AXIS DESIGN GROUP
ARCHITECTURE & ENGINEERING, INC.

HERZOG-MEIER VOLKSWAGEN/VOLVO SERVICE

Design Review 3 Modification to DR2022-0083 & DR2020-0079

August 26, 2024

PREPARED FOR:
Herzog-Meier Volkswagen/Volvo
4275 SW 139th Way
Beaverton, OR 97005

11104 S.E. STARK ST., PORTLAND, OR 97216 | 52 N.W. 2ND ST., GRESHAM, OR 97030 | 503.284.0988 | AXISDESIGNGROUP.COM

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INTRODUCTION TO DEVELOPMENT PROJECT

i. General Information

Project Name:	Herzog-Meier Volkswagen/Volvo Service 4275 SW 139th Way Beaverton, OR 97005
Owner:	**Herzog Properties LLC** 4275 SW 139th Way Beaverton, OR 97005
Phone:	(503) 644-9121
Applicant:	Tim Brunner AXIS Design Group Architecture & Engineering, Inc. 11104 S.E. Stark Street Portland, OR 97216
Phone:	(503) 284-0988
Email:	timb@axisdesigngroup.com
Applicant's Representative:	Erin Upham AXIS Design Group Architecture & Engineering, Inc. 11104 S.E. Stark Street Portland, OR 97216
Phone:	(503) 284-0988
Email:	erinu@axisdesigngroup.com
Application Type:	Design Review 3 Modification
Property ID:	1S116BB 03300
County:	Washington
State ID (Primary):	R2192551
Site Size:	4.52 acres
Use:	Automotive Sales and Service
Zoning:	General Commercial (GC)

Text in italics is as stated in the previously approved DR2020-0079 and/or DR2022-0083 and also applies to this application.
Bold text is new or revised scope.

ii. Summary of Application

The scope of this proposal involves a modification to the previously approved Design Review DR2022-0083, as originally approved under DR2020-0079, as amended by Appeal APP2021-0002. This application proposes renovation to the existing service building and construction of a smaller new service building. Both service areas will function as part of a shared service department. Various other design changes are proposed to reduce construction cost.

iii. Existing Conditions

The Herzog-Meier Volkswagen and Volvo automotive dealerships are located at 4275 SW 139th Way and 4180 SW 141st Avenue, respectively. These two automotive dealerships are located in separate buildings on the same 4.52 acre property in the General Commercial (GC) zone. The property has frontages on Tualatin Valley Highway, SW 141st Avenue, SW 139th Way and SW Whitney Way. Automotive sales and service are approved uses in this zoning district. Herzog-Meier Volkswagen and Volvo display, sell and service new and used vehicles.

The existing Volvo Showroom building with service reception drive is located in the southwest corner of the site. The existing Volkswagen Showroom building with service reception drive is located in the southeast corner of the site. The shared service and parts building, for use by both Volvo and Volkswagen, adjoins the Volkswagen service reception drive and is located in the center of the site.

The FEMA 100-year floodplain overlays a large portion of the site; the existing floodway runs diagonally across the site, under the Volkswagen Service Reception, as approved in DR 2012-0077 and LD 2012-0008.

The existing site is **conforming** *with respect to on-site landscaping,* **which includes pervious planting and pedestrian plaza areas**. *The site is readily accessed by regional public transportation and features pedestrian plaza areas along SW Tualatin Valley Highway. The existing site access driveways are located on SW 141st Ave, SW Whitney Way and SW 139th Way. The property's frontage along SW Whitney Way is designated as a Major Pedestrian Route on one side.*

Adjacent properties to the east, west and south of the site are zoned General Commercial (GC). Adjacent properties to the north are zoned Station Community – High Density (SC-HDR).

See the Existing/Demo Site Plan, sheet A-101.

iv. Proposed Development

This project proposes a renovation of the existing service building and the construction of a new, approximately 9,575 sf service building.

The proposed renovation to the existing service building features the replacement of exterior siding and overhead doors along with the relocation and addition of exterior pedestrian doors.

The proposed new service building is a pre-engineered metal building structure, located with a 0 ft. setback along SW 139th Ave and featuring alternating metal siding panels and high storefront windows. The new building is to be located approximately 60 feet north of the existing service/parts building, connected by a defined pedestrian walkway. Functionally, employees will drive service customer vehicles to/from the existing service reception drive to the new service building, entering/exiting via overhead doors on the north and south ends of the building. The new service building will not be open to the general public, and therefore, the primary entrance is oriented toward the existing service and parts departments; this door will be for employee use only. Operationally, the new service building will be used for Volvo service, thereby allowing the existing service department to be converted to use for Volkswagen service. Expanding and separating the shared shop spaces will improving the operational workflow for the service department.

The proposed placement of the new service building will define the north side of the site for employee use. The majority of the existing vehicle inventory storage spaces are to remain. Impacted site areas near the new building are to be dedicated for service vehicle staging, with an area west of the new building dedicated for employee-use EV charging and a covered trash enclosure. Additionally, a small new employee parking area is proposed at the south side of the new building. Existing, on-site landscape areas are typically existing to remain, however, new on-site landscaping is proposed along SW 139th Ave. Proposed off-site improvements include new sidewalks, frontage landscaping, off-site lighting, relocated utilities, stormwater treatment of the right-of-way, and ADA upgrades to existing curb ramps and driveways.

The redesigned elements of this project are proposed with the intent of reducing construction cost in order to make this project economically viable.

Please see the accompanying drawings and documents for more information.

CHAPTER 20 – LAND USES

20.10. COMMERCIAL LAND USE DISTRICTS

20.10.10. Purpose.

General Commercial (GC)

The GC District is intended to provide businesses requiring extensive land intensive outdoor storage and/or display of merchandise, equipment, or inventory.

RESPONSE: The subject property is located in the GC zone.

20.10.15. SITE DEVELOPMENT STANDARDS

Site Development Standards support implementing development consistent with the corresponding zoning district. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below. [ORD 4584; June 2012]

Development Standards Superscript Numbers Refer to Footnote	NS	CS	CC	GC
A. Minimum Parcel Area - Non-Residential	7,000	7,000	None	7,000
B. Minimum Land Area[1] - Residential	Refer to Section 20.25.05.			
1. Attached	1,000 / unit	1,000 / unit	1,000 / unit	1,000 / unit
2. Detached	4,000 / unit	4,000 / unit	4,000 / unit	4,000 / unit
C. Lot Dimensions				
1. Minimum Width	70	70	None	70
2. Minimum Depth	100	100	None	100
D. Minimum Yard Setbacks				
1. Front[2]	None	None	None	None
2. Side[2,3]				
a. Abutting lot	10	10	None	10
b. Abutting Street (public or private)	None	None	None	None
3. Rear[4]	20	20	None	20
E. Minimum Open Air Display Setbacks[5]				
1. Front	20	20	None	20
F. Building Height				
1. Maximum[6]	35	60	60	60

1. For Attached, minimum parent parcel of land area per dwelling unit; For Detached, minimum land area per dwelling unit.
2. Maximum front and side yard setback applies to buildings in commercial zones located on parcels that exceed 60,000 square feet pursuant to Section 60.05.15.6. Any deviation from that standard shall be reviewed through the Design Review Three application process and the corresponding Design Review Design Guideline.
3. For buildings in commercial zones not abutting a residential use in a residential zone, minimum setback does not apply. Under the thresholds outlined in Section 40.30., application may be made for zero side yard setbacks on parcels abutting residential use in a residential zone.
4. Rear yard setback is applicable to only the portion of the rear yard which abuts a residential zone; otherwise the minimum rear yard setback is 0 feet.
5. Where permitted, open air sales / display / storage of merchandise shall be setback at least 20 feet from the front property line. The area shall be designated and subject to Decision Maker approval.
6. Maximum building height of a building or a portion of a building within 50 feet of a residentially zoned property, measured from the residential property line, is 35 feet or the maximum height permitted in the residential district, whichever is greater.

RESPONSE: The existing property complies with the development standards for lot dimensions. The proposed scope of work complies with the minimum yard setbacks and maximum standard building height for the GC zone. The proposed modifications to the existing service department feature building heights consistent with the existing roof structure. The proposed setbacks for the new service building are **as shown on the Proposed Site Plan, sheet A-102. The proposed height for the new service building is as shown on the Exterior Elevations, sheet A-221.**

20.10.20. LAND USES

The following Land Uses are Permitted (P), allowed with a Conditional Use (C) approval, or Prohibited (N) as identified in the following table for the Commercial Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.10.25.

Category and Specific Use Superscript Refers to Use Restrictions		NS	CS	CC	GC
		P: Permitted	C: Conditional	N: Prohibited	
14. Storage	A. Self-Storage Facilities	N	N	C	P
	B. Storage Yards	N	N	C	P
15. Temporary Living Quarters		N	C	P	P
16. Vehicles	A. Automotive Service, Major	C	C	N	C
	B. Automotive Service, Minor	C	P	C	P
	C. Bulk Fuel Dealerships	C	P	C	P
	D. Sales or Lease	N	N	N	P
	E. Rental	N	C	C	P
17. Drive-Up Window Facilities		P	P	P	P
18. Food Cart Pods[14]		P[15]	P	P	P

RESPONSE:
Automotive Service, Minor, is an existing use and is permitted outright in the GC zone.

Automotive Service, Major is an existing use that is proposed to expand in this project. This expansion to the Major Automotive Service use was approved in CU2020-0006.

CHAPTER 40 - APPLICATIONS

40.03. FACILITIES REVIEW COMMITTEE

Consistent with Section 10.95.3. (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, Public Transportation Facility Reviews, Street Vacations, and applicable Land Divisions. Applicable land division applications are Replats, Partitions, Subdivisions, Fee Ownership Partitions, and Fee Ownership Subdivisions. In making a recommendation on an application to the decision making authority, the Facilities Review Committee shall base its recommendation on a determination of whether the application satisfies all the following technical criteria. The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B., and all the following criteria have been met, as applicable:

1. All Conditional Use, Design Review Two, Design Review Three, and applicable Land Division applications:

    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.

RESPONSE: Adequate critical services and facilities, including utilities, fire water and transportation infrastructure, to service the proposed development exist or will be provided at the time of this project's completion.

B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.

RESPONSE: Essential facilities and services to the site exist and will be available for the proposed development.

C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).

RESPONSE: The proposed development complies with the applicable provisions of Chapter 20. An application for a Major Modification of the existing Automotive Service, Major use has been submitted concurrently with this application.

D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.

RESPONSE: The proposed development meets the provisions of Chapter 60; where design standards cannot be met due to site conditions or particular features of the use, the design guidelines are satisfied.

E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.

RESPONSE: Private, on-site facilities, including parking areas, landscape areas, groundcover and a trash enclosure will be upgraded in this project.

F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

RESPONSE: The enclosed Site Circulation Plans (sheets A-104A through A-104~~F~~E) demonstrate that safe and efficient vehicular and pedestrian patterns will be provided with this development. Safe and efficient

vehicular and pedestrian patterns exist elsewhere on site, outside the area of work; these areas are to remain.

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

RESPONSE: **See the provided Site Circulation Plans, sheets A-104A-A-104E, which demonstrate that the on-site vehicular and pedestrian circulation systems connect to the surrounding systems in a safe, efficient and direct manner.**

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

RESPONSE: Existing and proposed structures and facilities are designed and will be designed per City codes and standards for fire protection. The enclosed Fire Service Provider Letter and Site Plan documents that the required fire flow will be provided.

I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

RESPONSE: Existing and proposed structures and facilities are designed and will be designed per City codes and standards for safety and crime prevention. Proposed areas are to be well-lit, as is shown with the enclosed Photometric Plans.

J. 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.

RESPONSE: The proposed development has been designed to properly manage stormwater on and off-site where application, as is shown in the enclosed Civil Drawings, No-Rise Analysis and Preliminary Stormwater Report.

K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.

RESPONSE: The proposed development provides new accessible parking and routes to the building from the parking areas and the public sidewalk. Within the interior project areas, all spaces will comply with ADA code requirements.

L. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code. [ORD 4265; October 2003]

RESPONSE: This application includes all application forms, fees, this written narrative, along with associated drawings and documents.

40.20. DESIGN REVIEW

[ORD 4332; January 2005]

40.20.05. Purpose.

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by ensuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. To achieve this purpose, the Design Review process is divided into two major components; Design Standards and Design Guidelines. Both standards and guidelines implement Design Principles, which are more general statements that guide development of the built environment. The Design Standards are intended to provide a "safe harbor" approach to designing a project. Depending on the design thresholds, designing a project to the standards would result in an administrative review process. However, the applicant may elect to bypass design review under the Design Standards and go straight to Design Review under the Design Guidelines, where review is subject to a public hearing at the applicant's option. [ORD 4584; June 2012]

An applicant for Design Review approval can address design review requirements through a combination of satisfying certain Design Standards, and in instances where it elects not to utilize Design Standards, satisfy applicable Design Guidelines. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable Design Guidelines only.

Because the Design Standards are a "safe harbor", there is no penalty for not meeting the Design Standards. Rather, the public hearing process would be required to consider the project by relying solely on the Design Guidelines which correspond to the Design Standards but are intended to allow more flexibility and originality. Design Guidelines are also intended to recognize unique circumstances where corresponding standards are found to be unnecessary or undesirable. Where Design Guidelines apply, the project proponent will simply be required to demonstrate how the project meets these Guidelines at a public hearing. The decision making authority must make findings how the guidelines are met or if they apply to the proposal.

The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

[ORD 4531; April 2010]

40.20.10. Applicability.

1. The scope of Design Review shall be limited to the exterior of buildings, structures, and other development and to the site on which the buildings, structures, and other development are located. [ORD 4584; June 2012]

2. Considering the thresholds for the Design Review Compliance Letter, Design Review Two, or Design Review Three applications and unless exempted by Section 40.20.10.3. (Design Review) approval shall be required for the following: [ORD 4584; June 2012]

   A. All uses listed as Conditional Uses in the R10, R7, and R5 zoning districts. [ORD 4584; June 2012]

   B. All uses listed as Permitted and Conditional Uses in the R4, R2, and R1 Residential zoning districts. [ORD 4584; June 2012]

   C. All uses listed as Permitted and Conditional Uses in all Commercial, Industrial, and Multiple Use zoning districts.

   D. Site grading.

RESPONSE: Criteria C applies. This Design Review application addresses Permitted Uses in a Commercial zone.

Design Review approval shall not be required for the following:

E. All uses listed as Permitted Uses in the R10, R7 and R5 Residential zoning districts. [ORD 4584; June 2012]

F. Detached dwellings and related residential accessory structures in any Residential or Commercial zoning district. [ORD 4542; June 2010]

G. Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.

H. Painting of any building in any zoning district.

I. Wireless communication facilities.

J. Food Cart Pods. [ORD 4662; September 2015]

RESPONSE: None of these exemption criteria apply to this project.

Design review approval through one of the procedures noted in Section 40.20.15. will be required for all new development where applicable. The applicable design standards or guidelines will serve as approval criteria depending on the procedure. Existing developments, and proposed additions, demolitions and redevelopments associated with them, will be treated according to the following principles:

K. Development constructed or approved prior to December 15, 2004 is not subject to Design Review standards and guidelines, and is considered fully conforming to the approvals issued at the time the development was approved by the City. Existing developments constructed prior to December 15, 2004, are not considered nonconforming if they do not meet design standards. If existing development is structurally damaged or destroyed by casualty, replacement shall occur as follows:

2. If structural damage or destruction is less than or equal to fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction can be replaced as legally existed on the site before the casualty loss.

3. If structural damage or destruction is more than fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction must meet the provisions of this Code in every regard unless otherwise authorized by the provisions of this Code. [ORD 4531; April 2010]

RESPONSE: The existing Service and Parts Building was constructed prior to 2004. Interior and exterior renovation of this structure is proposed.

L. Proposed new free-standing building(s) within an existing development will be subject to all applicable design standards.

RESPONSE: The new Service Building proposed is a free-standing building subject to all applicable design standards. Where design standards cannot be met, design guidelines are satisfied.

M. Proposed redevelopment of existing structures and project site area is subject to all applicable design standards or guidelines to the extent where redevelopment of existing building or site area is proposed. Only that portion of existing building or site area that is proposed for redevelopment is subject to design review standards or guidelines as determined applicable. [ORD 4531; April 2010]

RESPONSE: The portion of the existing Service & Parts Building corresponding to the proposed renovation satisfies the design standards and guidelines.

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5. Design Review approval is required for all applicable new and existing developments. The City recognizes, however, that meeting minimum Floor Area Ratio (FAR) in an early phase of a multi-phased development on a large site may be difficult. The City also recognizes that creating high quality pedestrian environments along public streets is a priority. In recognition of these and other issues, the following options are available.

N. Projects may use a Design Review Build-out Concept Plan (DRBCP), approved through a Type 3 process, to develop a site by demonstrating conceptually full compliance at build-out with the design review standards and/or guidelines established in Section 60.05. Such projects shall demonstrate in a DRBCP how future development of the site, to the minimum applicable floor area ratio (FAR), while meeting the development standards contained in Chapter 20 of the Beaverton

Development Code and to the minimum applicable design standards contained in Section 60.05. or greater, can be achieved at ultimate build out of the DRBCP. A DRBCP shall:

6. Include a plan and narrative intended to address feasibility of constructing future phases, consistent with applicable development standards of the Development Code within the total site area where the project is proposed, and may include abutting properties if under same ownership;

3. Not rely on the removal of a structure in an early phase in order to demonstrate compliance in later phases.

   Compliance with any applicable Design Standards and/or Guidelines shall not be deferred to future phases of a DRBCP.

RESPONSE: The existing site is largely developed with new redevelopment proposed. The minimum FAR and DRBCP does not apply. High quality pedestrian environments exist and are additionally proposed to be constructed.

O. When a development site abuts two (2) or more Arterial Streets that are also designated Major Pedestrian Routes, application of the applicable design standards may be moved from along the Arterial Streets. This alternative is to provide parking lot drive aisles developed as internal private streets, and to locate buildings along the internal private streets, subject to the following:

   7. The internal private streets shall extend from the Arterial Street to another public street, or back to an Arterial Street in such a way that street continuity is maintained along the entire internal street, and with abutting properties.

   4. A public access easement shall be required along the internal private streets.

      Buildings shall occupy a minimum percentage of the frontage of the internal private streets that is equal to the amount of lineal building frontage that would have been required under the standards for the Major Pedestrian Routes, and a minimum of 50% of the internal private streets shall have building frontage on both sides of the street.

      All applicable design standards contained in Section 60.05., particularly 60.05.15.6. Building location and orientation along streets in Commercial and Multiple Use districts, 60.05.15.7 Building scale along Major Pedestrian Routes, 60.05.20.4 Street frontages and parking areas, 60.05.20.6 Off-Street parking frontages in Multiple Use zones, and 60.05.20.9 Ground floor uses in parking structures shall be met by buildings along the internal private streets. [ORD 4584; June 2012]

RESPONSE: The development does not abut two or more Arterial Streets. This section does not apply.

40.20.15. Application.

There are three (3) Design Review applications which are as follows: Design Review Compliance Letter, Design Review Two, and Design Review Three.

