



## MEMORANDUM

DATE: June 10, 2021

TO: Sambo Kirkman, AICP City of Beaverton Senior Planner  
Jana Fox, City of Beaverton Current Planning Manager

FROM: Maureen Jackson, AICP  
Stacy Connery, AICP

CC: Fred Gast, West End Beaverton, LLC  
Terry Hauck, Schwabe, Williamson & Wyatt

RE: **West End District: Modification of a Decision**

The applicant is requesting modification to the conditions of approval for Design Review III application DR2018-0194, approved by the Planning Commission on December 13, 2018.

The client is requesting a modification to Conditions of Approval number 27 which requires compliance with Washington County's required Condition of Approval I.B.5.a. that states: "*Half-street improvements along the site's frontage of SW Murray Boulevard to an A-2 County Standard. The half-street improvements shall consist of a 10-foot sidewalk with tree wells and continuous street lighting to County standards.*" During construction of SW Murray Blvd. improvements, it was determined that existing underground utilities were located too shallow to provide street trees within tree wells without the root systems impacting multiple utilities (sanitary sewer, fiber, and communications). Therefore, the applicant is requesting modification to Conditions of Approval number 27 to allow approval of a Sidewalk Design Modification for street trees in planter boxes (as shown on Washington County Road Design and Construction Standards Request for Exception and Exhibits) instead of tree wells to meet the condition.

Additionally, the client is requesting to modify Condition of Approval numbers 43, 45, 51, and 61 in response to City of Beaverton and Washington County staffs' conclusion that Assessor's Map 1S108DD Tax Lots 100, 200, and 300 are tax lots and not lots of record. A Replat for Lot Consolidation is not warranted since the subject lot lines are just tax lots and not legal lot lines. The Replat for Lot Consolidation applications LD2018-0034 and LD2018-0035 will not be acted on as the lot consolidation is not warranted.

The criteria applicable to this request are addressed below:

#### 40.20.15.3.C Design Review Three Approval Criteria.

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:** The applicant is requesting modification of the conditions of approval to the Design Review Three application, DR2018-0149, which originally met Threshold number nine (9) since it met the Design Review Two thresholds but was unable to meet all applicable design standards.

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

**Response:** All applicable fees will be included with the submission of this Design Review Compliance Letter application.

3. The proposal meeting Design review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.06.50 (Design Guidelines).

**Response:** The applicant is requesting modification of the conditions of approval to the Design Review Three application, DR2018-0149. The approved application met Threshold number nine (9) since it met the Design Review Two thresholds but was unable to meet all applicable design standards. No modifications or alterations to the previously approved Design Guidelines are proposed.

4. 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:

**Response:** The applicant is requesting modifications to the conditions of approval of DR2018-0194, not for additions or modifications of existing development; therefore, this criterion is not applicable.

5. The proposal complies with the grading standards outlined in Section 60.15.10 or approved with an Adjustment or Variance [ORD 4782; April 2020]

**Response:** This request does not propose to modify or alter previously approved grading plans for West End District Mixed Use Development; therefore, this criterion is not applicable.

6. 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 request does not propose a DRBCP; therefore, this criterion does not apply.

7. 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 201).

**Response:** The applicant is requesting modification of the conditions of approval to the Design Review Three application, DR2018-0149. The approved application met Threshold number nine (9) since it met the Design Review Two thresholds but was unable to meet all applicable design standards. No modifications or alterations to the previously approved Design Standards and Design Guidelines are proposed.

8. 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:** The applicant is requesting modification of the conditions of approval to the Design Review Three application, DR2018-0149. The approved application met Threshold number nine (9) since it met the Design Review Two thresholds but was unable to meet all applicable design standards. No modifications or alterations to the previously approved Design Standards and Design Guidelines are proposed.

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

**Response:** Applications and documents that require further approval from the City will be submitted in the proper sequence.

#### **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:** The applicant is requesting modification of the conditions of approval for Design Review III application DR2018-0194, subject to Type 3 procedure and approved by the Planning Commission on December 13, 2018. The Design Review application approved development of West End District Mixed Use Development, consisting of 12 buildings providing 424 residential units, 31,000 square feet of commercial area, a community swim center, a pedestrian plaza,

landscaping, and associated public improvements on Assessor's Map 1S108DD Tax Lots 100, 200, and 300.

