



CITY OF BEAVERTON
Planning Division
Community Development Department
Tel: 503-526-2420
www.beavertonoregon.gov

MEMORANDUM

City of Beaverton
Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: May 2, 2024
Subject: LU22023-00685 2nd Street Food Carts (FCP22023-00682/LLD12023-00686)

Please find attached the Notice of Decision for **LU22023-00685 2nd Street Food Carts (FCP22023-00682/LLD12023-00686)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions this proposal, is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for LU22023-00685 2nd Street Food Carts (FCP22023-00682/LLD12023-00686) is 4:30 p.m., May 14, 2024.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed by contacting the project planner, Steve Regner at sregner@beavertonoregon.gov.

NOTE: The City of Beaverton Community Development Department customer service center is now open to the public Monday through Thursday from 8:30am – 4:30pm. Accessibility information: This information can be made available in large print or audio tape upon request. Assistive listening

devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact Steve Regner by calling 503-319-4427 or email sregner@beavertonoregon.gov

STAFF REPORT

Report date: May 2, 2024

Application/project name: LU22023-00685 2nd Street Food Carts

Application Numbers: FCP22023-00682 / LLD12023-00686

Proposal: The applicant proposes a new Food Cart Pod application to establish a new eleven cart food cart pod with associated amenities. A Legal Lot Determination Application is submitted to verify and memorialize the legal status of the lot on which the Food Cart Pod is proposed.

Proposal location: 13470 SW SW Farmington Road; Tax Lot 4400 of Washington County Tax Map 1S116AC.

Applicant: AA Pro

Decision: APPROVAL FCP22023-00682 / LLD12023-00686, subject to conditions identified at the end of this report.



Contact information:

City staff representative: Steve Regner, Senior Planner
503-319-4427
sregner@BeavertonOregon.gov

Applicant & Property Owner: AA Pro
Ahmed K. Al-Fayyadh
15484 NW Trakehner Way
Portland, OR 97133

Applicant's Representative: Symons Engineering Consultants
Steve McCoy
12805 SE Foster Road
Portland, Oregon 97007

Existing conditions

Zoning: Neighborhood Service (NS)

Site conditions: Site previously developed with small commercial building. Building demolished in 2014 and left as graveled site related to Farmington Road widening project.

Site Size: Approximately 10,450 square feet.

Location: 13470 SW Farmington Road; Tax Lot 4400 of Washington County Tax Map 1S116AC

Neighborhood Association Committees: Central Beaverton

Table 1: Surrounding uses

Direction	Zoning	Uses
North	General Commercial (GC)	Commercial Development
South	Multi-Unit Residential	Single Detached Dwellings
East:	Multi-Unit Residential	Single Detached Dwellings
West:	Multi-Unit Residential	Stormwater Facility

Application information

Table 2: Application summaries

Application	Application type	Proposal summary	Approval criteria location
FCP22023-00682	New Food Cart Pod	Establish an eleven cart food cart pod.	Development Code Section 40.32.15.2.C
LLD12023-00686	Legal Lot Determination	Verify and memorialize legal status of subject lot.	Development Code Section 40.45.15.2.C

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete*	120-Day	365-Day*
FCP22023-00682	Sep. 27, 2023	Feb. 23, 2024	June 22, 2024	Feb. 22, 2025
LLD12023-00686	Sep. 27, 2023	Feb. 23, 2024	June 22, 2024	Feb. 22, 2025

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Summary of Public Comment

Exhibit 2.1 Letter from Jim and Linda Armstrong, 13325 SW 2nd Street, requesting the project address parking, turning movements from 2nd Street onto Farmington, pedestrian crossing at Farmington, and trash, and suggests this is not an appropriate location for a food cart.

Exhibit 2.2 E-mail from Suzanne Horvath and Stephan Beatty, 13420 SW 2nd Street, express concerns about parking, traffic safety, use of driveways as turnarounds, residential quality of life, and appropriate location for a food cart pod.