3. Design Review Three.

A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:

1. New construction of more than 50,000 gross square feet of non-residential floor area where the development does not abut any Residential zoning district. [ORD 4397; August 2006] [ORD 4410; December 2006] [ORD 4462; January 2008] [ORD 4584; June 2012]

New construction or addition of more than 30,000 gross square feet of non-residential floor area where the development abuts or is located within any Residential zoning district. [ORD 4410; December 2006] [ORD 4462; January 2008] [ORD 4584; June 2012]

Building additions in Residential, Commercial, or Multiple Use zones more than 30,000 gross square feet of floor area. [ORD 4531; April 2010]

Building additions in industrial zones more than 30,000 gross square feet. [ORD 4531; April 2010]

Projects proposed utilizing the options described in Section 40.20.10.5.

New parks in Residential zoning districts.

A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).

A project meeting the Design Review Two thresholds which does not meet an applicable design standard.

RESPONSE: Threshold criteria 8 applies to this project.

B. Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Design Review Three. The decision making authority is the Planning Commission. [ORD 4532; April 2010]

RESPONSE: Acknowledged.

C. Approval Criteria. [ORD 4365; October 2005] In order to approve a Design Review Three 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:

1. The proposal satisfies the threshold requirements for a Design Review Three application.

RESPONSE: This project satisfies threshold criteria 8.

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

RESPONSE: All City fees related to this application have been paid.

For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

RESPONSE: This approval criteria does not apply; this project meets threshold 8.

For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance with specific Design Guidelines if any of the following conditions exist:

A. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or

B. The location of existing structural improvements prevent the full implementation of the applicable guideline; or

C. The location of the existing structure to be modified is more than 300 feet from a public street.

RESPONSE: This project proposes modification to an existing development. The project satisfies the Design Guidelines except where adaptations are presented due to topography, physical obstacles, existing structures or design considerations particular to the use. There is no proposed redevelopment more than 300 feet from a public street.

For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in the Development Code or greater, can be realistically achieved at ultimate build out of the DRBCP. [ORD 4584; June 2012]

RESPONSE: This approval criteria does not apply.

For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s). [ORD 4531; April 2010]

RESPONSE: This project largely conforms to the Design Standards except where specific site, programmatic and contextual conditions preclude their application; in those situations development consistent with the Design Guidelines is proposed.

For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines). [ORD 4531; April 2010]

RESPONSE: This project proposes to meet the Design Standards in addition to the Design Guidelines where possible. See response to approval criteria 6.

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

RESPONSE: Acknowledged. Applications and documents related to the City's approval of this application will be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Design Review Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Review Three application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.

RESPONSE: Application forms, signed by the owner and the owner's authorized agents, are provided with this application. The application is accompanied by the supporting documentation specified on the application form and as outlined at the Pre-Application Conference ***held March 6, 2024.***

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Review Three application to ensure compliance with the approval criteria.

RESPONSE: Acknowledged.

CHAPTER 50 – PROCEDURES

50.95. Modification of a Decision.

1. An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an

application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.

RESPONSE: Acknowledged. This application is to modify a prior Type 3 decision (DR2020-0079 ***and DR2022-0083****).* **DR2022-0083 Conditions of approval #31, 32, 37 and 39 are no longer applicable to the project.** *In addition, a handful of design changes are proposed along with a reduced building footprint. See the summaries at the beginning of this narrative.*

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2. An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.

RESPONSE: Acknowledged. A Pre-Application Conference was held on **03/06/2024***.*

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3. An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.

RESPONSE: Acknowledged.

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4. Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.

RESPONSE: DR2020-0083 approved the previous application and is the subject of the proposed modification.

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5. An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.

RESPONSE: The applicant acknowledges that the modification is subject to a Type 3 procedure.

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6. The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in Chapter 40. In all cases, regardless of the thresholds listed in Chapter 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:

A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.

B. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.

C. The circumstances have changed to the extent that the condition is no longer needed or warranted.

D. A new or modified condition would better accomplish the purpose of the original condition.

RESPONSE: Criteria B and C apply to the application for modification. Criteria B applies because the increase in construction cost that occurred during Planning and Building Department jurisdictional review was beyond control of the applicant and made the project not viable for the owner. Criteria C applies because the proposed project was redesigned to reduce construction cost and, consequently, certain conditions of approval are no longer warranted or needed: DR2022-0083 conditions of approval #31 and #52 no longer apply given the proposed building area has been reduced and fewer bike parking spaces are now required. The Applicant requests that the second sentence in each of these conditions be removed so that the requirement is still noted but not the specific number of bike parking spaces. Additionally, DR2022-0083 condition of approval #37 no longer applies, as new employee parking is now proposed along SW 139th Way instead of along SW Whitney Way. The Applicant requests the language of this condition be modified to be less specific but still note the requirement. Lastly, DR2022-0083 condition of approval #39 no longer applies as the new service building now has a 0' setback along SW 139th Way and there is no space to plant 5 trees along the east foundation of the building. The Applicant requests that this condition be deleted.

CHAPTER 60 - SPECIAL REQUIREMENTS

60.05. DESIGN REVIEW DESIGN PRINCIPLES, STANDARDS AND GUIDELINES

[ORD 4332; January 2005]

60.05.05. Purpose.

The following design principles, standards and guidelines shall be met by new development and redevelopment where applicable, throughout the City. [ORD 4584; June 2012]

60.05.10. Design Principles.

The following design principles are general statements to guide the development of the built environment, the appearance of that development, and the effect of that development on the existing surroundings. The design guidelines and standards implement these principles. [ORD 4584; June 2012]

1. Building Design and Orientation. Design buildings that enhance the visual character of the community and take into account the surrounding neighborhoods, provide permanence, and create a sense of place. In Residential, Commercial and Multiple Use districts, design buildings that contribute to a safe, high quality pedestrian-oriented streetscape.

2. Multiple Use District Building Orientation and Design. Locate buildings so they are conveniently and safely accessible from on-site and off-site sidewalks and streets, and so buildings near the edge of a right

of way provide a high quality, pedestrian oriented streetscape, contribute to safety by offering "eyes on the street" and promote pedestrian safety and use. Provide a pedestrian-friendly environment through building and site design treatments that may vary in nature and degree depending on the character of the urban area, the characteristics of the street, and the type of use and development proposed.

3. Circulation and Parking Design. Provide integrated multi-modal circulation and parking improvements that are safe and convenient, connect to surrounding neighborhoods and streets, and serve the needs of development.

4. Landscape, Open Space, and Natural Areas Design. Create landscape areas that contribute to the aesthetics of the community, conserve, protect, enhance or restore natural features and the natural environment, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents, customers, employees, and the community. Whenever possible, utilize native vegetative species which are disease and drought tolerant.

5. Lighting Design. Provide exterior lighting for buildings, parking lots, pedestrian pathways, vehicular areas, pedestrian plazas, public open spaces to ensure public safety and convenience, and to minimize excessive illumination on environmentally sensitive areas, adjoining properties, and streets.

60.05.15. Building Design and Orientation Standards.

Unless otherwise noted, all standards apply in all zoning districts.

1. Building articulation and variety.

B. Buildings visible from and within 200 feet of an adjacent public street shall have a minimum portion of the street-facing elevation(s) and the elevation(s) containing a primary building entrance or multiple tenant entrances devoted to permanent architectural features designed to provide articulation and variety. These permanent features include, but are not limited windows, bays and offsetting walls that extend at least eighteen inches (18"), recessed entrances, loading doors and bays, and changes in material types. Changes in material types shall have a minimum dimension of two feet and minimum area of 25 square feet. The percentage of the total square footage of elevation area is: [ORD 4584; June 2012]

1. Thirty (30) percent in Residential zones, and all uses in Commercial and Multiple Use zones. [ORD 4584; June 2012]
2. Fifty (50) percent in Commercial zones where glazing is less than thirty five (35) percent pursuant to Section 60.05.15.8.A.3.

RESPONSE: The new service building is visible from and within 200 feet of SW 139th Way and SW Whitney Way.

The street-facing elevations feature alternating siding materials to provide articulation and variety of permanent architectural features and exceed the 30% requirement in the Commercial zone. See the Proposed Exterior Elevations, sheet A-221.

C. The maximum spacing between permanent architectural features, both vertically and horizontally, shall be no more than:

1. Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones. [ORD 4584; June 2012]

2. Sixty (60) feet in Industrial zones.
3. Fifteen (15) feet in detached residential developments in Multiple Use zones for walls facing streets, common greens, and shared courts. [ORD 4542; June 2010]

RESPONSE: The permanent, articulated building features, as described in section B, are spaced no more than 40 feet apart, as are dimensioned on **the Proposed Exterior Elevations, sheet A-221.**

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2. Roof forms.

A. All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.

B. Sloped roofs on residential uses in residential zones and on all uses in multiple use and commercial zones shall have eaves, exclusive of rain gutters, that must project from the building wall at least twelve (12) inches. [ORD 4584; June 2012]

C. All roofs with a slope of less than 4/12 pitch shall be articulated with a parapet wall that must project vertically above the roof line at least twelve (12) inches or architecturally treated, such as with a decorative cornice. [ORD 4584; June 2012]

D. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as existing roofs.

E. Smaller feature roofs are not subject to the standards of this Section.

RESPONSE: **The proposed low slope roofs on the new service building will appear virtually flat and will match the roof condition of the adjacent existing service building. See the Proposed Exterior Elevations, sheet A-221.**

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3. Primary building entrances.

F. Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least six (6) feet wide and four (4) feet deep.

RESPONSE: **Though the new service building is a freestanding building, it will function as an extension of the existing service department. The Service Reception Drive effectively serves as the "primary entrance" for employees and the general public. The design intent for the entrance of the new service department is to de-emphasize it as a focal point. This entrance is architecturally treated with a 4' deep canopy to meet this standard. See the Proposed Exterior Elevations, sheet A-221.**

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4. Exterior building materials.

B. For Conditional Uses in Residential zones and all uses in Commercial and Multiple Use zones (except detached residential uses fronting streets, common greens and shared courts), a maximum of thirty (30) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances may be plain, smooth, unfinished concrete, concrete block, plywood and sheet pressboard. The remaining elevation area for all applicable uses in all applicable zones shall be architecturally treated. Appropriate methods of architectural treatment shall include, but are not limited to, scoring, changes in material texture, and the application of other finish materials such as wood, rock, brick or tile wall treatment. [ORD 4542; June 2010] [ORD 4576; January 2012] [ORD 4584; June 2012]

This standard shall also apply to all uses in the Industrial zones, except for buildings containing manufacturing, fabricating, processing, packing, storage and wholesale and distribution facilities as a principal use of the site where this standard shall apply only to the primary elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space. [ORD 4531; April 2010]

RESPONSE: None of the proposed elevations feature plain, smooth, unfinished concrete or concrete block, plywood or sheet pressboard. **All proposed elevations are architecturally treated. See the Proposed Exterior Elevations, sheet A-221.**

C. For Conditional Uses in Residential zones and all uses in Commercial and Multiple Use zones, plain, smooth, exposed concrete and concrete block used as foundation material shall not be more than three (3) feet above the finished grade level adjacent to the foundation wall, unless pigmented, textured, or both. In Industrial districts, foundations may extend up to four (4) feet above the finished grade level. [ORD 4584; June 2012]

RESPONSE: None of the proposed elevations feature plain, smooth, unfinished concrete or concrete block. **See the Proposed Exterior Elevations, sheet A-221.**

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5. Roof-mounted equipment.

A. All roof-mounted equipment shall be screened from view from adjacent streets or adjacent properties in one of the following ways:

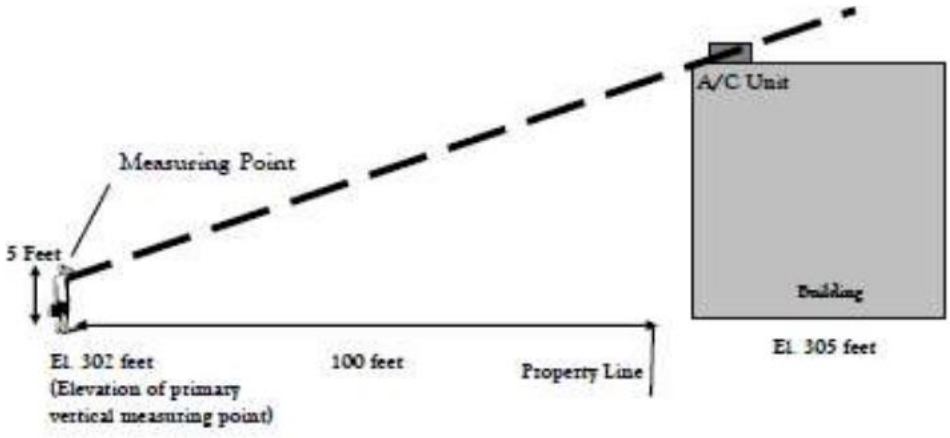
1. A parapet wall; or

2. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building; or

3. Setback from the street-facing elevation such that it is not visible from the public street(s); or

4. Screened from view by another building.

B. As shown in the diagram below, the vertical measuring distance for required screening shall be measured at five (5) feet above the finished or existing grade at the property line or public right-of-way abutting the development site's front yard setback for a distance of one hundred (100) lineal feet measured outward from the development site's front property line. Once the vertical measuring distance is established for the site's front yard, this same vertical measuring distance shall be applied to all sides of the development site's perimeter property lines.



C. Solar panels, dishes/antennas, pipes, vents, and chimneys are exempt from this standard.

RESPONSE: **No new roof mounted equipment is proposed. Equipment at grade will be screened as required.**

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6. Building location and orientation along streets in Commercial and Multiple Use zones. [ORD 4584; June 2012]

B. [ORD 4462; January 2008] Buildings in Commercial zones shall occupy a minimum of 35 percent public street frontage where a parcel exceeds 60,000 gross square feet.

C. Buildings subject to the street frontage standard shall be located no farther than 20 feet from the property line. The area between the building and property line shall be landscaped to standards found in Section 60.05.25.5.B. or 60.05.25.5.C.

D. Buildings on corner lots of multiple Major Pedestrian Routes shall be located at the intersections of the Major Pedestrian Routes. Where a site has more than one corner on a Major Pedestrian Route, this requirement must be met at only one corner.

E. Buildings subject to the street frontage standard shall have at least one primary building entrance oriented toward an abutting street or public pedestrian way. Where there is more than one abutting Class 1 Major Pedestrian Route, the primary entrance shall have a reasonably direct pedestrian connection to a minimum of one abutting Class 1 Major Pedestrian Route or shall be oriented to a Class 1 Major Pedestrian Route corner. [ORD 4706; May 2017]

1. A minimum of one primary building entrance shall not be set back more than 20 feet from the abutting public street or public pedestrian way.

2. Pedestrian connections to street oriented primary building entrances shall not cross vehicular circulation and parking areas.

F. Secondary entrances may face on streets, off-street parking areas, or landscaped courtyards.

RESPONSE: See the response to the Design Guideline 60.05.35.6.

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7. Building scale along Major Pedestrian Routes.

A. The height of any portion of a building at or within 20 feet of the property line as measured from the finished grade at the property line abutting a Major Pedestrian Route shall be a minimum of twenty-two (22) feet and a maximum of sixty (60) feet. Building heights greater than sixty (60) feet are allowed if the portion of a building that is greater than sixty (60) feet in height is at least twenty (20) feet from the property line that abuts the Major Pedestrian Route. In all cases, building height shall meet the requirement of Section 20.20.50. for the specific zoning district. [ORD 4462; January 2008] [ORD 4531; 2010]

RESPONSE: SW Whitney Way is classified as a Class 2 Major Pedestrian Route, **however, the proposed building is not located within 20 feet of this street due to factors outlined in the response to 60.05.35.6.A.**

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8. Ground floor elevations on commercial and multiple use buildings.

A. Except those used exclusively for residential use, ground floor elevations visible from and within 200 feet of a public street, Major Pedestrian Route, or a public park, public plaza or other public open space, and elevations that include a primary building entrance or multiple tenant entrances, shall have the following minimum percent of the ground floor elevation area permanently treated with windows, display areas or glass doorway openings.

2. Class 2 Major Pedestrian Routes: Thirty-five (35) percent.

3. Buildings on parcels in excess of 25,000 gross square feet within a Commercial zoning district: Thirty-five (35) percent.

Less glazing may be provided in a Commercial zoning district when increased building articulation and architectural variety is provided pursuant to Section 60.05.15.1.B.2. of this Code.

For the purpose of this standard, ground floor elevation area shall be measured from three (3) feet above grade to ten (10) feet above grade the entire width of the elevation. The ground floor elevation requirements shall be met from grade to twelve (12) feet above grade.

RESPONSE: See the response to the Design Guideline 60.05.35.8.

60.05.20. Circulation and Parking Design Standards.
Unless otherwise noted, all standards apply in all zoning districts.

1. Connections to the public street system.

   A. Pedestrian, bicycle, and motor vehicle connections shall be provided between the on-site circulation system and adjacent existing and planned streets as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element. [ORD 4531; April 2010]

RESPONSE: Pedestrian, bicycle and motor vehicle connections from the on-site circulation system to the adjacent streets exist. Modification are as proposed on the **Site Plan, sheet A-102**. *New short-term bicycle parking is proposed at the* **west** *side of the new service building;* **long-term bike parking is proposed inside the new service shop**. The *site circulation has been designed to work for a variety of vehicle types and users, as is shown on the Site Circulation Plans, sheets A-104A through A-104E..*

Loading areas, solid waste facilities and similar improvements.

   A. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. [ORD 4531; April 2010]

RESPONSE: The on-site service areas, outdoor storage areas, waste storage, disposal facilities and recycling containers are not visible or are screened from view from the public streets. A new covered trash enclosure is proposed. New and existing transformers are to be screened with new landscaping. See the Proposed Site Plan, A-102 and the Landscape Drawings.

   B. Except for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, all loading docks and loading zones shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.

RESPONSE: **The loading spaces at the Parts Department exist. New landscaping is proposed along SW 139th Way to screen this loading space from street view, along with the existing landscaping. See the Proposed Landscape Plan.**

   C. Screening from public view for service areas, loading docks, loading zones and outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be fully sight-obscuring, shall be constructed a minimum of one foot higher than the feature to be screened, and shall be accomplished by one or more of the following methods:

      1. Solid screen wall constructed of primary exterior finish materials utilized on primary buildings,

2. Solid hedge wall with a minimum of ninety-five (95) percent opacity within two (2) years.

3. Solid wood fence

[ORD 4531; April 2010]

D. Screening from public view by chain-link fence with or without slats is prohibited.

E. Screening of loading zones may be waived in Commercial and Multiple Use zones if the applicant demonstrates the type and size of loading vehicles will not detract from the project's aesthetic appearance and the timing of loading will not conflict with the hours or operations of the expected businesses. [ORD 4584; June 2012]

RESPONSE: **The loading spaces at the Parts Department exist. New landscaping is proposed along SW 139th Way to screen this loading space from street view, along with the existing landscaping. See the Proposed Landscape Plan. Loading/unloading activities are primarily "night drops" that occur at the Parts Department receiving area. No transport trucks enter the site, as deliveries occur off site at a different facility. Loading activities will not detract from the aesthetic appearances of the buildings.**

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3. Pedestrian circulation.

