

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST FOR APPROVAL OF) ORDER NO. 2824
DESIGN REVIEW THREE FOR HERZOG MEIER) DR2020-0079 ORDER APPROVING HERZOG MEIER
EXPANSION. AXIS DESIGN GROUP, APPLICANT.) EXPANSION, DESIGN REVIEW THREE.

The matter came before the Planning Commission on July 14, 2021, on a request for Design Review Three to partially demolish 5,703 square feet of the existing automotive service building, construct a new 24,900 square foot, one-story, automotive service building containing service bays and manual carwash with rooftop storage for inventory vehicles, and reconfigure the on-site vehicle circulation and parking areas. The subject site is located at 4180 SW 141st Avenue, specifically identified as Tax Lot 03300 on Washington County Tax Assessor's Map 1S116BB.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission discussed the nexus and proportionality of requiring right of way dedication with the proposed development, particularly along the site's SW Tualatin Valley Highway frontage, and provides additional findings to support the conditioned dedication as follows:

Nexus

The Commission is imposing a condition of approval requiring the applicant to donate approximately four feet of right of way to the Oregon Department of Transportation (ODOT) along the site's frontage to SW Tualatin Valley Highway in order to accommodate the full street standard. Chapter Six of the City of Beaverton's Comprehensive Plan, the Transportation Element, shows that SW Tualatin Valley Highway has a functional

classification of Principal Arterial (Comprehensive Plan Figure 6.4). The Comprehensive Plan describes Principal Arterials as streets that “serve to connect neighboring cities and urban areas” and “are of regional significance and often of statewide importance as well.” The functional classification of Principal Arterial prioritizes through travel and mobility, and thus incorporates street design standards that allow for higher traffic capacity and also higher travel speeds. The City’s adopted street standards for a Principal Arterial can be found in the Engineering Design Manual (EDM), including Standard Drawing 200-1.

SW Tualatin Valley Highway is under the jurisdiction of ODOT and is subject to the state’s highway design standards. The roadway has a posted speed limit of 45 miles per hour. The Oregon Transportation Commission adopted the most recent version of the Highway Design Manual (HDM) in 2012, which incorporates the minimum engineering standards for roadways under ODOT’s jurisdiction, including SW Tualatin Valley Highway. Planning staff from ODOT provided the following minimum design standards for SW Tualatin Valley Highway based upon the HDM (Exhibit 4.1 to the Staff Report) and the City’s adopted street standards for a seven-lane Arterial (EDM Standard Drawing 200-1): six-foot bike lane, 13-foot right turn lane, 7.6-foot planter strip, six-foot sidewalk, and a one-foot maintenance buffer.

The site’s existing SW Tualatin Valley Highway frontage does not meet the minimum standards as outlined in ODOT’s staff comments. Specifically, there are two components of the street frontage that do not meet City and ODOT standards. First, the westbound bicycle lane merges into the right turn lane, effectively eliminating the bicycle lane mid-block. Second, the existing sidewalk is curb tight, without the required planter strip between the curb and sidewalk.

The required right of way donation to ODOT will ensure adequate room for separate, dedicated bicycle lane and turn lane. Designated bicycle lanes are needed for the safety and comfort of bicyclists who would not have to compete with merging and

turning vehicles in a shared outer travel lane. The right turn lane is needed to allow vehicles the space to move out of the bicycle lane, and to transition out of the faster moving vehicular travel lanes so the vehicles can slow and take the right turn at an appropriate speed. Allowing space for slowing vehicles to move out of the faster moving travel lanes reduces crash risks and allows a more efficient flow of traffic.

The required right of way donation to ODOT will also ensure that the full planter strip and sidewalk standards are provided. The added planter strip between the vehicle lanes and the sidewalk provides a refuge and buffer for pedestrians adjacent to the fast-moving six lanes of traffic. Pedestrians, including transit users, are the most vulnerable users of the transportation network. Pedestrians benefit from a more comfortable environment, as well as having a physical buffer from vehicles that depart the roadway in the event of an emergency. The site's SW Tualatin Valley Highway frontage also includes a bus stop that serves TriMet Bus Line 57-TV Hwy/Forest Grove. This is a frequent service bus line, TriMet's highest transit service designation, which means it runs every 15 minutes or less for most of the day. The minimum planter strip and sidewalk standards benefit transit users who may be waiting for the bus along the site's SW Tualatin Valley Highway frontage, further adding to the potential for higher volumes of pedestrians along this sidewalk corridor compared to those along neighboring sites.