Staff response: Staff notes no parking is required for a Food Cart Pod, and as such the applicant does not need to provide any on-site parking or address existing on-street parking needs. Regarding the intersection of SW 2nd and SW Farmington, staff notes that due to the proximity of the signal-controlled intersection of SW Farmington and SW Hocken, additional controls at the subject intersection are infeasible. Furthermore, the projected trip generation associated with the proposed Food Cart Pod is not significant enough to meet the rough proportionality requirements to require intersection improvements. Regarding pedestrian crossings, staff notes that a crosswalk is located 50 feet east of the subject site facilitating safe crossing of SW Farmington at SW Hocken. Regarding trash, staff notes that the proposal includes a 30-foot by 12-foot trash enclosure for all customer and business trash. Staff concludes that the trash facilities provided meet applicable code requirements. Regarding existing driver behavior in the neighborhood, staff notes that the proposed food cart pods are not yet present in the neighborhood, and undesirable driving habits cannot be attributed to the proposed use. Finally, on the topic of appropriate location, staff notes that the subject site is zoned Neighborhood Service, and Food Cart Pods are a permitted use in the zone.

Exhibit 1.1 Aerial Map



Exhibit 1.2 Zoning Map

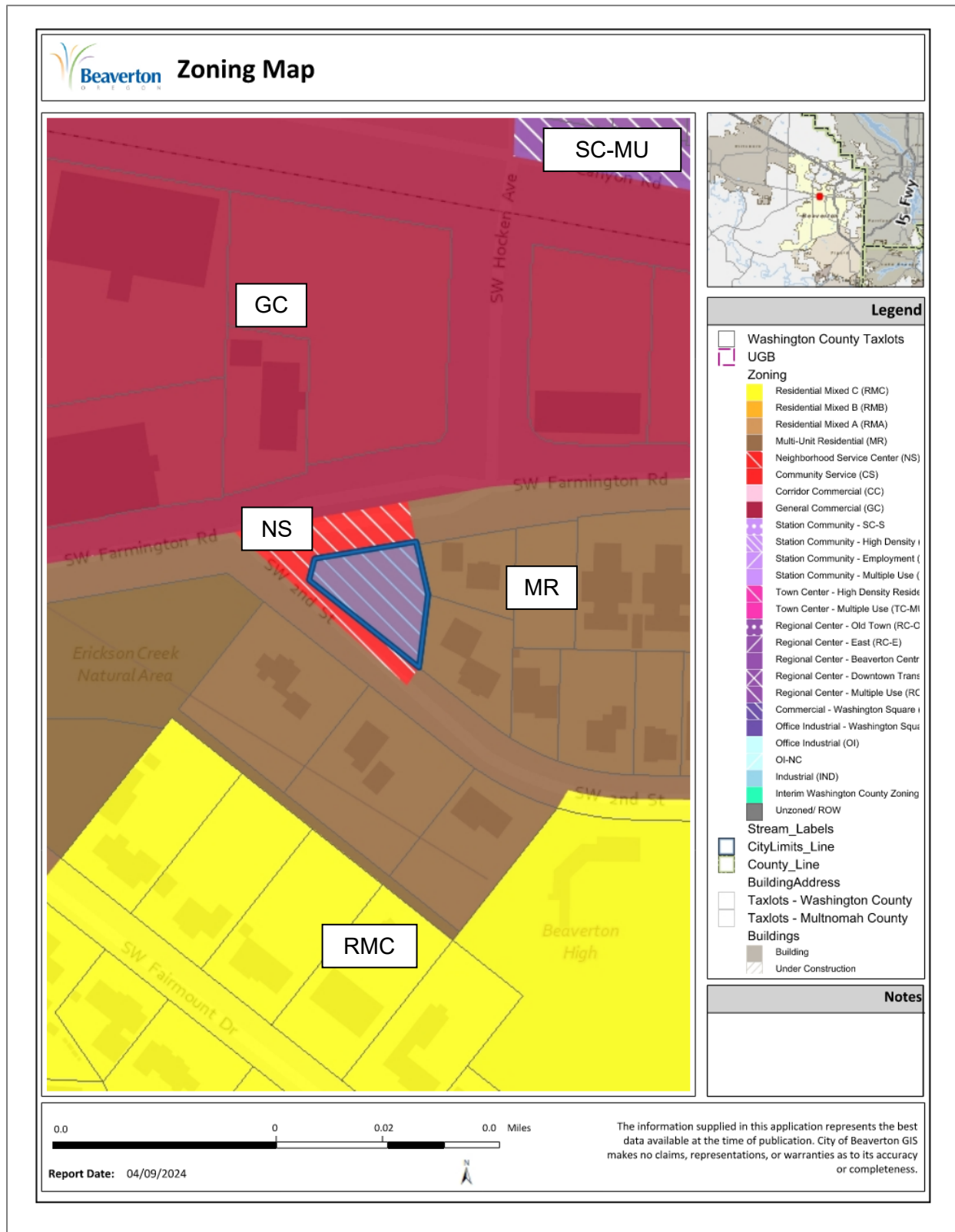


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Exhibits

Exhibit 1. Materials submitted by Staff

Exhibit 1.1 Aerial Map (Page 6 of this report)

Exhibit 1.2 Zoning Map (Page 7 of this report)

Exhibit 2. Public Comment

Exhibit 2.2 Letter from Jim and Linda Armstrong

Exhibit 2.2 E-mail from Suzanne Horvath and Stephan Beatty

Exhibit 3. Materials submitted by the Applicant

Exhibit 3.1 Application package submittal

Attachment A: FCP22023-00682

ANALYSIS AND FINDINGS FOR NEW FOOD CART POD

Decision: Based on the facts and findings presented below, staff recommends **APPROVAL** of **FCP22023-00682**, subject to the applicable conditions identified in Attachment C.

Section 40.32.05 Purpose