A. Pedestrian connections shall be provided that link to adjacent existing and planned pedestrian facilities as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element, and to the abutting public street system and on-site buildings, parking areas, and other facilities where pedestrian access is desired. Pedestrian connections shall be provided except when one or more of the following conditions exist:

1. Where physical or topographic conditions, such as a grade change of ten (10) feet or more at a property line to an adjacent pedestrian facility, make connections impractical,

2. Where uses including manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts occur,

3. Where on-site activities such as movement of trucks, forklifts, and other large equipment would present potential conflicts with pedestrians, or

4. Where buildings or other existing development on adjacent lands physically preclude a connection now or in the future.

RESPONSE: **A new pedestrian connection is proposed on the south side of the new service building, adjacent to a new employee parking area and adjacent to the existing service department. No pedestrian connection is proposed to SW Whitney Way due to distance from the street in addition to safety**

factors involving the movement of vehicles on the north side of the proposed building, which is to function as a staging area for service vehicles.

B. A reasonably direct walkway connection is required between primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, and public and private streets, transit stops, and other pedestrian destinations.

RESPONSE: **A direct walkway connection is proposed between the new service building and the existing service building. A new door is to be added at the existing service building to create this connection. See the Proposed Site Plan, sheet A-102.**

C. A reasonably direct pedestrian walkway into a site shall be provided for every 300 feet of street frontage or for every eight aisles of vehicle parking if parking is located between the building and the street. A reasonably direct walkway shall also be provided to any accessway abutting the site. This standard may be waived when topographic conditions, man-made features, natural areas, etc. preclude walkway extensions to adjacent properties.

RESPONSE: **A direct pedestrian walkway is provided at the south side of the new service building, which is less than 300 feet from the intersection of SW Whitney Way. There is no parking area proposed at the north side of the new service building that would accommodate a pedestrian walkway in this location. See the Proposed Site Plan, sheet A-102.**

D. Pedestrian connections through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees, and lighting, if not otherwise provided in the parking lot design.

RESPONSE: **See the Proposed Site Plan, sheet A-102.**

E. Where pedestrian connections cross driveways or vehicular access aisles a continuous walkway shall be provided, and shall be composed of a different paving material than the primary on-site paving material.

RESPONSE: **A continuous walkway, composed of a different paving material, is proposed where the proposed pedestrian connection crosses a vehicular access aisle. See the Proposed Site Plan, sheet A-102.**

F. Pedestrian walkways shall have a minimum of five (5) foot wide unobstructed clearance and shall be paved with scored concrete or modular paving materials. In the event that the Americans with Disabilities Act (ADA) contains stricter standards for any pedestrian walkway, the ADA standards shall apply. [ORD 4531; April 2010]

RESPONSE: **The width of the proposed pedestrian walkway meets this standard. See the Proposed Site Plan, sheet A-102.**

4. Street frontages and parking areas.

A. Surface parking areas abutting a public street shall provide perimeter parking lot landscaping which meets one of the following standards:

1. A minimum six (6)-foot wide planting strip between the right-of-way and the parking area. Pedestrian walkways and vehicular driveways may cross the planting strip. Trees shall be planted at a minimum 2 1/2 inch caliper at a maximum of thirty (30) feet on center. Planting strips shall be planted with an evergreen hedge that will provide a 30-inch high screen and fifty (50) percent opacity within two years. The maximum height shall be maintained at no more than thirty-six (36) inches. Areas not covered by trees or hedge shall be landscaped with live ground cover. Bumper overhangs which intrude into the planting strip shall not impact required trees or hedge; or

2. A solid wall or fence 30 to 36 inches in height parallel to and not nearer than four (4) feet from the right-of-way line. The area between the wall or fence and the street line shall be landscaped with live ground cover. Pedestrian walkways and vehicular driveways may cross the wall or fence.

RESPONSE: A landscaped planting area exceeding 6' in width exists between the proposed accessible parking for the new service building and **SW 139th Way. See the Landscape Drawings.**

5. Parking area landscaping.

A. Landscaped planter islands shall be required according to the following:

1. Residential uses in residential zones, one for every eight (8) contiguous parking spaces.

2. All uses in Commercial and Multiple Use zones, one for every ten (10) contiguous parking spaces. [ORD 4584; June 2012]

3. All Conditional Uses in Residential zones one for every twelve (12) contiguous parking spaces. [ORD 4584; June 2012]

4. All uses in Employment / Industrial zones, one for every twelve (12) contiguous parking spaces. [ORD 4584; June 2012]

B. The island shall have a minimum area of 70 square feet, and a minimum width of 6 feet, and shall be curbed to protect landscaping. The landscaped island shall be planted with a tree having a minimum mature height of 20 feet. If a pole-mounted light is proposed to be installed within a landscaped planter island, and an applicant demonstrates that there is a physical conflict for siting the tree and the pole-mounted light together, the decision-making authority may waive the planting of the tree,

provided that at least seventy-five (75) percent of the required islands contain trees. Landscaped planter islands shall be evenly spaced throughout the parking area.

C. Linear raised sidewalks and walkways within the parking area connecting the parking spaces and on-site building(s) may be counted towards the total required number of landscaped islands, provided that all of the following is met:

1. Trees are spaced a maximum of 30 feet on center on a minimum of one side of the sidewalk.

2. The minimum unobstructed sidewalk width is five feet.

3. The sidewalk is separated from the parking area by curbs, bollards, or other means on both sides.

4. Trees are located in planting area with groundcover or planted in covered tree wells.

5. Trees within the linear sidewalk area shall constitute no more than 50 percent of the total required number of trees within required landscaped planter islands. All remaining required trees shall be located within landscaped planter islands. [ORD 4531; April 2010]

D. Trees planted within required landscaped planter islands or the linear sidewalk shall be of a type and species identified by the City of Beaverton Street Tree List or an alternative approved by the City Arborist.

RESPONSE: **See the Landscape Drawings.**

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7. Sidewalks along streets and primary building elevations in Commercial and Multiple Use zones. [ORD 4584; June 2012]

A. A sidewalk is required on all streets. Except where approved through Sidewalk Design Modification (40.58), the sidewalk shall be a minimum of ten (10) feet wide, and provide an unobstructed path at least five (5) feet wide. [ORD 4531; April 2010]

B. A sidewalk or walkway internal to the site is required along building elevations that include a primary building entrance, multiple tenant entrances or display windows. The sidewalk shall be a minimum of ten (10) feet wide, and provide an unobstructed path at least five (5) feet wide at building entrances, and along elevations containing display windows. Sidewalks shall be paved with scored concrete or modular paving materials. If adjacent to parking areas, the sidewalk shall be separated from the parking by a raised curb. [ORD 4531; April 2010]

C. Residential development fronting common greens and shared courts, and detached units fronting streets are exempt from these standards of 7. B above, and are subject to the Engineering Design Manual. [ORD 4542; June 2010] [ORD 4576; January 2012]

RESPONSE: **See the approved Sidewalk Design Modification SDM2020-007.**

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8. Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Commercial, and Multiple Use zones. [ORD 4584; June 2012]

A. Parking lot drive aisles that link public streets and/or private streets with parking stalls shall be designed as private streets consistent with the standard as described under Section 60.05.20.8.B., unless one of the following is met:

1. The parking lot drive aisle is less than 100 feet long;

2. The parking lot drive aisle serves 2 or less residential units; or

3. The parking lot drive aisle provides direct access to angled or perpendicular parking stalls.

B. Private streets, common greens, and shared courts shall meet the following standards:

1. Private streets serving non-residential uses and residential uses having five or more units shall have raised curbs and minimum five (5) foot wide unobstructed sidewalks on both sides.

   Private streets serving less than five (5) residential units shall have raised curbs and a minimum five (5) foot wide unobstructed sidewalk on at least one side.

   When common greens and shared courts are utilized, an unobstructed walkway a minimum of five (5) feet wide shall be provided within the common green or shared court. [ORD 4542; June 2010] [ORD 4531; April 2010]

RESPONSE: Parking lot drive aisles on this property exist and provide direct access to angled or perpendicular parking stalls. No private streets are proposed.

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9. Ground floor uses in parking structures.

A. Parking structures located on Major Pedestrian Routes shall incorporate one or more active retail or commercial uses other than parking at ground level along the entire portion of the structure fronting onto such routes. Compliance to this standard is not required when a semi-subterranean parking structure is proposed, provided that the height of such structures, or portions thereof, is not greater than three and one-half (3 1/2) feet above the elevation of the adjoining walkway or sidewalk.

RESPONSE: Does not apply; no parking structures are proposed.

60.05.25. Landscape, Open Space, and Natural Areas Design Standards.
Unless otherwise noted, all standards apply in all zoning districts.

5. Minimum landscape requirements for non-residential developments and Mixed Use Development. [ORD 4542; May 2010] [ORD 4584; June 2012]

A. A minimum portion of the total gross lot area shall be landscaped:

1. Conditional Uses in Residential districts, and all uses in Commercial and Industrial districts, fifteen (15) percent;

2. All uses in Multiple Use districts, ten (10) percent.

3. Environmentally sensitive areas shall be counted towards the minimum landscape requirement. Aboveground landscaped water quality treatment facilities shall be counted toward the minimum landscape requirement.

RESPONSE: **Site landscape areas exist and are to be modified as shown in the Landscape Drawings and Site Plans, sheets A-101 and A-102.**

B. The following minimum planting requirements for required landscaped areas shall be complied with. These requirements shall be used to calculate the total number of trees and shrubs to be included within the required landscape area:

1. One (1) tree shall be provided for every eight hundred (800) square feet of required landscaped area. Evergreen trees shall have a minimum planting height of six (6) feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting.

2. One (1) evergreen shrub having a minimum mature height of forty-eight (48) inches shall be provided for every four hundred (400) square feet of required landscaped area.

3. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

RESPONSE: **See the Landscape Drawings.**

C. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement for Conditional Uses in Residential districts, and shall be comprised of the following:

1. Brick pavers, or stone, scored, or colored concrete; and,

2. One (1) tree having a minimum mature height of twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,

3. Street furniture including but not limited to benches, tables, chairs and trash receptacles; and,

4. Pedestrian scale lighting consistent with the City's Technical Lighting Standards.

RESPONSE: An existing hard surface pedestrian plaza complying with this sections exist and was approved in DR2012-0077 and DR2013-0002. No change is proposed to this pedestrian plaza.

D. All building elevations visible from and within 200 feet of a public street that do not have windows on the ground floor shall have landscaping along their foundation, which shall be counted toward the minimum landscaped requirement. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, for plazas adjacent to the building, or when the building is within three (3) feet of the property line. The foundation landscaping shall be at least five (5) feet wide; and shall be comprised of the following:

1. One (1) tree having a minimum planting height of six (6) feet shall be planted for every thirty (30) lineal feet of foundation.

2. One (1) shrub having a minimum mature height of twenty-four (24) inches shall be planted for every three (3) lineal feet of foundation and shall be planted between required trees; and,

3. Groundcover plants shall be planted in the remainder of the landscaped area not occupied by required trees and shrubs, and shall not be planted in rows, but in a staggered manner for more effective covering.

RESPONSE: **See the Landscape Drawings.**

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9. Fences and walls.

A. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, or brick, or other durable materials.

B. Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material. Slats may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.

C. Masonry walls shall be a minimum of six inches thick. All other walls shall be a minimum of three inches thick.

D. For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, the preceding standards apply when visible from and within 200 feet of a public street.

E. Fences and walls:

1. May not exceed three feet in height in a required front yard along streets, except required above ground stormwater facilities fencing which may be four feet in height in a required front yard, and eight feet in all other locations. [ORD 4659; June 2015]

2. May be permitted up to six feet in a required front yard along designated Collector and Arterial streets.

3. [ORD 4576; January 2012] For detached housing along streets and housing facing common greens and shared courts in Multiple Use zones, 3 feet high fences and walls are permitted in front of the building, and on corner lots abutting a street, along the side of the building. Higher fences and walls are permitted on corner lots along the side of the building beginning within 15 feet of the back end of the building nearest to the property line.

RESPONSE: **A replacement chain link fence is proposed at the existing exterior oil storage area. See the Proposed Site Plan, Sheet A-102.**

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11. Integrate water quality, quantity, or both facilities. Non-vaulted surface storm water detention and treatment facilities having a side slope greater than 2:1 shall not be located between a street and the front of an adjacent building.

RESPONSE: The design of water quality and quantity are addressed in the Civil Drawings and documents included with this application.

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

RESPONSE: There are no City-adopted natural resource features such as streams, wetlands and significant tree groves existing on this property. There does exist one significant tree (T17) at the northwest corner of the property on SW Whitney Way. No development is proposed within the drip line of this tree.

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13. Landscape buffering and screening. All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2. and the following standards. For purposes of this Section, a landscape buffer is required along the property lines between different zoning district designations. A landscape buffer is required for non-residential land uses and parks in Residential zoning districts. Both buffering standards and side and rear building setback requirements shall be met. Only landscaping shall be allowed in the landscape buffer areas. Buffer areas and building setback standards are measured from the property line, they are not additive. Where a yard setback width is less than a landscape buffer width, the yard setback width applies to the specified buffer designation (B1, B2, or B3 as appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. In addition, the buffer area and landscape standard are intended to be continuously applied along the property line, except as authorized under Section 60.05.45.10. [ORD 4584; June 2012]

A. Applicability of buffer standards:

1. The buffer standards shall not be applicable to individual single-family buildings on individual parcels.

2. The buffer standards shall not apply to areas where emergency access is required.

3. The buffer standards shall not apply to areas where a public utility easement exists. This exemption only applies to trees and does not exempt the requirement of shrubs and ground cover.

4. The buffer standards shall not apply along property lines where a non-residential use is already buffered by a natural feature or an open space dedication, if such a natural buffer or dedication is at least 40 feet in width, or if the width of the natural feature or open space dedication and the density and quality of landscaping meet or exceed the applicable landscape buffer standard.

5. The buffer standards shall not apply where required for visual access purposes as determined by the City Traffic Engineer or City Police. This exemption only applies to trees and shrubs and does not exempt the requirement of ground cover. [ORD 4531; April 2010]

B. B1-Low screen buffer: This buffer is intended to provide a minimal amount of transitional screening between zones. This buffer consists of: 1) one (1) tree having a minimum planting height of six (6) feet for every thirty (30) linear feet; and 2) live ground cover consisting of low-height plants, or shrubs, or grass proportionately spaced between the trees with actual spacing for low height plants or shrubs dependent upon the mature spread of the vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required buffer area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B1 buffer required for across the street.

C. B2-Medium screen buffer: This buffer is intended to provide a moderate degree of transitional screening between zones. This buffer consists of live ground cover consisting of low-height plants, or shrubs, or grass, and 1) one (1) tree having a minimum planting height of six (6) feet for every thirty (30) linear feet; 2) evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting planted proportionately between the required evergreen trees. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B2 buffer required for across the street.

D. B3-High screen buffer: This buffer is intended to provide a high degree of visual screening between zones. This buffer consists of minimum six (6)-foot high fully sight obscuring fences or walls with an adjoining landscape area on the interior of the fence when the fence is proposed within three (3) feet of the property line. If the fence is proposed to be setback from the property line more than three feet, the landscaping shall be on the exterior of the fence within a landscape area a minimum of five (5) feet in width, with adequate provision of access and maintenance of the landscaped area. The height of the fence shall be measured from the property on which the fence is to be located, and, if located on a wall, shall be in addition to the height of the wall. The landscape area shall be

planted with one (1) tree having a minimum planting height of six (6) feet for every thirty (30) linear feet, filled between with evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.

E. Changes to buffer widths and standards: Required buffer widths and buffer standards are the minimum requirements for buffering and screening. Changes in buffer widths and standards shall be reviewed through the public hearing process, except for the following:

1. A request for a reduction in the buffer width when a B2 or B1 buffer standard is required and the reduction in buffer width is five (5) feet or less, shall be reviewed through administrative authorization provided that the next highest buffer standard is implemented.

   Requests for changes in buffer widths and buffer standards shall only be authorized in review of the Design Review Guidelines for Landscape buffering and screening (Section 60.05.45.10.). [ORD 4584; June 2012] [ORD 4531; April 2010]

F. Landscaping buffering installation: All required buffering shall be installed prior to occupancy permit issuance.

G. Pedestrian plazas in buffer areas: For non-residential development in non-residential zoning districts, in which the building is proposed to be placed at the required front yard buffer line, concrete or brick pavers shall be authorized in place of required live groundcover, or bark, or grass, for the length of the building for the front yard only; provided that required trees are still installed, the paved area is connected to the public sidewalk, and pedestrian amenities including but not limited to benches or tables, are provided.

District of Development	Minimum Landscape Buffer Requirements Between Contrasting Districts									
	Location	Urban Low Density (R10)	Urban Standard Density (R7, R5)	Urban Medium Density (R4, R2)	Urban High Density (R1)	Commercial (CS, GC, NS, CC)	Employment / Industrial (OI, IND)	Station Community (SC-MU, SC-HDR, SC-E, SC-S)	Town Center (TC-MU, TC-HDR)	Regional Center (RC-OT, RC-TO, RC-E, OI-WS, C-WS)
Urban Low Density (R10)	Abutting	CU	5'/B1 CU	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
	Across Street	N/A	5'/B1 CU	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
Urban Standard Density (R7, R5)	Abutting	5'/B1 CU	N/A	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
	Across Street	5'/B1 CU	N/A	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
Urban Medium Density (R4, R2)	Abutting	10'/B2 CU/R4	10'/B2 CU/R4	N/A	10'/B2 CU/R4	20'/B3	20'/B3	10'/B2	10'/B2	10'/B2
	Across Street	5'/B1	5'/B1	N/A	5'/B1	10'/B1	10'/B1	5'/B2	5'/B2	5'/B2
Urban High Density (R1)	Abutting	20'/B3	20'/B3	10'/B2	N/A	20'/B3	20'/B3	10'/B1	10'/B1	10'/B1
	Across Street	10'/B1	10'/B1	5'/B1	N/A	10'/B1	10'/B1	5'/B1	5'/B1	5'/B1
Commercial (CS, GC, NS, CC)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	N/A	10'/B3	5'/B2	5'/B2	5'/B2
	Across Street	10'/B1	10'/B1	5'/B1	5'/B1	N/A	5'/B1	5'/B1	5'/B1	5'/B1

RESPONSE: The subject property is zoned GC and is surrounded by other properties zoned GC except for the adjacent property across SW Whitney Way which is zoned SC-HDR. Table 60.05-2 indicates that a 5' wide B1 landscape buffer is required at the north property line. The existing landscaping along the north property line meets this standard.

60.05.30. Lighting Design Standards.

Unless otherwise noted, all standards apply in all zoning districts.

1. Adequate on-site lighting and minimal glare on adjoining properties. [ORD 4584; June 2012]

   A. Lighting shall be provided at lighting levels for development and redevelopment in all zoning districts consistent with the City's Technical Lighting Standards.

   B. Lighting shall be provided in vehicular circulation areas and pedestrian circulation areas.

   C. Lighting shall be provided in pedestrian plazas, if any developed.

   D. Lighting shall be provided at building entrances.

E. Canopy lighting shall be recessed so that the bulb or lens is not visible from a public right-of-way.

RESPONSE: **New lighting is proposed in the vehicle circulation, pedestrian areas and at building entrances. See the enclosed Site Photometric Plan as well as the Site Lighting Plan, sheet A-103.**

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2. Pedestrian-scale on-site lighting.