In addition to the right of way donation, the Commission is imposing a condition of approval requiring the applicant to reconstruct the sidewalk along the site's SW Tualatin Valley Highway frontage to its full standard and in its ultimate location, meaning that the reconstructed sidewalk will be located toward the back of the future newly acquired right of way. The Commission finds that the needed bicycle lane, designated right turn lane, and full-width sidewalk and planter strip for the purposes of safety and mobility on a Principal Arterial provide the essential nexus for requiring the applicant to donate

approximately four feet of right of way to ODOT along the site's SW Tualatin Valley Highway frontage and reconstruct the sidewalk.

Proportionality

The applicant's proposal includes the partial demolition of 5,703 square feet of the existing automotive service building and the construction of a new 24,900 square foot automotive service building, resulting in a net increase of 19,197 square feet of the established use. The applicant's Traffic Impact Analysis (TIA) (Exhibit 3.10 to the Staff Report) utilized the standard traffic engineering assumptions from the Institute of Transportation Engineer (ITE) Trip Generation Manual, 10th Edition, to project a net increase of 536 new vehicle trips per average weekday. Beaverton Development Code Section 60.55.20 requires development proposals with an expected increase of 300 trips or more per day to complete a TIA as part of the land use application process with the assumption that 300 trips or more per day may cause a significant impact to the surrounding transportation system. The Commission finds that an increase of 536 new vehicles trips on an average weekday is well over the typical 300-trip threshold used to assess impacts from development, and thus is a sizeable impact to the surrounding transportation system. Furthermore, the Commission finds that the cost of donating approximately four feet of right of way to ODOT along the site's SW Tualatin Valley Highway frontage to accommodate the future street design based on adopted highway standards is roughly proportional to the 536 new vehicle trips added to the transportation network as a result of the proposed redevelopment.

The Commission did not impose a condition of approval requiring the applicant to reconstruct the westbound bicycle lane and right turn lane to meet the minimum ODOT Highway Design Manual standards as outlined above. Improving the westbound bicycle lane and right turn lane would necessitate relocating the curb along the site's SW Tualatin Valley Highway frontage and any underlying stormwater and drainage facilities. As noted

in the Table 6 of the applicant's Traffic Impact Analysis, the proposed redevelopment will add noticeable levels of congestion to the adjacent intersections; however, all the studied intersections are still projected to operate within ODOT's performance measures, which is a volume-to-capacity ratio of 0.99 or less. Thus the Commission finds that the cost and burden associated with reconstructing the bicycle lane and right turn lane, as well as the curb along the site's SW Tualatin Valley Highway frontage, is not roughly proportional to the projected traffic impacts from the proposed redevelopment, given that the studied intersections are projected to operate at acceptable levels.

Lastly, while the applicant will not be required to construct the travel lane and curb improvements, the Commission does impose a condition of approval requiring the existing substandard sidewalk along the site's SW Tualatin Valley Highway frontage to be reconstructed to the full City standards for an Arterial at its ultimate location. This condition of approval will require the applicant to demolish the existing six-foot curb tight sidewalk and construct a new six-foot sidewalk approximately one-foot from the new right of way line to accommodate the minimum one-foot maintenance buffer required by ODOT's Highway Design Manual. Because the Commission is not imposing a condition of approval requiring the curb to be reconstructed and moved, relocating the six-foot sidewalk to its ultimate location one-foot from the back of the new right of way line will serve two important purposes. First, the relocated sidewalk will effectively create a very wide planter strip between the curb and the new sidewalk of over 12 feet wide. Pedestrians and transit riders using the sidewalk along the site's frontage will benefit in the near term from the improved safety and comfort that a planter strip provides. Second, the extra wide planter strip in the near term will ensure that the minimum 7.5-foot-wide planter strip can be accommodated in the future when the westbound bicycle lane and right turn lane are improved.