The project was conditioned to provide half-street improvements along SW Murray Boulevard in accordance with Washington County's A-2 Standard with a 10-foot-wide sidewalk and tree wells. However, during construction of SW Murray Blvd. improvements, it was determined that existing underground utilities were located too shallow to provide street trees within tree wells without the root systems impacting multiple utilities (sanitary sewer, fiber, and communications).

To meet the intent of the Condition and Washington County's Road Design and Construction Standards without compromising public safety, the applicant proposes to provide street trees within planter boxes. A copy of the Washington County Road Design and Construction Standard Request for Exception and related exhibits are attached. The proposed planter boxes will be located within the 5-feet of the 10-foot-wide sidewalk along Murray Blvd, maintaining a 5-foot-wide walkway along the interior portion of the sidewalk. The planter boxes will provide a physical barrier between pedestrians and vehicular traffic enhancing the pedestrians' sense of security and pedestrian experience. Therefore, the applicant is requesting modification to Conditions of Approval number 27 on DR2018-0149 to allow approval of a Sidewalk Design Modification to meet the condition as noted in bold and underline below:

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

27. Show compliance with Washington County conditions as outlined in Exhibit 4.2 **or as approved by the City Engineer through a Sidewalk Design Modification.** (Planning/ SNK)

Two land division applications (LD2018-0034 and LD2018-0035) were requested to consolidate three tax lots and eliminate lot lines in order to prevent buildings being assure buildings were not located across lot lines (see Assessor's Map 1S108DD, Dimensioned Site Plan and Existing Conditions exhibit attached). When the decision was written it was thought that the lot lines on the site were lots of record. This was an error. They are only tax lot lines. As a result, the Replat for Lot Consolidation applications are unnecessary, and all related conditions should be removed. Moreover, the Design Review application should not have conditions of approval that are dependent upon the unwarranted Replat for Lot Consolidation. The applicant is requesting modification or removal of the Conditions of Approval numbers 43, 45, 51, and 61 on DR2018-0149 as noted in bold, underline and strikethrough below:

B. Prior to building permit issuance, the applicant shall:

43. Provide proof of recording necessary documents with Washington County Records associated with lot consolidation and easement quit claim deeds consistent with the approved site plans. (Site Development Div./JJD/NP)

C. Prior to recording the lot consolidation, the applicant shall:

45. ~~Prior to recordation of the lot consolidation, the applicant shall provide paper copies of the documents to be recorded for City staff review. (Planning/SNK)~~

D. Prior to occupancy permit issuance, the applicant shall:

51. ~~Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD/NP)~~

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

61. Submit any required on-site easements ~~not already dedicated on the plat~~, executed and ready for recording, to the city after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet city standards. (Site Development Div./JJD/NP)

Included in this application is a copy of Land Use Order Numbers 2651 approving DR2018-0149 with the Conditions of Approval requested to be modified noted.

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:** A Pre-Application Conference was held on February 10, 2021 (PA2021-0006).

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:** This request is to modify the conditions of approval of DR2018-0194, not to request an extension to the deadline for filing an appeal or stay proceedings.

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:** The applicant is requesting modification of the conditions of approval for Design Review III application DR2018-0194, approved by the Planning Commission on December 13, 2018.

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 is requesting modification of the conditions of approval to the Design Review III (DR2018-0149), originally reviewed under Type 3 procedures; therefore, this application is subject to Type 3 procedures.

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:

**RESPONSE:** The applicant is requesting modification of the conditions of approval to the Design Review III (DR2018-0149), originally reviewed under Type 3 procedures and approved by the Planning Commission on December 13, 2018; therefore, this application is subject to Type 3 procedures and Planning Commission approval.

- 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:** The applicant is requesting a modification to Conditions of Approval number 27 which requires compliance with Washington County's required Condition of Approval I.B.5.a. that states: "*Half-street improvements along the site's frontage of SW Murray Boulevard to an A-2 County Standard. The half-street improvements shall consist of a 10-foot sidewalk with tree wells and continuous street lighting to County standards.*" The requested modification is due to the existing underground utilities being located too shallow to allow street trees to be located in tree wells without the root systems impacting multiple utilities (sanitary sewer, fiber, and communications). It was not known until construction of the approved development began that a Sidewalk Design Modification would be required to request that street trees be provided in planter boxes; therefore, the request corresponds with BDC 50.95.6.(B.) which states: "*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.*"

The requested modification to Conditions of Approval number 27 will allow approval of a Sidewalk Design Modification to provide street trees in planter boxes meeting the intent of the Condition while providing a physical barrier between pedestrians and vehicular traffic enhancing the pedestrians' sense of security and pedestrian experience.