A. A. Pole-mounted Luminaires shall comply with the City's Technical Lighting Standards, and shall not exceed a maximum of:

1. Fifteen (15) feet in height for on-site pedestrian paths of travel.

   Twenty (20) feet in height for on-site vehicular circulation areas for residential uses in Residential zoning districts.

   Thirty (30) feet in height for on-site vehicular circulation areas in non-residential zoning districts.

   Fifteen (15) feet for the top deck of non-covered parking structures.

   The height of the poles for on-site pedestrian ways and on-site vehicular circulation areas shall be measured from the site's finished grade.

   The height of the poles on the top deck of non-covered parking structures shall be measured from the finished floor elevation of the top deck.

   The poles and bases for pole-mounted luminaires shall be finished or painted a non-reflective color.

B. Non-pole-mounted luminaires shall comply with the City's Technical Lighting Standards.

C. Lighted bollards when used to delineate on-site pedestrian and bicycle pathways shall have a maximum height of forty-eight (48) inches.

RESPONSE: **See the Site Lighting Plan, sheet A-103.**

60.05.35. Building Design and Orientation Guidelines.

Unless otherwise noted, all guidelines apply in all zoning districts.

1. Building articulation and variety. [ORD 4584; June 2012]

A. Residential buildings should be of a limited length in order to avoid undifferentiated building elevations, reduce the mass of individual buildings, and create a scale of development that is pedestrian friendly and allow circulation between buildings by pedestrians. (Standard 60.05.15.1.A)

B. Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standards 60.05.15.1.A and B)

C. To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)

D. Buildings should promote and enhance a comfortable pedestrian scale and orientation. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.1.B) [ORD 4531; April 2010]

E. Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided. (Standards 60.05.15.1.B, C, and D) [ORD 4542; June 2010]

F. Building elevations visible from and within 100 feet of an adjacent street where the principle use of the building is manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities in an Industrial zoning district, should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street should be avoided. (Standards 60.05.15.1.B and C)

RESPONSE: See response to Standard 60.05.15.1.

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2. Roof forms. [ORD 4584; June 2012]

A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be emphasized. (Standards 60.05.15.2.A and B)

B. Flat roofs should include a roofline that provides visual interest distinctive such as cornice treatments. (Standard 60.05.15.2.C)

C. Additions to existing structures which involve the addition of new rroof area should respect the roof form and material of the existing structure. (Standard 60.05.15.2.D)

RESPONSE: See response to Standard 60.05.15.2.

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3. Primary building entrances.

A. The design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.3) [ORD 4531; April 2010]

B. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3)

RESPONSE: See response to Standard 60.05.15.3.

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4. Exterior building materials.

A. Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standards 60.05.15.4.A and B)

B. Where masonry is used, decorative patterns (other than running bond pattern) should be provided, especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete. This guideline does not apply to development in Industrial zones, where masonry is used for exterior finishes. (Standards 60.05.15.4.B and C) [ORD 4531; April 2010]

RESPONSE: See response to Standard 60.05.15.4.

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5. Screening of equipment. All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means. (Standards 60.05.15.5.A through C)

RESPONSE: See response to Standard 60.05.15.5.

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6. Building location and orientation in Commercial and Multiple Use zones. [ORD 4584; June 2012] [ORD 4706; May 2017]

A. Buildings should be oriented toward and located within close proximity to public streets and public street intersections. The overall impression should be that architecture is the predominant design element over parking areas and landscaping. Property size, shape and topographical conditions should also be considered, together with existing and proposed uses of the building and site, when determining the appropriate location and orientation of buildings. (Standards 60.05.15.6.A and B) [ORD 4462; January 2008] [ORD 4531; April 2010] [ORD 4706; May 2017]

RESPONSE: **The proposed building is located within close proximity to the street along SW 139th Way, where technically feasible given the size of the building, its operational needs in relation to the existing service building, the floodplain location, existing driveway locations and existing landscape areas. See the Proposed Site Plan, sheet A-102.**

B. On Class 1 Major Pedestrian Routes, the design of buildings located at the intersection of two streets should consider the use of a corner entrance to the building. (Standards 60.05.15.6.B and D) [ORD 4531; April 2010]

RESPONSE: **The proposed building is not located at the intersection of two streets due to the factors noted above.**

C. On Class 1 Major Pedestrian Routes, building entrances should be oriented to streets, or have reasonably direct pedestrian connections to streets and pedestrian and transit facilities. (Standards 60.05.15.6.C and D) [ORD 4365; October 2005]

RESPONSE: **The primary entrance of the proposed building is oriented toward the existing service building due to operational needs, as stated in the response to 60.05.15.3, and factors outlined in the response to 60.05.35.6.A. The building is to have a direct pedestrian connection to SW 139th Ave on the south side of the building, where the primary entrance is located. See the Proposed Site Plan, sheet A-102.**

D. Primary building entrances should be oriented toward and located in close proximity to public streets and public street intersections. Property size, shape and topographical conditions should also be considered. (Standard 60.05.15.6.E) [ORD 4706; May 2017]

RESPONSE: **See response to 60.05.35.6.C, above.**

7. Building scale along Major Pedestrian Routes.

A. Architecture helps define the character and quality of a street. Along Major Pedestrian Routes, low height, single story buildings located at the right-of-way edge are discouraged except where detached single family dwellings are permitted. (Standards 60.05.15.7.A and B) [ORD 4542; June 2010]

B. Building heights at or near the street should help form a sense of enclosure, but should not create an undifferentiated high wall out of scale with pedestrians. Building heights at the street edge should be no higher than sixty (60) feet without the upper portions of the building being set back from the vertical building line of the lower building stories. (Standard 60.05.15.7.A) [ORD 4531; April 2010]

RESPONSE: See response to Standard 60.05.15.7.

8. Ground floor elevations on commercial and multiple use buildings.

A. Excluding residential only development, ground floor building elevations should be pedestrian oriented and treated with windows, display areas or glass doorway openings to the extent possible and where appropriate to the design and use of the building. This guideline particularly applies to ground floor building elevations situated along Major Pedestrian Routes. (Standard 60.05.15.8.A) [ORD 4531; April 2010]

B. Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk should provide weather protection for pedestrians on building elevations. (Standard 60.05.15.8.B)

RESPONSE: The ground floor elevation along **SW 139th Way** *is treated with storefront windows with sills at 8' above the finished floor of the building. Higher storefront windows are provided in response to the use of the proposed building. Along the inside of the* **east wall***, tools and shop equipment will be located. Were lower storefronts to be provided, pedestrians on the sidewalk could readily view the shop interior, which is undesirable to the business due to the value of tools, equipment and vehicles inside the building. Thus, lower storefronts pose a security concern. The applicant asserts that the window placement is appropriate to the use.* **See the Exterior Elevations, Sheet A-221.**

60.05.40. Circulation and Parking Design Guidelines.
Unless otherwise noted, all guidelines apply in all zoning districts.

1. Connections to public street system. The on-site pedestrian, bicycle, and motor vehicle circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets in accordance with connections identified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan. (Standard 60.05.20.1) [ORD 4531; April 2010]

RESPONSE: See response to Standard 60.05.20.1.

Loading area, solid waste facilities, and similar improvements.

A. On-Site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)

B. Except in Industrial districts, loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2)

RESPONSE: See response to Standard 60.05.20.2.

3. Pedestrian circulation.

A. Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)

B. Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)

C. Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)

D. Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Standards 60.05.20.3.C through E)

E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standards 60.05.20.3.A through H)

F. Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)

RESPONSE: See response to Standard 60.05.20.3.

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4. Street frontages and parking areas. Landscape or other screening should be provided when surface parking areas are located along public streets. (Standard 60.05.20.4)

RESPONSE: See response to Standard 60.05.20.4.

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5. Parking area landscaping. Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standards 60.05.20.5.A through D)

RESPONSE: See response to Standard 60.05.20.5.

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6. Off-Street parking frontages in Multiple Use zones. [ORD 4462; January 2008] [ORD 4584; June 2012]

A. Surface parking should occur to the side or rear of buildings and should not occur at the corner of two Major Pedestrian Routes. (Standard 60.05.20.6)

B. Surface parking areas should not be the predominant design element along Major Pedestrian Routes and should be located on the site to safely and conveniently serve the intended users of the development, without precluding future site intensification. (Standard 60.05.20.6)

Sidewalks along streets and primary building elevations in Commercial and Multiple Use zones. [ORD 4584; June 2012]

A. Pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.7.A)

B. Pedestrian connections should be provided along primary building elevations having building and tenant entrances. (Standard 60.05.20.7.B)

RESPONSE: See response to Standard 60.05.20.7.

Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Commercial and Multiple Use zones. [ORD 4584; June 2012]

A. On-Site vehicle circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks, and landscaping compared to parking lot aisles. (Standard 60.05.20.8) [ORD 4531; April 2010]

B. Long, continuous parking aisles should be avoided if possible, and landscaped as necessary to minimize the visual impact. (Standard 60.05.20.8)

RESPONSE: See response to Standard 60.05.20.8.

60.05.45. Landscape, Open Space and Natural Areas Design Guidelines.
Unless otherwise noted, all guidelines apply in all zoning districts.

3. Minimum landscaping for Conditional Uses in Residential zones and for developments in Commercial, Industrial, and Multiple Use zones.

A. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings. (Standards 60.05.25.5.A, B, and D)

B. Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete. (Standard 60.05.25.5.C)

C. Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standards 60.05.25.5.A and B)

D. Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standards 60.05.25.5.A and B)

E. A diversity of tree and shrub species should be provided in required landscaped areas. (Standard 60.05.25.5)

RESPONSE: See responses to Standards 60.05.25.5.B and D.

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7. Fences and walls.

   A. Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.9) [ORD 4576; January 2012]
   B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.9.E) [ORD 4576; January 2012]

RESPONSE: See response to Standard 60.05.25.9.

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9. Integrate water quality, quantity, or both facilities. Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design. (Standard 60.05.25.11) [ORD 4576; January 2012]

RESPONSE: See response to Standard 60.05.25.11.

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. (Standard 60.05.25.12) [ORD 4531; April 2010] [ORD 4576; January 2012] [ORD 4584; June 2012]

RESPONSE: See response to Standard 60.05.25.12.

Landscape buffering and screening.

   A. A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer should not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.13) [ORD 4531; April 2010]

   B. When potential impacts of a Conditional Use are determined, or when potential conflicts of use exist between adjacent zoning districts, such as industrial uses abutting residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts of uses are not as great, such as a commercial use abutting an industrial use, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.13) [ORD 4531; April 2010]

C. Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.13)

D. When changes to buffer widths and buffer standards are proposed, the applicant should describe the physical site constraints or unique building or site characteristics that merit width reduction. (Standard 60.05.25.13.E). [ORD 4531; April 2010] [ORD 4576; January 2012] [ORD 4576; January 2012] [ORD 4584; June 2012]

RESPONSE: See response to Standard 60.05.25.13.

60.05.50. Lighting Design Guidelines.

Unless otherwise noted, all guidelines apply in all zoning districts.

1. Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standards 60.05.30.1 and 2)

RESPONSE: See the Site Lighting Plan, sheet A-103, and the enclosed Site Photometric Plan.

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2. Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)

RESPONSE: **See the Site Lighting Plan, sheet A-103, and the enclosed Site Photometric Plan.**

Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standards 60.05.30.1 and 2)

RESPONSE: See the Site Lighting Plan, sheet A-103, and the enclosed Site Photometric Plan.

On-Site lighting should comply with the City's Technical Lighting Standards. (Standards 60.05.30.1 and 2). Where the proposal does not comply with Technical Lighting standards, the applicant should describe the unique circumstance attributed to the use or site where compliance with the standard is either infeasible or unnecessary. [ORD 4531; April 2010]

RESPONSE: See response to Standard 60.05.30.

60.05.55. Major Pedestrian Route Maps.

60.05.55.3. South Tek Station Community

Table 60.05-1. TECHNICAL LIGHTING STANDARDS

A. Types of Lighting. The Technical Lighting Standards shall apply to bollard luminaire, pole-mounted luminaire, and non-pole-mounted luminaire.

RESPONSE: Acknowledged.

B. Areas to Be Applied. The roadways, access drives, parking lots, vehicle maneuvering areas, pathways and sidewalks of all new developments and building entrances shall be lighted in conformance to the technical lighting standards. These standards are not intended to apply to public street lighting.

RESPONSE: Acknowledged. The Site Lighting Plan, sheet A-103, details on-site lighting. The need for new off-site street lights is noted, however, this design and engineering will be completed during the site development permitting phase.

C. Conformity of Lighting Plans to this Section. All lighting plans submitted to the City shall comply with the standards of this table.

RESPONSE: Acknowledged.

D. Standards. The following standards are required of all exterior lighting:

1. When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of an angle greater than ninety (90) degrees, the minimum required interior illumination, the

maximum permitted illumination at the property line, and the maximum permitted height of Luminaires shall be as shown on Table 60.05-1.

2. When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the minimum permitted interior illumination, the maximum permitted illumination within five (5) feet of any property line, and the maximum permitted height of Luminaires is also shown on Table 60.05-1.

RESPONSE: See the Site Lighting Plan, sheet A-103, and the enclosed Site Photometric Plan.

E. General Provisions. Notwithstanding any other provision of this Section to the contrary:

1. Design Standards for Residential, Commercial, Industrial and Multiple use Districts:

   a. No flickering or flashing lights shall be permitted.

   b. No bare bulb lights shall be permitted for single-family attached development and multi-family attached development.

   c. No strobe lights shall be permitted.

   d. Light sources or Luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.

   Special Design Standard for Residential Districts. No exterior neon lights shall be permitted.

   Special Design Standard for Commercial and Multiple use Districts. Exterior neon lights shall only be permitted when incorporated into the architectural design of a building.

RESPONSE: Acknowledged. The proposed lighting conforms to these standards.

F. Exemption for Specified Public Outdoor Recreation Uses:

1. Because of their unique requirements for nighttime visibility, public ball diamonds, public playing fields, and public tennis courts only, inclusive of facilities located on school district properties, are exempted from the exterior lighting standards of Sections D.1 through D.2 above. These outdoor recreational uses must meet all other requirements for this Section and of the Code.

2. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.

3. The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent properties. The maximum permitted illumination at the property line or, if required, the interior buffering line, shall not exceed two (2) foot-candles.

RESPONSE: This section does not apply.

Zoning District Type	Minimum Required Illumination (internal) in Foot-candles		Maximum Permitted Illumination (internal) in Foot-candles		Maximum Permitted Illumination at property line in Foot-Candles	Maximum Permitted Height of Luminaires
	>90	<90	>90	<90		
Commercial and Industrial	1.5	1.0	None	None	0.5	Pole -mounted Luminaires (inclusive of above grade base and light fixture): ♦ 15 feet for on-site pedestrian ways. ♦ 30 feet for on-site vehicular circulation areas. ♦ 15 feet for the top deck of non-covered parking structures. Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas: ♦ 15 feet above building finished grade for on-site pedestrian circulation areas ♦ 30 feet above building finished grade for on-site vehicular circulations areas.

RESPONSE: See the Site Lighting Plan, sheet A-103, and the enclosed Site Photometric Plan.

60.10. FLOODPLAIN REGULATIONS

60.10.05. Purpose.

Regulations governing development within floodplains are intended to recognize the need to protect the health, safety and welfare of the community, and maintain the functions and values of floodplains through control of development within the floodplain area so as to minimize public and private losses due to flooding. The preservation of natural features and topography as an aid in floodplain management is a primary purpose of these regulations. However, in the administration of these regulations the existing pattern of man-made improvements must in some areas be recognized as a constraint on achieving this purpose. The provisions of this Section are designed to: [ORD 4155; May 2001]

1. Protect human life, health, and property; [ORD 4155; May 2001]

2. Minimize expenditure of public money, costly repairs of flood damage, and costly flood control projects; [ORD 4155; May 2001]

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. Make information is available upon request to potential buyers that property is in an area of special flood hazard; [ORD 4155; May 2001]

8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. [ORD 3563; May 1987]

9. Maintain the functions and values of floodplains, such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems. [ORD 4155; May 2001]

RESPONSE: The proposed improvements to the subject site are designed to adhere to all applicable floodplain regulations. The area is extensively developed, and Erickson Creek is piped through the subject site, so the preservation of natural features is not applicable to this project. The primary method used to minimize the impact of the project on the floodplain is to design and construct the project to have no net decrease of available flood storage beneath the Base Flood Elevation (BFE). **See the provided Civil Drawings and Preliminary Stormwater Report.**

60.10.10. Floodplain Designation.

1. Consistent with Clean Water Services Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," with amendments, dated October 19, 2018, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. The City of Beaverton shall notify the U.S. Department of Homeland Security's Federal Emergency Management Agency as soon as possible, but no later than six months after the date such information becomes available, of any changes to the base flood elevation, by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. [ORD 3563; May 1987] [ORD 4130; December 2000]. When base flood elevation data has not been provided in accordance with this section, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. For all development applications, the best available information as determined by the City Engineer shall be used in the determination of the floodplain limits. [ORD 3563; May 1987] [ORD 4337; January 2005] [ORD 4388; May 2006] [ORD 4692; November 2016] [ORD 4744; October 2018]

RESPONSE: Site improvements have been designed to have no impact on the Base Flood Elevation (BFE) shown on Section J of Erickson Creek on FEMA FIRM Map 41067C0527F, revised October 19, 2018. The location of the BFE on the site was determined by a topographic survey prepared by S&F Land Services, dated January of 2020. Per the FIRM map, the BFE for the site is 187.7 feet (NAVD88); the survey was vertical datum is NGVD29, so the BFE elevation was translated between the two datums.

The translation is 3.5 feet, so BFE for the site is 184.2 feet (NGVD29). The floodplain limits as shown on the plans were determined by extracting the 184.2-foot contour from the topographical survey.

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2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), or if a development application is received for a site where a floodplain is unclear or lacks an established elevation, the City Engineer shall require the concerned person or applicant to provide a detailed hydraulic data report prepared in accordance with standard engineering practice by a registered engineer with background in the area of hydrology and hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. The report must document the base flood elevation and specific limits of inundation within a floodplain designated on a FIRM map in Zone A or in Zone AO or along a stream corridor beyond the FIRM studied limits. After review of the available data and the report, the base flood elevation shall be established by the City Engineer. [ORD 4744; October 2018]

   All applicable floodplain regulations for preservation flood conveyance and flood storage of sites and building elevation requirements shall be determined from the base flood elevation as established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. [ORD 3563; May 1987] [ORD 4155; May 2001] [ORD 4392; July 2006]

RESPONSE: Not applicable as the floodplain is at an established elevation.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. [ORD 3563; May 1987] [ORD 4744; October 2018]

RESPONSE: The limitation of liability is understood.

Uncontained areas of hazardous materials, as defined by the Department of Environmental Quality, are prohibited in the floodplain. Any storage or placement of materials in the floodplain that would obstruct the flow of water or reduce the available flood holding capacity of a site is prohibited. [ORD 3441; May 1985] [ORD 4093; April 2000] [ORD 4155; May 2001]

RESPONSE: Hazardous materials will not be stored uncontained within the floodplain. Oil and other automotive maintenance/repair fluids and oils will be stored in accordance with the applicable DEQ regulations.