Pedestrians, including transit users, are the most vulnerable users of the transportation network. Given the roadway characteristics of SW Tualatin Valley Highway

of being six lanes wide with a posted speed of 45 mph, the Commission is concerned for the safety and comfort of pedestrians and transit users who utilize the existing six-foot-wide curb tight sidewalk. The proposed development will add a previously unanticipated 536 new vehicle trips to the site each weekday, compounding the safety risks to pedestrians and transit users. Thus, the Commission finds that the cost and burden to the applicant of relocating and reconstructing the sidewalk is roughly proportional to the impacts from the proposed redevelopment of the site.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated July 7, 2021 and Staff Memoranda dated July 9, 2021, and July 14, 2021, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03.1 and 40.20.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DR2020-0079** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report dated July 7, 2021, and Staff Memoranda dated July 9, 2021, and July 14, 2021, and this Land Use Order, subject to the conditions of approval as follows:

A. General Conditions, the applicant shall:

1. Ensure that the Major Modification of a Conditional Use (CU2020-0006), Loading Determination (LO2020-0003), Parking Requirement Determination (PD2020-0005), Sidewalk Design Modification (SDM2020-0007), and Tree Plan Two (TP2020-0005) applications have been approved and are consistent with the submitted plans. (Planning/LR)

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

2. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./SAS)

3. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./SAS)
4. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions utilizing the process set out in the Beaverton Development Code and the City Engineering Design Manual; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./SAS)
5. Guarantee all public improvements, site grading, stormwater management facilities, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./SAS)
6. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./SAS)
7. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for work within, and/or construction access to the Tualatin Valley Highway right of way. (Site Development Div./SAS)
8. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation Rail Division for any work within 500 feet of the rail crossing area. (Site Development Div./SAS)
9. If determined to be needed by the City Building Official, submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by Tualatin Valley Fire and Rescue. This analysis shall be supplemented by an actual flow test and evaluation by a professional engineer meeting the standards set by the City Engineer as specified in the Engineering Design Manual Chapter 6, 610.2. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./SAS)

10. Submit a copy of issued permits or other approvals needed from the Clean Water Services (CWS) District for storm system connections as part of City plan review process. (Site Development Div./SAS)
11. Submit to the City a copy of issued CWS system connection permit for any construction affecting CWS-owned and -maintained sanitary sewer mains 21 inches in diameter or larger. (Site Development Div./SAS)
12. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div./SAS)
13. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification, and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1 and 530.1.A.4, and CWS Design & Construction Standards Sections 4.03.7.a and 4.04.2.a. (Site Development Div./SAS)
14. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. In addition, the analysis shall delineate any mapped FEMA floodplains and flood ways. The site plans shall clearly show the 100-year flood limits on each plan that contains elevation information. (Site Development Div./SAS)
15. Provide an engineering analysis of the grading and construction work proposed within the 100-year floodplain as necessary to allow for a public notice to be published in a local newspaper by the City Engineer for the proposed floodplain modifications. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Design & Construction standards as they refer to the 100-year floodplain, prior to this notice being sent. The public notice and a 10-day appeal period shall occur after final approval of the site development permit plans by the City Engineer and Planning Director. (Site Development Div./JY)
16. Provide a final no-net rise certification for excavation and fills within the 100-

year FEMA floodplain. (Site Development Div./JY)

17. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Pad elevation shall be at least one foot higher and FFE shall be at least three feet higher than the 100-year/emergency overflow of the stormwater management facility. Any changes to approved grading must meet provisions of Beaverton Code 9.05.110 and 9.05.115. No grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This applies to all exterior property boundaries of the proposed project. (Site Development Div./SAS)
18. Provide plans showing a pre-treatment system upstream from any stormwater management system. Plans shall also show a high flow bypass system to bypass surface water runoff high flows. (Site Development Div./SAS)
19. Provide plans and details for the proposed LIDA stormwater management facilities. These plans must show profile and elevation information and how the facilities connect to the storm system. (Site Development Div./SAS)
20. Pay any required stormwater system development charges (stormwater quality, quantity, hydromodification, and overall system conveyance) for the new impervious area proposed. (Site Development Div./SAS)
21. Submit an owner-executed, notarized City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./SAS)
22. Submit to the City a certified impervious surface determination of the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div./SAS)
23. Provide plans for the placement of underground utility lines within the site and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu

of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./SAS)