The purpose of food cart pods are to encourage a variety of eating and drinking establishments within specified zoning districts of the City. It is recognized that food cart pods have unique challenges that other businesses may not face due to being an interim use of the property. The following provisions allow food cart pods in a manner which is appropriate and well regulated.

Section 40.32.15.2.C Approval Criteria

In order to approve a Food Cart Pod application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

Section 40.23.15.2.C.1

Approval Criteria: The proposal satisfies the threshold requirements for a Food Cart Pod application.

Finding:

The applicant proposes to place 11 food carts selling food and beverages on private property. Threshold 1 of the New Food Cart Pod application is as follows:

1. *Placement of one or more food carts on private property selling food and/or beverages.*

Conclusion: Therefore, staff finds that the proposal meets the criterion.

Section 40.23.15.2.C.2

Approval Criteria: All City application fees related to the application under consideration by the decision making authority have been submitted.

Finding:

The applicant has paid the required application fee for a New Food Cart Pod application.

Conclusion: Therefore, staff finds that the proposal meets the criterion.

Section 40.23.15.2.C.3

Approval Criteria: The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.

Finding:

The application has been deemed complete by the applicant. Staff has not identified any missing submittal requirements outlined in Section 50.25.1.

Conclusion: Therefore, staff finds that the proposal meets the criterion.

Section 40.23.15.2.C.4

Approval Criteria: The proposal meets the applicable standards specified in Chapter 20 of the Development Code, or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District.

Finding:

The subject site is located in the Neighborhood Service (NS) zone. Food Cart Pods are a permitted use in this zone. Height and setbacks for Food Cart Pods are regulated by Section 60.11, which is addressed in Criterion 5.

Conclusion: Therefore, staff finds that the proposal meets the criterion.

Section 40.23.15.2.C.5

Approval Criteria: The proposal meets the standards specified in Section 60.11 of the Development Code.

Finding:

Applicable provisions of Section 60.11 are addressed in the tables, found below. As noted in the tables, the proposal with limited conditions satisfies all of the applicable provisions of Section 60.11.