60.10.15. Development in Floodway.

1. Development in the floodway is prohibited, with the following exceptions, pursuant to the site development ordinance, which requires hydrological and hydraulic analyses demonstrating the proposed encroachment would not increase flood levels during the base flood discharge; [ORD 4744; October 2018]

    A. Stormwater outfall pipes and other drainage; improvements;
    B. Bridges;
    C. Culverts;
    D. Public utility lines;
    E. Trails or bikepaths;
    F. Roads and other uses identified on the City's Transportation Plan; and
    G. Stream habitat restoration, including vegetated corridor enhancement. [ORD 4744; October 2018]
    H. Grading associated with A through G above. [ORD 4744; October 2018]

RESPONSE: The Erickson Creek floodway is located in the breezeway between the existing buildings and follows the existing storm drain easement. Proposed work within the floodway consists of the removal and replacement of a driveway approach to SW 139th Way to current City of Beaverton driveway standards. As shown on the Floodplain Cut-Fill Plan included with this submittal, replacement of the driveway will increase the available flood storage (the proposed driveway finish grade is, on average, lower in elevation than the existing driveway finish grade).

60.10.20. Commercial and **Industrial Uses in the Floodway Fringe.**
All commercial and industrial uses, if allowed in the primary zone are allowed in the floodway fringe if the proposed development:

1. Meets the requirements of Beaverton Code Section 9.05;

RESPONSE: See Beaverton City Code Section 9.05 below.

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2. Meets the requirements of the City Engineering Design Manual and Standard Drawings;

RESPONSE: See City Engineering Design Manual excerpts below.

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3. Meets the requirements of the Clean Water Services District Design and Construction Standards Manual based on affirmative statements in documentation from CWS; and [ORD 4224; August 2002] [ORD 4392; July 2006]

RESPONSE: See Clean Water Services District Design and Construction Standards Manual excerpts below.

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4. Has been reviewed and approved by the appropriate City approval authority as meeting the requirements and standards of this ordinance. [ORD 3441; May 1985] [ORD 4093; April 2000] [ORD 4155; May 2001]

RESPONSE: This proposal is submitted to the City for review and approval.

60.12. HABITAT FRIENDLY DEVELOPMENT PRACTICES

60.12.05. Purpose.

Allow and encourage Habitat Friendly Development Practices (HFDPs) that integrate preservation, enhancement and creation of Habitat Benefit Areas (HBAs) and use of Low Impact Development (LID) techniques in order to support natural systems that provide wildlife with food, shelter, and clean water.

All of the provisions of Section 60.12. are voluntary and are not required of new development or redevelopment. The provisions are applicable only when a property owner elects to utilize the provisions contained in this section.

The provisions of this section are intended to:

1. Promote preservation, enhancement and restoration of Habitat Benefit Areas (HBAs).

2. Reduce impacts from development on fish and wildlife habitat relative to traditional development practices.

3. Design a site in such a way that Habitat Friendly Development Practices (HFDPs) are integrated in the overall plan.

4. Use Best Management Practices (BMPs) to guide decisions regarding site design, development and construction.

5. Reduce Effective Impervious Area (EIA) in the City to the extent practicable and achieve zero (0) percent EIA on as many individual sites as practicable.

6. Avoid damaging existing wildlife habitat through preservation of HBA, minimize impacts to existing wildlife habitat by limiting the amount of habitat disturbance to only those areas required for development of a site, and mitigate impacts to existing wildlife habitat when avoidance and minimization options are limited. Use LID techniques to mitigate impacts in order to improve remaining on-site habitat and/or down-stream habitat.

7. Encourage HFDPs by adopting options that allow for flexibility in site design for new development and redevelopment.

8. Implement provisions of the Beaverton Comprehensive Plan that encourage preservation of HBA and use of LID techniques.

60.12.10. Process.

Implementation of a HFDP shall not result in a requirement for a separate Development Code, Chapter 40, application. The level of review for a Chapter 40 application shall not be elevated or lessened based on proposed implementation of a HFDP.

60.12.15. Engineered Techniques.

In some instances, proposed implementation of a HFDP will require an Engineering Design Manual Design Modification approved by the City Engineer. The Design Modification process is outlined in Section 145 of the Engineering Design Manual and Standard Drawings (EDM). An applicant may choose to receive approval from the City Engineer prior to, or concurrent with, review of a land use application.

In order for the decision making body to approve a requested credit for proposed implementation of a technique that requires a review of the technique's technical feasibility, engineered drawings and calculations need to be completed and submitted with the land use application for development review.

60.12.20. Guidance.

The City of Beaverton Habitat Friendly Development Practices Guidance Manual provides an expanded description of principles and techniques that may be integrated into site design to meet the goals and objectives within Section 60.12.05.

60.12.25. Credits.

As used in this Code section, the term credits refers to development credits an applicant may earn through HBA preservation
or use of LID techniques which are described in Sections 60.12.35. through 60.12.40., below. The mix of credits requested is left to the applicant's discretion for a single project site, as credits are not transferable between separate project sites.

60.12.30. Standards.

The following standards shall be satisfied by new development and redevelopment, throughout the City when a request
for use of a credit(s) allowed through Section 60.12.35. or Section 60.12.40. is proposed.

1. The proposal satisfies all applicable standards for the preservation, technique, or credit requested.

2. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to a credit for implementation of a proposed HFDP.

3. The proposal is consistent with all applicable provisions of Section 60.12. (Habitat Friendly Development Practices) and all improvements, dedications, or both required by the applicable provisions of Section 60.12. (Habitat Friendly Development Practices) are satisfied or can be provided in proportion to the identified impact(s) of the proposal.

4. Implementation of the proposed Habitat Friendly Development Practice(s) is technically feasible in accordance with Section 60.12.15. (Engineered Techniques).

5. The size of the improvement proposed to implement the Habitat Friendly Development Practice(s) is greater than or equal to the amount required to receive the requested credit(s).

6. The proposed credit is a credit that is allowed for the proposed Habitat Friendly Development Practice(s).

7. Use of credits is limited to the amount of preservation or technique proposed. One (1) unit of preservation or technique results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) unit of preservation or technique.

8. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 50 percent of the landscape or open space standard for the project site, with the exception of credit for installation of a Rain Garden.

9. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested for installation of a Rain Garden, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 75 percent of the landscape or open space standard for the project site.

10. Where a credit(s) to increase the building height above the maximum for the underlying zoning district is requested, the proposed project does not cumulatively receive credits greater than 12 feet additional building height, with the exception of Section 60.12.40.4.B.1. Building Height Increase, Multiple Use Zoning Districts (Eco-Roof).

11. Where a credit(s) to increase the building height above the maximum is requested for a project within a Multiple Use zoning district, the proposed project does not cumulatively receive credits greater than 12 feet, 24 feet, or 36 feet additional building height, respective of Sections 60.12.40.4.B.1.a., 60.12.40.4.B.1.b., and 60.12.40.4.B.1.c.

60.12.40. Low Impact Development (LID) Techniques.

Use of LID techniques is allowed throughout the City unless otherwise stated.

4. Eco-Roof.

A. Purpose. Install an Eco-Roof equal to at least 10 percent of the building footprint for projects located in a Multiple-Family Residential, Commercial, Industrial, or Multiple Use zoning district. [ORD 4584; June 2012]

RESPONSE: Does not apply; no Eco-Roof is proposed.

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6. Rooftop Garden.

A. Purpose. Integration of a Rooftop Garden in the design of a building(s) located in a Multiple-Family Residential, Commercial, Industrial, or Multiple Use zoning district. [ORD 4584; June 2012]

B. Credits. Use of the following credits is limited to the amount Rooftop Garden proposed. One (1) square foot of Rooftop Garden results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Rooftop Garden.

C. Standard. A Rooftop Garden shall be equivalent to at least 25 percent of the building footprint and at least 30 percent of the garden area shall contain live plants. In addition, a proposal for a Rooftop Garden shall satisfy the applicable standards of Section 60.12.30.

RESPONSE: Does not apply; no Rooftop Garden is proposed.

60.25. OFF-STREET LOADING REQUIREMENTS.

[ORD 4224; August 2002]

60.25.05. Applicability.

No building or structure subject to the off-street loading requirements of this section shall be erected, nor shall any such existing building or structure be altered so as to increase its gross floor area to an amount exceeding

25% more than its existing gross floor area, without prior provisions for off-street loading space in conformance with the requirements of this section.

RESPONSE: **The proposed development does not include more than 25% additional gross floor area to the site.**

60.25.10. Loading Berth Design.

Required off-street loading space shall be provided in berths which conform to the following minimum specifications:

1. Type A berths shall be at least 60 feet long by 12 feet wide by 15 feet high, inside dimensions with a 60 foot maneuvering apron.

2. Type B berths shall be at least 30 feet long by 12 feet wide by 14 feet 6 inches high, inside dimensions with 30 feet maneuvering apron.

60.25.15. Number of Required Loading Spaces.

The following numbers and types of berths shall be provided for the specified uses. The uses specified below shall include all structures designed, intended or arranged for such use. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as a use which is most similar.

	USE	AGGREGATE FLOOR AREA (SQ. FT.)	BERTHS REQUIRED	TYPE
1.	Freight terminals, Industrial plants, Manufacturing or wholesale establishments, Warehouses.	12,000 - 36,000 36,001 - 60,000 60,001 - 100,000 each additional 50,000 or fraction thereof	1 2 3 1 additional	A A A A
2.	Auditoria, Motel, Convention Halls, or Sports Arenas. [ORD 3293; November 1982]	25,000 - 150,000 150,001 - 400,000 each additional 250,000 or fraction thereof	1 2 1 additional	B B B
3.	Hospitals, Residential Care Facilities. [ORD 4036; April 1999]	10,000 - 100,000 over 100,000	1 2	B B
4.	Department stores, retail establishments, funeral homes, restaurants, and commercial establishments not otherwise specified.	7,000 - 24,000 24,001 - 50,000 50,001 - 100,000 each additional 50,000 or fraction thereof	1 2 3 1 additional	B B B B
5.	Hotels, Extended Stay Hotels or Office Buildings. [ORD 3958; June 1996] [ORD 4584; June 2012]	25,000 - 40,000 40,001 - 100,000 each additional 100,000 or fraction thereof	1 2 1 additional	B B B
6.	Schools	over 14,000	1	B

RESPONSE: ***Two on-site loading spaces exist – at the east side of the Parts Department. The size of these loading spaces are consistent with the Type B requirement. See the Proposed Site Plan, A-102, and the Site Circulation Plan, sheet A-104D.***

60.25.20. Loading Facilities Location.

3. The off-street loading facilities required for the uses mentioned in this Code shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.

4. No space for loading or unloading vehicles shall be so located that a vehicle using such loading space projects into any public street. Loading space shall be provided with access to any alley, or if no alley adjoins the lot, with access to a street. Any required front, side or rear yard may be used for loading unless otherwise prohibited by this Code.

RESPONSE: The existing loading spaces are located such that no delivery vehicle would project into a public street. The existing and proposed loading spaces are outside of the front, side and rear yards.

60.30. OFF-STREET PARKING.

60.30.05. Off-Street Parking Requirements.

When provided, parking spaces shall be designed and maintained by the owner of the property in accordance with the requirements of Sections 60.30.05 to 60.30.20. [ORD 4844; August 2023]

1. Open Air Beaverton. Businesses that are approved pursuant to the Open Air Beaverton program and are not located in RC-MU, RC-BC, RC-DT, nor RC-OT may utilize a minimum of two off-street parking spaces, or up to one off-street parking space per 1,000 square feet of interior floor area occupied by the business, whichever is greater, for the program. In calculating the number of parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number. Businesses that are approved pursuant to the Open Air Beaverton program and are located in RC-MU, RC-BC, RC-DT or RC-OT may utilize an unlimited number of off-street parking spaces for the program, with the parking lot owner's permission. [ORD 4819; January 2022] [ORD 4844; August 2023]
2. Bicycle Parking. [ORD 3965; November 1996] Bicycle parking shall be required for quadplexes, townhouses (with 4 or more units), cottage clusters, multi-dwellings, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and the Engineering Design Manual. [ORD 4397; August 2006] [ORD 4822; June 2022]

RESPONSE: **The subject business is not part of the Open Air Beaverton program. Vehicle parking exists; new vehicle parking is proposed. See the Proposed Site Plan, sheet A-102.**

60.30.10. Number of Required Parking Spaces.

Except as otherwise provided under Section 60.30.10.11., off-street vehicle, bicycle, or both parking spaces shall be provided as follows:

1. **Parking Calculation for Maximum Parking.** Parking ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted. Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures shall be exempted from the calculations in this section. [ORD 4844; August 2023]

RESPONSE: **The majority of the on-site parking exists and is to remain. New employee parking is proposed on the south side of the new service building. The site is located in Parking Zone A, in which a maximum of 5.1 parking spaces per 1,000 gross floor area is allowed (Retail and Service Businesses). With a total of 47,875 sf of building area proposed, this would equate to a maximum of 244 parking spaces on site, far above the 83 existing and proposed number of parking spaces. See the Proposed Site Plan, sheet A-102.**

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2. **Climate-Friendly and Equitable Communities (CFEC) Parking Maximums.** For developments on parcels where any part of the parcel is within a Metro Title 6 Regional Center, within a Metro Title 6 Town Center, within three-quarters mile of a rail transit stop, or within one-half mile of the centerline of a frequent transit corridor shall comply with the applicable limits in Section 60.30.10.2.A through D. A frequent transit corridor is a corridor with bus service, considering all bus routes that travel along that corridor, arriving with a scheduled frequency of at least four times an hour during peak service. If Table 60.30.10.5.A and Section 60.30.10.2.A through D have different parking maximums, the stricter, lower number of maximum permitted vehicle parking spaces allowed shall apply.
   A. Parking maximums shall be no higher than 1.2 off-street parking spaces per studio dwelling unit and two off-street parking spaces per non-studio dwelling unit in a multi-dwelling development. These maximums shall include visitor parking; and
   B. Parking maximums for the following commercial and retail uses listed in Sections 20.05.20, 20.10.20, 20.15.20, 20.20.20, and 70.15.20, regardless of the use categories listed in Table 60.30.10.5.A, shall be no higher than 5 spaces per 1,000 square feet of floor area: Animal Care; Care, except for Residential Care Facilities; Financial Institutions; Marijuana uses, except Marijuana Processing; Meeting Facilities; Office; Retail, except for Eating and Drinking Establishments; Rental Business; Personal Service Business; Service Business/Professional Services; Vehicles, except major Automotive Service, Minor Automotive Service, Heavy Equipment Sales, Sales or Lease, Trailer, Recreational Vehicle or Boat Storage, Trailer Sales or Repair, and Vehicle Storage Yard; and
   C. For each individual lot with a building or buildings totaling more than 65,000 square feet of floor area, surface parking shall not consist of more area than the floor area of the building or buildings. For the purposes of this standard, the surface parking area shall include parking spaces, drive aisles, drive-through lanes, and maneuvering areas for passenger vehicles but shall not include paved areas not for use by passenger vehicles, such as loading areas or outdoor storage of goods and materials.

RESPONSE: **This section applies to this site due to its proximity to a frequent transit corridor with bus service. For 47,875 sf of building area proposed, a maximum of 5 parking spaces per 1,000 gross floor area would equate to 239 spaces, far above the 83 existing and proposed number of parking spaces. See the Proposed Site Plan, sheet A-102.**

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3. Parking Categories.

A. Vehicle Categories. Contained in the table at Section 60.30.10.5. are vehicle parking ratios for maximum permitted number of vehicle parking spaces that may be provided for each land use.

1. Minimum number of required parking spaces. No minimum parking is required for any use.

RESPONSE: **Acknowledged.**

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2. Parking Zone A. Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter mile walking distance of bus transit stops that have 20 minute peak hour transit service or one-half mile walking distance of light rail station platforms that have 20 minute peak hour transit service.

RESPONSE: The project site is located in Parking Zone A. TriMet bus line 57 operates along the site's SW TV Highway frontage, which features an existing bus stop. This bus route has 20 minute peak hour transit service. The bus stop location is noted on the **Site Plans, sheets A-101 and A-102.**

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3. Parking Zone B. Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located within one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both, or that have a greater than 20 minute peak hour transit service. Parking Zone B areas also include those parcels that are located at a distance greater than one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both.

RESPONSE: The site is not located in Parking Zone B.

Dual parking zones. If a parcel is partially located within Parking Zone A, then the use(s) located on the entire parcel shall observe the Parking Zone A parking ratios. Specifically exempted from this requirement are parcels located within the Regional Center—East zoning district. In the cases in the Regional Center—East zoning district where parcels are bisected by the boundary of Parking Zones A and B, the applicable maximum parking ratios may be averaged, and that average may be applied over the whole parcel. [ORD 4107; May 2000]

RESPONSE: The site is not located in a dual parking zone.

B. Bicycle Categories. The required minimum number of short-term and long-term bicycle parking spaces for each land use is listed in Section 60.30.10.5.

1. Short-Term parking. Short-term bicycle parking spaces accommodate persons that can be expected to depart within two hours. Short-term bicycle parking is encouraged to be located on site within 50

feet of a primary entrance, or if there are site, setback, building design, or other constraints, bicycle parking shall be located no more than 100 feet from a primary entrance in the closest available area to the primary entrance as determined by the decision-making authority.

2. Long-Term parking. Long-term bicycle parking spaces accommodate persons that can be expected to leave their bicycle parked longer than two hours. Cover or shelter for long-term bicycle parking shall be provided. School buildings are exempted from the requirement to cover long-term bicycle parking.

