected in non-pandemic times. This is a significant disruption from expected traffic volume. And, further, there are many potential reasons this study may not reflect not only usual traffic volume but also might underestimate usual traffic speed: no school children were nearby to rush to drop off and pick up before and after work, no after-school activities to hurry to, no workplace meetings or deadlines to meet, etc. and so we imagine that instead of traffic moving faster than in non-pandemic times, the traffic may not have been traveling as fast as might usually be expected here. The 2016 Traffic Impact Statement (attached) for this site described clearly inadequate sight distance, so this question about the appropriateness of using this study is important.

Please note—this development application does not contain information about the methods used for calculating sight distances, stopping distances, etc., so these cannot be evaluated.

* Please see the attached email response from [Dr. Robert Layton](#) professor emeritus at Oregon State University, Civil and Construction Engineering regarding this issue and the previous Traffic Impact Statement noting inadequate sight distance here.

We conclude that the applicant's request for exception for sight distance requirements should be denied.

4. Site assessment and plans that may affect sight distance included in the development application are inadequate.

- a. The street trees mentioned may impact sight distance. These trees are shown lining the sloped curve in Thompson Rd. These [trees](#) are lovely and might be a wonderful addition to another street, but they are not small, with a trunk that can grow to 4 feet in diameter. It seems that these may be inappropriate here.



Images Show Mature Plants



Green Vase Zelkova

Zelkova serrata 'Green Vase'

- b. Information about how sight distance was calculated is not included in the application, so it is not clear whether street trees or building height might impact sight distance.
- c. Architectural elevations are not included in the application, though a letter accompanying the application dated December 7 suggests that they were added as Exhibit L. The drawing in Exhibit L is a boilerplate/“example” and does not include the full elevations for the entire 10 unit development including elevation from front, back and side. It would also be expected that plans would show where the units are proposed to be located on the site/lot.

5. The applicant does not address points raised by the Tualatin Hills Parks and Recreation District service provider letter. In particular THPRD mentioned that this property is in an area considered to be lacking in adequate recreation facilities within walking distance, and that the district would be interested in discussing park land acquisition with the property owner.

If THPRD is interested in purchasing land at this site for a park facility that area residents could walk to, this might be a way for the applicant to move forward with sale of this land in a way that would not interfere with the safety of this roadway, but instead could benefit both the community and the applicant.

6. Remonstrance against roadway improvements not permitted for this owner.

As a condition of approval for the Thompson Highlands subdivision, in 1991 and 1992, conditions for approval included the signing of a waiver by the applicant/property owner not to remonstrate against improvement of NW Thompson Road to county standards at this site. (See below)

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TRANSPORTATION REPORT
February 5, 1991

2. Dedicate necessary right-of-way for the public streets within the subdivision as required by the Washington County Uniform Road Improvement Design Standards.
3. Sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve the base facility of NW Thompson Road to County standards between NW Saltzman Road and the Multnomah County line (10500 block).

The owner of record for the Thompson Highlands application was Richard Ropiquet, the same owner of record for the current development application. It seems that the owner has previously waived the right to protest improvement of this roadway to county standards, and yet is now requesting exceptions to these same standards as part of a new development application.

Respectfully submitted,

Virginia R Bruce

Virginia Bruce, Chair, CPO 1

cc: Stephen Roberts, Land Use & Transportation
Pam Treece, Washington County Commissioner District 2
Marcus Ford, OEICE Office of Community Engagement