Conclusion: Therefore, by meeting the conditions of approval, staff finds that the proposal meets the criterion.

Section 40.23.15.2.C.6

Approval Criteria: There are safe and efficient pedestrian circulation patterns within the boundaries of the development.

Finding:

The applicant states the site is relatively flat with a typical grade of less than 2 percent. Food carts are located 6 feet apart from each other. There is a minimum of 5-foot wide circulation paths to each food cart, waste/recycling facilities and restroom facilities. The proposed seating is provided by picnic tables with benches separated by 3-foot minimum aisles. Staff concurs that the proposed project provides for safe and efficient circulation patterns.

Conclusion: Therefore, staff finds that the proposal meets the criterion.

Section 40.23.15.2.C.7

Approval Criteria: The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation system in a safe, efficient, and direct manner.

Finding:

Vehicle access is limited to deliveries and food cart placement and removal. These vehicle movements are anticipated to occur outside of business hours. As SW Farmington Road is an arterial, vehicle access for any reasons will be prohibited. A driveway will be reconstructed along the SW 2nd Street frontage to provide needed vehicle access.

Pedestrian access will be provided through gates located on SW 2nd Street and SW Farmington Road, providing direct connections to the public sidewalk.

Conclusion: Therefore, staff finds that the proposal meets the criterion.

Section 40.23.15.2.C.8

Approval Criteria: Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Finding:

The applicant states that there is minimal grading and contouring of the site and is designed in a manner to accommodate the food cart pod, and neighboring properties will not be adversely affected. A stormwater memo provided by the applicant demonstrates that the adjacent regional stormwater facility has adequate capacity for stormwater quality and quantity. Staff concurs that the grading and contouring will mitigate impacts of stormwater runoff.

Conclusion: Therefore, staff finds that the proposal meets the criterion.

Section 40.23.15.2.C.9

Approval Criteria: Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Finding:

The applicant has submitted this Food Cart Pod application along with a Legal Lot Determination application for this project. Concurrent review of the applications satisfies this criterion.

Conclusion: Therefore, staff finds that the proposal meets the criterion.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **FCP22023-00682 2nd Street Food Carts**, subject to the applicable conditions identified in Attachment C.

Table 4: Section 60.11 Food Cart Pod Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Site Design Standards			
60.11.10.1.A Hard Surface	Food carts and amenities shall be located on a paved or concrete surface.	Project proposes to locate all amenities on asphaltic concrete.	Yes
60.11.10.1.B Existing Walkways and Landscaping	Food cart pods shall not occupy pedestrian walkways or required landscaping.	Project proposes converting undeveloped into food cart plaza, and will not occupy existing pedestrian walkways or required landscaping	Yes
60.11.10.1.C Existing Parking	Food cart pods shall not occupy or obstruct bicycle or vehicle parking required for an existing use.	The proposal is not located in an area providing required vehicle parking for an existing use.	Yes
60.11.10.1.D Emergency Access	Carts and/or objects associated with the food cart use shall not occupy fire lanes or other emergency vehicle access areas.	Project proposes to provide emergency vehicle access to the Food Cart Pod from SW 2 nd Street. Proposed amenities are located outside of emergency service maneuvering areas.	Yes
60.11.10.1.E Front Yard Setbacks	Front yard setbacks for food carts shall be a minimum of 6 feet.	All carts are proposed to be located at least six feet from the front property line. A condition of approval will be included requiring this setback.	Yes w/ COA
60.11.10.1.F Rear and Side Yard Setbacks	Must meet underlying zone setbacks. Increased setbacks when abutting residential zones.	All carts and amenities will comply with setbacks required in NS zone. Subject site abuts residential zoning District to the east. See findings in 60.11.10.1.G for more information.	Yes
60.11.10.1.G Setbacks Abutting Residential Properties	Rear and/or side yards abutting residentially zoned property must be setback back 20 feet or the underlying zone requirement, whichever is greater. A 10 foot B3 buffer may be installed in lieu of the 20 foot setback.	Subject site abuts residential zoning District to the east. The applicant proposes a 10-foot setback and landscaping consistent with a B-3 buffer along the abutting residential property line.	Yes
60.11.10.1.H Driveway Queueing	Carts shall not be located or oriented in a way that requires customers to queue in a driveway.	No active driveways are located within the Food Cart Pod.	Yes
60.11.10.I Tripping Hazards	Uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables, or similar materials.	No tripping hazards are shown on the applicant's development plans. All utilities serving each cart, including water, sewer and power will be undergrounded.	Yes