The applicant is requesting to modify Conditions of Approval numbers 43, 45, 51, and 61 which refer to or require recording of a lot consolidation plat. At the time the decisions were written, an error was made when it was thought that the lot lines on the site were lots of record. Since the lot lines only depict tax lots the Replat for Lot Consolidation applications are unwarranted and the related Design Review conditions of approval dependent on the replats should be modified; therefore, the request corresponds with BDC 60.95.6.(A.) and (C.) which state: "*a mistake of fact occurred and that the mistake was substantial enough to warrant modification or removal of the condition(s) to correct the mistake*", and "*the circumstances have changed to the extent that the condition(s) is no longer needed or warranted.*"

Therefore, this request to modify the conditions of approval for DR2018-0194 should be granted by the Planning Commission.

Thank you.

**Attachments:**

- A - *Land Use Order No. 2651 Approving DR2018-0149 with Conditions of Approval*
- B - *Pre-Application Summary Notes (PA2021-0006)*
- C - *SW Murray Boulevard Tree Well Exhibit*
- D - *Washington County Road Design and Construction Standards Request for Exception*
- E - *Assessor's Map 1S108DD*
- F - *Dimensioned Site Plan*
- G - *Existing Conditions Exhibit*



## MEMORANDUM

DATE: June 11, 2021

TO: Sambo Kirkman, AICP City of Beaverton Senior Planner

FROM: Maureen Jackson, AICP  
Stacy Connery, AICP  
KC Schwartzkoph, PE

CC: Fred Gast, West End Beaverton, LLC  
Alex Walters, West End Beaverton, LLC  
Pam Verdadero, West End Beaverton, LLC

RE: **West End District: Sidewalk Design Modification (Murray Blvd.)**

The applicant is requesting approval of a Sidewalk Design Modification for Murray Boulevard adjacent to the West End District mixed-use development. Murray Boulevard at this location is classified as a County arterial. Approval for the mixed-use development, granted on Design Review III DR2018-0149, was conditioned by Washington County requiring *“Half-street improvements along the site’s frontage of SW Murray Boulevard to an A-2 County Standard. The half-street improvements shall consist of a 10-foot sidewalk with tree wells and continuous street lighting to County standards”* (Condition I.B.5.a.).

During construction of SW Murray Blvd. improvements, it was determined that existing underground utilities were located too shallow to provide street trees within tree wells without the root systems impacting multiple utilities (sanitary sewer, fiber, and communications). The applicant is proposing street trees to be located within planter boxes to minimize the impact to existing utilities. The proposed planter boxes provide pedestrians with an equivalent sense of separation from the vehicular traffic on Murray Blvd. as the conditioned tree wells and will be located to avoid impacting sight distance from the driveway access points along the West End District Murray Blvd frontage. A Request for Exception to Washington County Road Design and Construction Standards has been submitted to the County and is pending approval. A copy of the request is attached.

The criteria applicable to this request are addressed below:

### **40.58. Sidewalk Design Modification**

#### **40.58.05. Purpose.**

**The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City’s street design standards relating to the locations and dimensions of**



sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.

**Response:** The applicant is requesting a Sidewalk Design Modification to place street trees in planter boxes along SW Murray Blvd. adjacent to the West End District mixed-use development.

#### **40.58.10. Applicability.**

The Sidewalk Design Modification application shall be applicable to all streets in the City.

**Response:** This Sidewalk Design Modification is being requested to modify the sidewalk along SW Murray Blvd. adjacent to the West End District mixed-use development. While SW Murray Blvd. at this location is classified as a County arterial, the street is located within the City and is therefore subject to the Sidewalk Design Modification criteria.

#### **40.58.15. Application.**

There is a single Sidewalk Design Modification application which is subject to the following requirements.

1. **Threshold.** An application for Sidewalk Design Modification shall be required when one of the following thresholds applies:
  1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.
  2. The dimensions or locations of street tree wells specified in the Engineering Design Manual are proposed to be modified.

**Response:** The applicant is requesting this Sidewalk Design Modification to allow street trees to be located in planter boxes thereby, eliminating tree wells and meeting threshold 40.58.15.A.2.

2. **Procedure Type.** The Type 1 procedure, as described in Section 50.35. of this Code, shall apply to an application for Sidewalk Design Modification. The decision making authority is the Director.

**Response:** This Sidewalk Design Modification application is being submitted for review under the Type 1 procedure in accordance with Beaverton Development Code (BDC) Section 50.35.