3. Bicycle parking shall be designed, covered, located, and lighted to the standards of the Engineering Design Manual and Standard Drawings. [ORD 4302, June 2004]

RESPONSE:
Existing bicycle parking was approved in DR2012-0077; no modification to the existing bicycle parking is proposed. The new short and long-term bicycle parking is to serve automotive service employees only, given that the automotive service use of the site is the only use impacted by the proposed project.
1. New short-term bicycle parking is proposed at the **west side** *of the new service building, within* **100** *feet to an employee entrance, and connected to the public sidewalk with new accessible concrete walkways. Short term bicycle spaces are 2'w x 6'L.*
2. New long-term bicycle parking is proposed **inside the new service shop on wall mounted racks. See the Proposed Site Plan, sheet A-102.**
3. **Acknowleged.**

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3. Ratios. In calculating the required number of vehicle and bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number. In calculating the required number of vehicle and bicycle parking spaces, fractions less than 0.5 shall be rounded down to the nearest whole number. [ORD 3965; November 1996]

RESPONSE: **Acknowleged. See the Proposed Site Plan, sheet A-102, for the bicycle parking calculation.**

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4. Uses Not Listed. For uses not specifically mentioned in this section, the requirements for off-street parking facilities for vehicles and bicycles shall be determined with a Parking Requirement Determination (Section 40.55.1.). [ORD 4224; August 2002]

RESPONSE: **Acknowleged.**

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5. Parking Tables. The following tables list the required minimum and maximum vehicle and bicycle parking requirements for listed land use types. [ORD 4584; June 2012]

Table 60.30.10.5.A. - PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES		
Land Use Category	Maximum Permitted Parking Spaces	
	Zone A	Zone B
Commercial Uses		
Retail, including shopping centers	5.1	6.2
Offices, Administrative Facilities	3.4	4.1
Bank, Financial Institutions	5.4	6.5
Service Businesses	5.1	6.2

Table 60.30.10.5.B. - PARKING RATIO REQUIREMENTS FOR BICYCLES		
Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
Commercial Uses		
Retail, including shopping centers	2 spaces or 1 space per 12,000 sq. ft. of floor area	2 spaces or 1 space per 12,000 sq. ft. of floor area
Offices, Administrative Facilities	2 spaces or 1 space per 8,000 sq. ft. of floor area	2 spaces or 1 space per 8,000 sq. ft. of floor area
Bank, Financial Institutions	2 spaces or 1 space per 8,000 sq. ft. of floor area	2 spaces or 1 space per 8,000 sq. ft. of floor area
Medical, Dental Clinics	2 spaces or 1 space per 20,000 sq. ft. of floor area	2 spaces or 1 space per 10,000 sq. ft. of floor area
Eating, Drinking Establishments	2 spaces or 1 space per 4,000 sq. ft. of floor area	2 spaces or 1 space per 4,000 sq. ft. of floor area
Mortuaries	Not required	1 space
Automotive Service, Minor	2 spaces or 1 space per 5,000 sq. ft. of floor area	2 spaces or 1 space per 5,000 sq. ft. of floor area

7. Residential Parking Dimensions. For all residential uses, any required parking space shall not be less than 8 1/2 feet wide and 18 ½ feet long. (See also Section 60.30.15. (Off-Street Parking Lot Design) for other standards.) [ORD 4312; July 2004]

RESPONSE: This section does not apply.

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8. Parking Space Calculation.

   A. Multiple Uses. In the case of multiple uses, the total requirements for off-street vehicle and bicycle parking facilities shall be the sum of the requirements for the various uses computed separately.

   B. Spaces which only meet the requirements of one establishment may serve more than one establishment on the same parking lot, provided that sufficient evidence is presented which shows that the times of peak parking demand for the various establishments do not coincide, and that adequate parking will be available at all times when the various establishments are in operation.

RESPONSE: **Acknowleged. See the Proposed Site Plan, sheet A-102, for the parking calculations.**

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9. Location of Vehicle Parking.

A. For parking areas that meet one of the thresholds in subsections 1 or 2, below, parking spaces shall be so located and served by an access that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley. [ORD 4822; June 2022]

1. Residential dwellings: Tandem spaces that can be accommodated within the driveway do not count in calculation provided the number of parking spaces backing out into the street or right of way does not exceed two. All other development: More than two parking spaces.
2. All parking spaces shall meet minimum standards outlined in Section 60.30.15 unless otherwise approved through a Major Adjustment or Major Adjustment – Affordable Housing.

RESPONSE: **Acknowleged. See the Proposed Site Plan, sheet A-102, for location of vehicle parking.**

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11. Compact Cars. Compact car parking spaces may be allowed as follows:

A. For residential uses, required vehicle parking spaces shall be provided at standard size pursuant to Section 60.30.10.8. Parking in excess of the required parking may be provided as compact parking subject to Section 60.30.10.8. [ORD 4471; February 2008]

B. For uses other than residential uses, twenty percent (20%) of the required vehicle parking spaces for long term or designated employee parking lots may be compact spaces. The Facilities Review Committee may recommend allowing more than twenty percent (20%) of the required parking spaces to be used for compact car parking when the applicant shows that more compact car spaces are appropriate. [ORD 4224; August 2002]

C. Compact car parking spaces shall be generally grouped together and designated as such. [ORD 3228; December 1981]

RESPONSE: **Acknowleged. No compact parking is proposed. See the Proposed Site Plan, sheet A-102.**

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13. Carpool and Vanpool Parking Requirements. [ORD 3965; November 1996]

A. In industrial, institution, and office developments, including government offices, with 50 or more employee parking spaces, at least three percent of the employee parking spaces shall be designated for carpool and/or vanpool parking. For the purposes of this section, carpool is defined as two or more persons per car, and vanpool is defined as five or more persons per van. The carpool/vanpool spaces shall be clearly marked and signed for reserved carpool and/or vanpool parking. The reserved carpool/vanpool parking time may be specified so that the reserved spaces may be used for general parking if the reserved spaces are not occupied after a specific time period, which shall be clearly posted on the sign.

B. Location. Designated carpool/vanpool spaces shall be the closest employee motor vehicle parking spaces to the building entrance normally used by employees, except for the motor vehicle parking

spaces designated for persons with disabilities, which shall be the closest to the building entrance. [ORD 4107; May 2000] [ORD 4302, June 2004]

RESPONSE: This section does not apply to this type of development.

60.30.15. Off-Street Parking Lot Design.

All off-street parking lots shall be designed in accordance with City Standards for stalls and aisles as set forth in the following drawings and tables:

A = Parking Angle
B = Stall Width
C = Stall Depth (no bumper overhang)
D = Aisle Width
E = Stall Width (parallel to aisle)
F = Module Width (no bumper overhang)
G = Bumper Overhang
H = Backing Area
I = Module Intermesh

NOTE:
1) For one (1) row of stalls use "C" plus "D" as minimum bay width.

2) Public alley width may be included as part of dimension "D", but all parking stalls must be on private property, off the public right-of-way.

3) For estimating available parking area, use 350 sq. ft. per vehicle for stall, aisle and access areas.

4) The stall width for self-parking of long duration is 8.5 feet; for higher turnover self-parking is 9.0 feet; and for supermarkets and similar facilities (shoppers and packages) is 9.5-10 feet.

5) The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle access (one way traffic) is 20 feet.

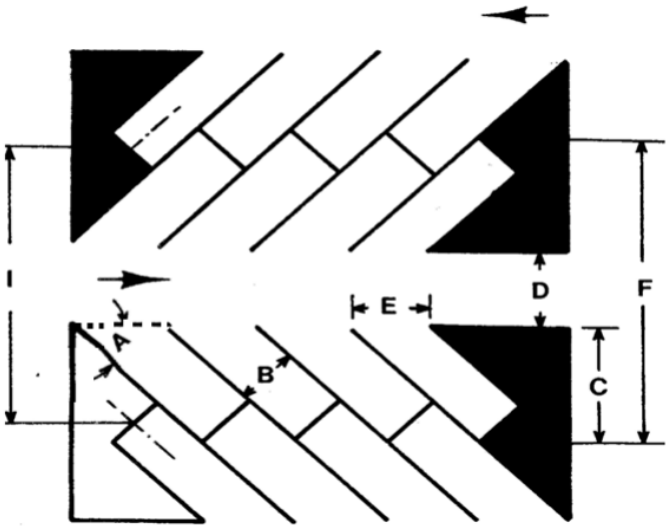
6) Where appropriate, bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth. Dimensions of required recreational vehicle spaces are 10 feet by 25 feet.

7) Parking lots in conjunction with government and public buildings, as defined by Chapter 11 of the International Building Code, are to include parking for the handicapped as required in that chapter. These special spaces may be included within the total spaces required. [ORD 3494; March 1986] [ORD 4365; October 2005]

[ORD 4697; December 2012]

A	B	C	D	E	F	G	H	I
45 degrees	8.5	18.7	12.0	12.0	49.4	2.0	5.0	43.4
60 degrees	8.5	19.8	14.5	9.8	54.1	2.5	5.0	49.9
75 degrees	8.5	19.6	23.0	8.8	62.2	2.5	5.0	60.0
90 degrees	8.5	18.5	24.0	8.5	61.0	3.0	5.0	61.0
90 degrees*	7.5	15.0	24.0	7.5	58.0	2.0	5.0	58.0

*"Compact" Car (Section 60.30.10.12.)



RESPONSE: New parking complying with this standard is proposed on the **south side of** *the new service building. See the* **Proposed Site Plan, sheet A-102.**

60.40. SIGN REGULATIONS.

60.40.05. Purpose.

The general purpose of this Chapter is to implement the Beaverton Comprehensive Plan, to protect the health, safety, property, and welfare of the public, and to ensure compliance with State and Federal constitutional protections to freedom of speech. To achieve these purposes, the text of this Chapter is to establish a regulatory framework for signs which will:

1. Provide a neat, clean, orderly, and attractive appearance to the community.

2. Provide for safe construction, location, erection, and maintenance of signs.

3. Prevent proliferation of signs and sign clutter and minimize adverse visual safety factors to travelers on public rights-of-way.

4. Provide for readily identifiable locations and addresses to persons travelling on public right-of-way.

5. Provide clear standards for regulating signs based on location, size, type, time, place, manner, aesthetics and number.

RESPONSE: No change to the existing pylon brand signs are proposed; no new pylon brand signs are proposed. Small signs in the new parking area are proposed, as shown on sheet A-102. One sign is proposed to mark the employee parking area at the north side of the site. An additional sign is proposed **near the north driveway on SW 139th Way to restrict access to employees, deliveries and emergency vehicles.** *See the* **Proposed Site Plan, sheet A-102.**

60.55. TRANSPORTATION FACILITIES.

60.55.05. Purpose and Intent.

It is the purpose and intent of this chapter to establish design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the City of Beaverton.

60.55.10. General Provisions.

[ORD 4302; June 2004]

1. All transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies.

2. In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in rough proportion to the identified impacts of the development. [ORD 4103; May 2000]

3. For applications that meet the threshold criteria of section 60.55.15. (Traffic Management Plan) or of section 60.55.20. (Traffic Impact Analysis), these analyses or limited elements thereof may be required.

4. The decision-making authority may impose development conditions of approval per Section 10.65.1. of this code. Conditions of approval may be based on the Traffic Management Plan and Traffic Impact Analysis. Additional street, bicycle, and pedestrian connections may also be required per 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements).

5. Dedication of right-of-way shall be determined by the decision-making authority.

6. Traffic calming may be approved or required by the decision-making authority in a design of the proposed and/or existing streets within the Area of Influence or any additional locations identified by the City Engineer. Traffic calming measures shall be designed to City standards.

7. Intersection performance shall be determined using the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual 2000.

At a minimum, the impacts of development on a signalized intersection shall be mitigated to peak hour average control delay no greater than 65 seconds per vehicle using a signal cycle length not to exceed 120 seconds. The volume-to-capacity ratio for each lane group for each movement shall be identified and considered in the determination of intersection performance. The peak hour volume-to-capacity (V/C) ratio for each lane group shall be no greater than 0.98. Signal progression shall also be considered. If the intersection is under County or

ODOT jurisdiction, the V/C ratio for each land group shall not exceed the V/C ratio imposed by that jurisdiction. [ORD 4706; May 2017]

At a minimum, the impacts of development on a two-way or an all-way stop-controlled intersection shall be mitigated to a peak hour average control delay of no greater than 45 seconds per vehicle.

If the existing control delay or volume-to-capacity ratio of an intersection is greater than the standards of this subsection, the impacts of development shall be mitigated to maintain or reduce the respective control delay or volume-to-capacity ratio.

RESPONSE: Along the subject property's frontage to SW Whitney Way, a 1' right-of-way dedication is proposed. This dedication will provide the 26' half cross-section distance required by EDM 200-4 for a Local Street with average daily trips under 500 vehicles and parking on both sides of the street. The development on SW 139th Way meets the requirements of this cross-section and no right-of-way dedication is required. The proposed development along SW Tualatin Valley was approved in DR2020-0079 as modified by APP2021-0002. See the Proposed Site Plan, sheet A-102.

60.55.20. Traffic Impact Analysis.

[ORD 4103; May 2000] [ORD 4302; June 2004] For each development proposal that exceeds the Analysis Threshold of 60.55.20.2, the application for land use or design review approval shall include a Traffic Impact Analysis as required by this code. The Traffic Impact Analysis shall be based on the type and intensity of the proposed land use change or development and its estimated level of impact to the existing and future local and regional transportation systems.

1. Engineer Certification. The Traffic Impact Analysis shall be prepared and certified by a traffic engineer or civil engineer licensed in the State of Oregon.

   Analysis Threshold.

   A. A Traffic Impact Analysis is required when the proposed land use change or development will generate 300 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer. [ORD 4706; May 2017]

   B. A Traffic Impact Analysis or some elements of a Traffic Impact Analysis may be required when the volume threshold under subsection A. of this section is not met but the City Engineer finds that the traffic impacts attributable to the development have the potential to significantly impact the safe and efficient operation of the existing public transportation system.

   Study Area. The Traffic Impact Analysis shall evaluate the Area of Influence of the proposed development and all segments of the surrounding transportation system where users are likely to experience a change in the quality of traffic flow. The City Engineer may identify additional locations for study if existing traffic operation, safety, or performance is marginal or substandard. Prior to report preparation, the applicant shall submit the proposed scope and analysis assumptions of the Traffic Impact Analysis. The City Engineer shall determine whether the scope and analysis assumptions are adequate.

   Contents of the Traffic Impact Analysis Report. The Traffic Impact Analysis report shall contain the following information organized in a logical format:

A. Executive Summary
B. Description of Proposed Development
C. Existing Conditions
D. Traffic Forecasts
E. Traffic Impacts
F. Mitigation Identification
G. Recommendations

A. Executive Summary. An Executive Summary of no more than three single-sided pages shall be included at the beginning of the Traffic Impact Analysis report. The Executive Summary shall summarize the analysis and conclusions and identify recommended transportation improvements.

B. Description of Proposed Development. The Traffic Impact Analysis shall provide a comprehensive project description including but not limited to the following:

1. Vicinity map.
2. Site plan.
3. Project phasing.
4. Time schedule.
5. Intended use of the site, including the range of uses allowed without additional land-use approvals.
6. Intensity of use.

C. Existing Conditions. The Traffic Impact Analysis shall provide a complete evaluation of existing conditions and include maps and/or tables displaying the following information for the Area of Influence and any additional locations previously identified by the City Engineer:

1. Street system including street names and functional classifications.
2. Pavement and shoulder widths.
3. Striping and channelization.
4. Driveways.
5. Freight access and loading areas.
6. Intersections.
7. Traffic volumes.
    a. Existing traffic shall be measured within the previous twelve months.
    b. Traffic volumes shall be based on data from a minimum of two typical weekdays (Tuesday through Thursday). In addition, data shall be provided for weekends if weekends are the peak traffic period for either the existing street or the proposed development. [ORD 4706; May 2017]
    c. Seasonal variations in traffic volumes shall be considered.

Existing intersection performance indicators including volume-to-capacity ratio and control delay.
Transit information including stop and shelter locations, route numbers, headways, passenger loading, pull outs, and times of service.
Bicycle ways, sidewalks, and accessways.
Collision data for the most recent three-year period for which collision data is available.

D. Traffic Forecasts. The Traffic Impact Analysis report shall provide forecasts of future traffic within the Area of Influence and any additional locations previously identified by the City Engineer. Traffic forecasts shall be provided for both the Buildout Year and the Long-Range Forecast Year. The report

shall include complete documentation of trip generation calculations including Institute of Transportation Engineers (ITE) Trip Generation (latest published edition) use code(s) or an alternative basis of trip generation and the rationale for using the alternative.

1. Buildout Year Analysis. Buildout Year forecasts shall be Total Traffic at the time of anticipated completion and occupancy of each phase of the development and at the time of completion and occupancy of the entire development. The City shall provide traffic information on other developments to consider in the calculation of Added Traffic.

2. Long-Range Forecast Year Analysis. The Traffic Impact Analysis shall include an analysis of the potential worst-caselong-range impacts to the local transportation system identified in the City's Comprehensive Plan Transportation Element and the regional transportation system identified in Metro's Regional Transportation Plan. The forecast year shall be the forecast year of the Comprehensive Plan Transportation Element or an alternate year approved by the City Engineer. The Traffic Impact Analysis shall include a prediction of whether any phase of the proposed development will change the long-range transportation needs identified in the Comprehensive Plan and the extent to which traffic from the proposed development contributes to the long-range improvement needs.

3. Traffic Forecast Analysis Assumptions.

    d. Trip generation. Estimates of the proposed development's trip generation shall be made for peak period traffic. Selection of the peak period used in the analysis shall be justified and shall consider, at a minimum, the peak period for the proposed development and the peak period for surrounding streets. The City Engineer may require review of other time periods based on known or anticipated marginal or substandard traffic capacity or traffic safety. Trip generation estimates shall be based on ITE's Trip Generation (latest published edition). The City Engineer may approve different trip generation rates when trip generation rates are not available in ITE's Trip Generation or different rates are justified.

    e. Trip distribution and assignment. Traffic generated by the proposed development shall be logically distributed and assigned to the street system within the Area of Influence and any additional locations previously identified by the City Engineer. Trip distribution and assignment shall be based on trip distribution information from Washington County, ODOT, or Metro, on analysis of local traffic patterns based on data less than 12 months old, or on alternative data approved by the City Engineer.

Intersection and Highway Interchange Analysis. Intersection and highway interchange analysis shall conform to the method for operations analysis described in the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve an alternative analysis method. The analysis shall document that the impacts of queuing from adjacent intersections or traffic restrictions has been addressed.

E. Traffic Impacts. The Traffic Impact Analysis shall evaluate access, safety, operation, capacity, circulation, level of service, and performance of the transportation system within the proposed development's Area of Influence and any additional locations previously identified by the City Engineer for both the Buildout Year and any phases thereof, and the Long-Range Forecast Year.

Performance analysis shall be based on the standards of Section 60.55.10.7.

1. Safety considerations shall be evaluated. Potential safety problems resulting from conflicting turning movements between and among driveways, intersections, and internal traffic shall be addressed. Distance to the nearest driveways on both sides of streets fronting the site and in both directions from site access points shall be shown. On-Site driveway stacking and queuing impacts shall be assessed. The potential for shared access with adjacent development shall be assessed.

2. Geometric design and operational improvements including but not limited to acceleration lanes, deceleration lanes, turning lanes, traffic signals, and channelization shall be considered, evaluated, and recommended when determined necessary by standards and practices adopted by ODOT, Washington County, the City or approved by the City Engineer.

3. Adequacy of sight distance shall be addressed at the proposed road access point(s) for both the existing road configuration and for the ultimate road configuration based on improvements planned for the development and improvements identified in the Comprehensive Plan Transportation Element. Sight distance shall meet City standards.

4. The analysis shall also identify and evaluate related impacts on bicycle, pedestrian, and transit access, circulation, and facilities.

5. Other, operational, circulation, safety, and capacity issues shall be evaluated and addressed as required by this code and by the City Engineer.

F. Mitigation Identification. In order to protect the public transportation system from potentially adverse impacts of the proposal, to fulfill an identified need for public services within the impacted area related to the development, or both, the Traffic Impact Analysis shall identify methods of mitigating on-site and off-site deficiencies for present and proposed phases of the development. The analysis shall make recommendations for improvements necessary for safe and efficient traffic flow and bicycle, pedestrian, and transit movement and access based on and roughly proportional to the identified impacts. Buildout Year, Long-Range Forecast Year, and project phasing impacts shall be considered. [ORD 4418, February 2007]

The traffic impact analysis shall discuss the estimated levels of impact, improvements, and mitigations, and shall demonstrate how the recommended mitigations are roughly proportional to the identified impacts. [ORD 4418, February 2007]

Mitigation shall be consistent with improvements identified in the Comprehensive Plan Transportation Element. At a minimum, the Traffic Impact Analysis shall consider ultimate rights-of-way and additional streets, bicycle, and pedestrian connections and extensions and intersection improvements that are identified in the Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 and connections required by Section 60.55.25. of this code. Mitigation measures may also include, but are not limited to, additional street connections and street extensions, turn lanes, signalization, signal modifications, installation of medians, shared access and other access management strategies, geometric improvements such as lane geometry improvements, and intersection realignments.