60.11.10.1.J Cart Separation	Where more than one cart is located on a site, carts shall be separated by a minimum of 6 feet.	The proposal includes 11 carts. A condition of approval will be included requiring this separation.	Yes w/ COA
60.11.10.1.K Vision Clearance Area	Food carts shall not be located in the Vision Clearance Area as described in the Engineering Design Manual.	The proposal shows no carts located within the Vision Clearance Area. A condition of approval will be included requiring that carts are not located in this area.	Yes w/ COA
60.11.10.1.L Fences	Fences shall be constructed consistent with Section 60.05.25.9.	Project proposes 42-inch-tall iron fence along SW Farmington Road and SW 2 nd Street. Six-foot tall vinyl coated chain-link fences with slats are proposed along shared property lines along the eastern portion of the site.	Yes
Standards for Amenities			
60.11.10.2.A Restrooms	Food Cart Pods providing seating must provide restrooms	Project proposes seating and provides restrooms via an on-site restroom trailer.	Yes
60.11.10.2.B Restrooms Hours	Required restrooms shall be available during Food Cart Pod operating hours	Project proposes restrooms be open during all hours of pod operation.	YES
60.11.10.2.C Walkways	All food carts and customer amenities within a food cart pod shall be served by a minimum 5 foot wide hard surface walkway	Proposed Food Cart Pod is mostly hard surfaced and provides hard surfaced walkways to all amenities.	YES
60.11.10.2.D Waste and Recycling	Waste and recycling receptacles shall be provided and screened	Waste receptacles serviced by waste collection provided will be screened by coated 6' chain link fence with vinyl slates.	YES
60.11.10.2.E Storage Structures	Storage structures size requirements	No storage structures are proposed with this project.	N/A
60.11.10.2.F Shelters	Shelter structure requirements	No shelter structures are proposed with this project.	N/A
Standards for Individual Carts			
60.11.15.1.A-I Individual Food Cart Standards	Individual Food Cart Design Standards	Due to the interim use nature of Food Cart Pods, individual carts are not available for staff review at the time of application. Additionally, some turnover of carts within the pod will occur without formal land use review. A condition of approval will be included requiring that all carts meet the individual design standards.	Yes w/ COA

Utilities			
60.11.20.1 Wastewater	Connection to public sanitary sewer OR above ground holding tanks	Project proposes all carts to connect to city sanitary sewer lines.	YES
60.11.20.2 Potable Water	Connection to permanent water source OR above ground holding tanks	Project proposes all carts to connect to city water lines.	YES
60.11.20.3 Power Source	Connection to permanent power source	Project proposes all carts to connect to permanent power source in adjacent existing building. Power lines will run in an underground conduit.	YES
60.11.20.4 Screening & Undergrounding	Utilities shall be placed underground or otherwise screened to minimize visual impacts and avoid tripping hazards	Project proposes to underground all utilities serving food carts.	YES
Parking			
60.11.25.1 Parking	Where parking is provided, it must meet applicable standards of 60.30.	No parking is provided on-site.	YES
Signs			
60.11.30.1 Signs on Carts	Signage on individual food carts shall be limited to signs on the face of the food cart.	Due to the interim use nature of Food Cart Pods, individual carts are not available for staff review at the time of application. Additionally, some turnover of carts within the pod will occur without formal land use review. A condition of approval will be included requiring that all carts meet the individual sign standards.	YES w/ COA
60.11.30.2 Signs in Pod	Freestanding signs for food cart pods are subject to provisions of Chapter 60.40.35.3.	Signage shall be reviewed under separate sign permit.	N/A
Lighting			
60.11.35.1 Pod Lighting	At minimum, areas to be occupied by customers shall be illuminated when carts operate during hours of darkness.	A lighting plan is provided and shows how the site will be illuminated during hours of darkness	YES
60.11.35.2 Direct Light Sources	No direct light source shall be visible from the property line.	Project proposes lighting fixtures with shielding to limit the visibility of light sources from the property line.	YES
60.11.35.3 Shielded Fixtures	Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.	Project proposes lighting fixtures with shielding to prevent glare on abutting properties.	YES