3. **Approval Criteria.** In order to approve a Sidewalk Design Modification application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:
  1. The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.

**Response:** The proposed Sidewalk Design Modification satisfies threshold 40.58.15.A.2.

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

**Response:** Applicable fees will be submitted as required.

3. One or more of the following criteria are satisfied:
  - a. That there exist local topographic conditions, which would result in any of the following:
    - a) A sidewalk that is located above or below the top surface of a finished curb.
    - b) A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.

**Response:** This Sidewalk Design Modification is being requested due to existing utilities, local physical conditions, therefore, meeting criteria BDC 40.58.05.C.3.b as noted below.

- b. That there exist local physical conditions such as:
  - a) An existing structure prevents the construction of a standard sidewalk.
  - b) An existing utility device prevents the construction of a standard sidewalk.
  - c) Rock outcroppings prevent the construction of a standard sidewalk without blasting.

**Response:** The applicant is requesting approval of a Sidewalk Design Modification for Murray Boulevard adjacent to the West End District mixed-use development. During construction of SW Murray Blvd. improvements, it was determined that existing underground utilities were located too shallow to provide street trees within tree wells without the root systems impacting multiple utilities (sanitary sewer, fiber, and communications). To minimize the impact to existing utilities, the applicant is proposing to locate street trees within planter boxes instead of tree wells. The attached SW Murray Boulevard Tree Well Exhibit illustrates the location of utilities in relation to tree wells.

- c. That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.

**Response:** This Sidewalk Design Modification is being requested due to existing utilities, local physical conditions, therefore, meeting criteria BDC 40.58.05.C.3.b as previously detailed.

- d. That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.

**Response:** This Sidewalk Design Modification is being requested due to existing utilities, local physical conditions, therefore, meeting criteria BDC 40.58.05.C.3.b as previously detailed. No additional right-of-way is required.

4. The proposal complies with provisions of Section 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements) and 60.55.30 (Minimum Street Widths).

**Response:** The proposed Sidewalk Design Modification complies with provisions of BDC Sections 60.55.25 and 60.55.30 as addressed in the following section of this memo.

5. Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.

**Response:** Applications and documents related to this request have been submitted to the City in the proper sequence.

6. The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.

**Response:** The proposed design places street trees within planter boxes located within the 5-feet of the 10-foot-wide sidewalk along Murray Blvd, maintaining a 5-foot-wide walkway along the interior portion of the sidewalk and providing a physical barrier between pedestrian and vehicular traffic to enhance pedestrians' sense of security. The planter boxes will be set back 9.5-feet from the edge of the vehicular travel lane, with an 18-inch operational offset from the 6-inch-tall vertical curb. The planter boxes are located away from the streetlights so that street trees will not obstruct street or sidewalk illumination. Planter boxes will not be located near the driveway entrances onto SW Murray Blvd. to ensure vehicle sight distance is maintained as illustrated on the Sight Distance Certification Exhibits for the entrances located at Rocket and Saturn Streets attached.

4. **Submission Requirements.** An application for a Sidewalk Design Modification 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 Sidewalk Design Modification 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:** Included in this submittal is a copy of the Sidewalk Design Modification Application form signed by applicant and property owner as required.

#### **60.55.25 Street and Bicycle and Pedestrian Connection Requirements.**

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:** This Sidewalk Design Modification is being requested to modify the sidewalk along SW Murray Blvd. adjacent to the West End District mixed-use development. The proposed design places street trees in planter boxes instead of tree wells. The design provides safe and efficient pedestrian, bicycle, and vehicle circulation by enhancing the pedestrians' sense of security while maintaining vehicle sight distances and street and sidewalk illumination.

As illustrated on the attached site plan and street tree exhibit, planter boxes will be located within the 5-feet of the 10-foot-wide sidewalk along Murray Blvd to maintain an unobstructed 5-foot-wide walkway along the interior portion of the sidewalk, providing a physical barrier between pedestrian and vehicular traffic. The planter boxes are located away from the streetlights so that street trees will not obstruct street or sidewalk illumination. Planter boxes will not be located near the driveway entrances onto SW Murray Blvd. to ensure vehicle sight distance is maintained as illustrated on the Sight Distance Exhibits for the entrances located at Rocket and Saturn Streets attached.

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:** The applicant is not requesting to modify right-of-way widths or street, bicycle, or pedestrian connections; therefore, this requirement is not applicable.

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:** The applicant is not requesting to modify a bicycle or pedestrian connection; therefore, this requirement is not applicable.