24. Submit plans that show access for a maintenance vehicle within 9 feet from the front or within 19 feet from the side of a vehicle to all public stormwater management structures unless otherwise specifically approved by the City Engineer. (Site Development Div./SAS)
25. If required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. If private sewer systems crossing lot lines and within a private easement are proposed, please submit plumbing permit application to the Building Division. Drainage within covered areas shall be piped as approved by the City Building Division. (Site Development Div./SAS)
26. Submit ODOT standard detail DET1720 showing level of design detail for every sidewalk ramp proposed with this development. Maximum designed ramp slope shall be 7.5%, and maximum designed cross slope, flat landing, or turning space shall be 1.5%. Two-directional ADA ramps shall be provided at all corners of all intersections, regardless of curb type. See ODOT standard drawings RD754, RD155, RD756, RD757, RD758, and RD759 for ramp details. (Site Development Div./SAS)
27. Deed approximately four feet of right of way to the Oregon Department of Transportation along the site's frontage to SW Tualatin Valley Highway as necessary to accommodate the planned cross-section. The deeded right of way shall be sufficient for the required six-foot bike lane, 13-foot right turn lane, 7'-6" planter strip including standard six-inch curb, six-foot sidewalk, and one-foot maintenance buffer behind the sidewalk, except as modified by the Sidewalk Design Modification application. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT shall provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department. Note: it may take up to three months to transfer ownership of property to ODOT. (Transportation/KM and ODOT/MD)
28. Submit plans demonstrating that the required right of way donation of four feet and required sidewalk improvements along the site's frontage of SW Tualatin Valley Highway can be accommodated on the site. The following frontage improvements are required to be consistent with the Oregon Department of Transportation's Highway Design Manual: six-foot bike lane, 13-foot right turn lane, 7'-6" planter strip including standard six-inch curb, six-foot sidewalk, one-foot maintenance buffer behind the sidewalk, and ADA ramps brought up to

current ODOT standards, except as modified by the Sidewalk Design Modification application (BDC 60.55.10.1, 2, and 4). (Transportation/KM and ODOT/MD)

29. Submit confirmation from TriMet that any required transit improvements at the existing bus stop along the site's frontage of SW Tualatin Valley Highway are being coordinated with the required frontage improvements (BDC 60.55.10, 60.55.25, and 60.55.40). (Transportation/KM)
30. Submit plans demonstrating that sidewalks along the site's full frontage of SW 139th Way are reconstructed to meet the City's standards for a local street of a 6'-6" planter strip including standard six-inch curb and a five-foot sidewalk (BDC 60.55.10.1-2). (Transportation/KM)
31. Dedicate one foot of right of way to the City of Beaverton along the site's frontage to SW Whitney Way for a total width of 26 feet between the right of way center line and the property line (BDC 60.55.10.5). (Transportation/KM)
32. Submit plans demonstrating that signage will be installed near the entrance of the northern-most driveway on SW 139th Way to restrict access into this driveway for employees and loading activities only (BDC 60.55.10.2). (Transportation/KM)
33. Submit plans demonstrating that a stop sign will be installed at the bottom of the new service building ramp that leads to the rooftop vehicle storage area. The plans must also display the vision clearance triangles for this ramp. Should any part of the vision clearance triangles be obstructed or encroached upon, the applicant must propose additional mitigation measures, to be approved by the City Transportation Engineer, to allow greater visibility for the drivers exiting the ramp and/or alert any motor vehicle or pedestrian cross-traffic within the parking lot of a vehicle exiting the ramp (BDC 60.55.10.4 and 60.55.25.7 and 10). (Transportation/KM)
34. Submit plans demonstrating compliance with the City's minimum standards for short-term bicycle parking (BDC 60.30.2.B and EDM Section 340). (Planning/LR)
35. Submit plans demonstrating compliance with the City's minimum standards for long-term bicycle parking (BDC 60.30.2.B and EDM Section 340). (Planning/LR)
36. Submit a photometric plan demonstrating that the on-site lighting will meet the City's Technical Lighting Standards (Table 60.05-1). (Planning/LR)

37. Submit a photometric plan demonstrating that the pole-mounted luminaire poles and bases are finished or painted a non-reflective color. (Planning/LR)
38. Provide tree protection fencing in accordance with the standards of Section 60.60.20 of the Development Code. Any alternatives to the standards in 60.60.20 must be approved by the City Arborist. (Planning/LR)
39. Submit a revised landscape plan showing shrub species that will form an evergreen hedge between 30 and 36 inches in height within the perimeter parking lot landscaping planter strip located between the proposed employee parking area and SW Whitney Way. (Planning/LR)
40. Submit a revised landscape plan showing one tree meeting this standard for each of the five landscape islands. (Planning/LR)
41. Submit a revised landscape plan showing that all trees proposed to be planted in the landscape islands are identified by the City of Beaverton Street Tree List, or demonstrate that use of the Western Redbud tree has been approved by the City Arborist. (Planning/LR)
42. Submit a revised landscape plan that shows 5 additional trees planted along the east foundation of the new service building for a total of 8 trees. (Planning/LR)