Where stop-controlled intersections do not meet the minimum performance standard of Section 60.55.10.7., an additional street connection or a street extension shall be considered as a potential mitigation measure.

G. Recommendations. The Traffic Impact Analysis report shall clearly state the mitigation measures recommended by the analysis and shall summarize how the recommended mitigations are roughly proportional to the identified impacts. The recommended street and highway mitigation measures shall be shown on a scaled drawing that depicts existing and recommended improvements. [ORD 4418, February 2007]

RESPONSE: *The proposed development has reduced building area from what was approved in DR2020-0079, as modified by APP2020-0002, and PD2020-0005. The traffic impact of the project was previously analyzed as part of these approved procedures*. **This application includes a Trip Generation Analysis to demonstrate that the traffic impact to the site is below the threshold for requiring a full traffic study.**

60.55.25. Street and Bicycle and Pedestrian Connection Requirements.
[ORD 4302; June 2004]

1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.

RESPONSE: All streets abutting the subject property exist and provide safe and efficient circulation and access. New bicycle and pedestrian connections are proposed at the new service building. The existing service building area of work features an existing accessible bicycle and pedestrian connection to SW TV Highway, accessed through the Volkswagen service reception and showroom. See the Proposed Site Plan, sheet A-102 along with the Site Circulation Plans, sheets A-104A through A-104E.

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2. The Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future potential street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel.

RESPONSE: Acknowledged.

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3. Where a future street or bicycle and pedestrian connection location is not identified in the Comprehensive Plan Transportation Element, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.

RESPONSE: Abutting properties are already developed. This section does not apply.

4. 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.

RESPONSE: All streets abutting the subject property exist and extend to the boundary of the parcel under redevelopment. Proposed bicycle parking and pedestrian walkways connect to the existing sidewalks.

5. Whenever existing streets and bicycle and pedestrian connections adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.

RESPONSE: Along the subject property's frontage to SW Whitney Way, a 1' right-of-way dedication is proposed, as was approved in DR2020-0079. See the Proposed Site Plan, sheet A-102.

6. Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.

RESPONSE: There are no existing traffic-controlled intersections abutting the subject property.

7. Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.

RESPONSE: Existing and proposed bicycle and pedestrian connections connect the on-site circulation system to existing or proposed streets, adjacent bicycle and pedestrian connections, and to driveways that abut the property.

8. To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.

RESPONSE: This section does not apply.

9. Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street

connections are not possible due to the conditions described in Section 60.55.25.14. [ORD 4397; August 2006] An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.

A. Accessways shall be provided as follows:

1. In any block that is longer than 600 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, an accessway shall be required through and near the middle of the block.

2. If any of the conditions described in Section 60.55.25.14. result in block lengths longer than 1200 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, then two or more accessways may be required through the block. [ORD 4397; August 2006]

3. Where a street connection is not feasible due to conditions described in Section 60.55.25.14., one or more new accessways to any or all of the following shall be provided as a component of the development if the accessway is reasonably direct: an existing transit stop, a planned transit route as identified by TriMet and the City, a school, a shopping center, or a neighborhood park. [ORD 4397; August 2006]

4. The City may require an accessway to connect from one cul-de-sac to an adjacent cul-de-sac or street.

5. In a proposed development or where redevelopment potential exists and a street connection is not proposed, one or more accessways may be required to connect a cul-de-sac to public streets, to other accessways, or to the project boundary to allow for future connections.

H. Accessway Design Standards.

1. Accessways shall be as short as possible and wherever practical, straight enough to allow one end of the path to be visible from the other.

2. Accessways shall be located to provide a reasonably direct connection between likely pedestrian and bicycle destinations. [ORD 4332; January 2005]

RESPONSE: The existing site and abutting streets are largely developed; this requirement does not apply.

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10. Pedestrian Circulation. [ORD 4487; August 2008]

A. Walkways are required between parts of a development where the public is invited or allowed to walk.

RESPONSE: Portions of the automotive dealership may be accessed by customers, however, the service department is an employee only area. Customers drop off their vehicles at Service Reception; service technicians drive customer vehicles to and from the repair shop, car wash, quick lube and service staging parking areas. Existing walkways connect to the Volvo and Volkswagen Showroom Buildings and Service Reception areas; these walkways are accessed by the general public and are unchanged

by this application. The new service building is for employees only; new walkways are proposed to connect to the street sidewalks, bicycle parking and an employee vehicle parking area. A concrete walkway is additionally proposed to connect the existing and new service buildings. The existing service building is connected to the public sidewalk on SW TV Highway with an accessible route through the Volkswagen Service Reception and Showroom. The proposed pedestrian circulation was approved in DR2020-0079. See the Proposed Site Plan, sheet A-102.

B. A walkway into the development shall be provided for every 300 feet of street frontage. A walkway shall also be provided to any accessway abutting the development.

RESPONSE: At the new service building, walkways into the site are provided at 300' max intervals. See the Proposed Site Plan, sheet A-102.

C. Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. Walkways shall connect the development to walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development.

RESPONSE: **To connect the existing service building to the new service building, a concrete walkway is proposed. See the Proposed Site Plan, sheet A-102, and the Site Circulation Plans, sheets A-104A – A-104E.**

D. Walkways shall be reasonably direct between pedestrian destinations and minimize crossings where vehicles operate.

RESPONSE: New service building walkways provide a direct connection from the employee entrances to pedestrian sidewalks. At the new employee vehicle parking area, **south** *of the new service building, an accessible curb ramp and connecting walkway is proposed.*

E. Walkways shall be paved and shall maintain at least four feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided where necessary to provide a reasonably direct route. The slope of walkways without stairs shall conform to City standards.

RESPONSE: Proposed walkways for the new service building and their widths are shown on the **Proposed Site Plan, sheet A-102.**

F. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. The ADA applies to the walkway that is the principal building entrance and walkways that

connect transit stops and parking areas to building entrances. Where the ADA applies to a walkway, the stricter standards of ADA shall apply.

RESPONSE: The proposed walkways conform to ADA standards. See the Civil drawings for grading.

G. On-site walkways shall be lighted to 0.5 foot-candle level at initial luminance. Lighting shall have cut-off fixtures so that illumination does not exceed 0.5 foot-candle more than five (5) feet beyond the property line.

RESPONSE: See the enclosed photometric plans.

60.55.30. Minimum Street Widths.
[ORD 4302; June 2004] Minimum street widths are depicted in the Engineering Design Manual. [ORD 4418; February 2007]

1. Any project-specific modifications of the standards contained in the Engineering Design Manual regarding the widths of features relating to the movement of vehicles, including but not limited to rights of way, travel lanes, parking lanes, bike lanes, driveway aprons, curb radii, or other such features shall be processed in accordance with the provisions contained in the Section 145 Design Modifications of the Engineering Design Manual. [ORD 4418; February 2007]

2. Any project-specific modifications of the standards of the Engineering Design Manual relating to the location and dimensions of required street landscaping and pedestrian features including, but not limited to, sidewalks, planter strips, street trees, street tree wells, street tree easements, or street furniture are subject to the procedures contained in Chapter 40 (Applications). The required application will depend on the scope of the proposed project and the type of application filed with the City. [ORD 4418; February 2007]

RESPONSE: Along the subject property's frontage to SW Whitney Way, a 1' right-of-way dedication is proposed, as was approved in DR2020-0079. This dedication will provide the 26' half cross-section distance required by EDM 200-4 for a Local Street with average daily trips under 500 vehicles and parking on both sides of the street. The development on SW 139th Way meets the requirements of this cross-section and no right-of-way dedication is required. The proposed development on SW Tualatin Valley Highway meets EDM 200-1 for an Arterial Street and no right-of-way dedication is required, as was approved in DR2020-0079, modified by APP2021-0002. See the Proposed Site Plan, sheet A-102.

60.60. TREES AND VEGETATION.
[ORD 4224; August 2002] [ORD 4348; May 2005]

60.60.05. Purpose.
Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. In conjunction with processes set forth in Section 40.90. of this Code, this section is intended to help manage changes to the City's urban forest by establishing regulations and standards for the protection, pruning, removal, replacement, and mitigation for

removal of Protected Trees (Significant Individual Trees, Historic Trees, Mitigation Trees and trees within a Significant Natural Resource Area (SNRA) or Significant Grove), Landscape Trees, and Community Trees. [ORD 4584; June 2012]

60.60.07. Enforcement.

A person found responsible for causing the removal or pruning of a protected tree in violation of the standards set forth in Section 60.60., unless exempt, shall be subject to monetary penalties. In cases of unlawful removal the person must also mitigate the removal as set forth in the mitigation requirements of Section 60.60.25.

Monetary penalties imposed by a court of competent jurisdiction upon conviction for violating any provision of Chapter 60 Section 60 of this Ordinance, shall be deposited into the City's Tree Mitigation Fund.

60.60.10. Types of Trees and Vegetation Regulated.

Actions regarding trees and vegetation addressed by this section shall be performed in accordance with the regulations established herein and in Section 40.90. of this Code. The City finds that the following types of trees and vegetation are worthy of special protection:

1. Significant Individual Trees.
2. Historic Tree.
3. Trees within Significant Natural Resource Areas.
4. Trees within Significant Groves.
5. Landscape Trees.
6. Community Trees.
7. Mitigation Trees.

RESPONSE: This application proposes removal of **(4)** *Community Trees due to the floodplain location, grading and setback constraints governing the placement of the new service building. See the enclosed Landscape, Civil and Architectural drawings.*

60.60.15. Pruning, Removal, and Preservation Standards.

1. Pruning Standards.

    A. It shall be unlawful for any person to remove or prune to remove a tree's canopy or disturb the root zone of any Protected Tree, except in accordance with the provisions of this Code.

    B. All pruning of Protected Trees shall be done in accordance with the standards set forth in this section and the City's adopted Tree Planting and Maintenance Policy, also known as Resolution 3391.

Removal and Preservation Standards.

A. All removal of Protected Trees shall be done in accordance with the standards set forth in this section.

B. Removal of Landscape Trees and Protected Trees shall be mitigated, as set forth in section 60.60.25.

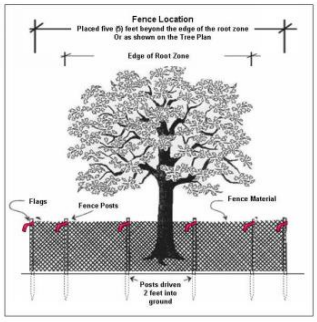
RESPONSE: No Protected or Landscape Trees are proposed for removal. See Landscape Drawings.

60.60.20. Tree Protection Standards during Development.

1. Trees classified as Protected Trees under this Code shall be protected during development in compliance with the following:

    A. A construction fence must be placed around a tree or grove beyond the edge of the root zone. The fence shall be placed before physical development starts and remain in place until physical development is complete. The fence shall meet the following:

    1. The fence shall be a four foot (4') tall orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy 12 gauge wire shall be strung between each post and attached to the top and midpoint of each post. Colored tree flagging indicating that this area is a tree protection zone is to be placed every five (5) linear feet on the fence to alert construction crews of the sensitive nature of the area.



    Other City approved protection measures that provide equal or greater protection may be permitted, and may be required as a condition of approval.

    B. Within the protected root zone of each tree, the following development shall not be permitted:

    1. Construction or placement of new buildings.
    2. Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval.
    3. New impervious surfaces.
    4. Trenching for utilities, irrigation, or drainage.
    5. Staging or storage of any kind.
    6. Vehicle maneuvering or parking

RESPONSE: Trees shall be protected during construction as is noted on the **Landscape Drawings**.

60.60.25. Mitigation Requirements.

1. The following standards shall apply to mitigation for the removal of Significant Individual Trees or trees within Significant Groves or SNRAs.

A. All mitigation tree planting shall take place in conformance with accepted arboricultural practices and shall be spaced a minimum of ten (10) feet apart.

B. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be maintained in accordance with the approved mitigation plan. Monitoring of mitigation planting shall be the ongoing responsibility of the property owner where mitigation trees are located, unless otherwise approved through Development Review. Monitoring shall take place for a period of two (2) years. Trees that die shall be replaced in accordance with the tree replacement standards of this section.

C. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be set aside in a conservation easement or a separate tract and shall be designated as "Mitigation Trees" and recorded with a deed restriction identifying the trees as "Mitigation Trees".

D. Each Mitigation Tree planted shall be insured through a performance security, equal to 110 percent of the cost of the landscaping, filed with the City for a period of two (2) years to ensure establishment of the mitigation planting.

E. Street trees shall not be counted as providing mitigation of a SNRA or Significant Grove.

F. Transplanting trees within the project site is not subject to mitigation. However, a performance security is required for transplanted tree(s) to insure that the tree(s) will be replaced if the tree(s) is dead or dying at the end of two (2) years.

RESPONSE: No Significant Individual Trees or trees within Significant Groves are proposed for removal. See the Landscape Drawings.

Mitigation for the removal of trees from Significant Groves or SNRAs shall be required as follows:

A. Calculate the total DBH of the trees to be removed. Denote both deciduous and coniferous trees in separate tables; however, both tables will result in the sum total of the DBH to be removed.

B. If the total DBH of trees to be removed is less than or equal to 50% of the total DBH of surveyed trees on the site, then no mitigation is required for the trees to be removed.

C. If the total DBH of trees to be removed is greater than 50% of the total DBH of surveyed trees on site, then mitigation is required for the amount of DBH to be removed that exceeds 50% of the total DBH of surveyed trees on site.

For example, if 75 inches is the total amount of DBH to be removed from a site and 60 inches of DBH represents 50% of the total surveyed DBH, then 15 inches of DBH is the total required amount of mitigation.

RESPONSE: No trees from Significant Groves or SNRAs are proposed for removal. See the Landscape Drawings.

In addition to the requirements listed in Section 60.60.25.1. Mitigation Requirements, the following mitigation requirements shall apply for the removal of trees from Significant Groves or SNRAs.

A. Dead or dying trees within a Significant Grove or SNRA shall be fallen when required for safety. Such tree falling shall not require mitigation. However, the fallen log should remain in the Significant Grove or SNRA, to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and the log must be removed from the area to protect the remaining trees.

B. All trees planted for mitigation must meet the following minimum requirements:

a. Deciduous trees shall be replaced with native deciduous trees that are no less than two caliper inches (2") in diameter.

b. Coniferous trees shall be replaced with native coniferous trees that are no less than three feet (3') in height and no more than four feet (4') in height. A three foot (3') mitigation tree shall equate to 2" DBH and four foot (4') mitigation tree will equate to 3" DBH.

c. The total linear DBH measurement of the trees to be removed shall be mitigated with the necessary number of trees at least two caliper inches (2") in diameter.

d. Significant Grove or SNRA on-site mitigation, 2:1 planting ratio.

A. Residential, Commercial, or Industrial zoning districts: For tree removal proposals which remove more than 50% and up to and including 75% of the surveyed non-exempt DBH, if all mitigation tree planting is to occur on-site, the ratio for planting shall be on a 2:1 basis.

For example, if 20 inches of DBH is the total amount of required mitigation, if all the mitigation planting occurs on the site where the removal is to occur, then only 10 inches of DBH is required to be planted.

I. Multiple Use zoning districts: For tree removal proposals which remove more than 50% and up to and including 85% of the surveyed non-exempt DBH, if all mitigation tree planting is to occur on-site, the ratio for planting shall be on a 2:1 basis.

For example, if 20 inches DBH is the total amount of required mitigation, if all the mitigation planting occurs on the site where the removal is to occur, then only 10 inches of DBH is required to be planted.

RESPONSE: No Significant Individual Trees or trees within Significant Groves are proposed for removal.

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e. Significant Grove or SNRA off-site mitigation, 1:1 planting ratio.

A. Residential, Commercial, or Industrial zoning districts: For tree removal proposals which remove more than 50% and up to and including 75% of the surveyed non-exempt DBH, if mitigation tree planting is to occur off-site, the ratio for planting shall be on a 1:1 basis.

B. Multiple Use zoning districts: For tree removal proposals which remove more than 50% and up to and including 85% of the surveyed non-exempt DBH in Multiple Use zones, if mitigation tree planting is to occur off-site, the ratio for planting shall be on a 1:1 basis.

f. Significant Grove or SNRA Tree Plan 3 mitigation, 1:1 planting ratio.

A. Residential, Commercial, or Industrial zoning districts: For tree removal proposals which remove more than 75% and up to and including 100% of the surveyed non-exempt DBH, all of the required mitigation tree planting shall be on a 1:1 basis whether planted on-site or off-site.

B. Multiple Use Zoning Districts: For tree removal proposals which remove more than 85% and up to and including 100% of the surveyed non-exempt DBH, all of the required mitigation tree planting shall be on a 1:1 basis whether planted on-site or off-site.

g. In-Lieu fee. If the total caliper inch on-site- or off-site tree planting mitigation does not equal the DBH inch removal or if no tree planting mitigation is proposed, the remaining or total caliper inch tree planting mitigation shall be provided as a fee in-lieu payment. The in-lieu fee shall be specified in the Community Development In-Lieu Fee schedule. Fee revenues shall be deposited in the City's Tree Mitigation Fund.

Mitigation Example for All Other Zones – SITE SAMPLE*	
DBH of Surveyed Trees	1318.00
DBH Proposed for Removal (MAXIMUM removal allowed is 75% Surveyed Tree DBH)	988.00
Mitigation Threshold (50% Surveyed Tree DBH)	659.00
DBH to be Mitigated (75% DBH Removal – 50% DBH Threshold = 25% Surveyed DBH)	329.00
On Site Mitigation (50% of the DBH to be mitigated)	**164.50**
Off Site OR Partial Off Site Mitigation (100% of the DBH to be mitigated)	**329.00**

*Please note: This "Sample Site" is **fictional** and is only meant to be a representation of how the regulations of Section 60.60. (Trees and Vegetation) could be applied to a site.*

RESPONSE: New trees, shrubs and ground cover are proposed per the requirements of 60.05.25.5. The caliper inches of trees to be removed, trees to be preserved and trees to be planted are shown on the **Tree Plan, sheet L.1**. *As the caliper inches of trees to be removed is less than 50% of the total caliper inches of trees surveyed, no mitigation is required.*

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8. In addition to the standards in Mitigation Standards 1, the following standards shall apply to mitigation for the removal of a Significant Individual Tree:

A. A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.

B. Mitigation for the removal of a Significant Individual Tree shall be the required replacement of each tree on based on the total linear DBH measurement. Replacement of trees shall be as follows:

Replacement Table for Significant Deciduous Trees

Caliper-inches removed	Minimum total caliper-inches of replacement trees
6-12"	4"
13-18"	6"
19-24"	8"
Over 25"	9"

Minimum replacement tree size is 2 caliper-inches for deciduous trees.