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:** The applicant is not requesting to modify a bicycle or pedestrian connection; therefore, this requirement is not applicable.

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:** The applicant is not requesting to modify a bicycle or pedestrian connection and not additional right-of-way is required; therefore, this requirement is not applicable.

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

**Response:** The applicant is not requesting to modify a bicycle or pedestrian connection; therefore, this requirement is not applicable.

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:** The applicant is not requesting to modify a bicycle or pedestrian connection; therefore, this requirement is not applicable. The Sidewalk Design Modification proposes street trees located in planter boxes within the 5-feet of the 10-foot-wide sidewalk along Murray Blvd, maintaining a 5-foot unobstructed paved walkway along the interior portion of the sidewalk, providing a physical barrier between pedestrian and vehicular traffic.

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:** No special setbacks are required for the proposed Sidewalk Design Modification; therefore, this requirement is not applicable.

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].

**Response:** The applicant is not requesting to modify a bicycle or pedestrian accessway; therefore, this requirement is not applicable.

#### 10. Pedestrian Circulation.

**Response:** The applicant is not requesting modification to walkways within the West End District mixed-use development; therefore, this standard is not applicable.

11. Pedestrian Connections at Major Transit Stops. Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures:

**Response:** The applicant is not requesting to modify a pedestrian connection at a major transit stop; therefore, this requirement is not applicable.

12. Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs.

“Assessment” for the purposes of this section means to assess the site-specific development compatibility issues. Site-specific compatibility issues include but are not limited to lighting, construction methods, design elements, rare plants, and human/pet impacts on the resource. “Review” for the purposes of this section includes but is not limited to obtaining appropriate permits from appropriate resource agencies. Mitigation measures, including appropriate use restrictions, required by local, state, and federal agencies shall be completed as part of the construction project. If the project will irreparably destroy the resource, then the resource will take precedence over the proposed bicycle and pedestrian connection.

**Response:** The applicant is not proposing a new bicycle or pedestrian connection; therefore, this requirement is not applicable.

13. New construction of bicycle and pedestrian connections along residential rear lot lines is discouraged unless no comparable substitute alignment is possible in the effort to connect common trip origins and destinations or existing segment links.

**Response:** The applicant is not proposing construction of new bicycle or pedestrian connections along residential rear lot lines; therefore, this requirement is not applicable.

14. Street and Bicycle and Pedestrian Connection Hindrances. Street, bicycle, and/or pedestrian connections are not required where one or more of the following conditions exist:

**Response:** The applicant is not proposing new street, bicycle, or pedestrian connections; therefore, this requirement is not applicable.

### **60.55.30 Minimum Street Widths.**

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 vehicle, including but not limited to rights of way, travel lands 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]

**Response:** The applicant is not requesting modification to the standard widths of features related to the movement of vehicles; therefore, this standard is not applicable.

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 type of application filed with the City. [ORD 4418; February 2007]

**Response:** The applicant is requesting approval of a Sidewalk Design Modification for Murray Boulevard adjacent to the West End District mixed-use development. During construction of SW Murray Blvd. improvements, it was determined that existing underground utilities were located too shallow to provide street trees within tree wells without the root systems impacting multiple utilities (sanitary sewer, fiber, and communications). To minimize the impact to existing utilities, the applicant is proposing to replace tree wells with street trees in planter boxes. The proposed Sidewalk Design Modification complies with BDC Section 40.58 as detailed in the previous section of this memo.

3. Street trees shall be planted at a maximum linear spacing of 30-feet along street frontages or in accordance with an approved street tree plan approved by the City Arborist. Proposed tree wells shall be designed to meet standards in the City Engineering Design Manual. [ORD 4782; April 2020]

**Response:** The applicant is proposing street trees to be located within planter boxes to minimize the impact to existing underground utilities as illustrated on the Street Tree exhibit. The proposed planter boxes provide pedestrians with an equivalent sense of separation from the vehicular traffic on Murray Blvd. as the conditioned tree wells and will be located to avoid impacting sight distance from the driveway access points along the West End District Murray Blvd frontage. A Request for Exception to Washington County Road Design and Construction Standards has been submitted to the County and is pending approval. A copy of the request is attached.

Thank you.

**Attachments:**

- A. Washington County Road Design and Construction Standards Request for Exception (Including Sight Distance Certification Exhibits)
- B. SW Murray Boulevard Tree Well Exhibit
- C. SW Murray Boulevard Planter Box with Street Tree Site Plan
- D. SW Murray Boulevard Street Tree Exhibit