Attachment B: LLD12023-00686

ANALYSIS AND FINDINGS FOR LEGAL LOT DETERMINATION APPROVAL

Decision: Based on the facts and findings presented below, staff recommends **APPROVAL** of **LLD12023-00686**, subject to the applicable conditions identified in Attachment C.

Section 40.47.05 Purpose:

The purpose of the Legal Lot Determination is to determine the legal status of lots and subdivisions that were created prior to the enactment of current subdivision regulations or prior to the City annexing a particular property. This section provides criteria for rendering decisions on the legal status of lots and subdivisions consistent with State Statute. This Section is carried out by the approval criteria listed herein.

Section 40.47.15.1.C Approval Criteria

To approve a Legal Lot Determination Application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

Section 40.47.15.1.C.1

The application satisfies the threshold requirements for a Legal Lot Determination.

FINDING:

The Director has required the applicant to submit a Legal Lot Determination application concurrently with the applicant's proposals for a New Food Cart Pod. The following threshold is met:

- 3. The Director requires a Legal Lot Determination be made as a prerequisite to, or concurrently with, the filing of a land use application.*

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

Section 40.47.15.1.C.2

All City application fees related to the application under consideration by the decision-making authority have been submitted.

FINDING:

The applicant paid the required fee for this Legal Lot Determination application.

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

Section 40.47.15.1.C.3

The unit of land conforms to the lot area and dimensional standards of CHAPTER 20 (Land Use) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District; except where a unit of land was created by sale prior to January 1, 2007, and was not lawfully established, the Director may deem the unit of land a Legal Lot upon finding:

- a. The unit of land could have complied with the applicable criteria for creation of a lawful parcel or lot in effect when the unit of land was sold; or
- b. The City, or County prior to annexation, approved a permit as defined in ORS 215.402 or 227.160(2) for the construction or placement of a dwelling or other structure on the unit of land after the sale, and such dwelling has all of the features listed in ORS 215.755(1)(a)-(e).

FINDING:

The subject site is located in the Neighborhood Service zone, which has a minimum parcel size requirement of 7,000 square feet and minimum lot dimensions of 70 feet wide and 100 feet deep. The parcel is approximately 10,450 square feet and 95 feet wide at the parcel midpoint and 135 feet deep. Staff observes that the lot is part of an existing plat, but the lot dimensions and size do not match the plat. Further research indicates that the parcel dedicated right of way between 2013 and 2018 as part of the Farming Road Expansion project. Additionally, the applicant submitted deed and title which matches survey #33424, which shows the subject lot existed in its current configuration prior to January 1, 2007. Accordingly, the unit of land may be deemed a Legal Lot.

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

Section 40.47.15.1.C.4

The application contains all applicable submittal materials as specified in Section 50.25.1. of the Development Code.

FINDING:

The applicant submitted this Legal Lot Determination application on September 27, 2023, and it was deemed complete on February 23, 2023. In review of the materials during the application review process, staff finds that all applicable application submittal requirements identified in Section 50.25.1 are contained within this proposal.

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

Section 40.47.15.1.C.5

Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

FINDING:

The applicant submitted an application for a New Food Cart Pod to be processed concurrently with this Legal Lot Determination application. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

Conclusion: Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion.