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

43. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./SAS)
44. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./SAS)
45. Have a professional architect, engineer, or surveyor submit plans and specifications to the City Engineer and City Building Official verifying that all at-risk elements of the new construction (in particular gate controllers, mechanisms, and electrical system) are either elevated or floodproofed as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05, and as determined by the City Engineer and City Building Official to at least 188.0 feet (NAVD-88), which is one foot above the base flood elevation of 187.0 feet (NAVD-88). (Site Development Div./JY)

D. Prior to final inspection and final occupancy permit, the applicant shall:

46. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./SAS)
47. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./SAS)
48. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at site development permit issuance. (Site Development Div./SAS)
49. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./SAS)
50. Have a professional architect, engineer, or surveyor submit an elevation certification on Federal Emergency Management Agency (FEMA) standard form to the City Floodplain Administrator, verifying that the lowest finished floor is at least 188.0 feet (NAVD88), which is one foot above the base flood elevation of 187.0 (NAVD-88) or flood-proofed to 189.0 feet (NAVD88), which is two feet above the base flood elevation of 187.0 feet (NAVD-88). (Site Development Div./JY)
51. Install signage near the entrance of the northern-most driveway on SW 139th Way to restrict access into this driveway for employees and loading activities only (BDC 60.55.10.2). (Transportation/KM)
52. Install a stop sign at the bottom of the new service building ramp that leads to the rooftop vehicle storage area. Install any required mitigation measures that were approved by the City Transportation Engineer if any part of the ramp's vision clearance triangles were shown to be obstructed or encroached upon (BDC 60.55.10.4 and 60.55.25.7 and 10). (Transportation/KM)
53. Reconstruct sidewalks along the site's SW 139th Way frontage to be consistent with the Engineering Design Manual's Standard Cross-section for a Local Street consisting of a 6'-6" planter strip including standard six-inch curb and a five-foot sidewalk. Sidewalk improvements also require constructing ADA-compliant curb ramps at the corner of SW Whitney Way and SW 139th Avenue, as well as installing required street lighting, as shown on the applicant's site plans (BDC 60.55.10.1, 2, and 4). (Transportation/KM)
54. Reconstruct sidewalks along the site's SW Whitney Way frontage to be consistent with the Engineering Design Manual's Standard Cross-section for a Local Street consisting of a 6'-6" planter strip including standard six-inch curb and a five-foot sidewalk, except as modified by the Sidewalk Design

Modification application. Sidewalk improvements also require constructing ADA-compliant curb ramps at the corner of SW Whitney Way and SW 139th Way, as well as installing required street lighting, as shown on the applicant's site plans (BDC 60.55.10.1, 2, and 4). (Transportation/KM)

55. Submit to the City of a copy of the issued Oregon Department of Transportation Miscellaneous Permit for the required frontage improvements along the site's SW Tualatin Valley Highway frontage (BDC 60.55.10.1). (Transportation/KM)
56. Install all required B1 landscape buffering along the SW Whitney Way frontage. (Planning/LR)

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

57. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./SAS)
58. Submit any required on-site easements not already recorded by document, 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./SAS)
59. Provide a post-construction cleaning, system maintenance, and any StormFilter recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary stormwater treatment systems by a qualified maintenance provider as determined by the City Engineer. Additional service reports will be required per maintenance schedule and until the maintenance and planting period is complete. (Site Development Div./SAS)
60. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation as shown on the approved plan within the stormwater management facility, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Public Works Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Public Works Director prior to release of the security. (Site Development Div./SAS)

Motion **CARRIED**, by the following vote:

AYES: Winter, Overhage, Lawler, McCann, Nye, Saldanha, Teater.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

Dated this 27th day of July, 2021.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2824, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on August 6, 2021.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

LAUREN RUSSELL
Associate Planner

Jerry Lawler

TERRY LAWLER
Chair

ANNA SLATINSKY
Planning Division Manager