Replacement Table for Significant Coniferous Trees

Caliper-inches removed	Minimum number of replacement Trees
6-12"	1
13-24"	2
Over 25"	3

Minimum replacement tree size is 3-feet minimum height for coniferous trees.
[ORD 4584; June 2012]

RESPONSE: No Significant Individual Trees are proposed for removal. See the Landscape Drawings.

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9. The following standards apply to the replacement of a Landscape Tree:

A. A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.

B. If a replacement tree of the species of the tree removed or damaged is not reasonably available, the City may allow replacement with a different species.

C. Replacement of a Landscape Tree shall be based on total linear DBH calculations at a one-to-one ratio depending upon the capacity of the site to accommodate replacement tree or unless otherwise specified through development review. Replacement of tree on a one-to-one basis shall be as follows:

1. Calculate the sum of the total linear DBH measurement of the tree to be removed.

2. The total linear DBH measurement of the tree to be removed shall be replaced with tree at least 1.5 caliper inches in diameter. The total caliper inches of the replacement tree shall be at least equal to the sum total of the linear DBH measurement of the removed tree.

RESPONSE: No Landscape Trees are proposed for removal. See the Landscape Drawings.

60.65. UTILITY UNDERGROUNDING.
[ORD 4118; September 2000]

60.65.05. Purpose.

The purposes and objectives of locating existing and proposed private utilities underground are to:

1. Implement the policies, goals, and standards of the City Council and the adopted Comprehensive Plan of the City of Beaverton.

2. Improve aesthetics of the community by reducing the number of utility poles and above ground wires.

3. Provide consistency in management of the City's rights-of-way.

4. Protect essential public services from natural and manmade accidental disruptions.

5. Improve public safety by reducing the possibility for injury from downed lines.

6. Allow fewer fixed obstructions in the public right-of-way.

60.65.10. Authority.

The provisions of private utility undergrounding shall pertain to all activities subject to Design Review (Section 40.20.), as well
as Land Divisions (Section 40.45.).

60.65.15. Regulation.

All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities shall be placed underground as specified herein. The utilities required to be placed underground shall be those existing overhead utilities which are impacted by the proposed development and those utilities that are required to be installed as a result of the proposed development.

1. At the option of the applicant and subject to rules promulgated by the Oregon Public Utility Commission (PUC), this requirement does not apply to surface mounted transformers, surface mounted connectionboxes and meter cabinets, which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and that portion of a project where undergrounding will require boring under a Collector or Arterial roadway, and City funded roadway projects which the City Council has specifically considered and declined to fund utility undergrounding as a component of the roadway project, Washington County funded roadway projects, such as MSTIP projects, and Oregon Department of Transportation funded roadway projects. [ORD 4343; April 2005] [ORD 4363; September 2005]

2. The developer shall make all necessary arrangements with the serving private utility to cause the utility service(s) to be placed underground;

3. The City reserves the right to approve surface mounted facilities;

4. All underground public and private utilities shall be constructed or installed prior to the final surfacing of the streets; and

5. Stubs for service connections and other anticipated private extensions at street intersections shall be long enough to avoid disturbing street surfaces and right-of-way improvements such as sidewalks and landscaping areas when service connections are made.

6. Unless otherwise specifically required in an existing franchise between the City and the particular private utility, or PUC rule, the applicant or developer responsible for initiating the requirement for placing overhead utilities underground is responsible for the cost of converting all existing customer equipment and private utilities on private or public property, or both to meet utility undergrounding requirements.

7. If the private utility service provider requires an applicant, as a component of the applicant's placing private utilities underground, to install facilities to accommodate extra capacity beyond those necessitated by the proposed development, the private utility service provider shall be financially responsible for providing the means to provide such extra capacity.

60.65.20. Information on Plans.

The applicant for a development subject to design review, subdivision, partition, or site development permit approval shall show, on the proposed plan or in the explanatory information, the following:

1. Easements for all public and private utility facilities;

2. The location of all existing above ground and underground public and private utilities within 100 feet of the site;

3. The proposed relocation of existing above ground utilities to underground; and

4. That above ground public or private utility facilities do not obstruct vision clearance areas pursuant to Section 60.55.35.3 of this Code.

RESPONSE: See Site Plans, sheets A-101 and A-102, and Civil Drawings.

BEAVERTON CODE SECTION 9.05

9.05.15 Definitions

Base flood – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letter "A" or "V." [Amended by Ordinance No. 3564, 5/5/87]

FIRM – The flood insurance rate map. An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM). [Added by Ordinance No. 3440, 4/2/85]

Flood insurance study – An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. [Amended by Ordinance No. 4249, 4/7/03]

Flood management area – (USA) – Pursuant to USA Design and Construction Standards and the City Development Code, Chapter 60, the area equal to the floodplain. [Added by Ordinance No. 4155, 4/9/01]

Floodplain – The area along a water course enclosed by the outer limits of land that is subject to inundation in its natural or lower revised contours by the base flood, inclusive of the floodway and the floodway fringe, and equal to the FIRM designation of an area of special hazard. [Amended by Ordinance No. 4155, 4/9/01]

Floodway – The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Added by Ordinance No. 3440, 4/2/85; amended by Ordinance No. 3564, 5/5/87]

Floodway fringe – The area of the floodplain lying outside the floodway, which does not contribute appreciably to the passage of flood water, but serves as a retention area. [Added by Ordinance No. 4155, 4/9/01]

Substantial improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure." [Added by Ordinance No. 3564, 5/5/87; amended by Ordinance No. 4249, 4/7/03]

RESPONSE: The floodplain and the floodway are shown on the submittal drawings. It is not expected that the addition/improvements to the existing service building will cost 50% or more of the structure market value. Therefore, the proposed work to be completed on the existing structure and addition are not classified as a substantial improvement.

9.05.20 Permits Required

A. Within right-of-way, easements or other real property of the City, City franchise holder, or other public agency, no person shall perform any work, development, excavation, or fill; or construct or alter streets, sidewalks, curbs, gutters, or utilities; or in any way tamper with pavement without first obtaining a permit from the City Engineer.

J. No person shall cause or allow the following on private property or the public right-of-way without a current, valid permit issued under this ordinance by the City Engineer:

1. Outside of a special flood hazard area, grading, excavation, fill, depositing, stockpiling or storage of soil, sand, gravel, crushed rock, demolition materials, recycled concrete, asphalt or other recycled demolition materials, or any combination thereof, in excess of 50 cubic yards in volume or over an area that exceeds 500 square feet;

2. Disturbance of the existing surface of the site, depositing debris, depositing, stockpiling or storage of materials, excavation or fill that will encroach on or alter a natural drainage channel or water course, or concentrate or accelerate drainage entering adjacent property or public right-of-way, with the exception of tilling of the soil for agricultural purposes, gardening and maintaining or

upgrading existing landscaped areas that can be performed without violating any other provision of this subsection;

3. Demolition of structures, pavement and other site improvements, disturbance of the existing surface of the site, scraping the ground surface, multiple trips by vehicles over undisturbed ground, multiple-day parking of multiple construction vehicles on undisturbed ground, clearing, stripping or removal of trees, vegetation, groundcover or topsoil, grading, excavation, fill, depositing debris, depositing, stockpiling or storage of soil, sand, gravel, crushed rock, demolition materials, recycled concrete, asphalt or other recycled demolition materials, or construction staging, or any combination thereof, over an area that exceeds 500 square feet on private property, or removal of the vegetation, groundcover or any tree within the public right-of-way, with the exception of tilling of the soil for agricultural purposes, gardening and the planting, maintaining or upgrading of landscaped areas on a single-family residential lot that can be performed without violating any other provision of this subsection;

4. The construction, reconstruction, alteration, repair, or installation of a structure in any water course;

5. The construction of a private driveway, private road or parking lot on a lot;

6. Site development work by a public utility, public agency, or City franchise holder in a significant natural resource area.

K. separate permit shall be required for each separate noncontiguous site. One permit may cover both an excavation and a fill on the same site. A permit for excavation on one site does not approve the disposal on another site.

L. permit shall be required for any construction, storage, or development in an area of special flood hazard.

M. Demolition materials from existing buildings and site improvements shall be promptly removed from the site and not stored on site, except as provided in subsection F of this section.

N. The City may issue a permit under this ordinance for the stockpiling of demolition materials to be recycled that have a volume in excess of 50 cubic yards or occupy an area that exceeds 500 square feet. Such demolition materials shall not be stored in their raw or recycled form on site for more than 60 calendar days and shall be provided with dust controls and erosion controls in accordance with this ordinance and other City requirements. [BC 9.05.020, amended by Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 3564, 5/5/87; Ordinance No. 3887, 3/21/94; Ordinance No. 4249, 4/7/03; Ordinance No. 4744, 10/17/18]

RESPONSE: The proposed project requires permitting.

9.05.60 Permit Issuance or Denial – Floodplain District

A. Floodways. Located within areas of special flood hazard established in the FIRM are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subsection (A)(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

3. For property within the floodway fringe of Beaverton Creek (main stem) from Murray Boulevard upstream to State Highway 8 (Canyon Road), fill that facilitates development may be placed without regard for the holding capacity of the property in question; provided, that the fill is shown not to raise the base flood elevation or create additional flooding inside and outside the established flood hazard area of tributaries to Beaverton Creek that cross the floodway fringe and converge with Beaverton Creek within those boundaries.

RESPONSE: Work within the floodway consists of **regrading**. *The submitted drawings demonstrate that this work will not negatively impact the base flood elevation as the driveway improvements will be a net cut down from current existing grade.*

O. Grounds for Denial.
   1. In addition to the grounds for denial contained in BC 9.05.055, the City Engineer shall also deny a permit for development in an area of special flood hazard if the City Engineer finds that any of the following circumstances exist:
      a. The proposed development will diminish the flood carrying capacity of the water course;
      b. The proposed development does not maintain the holding capacity of the site;
      c. The proposed development will significantly raise the flood surface elevations up or down stream from or adjacent to the site;
      d. The proposed development will endanger life or property on or off the site;
      e. Where elevation data is not available either through the flood insurance study or from another authoritative source, proposed construction will not be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates;
      f. All necessary permits have not been obtained from those Federal, State or local governmental agencies from which prior approval is required.

   2. In lieu of denial, the City Engineer may grant the permit with any conditions necessary to assure that the provisions of this section will be met.

P. General Standards. In all areas of special flood hazards, the following standards are required:

   1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
b. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Subdivision Proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage;
b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
d. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
e. Where base flood elevation data has not been provided or is not available from another authoritative source, and the City Engineer determines base flood elevation data to be necessary to properly administer regulations within an area of special flood hazard, base flood elevation data shall be generated.

Review of Building Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, highwater marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Q. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in the flood insurance rate map (FIRM), the following provisions are required:

1. Residential Construction.

a. In new construction or the substantial improvement of any residential structure the lowest floor, including the basement, shall be elevated to not less than one foot above the base flood elevation. If within the special flood hazard area of Beaverton Creek (main stem) from Murray Boulevard upstream to State Highway 8 (Canyon Road), the lowest floor, including the basement, shall be elevated to not less than two feet above the base flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

    i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
    ii. The bottom of all openings shall be no higher than one foot above grade;
    iii. Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

RESPONSE: This section does not apply; the proposed project is not residential construction.

Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation and, if within the special flood hazard area of Beaverton Creek (main stem) from Murray Boulevard upstream to State Highway 8 (Canyon Road), be elevated to not less than two feet above the base flood elevation; or together with attendant utility and sanitary facilities, shall:

a. Be floodproofed to an elevation one foot above the base flood level and, if within the special flood hazard area of Beaverton Creek (main stem) between Murray Boulevard upstream to State Highway 8 (Canyon Road), be floodproofed two feet above the base flood elevation so that the structure is watertight and with walls substantially impermeable to the passage of water;
b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Building Official as set forth in BC 9.05.035(F);
d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (D)(1) of this section;
e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

RESPONSE: The Base Flood Elevation (BFE) is 184.2, therefore the Required Flood Elevation (RFE) is 185.2. The existing building finish floor elevation is 183.11, below the RFE and the BFE. **Renovation to the existing service building will be flood-proof construction.**

Manufactured Homes.

f. All manufactured homes to be placed or substantially improved within Zones A1-30 and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (C)(1) of this section;
g. For new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, reconstruction or improvement of the street, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or subdivision, it is required that:

    i. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level;
    ii. Adequate surface drainage and access for a hauler are provided; and
    iii. In the instance of elevation on pilings, that:
        a. Lots are large enough to permit steps,
        b. Piling foundations are placed in stable soil no more than 10 feet apart, and
        c. Reinforcement is provided for pilings more than six feet above the ground level.

RESPONSE: The proposed project is not a manufactured home.

Floodways. Located within areas of special flood hazard established in the FIRM are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

h. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

i. If the requirements of subsection (D)(4)(a) of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection C of this section. [BC 9.05.060, amended by Ordinance No. 3400, 9/10/84; Ordinance No. 3487, 1/14/86; Ordinance No. 3564, 5/5/87; Ordinance No. 3887, 3/21/94; Ordinance No. 3984, 6/10/97; Ordinance No. 4078, 11/9/99; Ordinance No. 4107, 5/1/00; Ordinance No. 4249, 4/7/03; Ordinance No. 4744, 10/17/18]

RESPONSE: The proposed work in the floodway consists of **regrading** *as shown on the drawings included with this submittal will consist of a net cut to the finish grade in the floodway and so will not increase flood levels.*

Beaverton Engineering Design Manual and Standard Drawings

210.21 Driveways

Code:

A. Design standards. Driveways shall be designed and constructed to City standards per this manual and the appropriate Standard Drawings.

Narrative: The three driveway approaches proposed for removal and replacement are designed per Standard Detail 210, Standard Commercial Driveway.

B. Elevations of Driveways. Driveways and private property access providing primary emergency vehicle access to habitable structures shall be designed with travel lanes at or above the 25-year flood elevation but not lower than six (6) inches below the 100-year flood elevation.

Narrative: Two of the three driveways proposed for removal and replacement are more than 6 inches below the 100-year flood elevation, but the and adjacent roadway (SW 139th Way) is existing and below the 100-year flood elevation.

Clean Water Services District Design and Construction Standards Manual

5.10 Flood Management Design Standards

Code:

5.10.1 Purpose The purpose of these standards is to reduce the risk of flooding, prevent or reduce the risk to human life and property, and maintain the functions and values of floodplains, such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

5.10.2 Flood Management Areas Defined

a. Flood management areas shall include, but are not limited to, the following:

1. Land identified within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance maps

2. Land identified in updated flood studies or any other authoritative data documenting flood elevations as approved by the District or City/County

b. Applicants shall use the most recent and technically accurate watershed model information available from the District, or other updated data as approved by the District, to determine flood areas.

c. Notwithstanding any other provisions of these rules, the area within the town center of the City of Tualatin is not subject to the Flood Management Design Standards set out in Section 5.10 of these rules.

Narrative: Please refer to Section 60.10.10.1 for a description of the floodplain area shown on the plans.

5.10.3 Design Criteria The standards that apply to the flood management areas apply in addition to local, state, and federal restrictions governing floodplains and flood hazard areas.

a. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal and shall not decrease floodplain storage capacity at any stage of a flood (2, 25, or 100-yr event). No net fill in any floodplain is allowed except when all of the following conditions are met:

1. When an area has received special protection from floodplain improvement projects which either lower the floodplain, or otherwise protect affected properties;

2. Where the exceptions comply with adopted master plans, watershed management plans, or subbasin plans, if any; and

3. When all required permits and approvals have been obtained in compliance with FEMA rules and other local, state, and federal laws regarding fill in floodplains.

Narrative: No net fill is proposed in the floodplain, as shown on the Floodplain Cut-Fill Plan. Removal of a portion of the existing parts/service building and re-grading of a portion of the parking/vehicle storage lot compensates for the fill within the floodplain for construction of the proposed service building.

b. Large areas may not be excavated in order to gain a small amount of fill in a floodplain. Excavation areas shall not exceed the fill areas by more than 50 percent of the square footage, unless approved by the District.

Narrative: Within the limits of construction, cut areas do not exceed fill areas by more than 50 percent.

c. Any excavation dug below the winter "low water" elevation shall not count toward compensating for fill since these areas would be full of water in the winter and not available to hold stormwater following a rain. Winter "low water" elevation is defined as the water surface elevation during the winter when it has not rained for at least three days, and the flows resulting from storms have receded. This elevation may be determined from records, studies, or field observation. Any fill placed above the 100- year floodplain will not count towards the fill volume.

d. The excavated area shall be designed to drain if it is an area identified to be dry in the summer, e.g., if it is used for a park or mowed in the summer. Excavated areas identified to remain wet in the summer, such as a constructed wetland, shall be designed not to drain. For areas that are to drain, the lowest elevation shall be at least 6 inches above the winter "low water" elevation, and sloped to drain. One percent slopes will be allowed in areas less than 1,000 square feet.

e. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be in the same drainage basin, within points of constriction on the conveyance system, if any, as near as practical to the fill site, and shall be constructed as a part of the same development project.

Narrative: All proposed excavation within the floodplain will be paved and designed to drain to the storm sewer. Due to the presence of the existing storm sewer, no areas will conflict with the winter "low water" elevation as defined above.

f. Short term parking (motor vehicles remain parked for less than 18 hours per day) in the floodplain may be located at an elevation of no more than one foot below the ten year floodplain so long as the parking facilities do not occur in a Water Quality Sensitive Area or vegetated corridor. Long term parking (motor vehicles remain parked for greater than 18 hours without being moved) in the floodplain may be located at an elevation of no more than one foot below the 100-year floodplain so long as the parking facilities do not occur in a Water Quality Sensitive Area or Vegetated Corridor.

Narrative: The 100-year floodplain elevation is 184.2, so long-term parking is allowed at 183.2 and higher. The 10-year floodplain elevation is 183.5, so short-term parking is allowed at 182.5 and higher. The existing approved vehicle inventory, which includes areas below 183.2 and below 182.5, was established and in use prior to the development of this regulation.

g. Temporary fills permitted during construction shall be removed upon completion of construction prior to the close of the in-stream work window as defined by Oregon Department of Fish and Wildlife or other local, state or federal authority.
h. Excavation and fill required for the construction of detention facilities or other facilities, such as levees, shall be specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable land.
i. Excavation and fill required to restore or enhance floodplains, riparian areas, wetlands, uplands, and streams, including but not limited to the planting of vegetation and daylighting existing storm pipes, shall be permitted as long as the design complies with applicable federal, state and local standards.
j. The floodplain may not be modified to increase water velocities such that stream bank erosion will be increased, unless the stream banks are protected to prevent the increased erosion.
k. Uncontained areas of hazardous materials are prohibited within flood management areas.
l. Existing nonconforming uses are allowed to continue in the flood management area. Existing nonconforming uses may be modified with approval from the District or City/County.
m. Any proposed work within or modification to a floodway shall be certified by an Oregon Registered Professional Engineer as to how it conforms to these standards and all other local, state, and FEMA regulations. n. For streams, creeks, rivers and other watercourses where the floodway has not been identified, the entire floodplain shall be treated as a floodway unless a study has been prepared by an Oregon Registered Professional Engineer and approved by the District/City/County to define the floodway limits for a stream section.