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of LLD12023-00686, subject to the applicable conditions identified in Attachment C.

Attachment C: Conditions of Approval

FCP22023-00682 New Food Cart Pod

A. General Conditions, the applicant shall:

1. Ensure that the Legal Lot Determination (LLD12023-00682) application has been approved and is consistent with the submitted plans. (Planning / SR)
2. Signage on individual food carts shall be located only on the face of the food carts. (Planning Div./SR)
3. The entirety of each food cart, including trailer hitches and other structures, shall be set back a minimum of six feet from the front property line. (Planning Div./SR)
4. The entirety of each food cart, including trailer hitches and other structures, shall be set back a minimum of six feet from other food carts. (Planning Div./SR)
5. Each food cart shall be located in compliance with all Vision Clearance Areas. (Planning Div./SR)
6. All food carts will continuously conform with the Individual Food Cart Design Standards as described in Section 60.11.15. (Planning Div./SR)

B. Prior to issuance of the site development permit, the applicant shall:

7. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div. / SAS)
8. Retain a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div. / SAS)
9. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; however, any required land use action shall

be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div. / SAS)

10. Have the applicant for the subject property guarantee all City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div. / SAS)
11. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div. / SAS)
12. Provide an erosion control plan showing best management practices needed per Clean Water Services Standard Drawing #945. Make provisions for installation of all mandated erosion control measures prior to site disturbance of 500 square feet or more. These shall be maintained and replaced as necessary during the duration of the project to prevent sediment laden run-off from leaving the site. (Site Development Div. / SAS)
13. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / SAS)
14. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. The analysis shall also delineate all areas for this project that are inundated during a 100-year storm event. (Site Development Div. / SAS)
15. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed. (Site Development Div. / SAS)
16. As a part of the electronic permitting system application, submit to the City a Stormwater Management Worksheet for the proposed project's proposed net new impervious area prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for

parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site. (Site Development Div. / SAS)

17. Provide plans for the placement of underground utility lines within the site for services to the proposed site. No overhead services shall remain on the site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./ SAS)
18. Submit revised site plans demonstrating that the proposed access driveway satisfies the EDM Standard Drawing 210 for a commercial driveway. (BDC 40.03.1, 60.55.10, and EDM Chapter 2) (Transportation / FdF)

C. Prior to final inspection, the applicant shall:

19. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div. / SAS)
20. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / SAS)
21. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div. / SAS)
22. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / SAS)
23. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div. / SAS)

D. Prior to release of performance security, the applicant shall:

24. Have completed the site development improvements and verify that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div. / SAS)

25. A 2-year Maintenance Security will be required at 25 percent of the cost to construct City-owned and maintained public improvements, grading, and driveway paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It is released 2 years after project acceptance or will be extended for a period determined by the City Engineer following the correction of any identified defects. (Site Development Div. / SAS)

LLD12023-00686 Legal Lot Determination

A. Prior to approval of the final plat, the applicant shall:

1. Have verified to the satisfaction of the City Engineer that the location and width of all existing and proposed rights of way and easements are adequate; that each parcel and tract has proper access provisions; and that each parcel and tract has adequate public utility service provision/availability per adopted City standards and requirements. (Site Development Div. / SAS)
2. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div. / SAS)

EXHIBIT 2.1

Jim and Linda Armstrong
13325 SW 2nd Street
Beaverton, OR 97005



April 12, 2024

Current Planning Division
PO Box 4755
Beaverton, OR 97076

Project Name: LU22023-00685 2nd Street Food Cart Pod
Case File No: FCP22023-00682/LLD12023-00686

Re the development of 13470 SW Farmington Road into a food cart pod with 11 food cart spaces there are some issues that should be addressed and they are as follows:

1. Parking for the vendors and customers - Second Street has very limited parking. With the construction of the new high school and closure of some of the parking, it is hard to park near by and add in baseball games and baseball practice and there are real issues with parking.
2. Automobile traffic - Tuning left from 2nd to Farmington can also be tricky. You have to cross three lanes, one of which is a left turn lane for Hockins and a left turn lane for Menlo. It is easy to not see cars in that lane and cars from Farmington get in the lane early to make the turn to Menlo.
3. Foot Traffic – The closest crosswalk is at Hockins or near the Fire Station.
4. Location – This is not really a “destination” place to have a food cart pod. There are a few businesses nearby, but not that many.
5. Trash – This property is near the Erickson Creek Natural Area which seems to have its’ fair share of trash already. I would also guess that the residents of 2nd Street will also see more trash.

From: suzanneh328@netzero.net
To: [Steven Regner](mailto:Steven.Regner)
Cc: s.beatty48@yahoo.com
Subject: [EXTERNAL] LU22023-00685 2nd Street Food Cart Pod
Date: Wednesday, April 17, 2024 9:55:16 AM
Attachments: [435894322_7842127015812067_8721415988727669851_n.jpg](#)
[437956095_7842127299145372_690606181087911517_n.jpg](#)

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Steve,

RE: Case #: FCP22023-00682 / LLD12023-00686

Suzanne Horvath and Stephan Beatty, who reside at 13420 SW 2nd St., strongly oppose to the proposed food cart pod for 13470 SW Farmington Rd. The installation of food carts directly impacts the residents of SW 2nd St. quality of living, safety and neighborhood integrity.

1. **Parking:** there is no street parking adjacent to the proposed lot on SW 2nd/Farmington. The lot would need parking for the cart operators, 11-22 people, and enough for customers for 11 carts. There is not enough lot space for that numbers of cars.

The small amount of street parking further down is 100% utilized by street residents.

People will illegally park in the area adjacent to the carts. This is inevitable, as it already happens with the Beaverton Baseball attendees. No Parking signs are clearly posted.

Example: "No Parking" was recently painted on the street in front of the path between our house the ball field, yet people continue to park there. There is no parking in front of our house, yet people park there.

Food cart traffic will increase these instances greatly.

2. **Traffic Safety:** There is a fair amount of speeding on our street by Beaverton High School teens and ball field attendees due to the frustration of not finding parking and needing to be somewhere.

We have occasional wildlife, family pets and children that are put in danger due to the speeding.

Food cart traffic will increase these instances greatly.

3. **Driveway Turnaround:** The driveways of our house, and 2 across the street are frequently being used as turnarounds. Drivers coming from Erikson realize there is no parking available and turn around in the driveways instead of going around the short block.

Our driveway is the widest so it gets used the most. This creates wear and tear on our driveway, damage to the lawn when driven on, close calls with almost hitting our vehicles (our drive slopes down towards the garage) and distraction to us and our pets.

Food cart traffic will increase these instances greatly.

4. **Residential Quality of Life:** Being in close proximity to Farmington Road the the High School, we have many noise distractions; traffic, trains, lights from the Hyndai Dealership, Baseball games, Firetrucks. These are acceptable, we purchased the house knowing this.

Food Carts will bring more noise and disruption from people, foot traffic and cars and possible offensive food odors - less quality of home life.

5. **Neighborhood:** The pod is a major business endeavor in Beaverton. Beaverton has zoned properties for business of this size and that can manage a large impact.

This location is in a nice quiet neighborhood and will encroach on this neighborhood for operations. We don't see anyway to mitigate the impact to the community and recommend another location or a much, much smaller business plan, like two carts.

Please see the attached photo taken last night during a baseball game. They were taken from inside our house. The blue van on the left is parked directly behind the No Parking sign. The dark sedan on the right is in front of another No Parking sign and yellow painted No Parking area. There was a 3rd vehicle that parked behind the white SUV but moved after I spoke to him about driving on our lawn. This is just a one night example.

Sincerely,
Suzanne Horvath & Stephan Beatty
13420 SW 2nd Street
Beaverton OR 97005

