

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

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2876
OF A DESIGN REVIEW THREE FOR ALLEN) DR2021-0027 ORDER APPROVING
REDEVELOPMENT: HOTEL AND COMMERCIAL) ALLEN REDEVELOPMENT: HOTEL AND
DEVELOPMENT, OREGON WORSTED CO.,) COMMERCIAL DEVELOPMENT, DESIGN REVIEW
APPLICANT.) THREE.

The matter came before the Planning Commission on February 16, 2022, on a request for Design Review Three approval for the construction of a hotel, two commercial buildings, one with a fuel center, and associated site improvements including a flood storage basin. The site is located at 10700 SW Allen Boulevard on the south side of SW Allen Boulevard and east of Highway 217, Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA.

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.

On-Site Pedestrian Circulation. The Commission raised concerns about pedestrian circulation and safety on the proposed site, consistent with Design Guideline 60.05.40.3.F. Proposed pedestrian walkways cross multiple drive aisles due to the presence of a fuel center and two drive-throughs, and the Commission voiced concerns that pedestrians may feel uncomfortable and pedestrian access may be unsafe, especially crossing Pad Building 1. The applicant described the limited use of the drive-through associated with the convenience store for Pad Building 1. The Commission questioned whether

additional pedestrian crossing could be provided between the eastern elevation of the hotel and the multi-use path. The applicant noted that topographic constraints on the property prevented direct pathways in some locations, but a direct connection is provided from this path to the southeast corner of the hotel. The majority of the Commission determined the Design Guideline was met.

Retaining Wall. The Commission raised concerns regarding the design of the retaining wall along the northern property line due to its size and proximity to SW Allen Boulevard. The applicant described that the retaining wall is finished with textured concrete, and proposed trees and shrubs between the building and the sidewalk offer partial screening. These design features help soften visual impacts related to the height and length of the retaining wall. The Commission concurred.

Building Orientation. The Commission questioned why the pad buildings do not provide entrances oriented to SW Allen Boulevard. The applicant indicated that due to the existing grade of the roadway and the need to elevate the finished floor of the buildings above flood level, access and orientation along the northern elevation is not feasible. Staff further discussed alternatives that were evaluated such as raising the elevation of the sidewalk on SW Allen Boulevard or the use of ramps and stairs to access a primary entry on the north elevation. These were not feasible options due to the limited space between the sidewalk and roadway, grade issues, and the location of a required public utility easement. The Commission concurred.

Pedestrian Impact During Construction. The Commission raised concerns regarding impacts to pedestrian connections during construction of the development. Staff indicated that as part of the traffic control plan required with a Site Development Permit, pedestrian circulation during construction will be addressed. The Commission concurred.

Modification of the Condition to Require an ODOT Permit. The applicant requested that Condition No. B.8 be modified to require that an ODOT Permit be issued prior to final occupancy of the buildings instead of prior to issuance of the Site Development Permit. The applicant is concerned that the timing of obtaining other agency permits will delay the start of construction of the project. Staff explained that the condition is required for all developments in the City, and it ensures that the necessary coordination between the developer and ODOT has occurred before construction begins. The Commission concurred with staff, and the condition was not altered.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated February 9, 2022, and the Supplemental Memorandum dated February 16, 2022, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.20.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DR2021-0027** 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 February 9, 2022,

and the Supplemental Memorandum dated February 16, 2022, subject to the conditions of approval as follows:

A. General Conditions, the Applicant shall:

1. Ensure the associated land use applications CU2021-0004, CU2021-0005, LD2021-0002, LO2021-0001, and TP2021-0003 have been approved. (Planning / SK)
2. Uses supporting the drive-thru facility proposed with Pad 1 shall not exceed 250-square feet of floor area as analyzed in the supplemental traffic memorandum titled, "Convenience Store Drive-Through Supplemental Analysis" dated December 17, 2021 from Kittleson and Associates. (BDC 40.03.1) (Transportation / KM) 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)

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

3. Retain a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div. / SAS)
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. Have the applicant for the subject property guarantee all City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for

amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div. / SAS)

6. Submit any required easements, executed and ready for recording, to the City. City will require approval of legal description and form prior to execution. (Site Development Div. / SAS)
7. Submit plans showing an 8' public utility easement (PUE) along all property lines adjacent to public right of way. Retaining walls (including tiebacks), public infrastructure, and any part of the building structure, including stairs, may not be within the PUE. The loadbearing distribution area of the building must also be outside of the PUE. (Site Development Div. / SAS)
8. 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 ODOT right of way. (Site Development Div. / SAS)
9. Submit a geotechnical with the site development permit application for review and approval. It shall be prepared by a professional engineer or registered geologist. (Site Development Div. / SAS)
10. Submit concurrence from Army Corps and DSL that agency permitting is required/not required for work/discharge adjacent to the FEMA mapped floodway and wetland (Site Development Div. / SAS)
11. 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 the 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)
12. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. These submittals will go to City for processing to Clean Water Services. (Site Development Div. / SAS)
13. Submit an amended or new 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the standard plan format per requirements for sites 5 acres or larger adopted by DEQ and Clean Water Services. (Site Development Div. / SAS)

14. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / SAS)
15. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. The analysis shall also delineate all areas for this project that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. In addition, the analysis shall delineate any mapped FEMA floodplains and flood ways. (Site Development Div. / SAS)
16. Provide site plans that clearly show the 100-year flood limits on each plan that contains elevation information. The flood conveyance and storage of the project area at each 1-foot contour must be preserved or enhanced with cut/fill balance and a zero-rise (no-net rise) certification by a registered professional engineer. (Site Development Div. / JY)
17. 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 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. (Site Development Div. / JY)
18. 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 storm water management facility. (Site Development Div. / SAS)
19. The grading plan shall exhibit that the lowest finished floor of each building is at least one foot above base flood elevation (BFE). The BFE is 192.2 feet, NAVD-88. (Site Development Div./JY)

20. Provide plans showing a proprietary stormwater treatment system for treatment of the site's piped surface water runoff, if applicable. Plans shall also show a trash capture water quality pre-treatment unit located directly upstream from any proprietary stormwater treatment system vaults or manholes. Plans shall also show a high flow bypass system to bypass surface water runoff high flows. (Site Development Div. / SAS)
21. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed. (Site Development Div. / SAS)
22. 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)
23. Submit to the City a Stormwater Management Worksheet for 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, and sidewalk and pedestrian areas. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site. (Site Development Div. / SAS)
24. Provide plans showing the existing 10-inch city water line to be replaced with a 12-inch city water line. 10-inch city water lines are no longer allowed by the city. System development charge credits may be available for the difference in water line costs between the 10-inch and 12-inch lines. Any credits are subject to documentation concurrence by the City Engineer (Site Development Div. / SAS)
25. Provide plans for the placement of underground utility lines within the site to the proposed new buildings. (Site Development Div. / SAS)
26. Submit plans that show maintenance access to all stormwater flow control structures. The design maintenance vehicle is identified in the Engineering Design Manual Chapter 5, Section 510. (Site Development Div. / SAS)
27. If required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. (Site Development Div. / SAS) (Site Development Div. / SAS)

28. Submit ODOT ADA curb ramp design checklist and standard detail DET1720 and DET1721 showing level of design detail for every public sidewalk ramp proposed with this development. Maximum designed ramp slope shall be 7.5%, 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)
29. Provide pump calculations and sizing determinations, satisfactory to the City Engineer and Floodplain Administrator. (Site Development/JY)
30. Provide a design and plan for a redundant pump system in the event of pump failure. (Site Development/JY)
31. Provide a design and plan for a redundant energy system in the event of electrical power failure, satisfactory to the City Engineer and Floodplain Administrator. (Site Development/JY)
32. Provide an Operations and Maintenance plan for the pump and redundant energy system, satisfactory to the City Engineer and Floodplain Administrator (Site Development/JY)
33. Submit an owner-executed, notarized, Operations and Maintenance Agreement for the pump and energy system, satisfactory to the City Engineer, Floodplain Administrator, and City Attorney ready for recording with Washington County Records. (Site Development/JY)
34. Dedicate sufficient right of way along the site's frontage along SW Allen Boulevard for the minimum required half-street width of 50-feet along the site's western half and 48-feet along the site's eastern half as shown in the applicant's plan sheet C6.0. (BDC 40.03.1, 60.55.10) (Transportation / KM)
35. Provide truck turning template using the AASHTO design vehicle type WB-20D/WB-67D for a double-trailer, or another design vehicle type approved by the City Transportation Engineer, to demonstrate that fuel delivery trucks can safely enter and exit the fueling areas of the proposed gas station. (BDC 40.03.1) (Transportation / KM)
36. Resubmit site plans to demonstrate that the minimum sight distance requirements outlined in the City of Beaverton Engineering Design Manual (EDM) are met for the proposed commercial driveway at SW Allen Boulevard. (BDC 40.03.1 and 60.55.35, and EDM Section 210.18) (Transportation / KM)

37. Resubmit site plans to demonstrate that the minimum required standards for long term bicycle parking for all of the proposed uses with this development are met. Specifically, long term bicycle parking needs to be lit to average foot candles of 0.5, and also be covered such that the spaces are protected from weather. (BDC 60.30.10.2.B and EDM Sections 340 and 450) (Transportation / KM)
38. Resubmit site plans demonstrating that the one loading area provided for the hotel use shall be marked "Loading Area 30 Minutes" so as not to be in conflict with marked fire lanes. (BDC 40.03.01) (Transportation / KM)
39. Provide design plans for the pedestrian path along the eastern property line of the subject site shall be revised to meets the standards of the City's Engineering Design Manual Section 320, including lighting. Path width shall be 12' paved with 2' shoulders on each side. (Planning/SK)
40. Provide photometric data to demonstrate that the minimum technical lighting standards are met pursuant to the Design Review technical lighting standards as well the minimum lighting levels established in the Engineering Design Manual Section 450. (BDC 40.03.01, 60.05.30, 60.55.25, and EDM 450.1) (Transportation / KM)
41. Submit a recorded easement for the public path. A 16-foot public access easement shall be granted to the City and recorded along the eastern property line of the subject site for the public pedestrian pathway. (Planning/SK)
42. Record a maintenance and operations agreement, outlining the operation and maintenance of the multi-use path along the eastern property line. The agreement shall be signed by the developer and the City. The agreement shall identify the responsible party for maintenance and operation of the public pathway, which may include the following obligations: care and maintenance of the path, graffiti abatement, replacement and repair, and other issues identified by the City. (Planning/SK)

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 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 Floodplain Administrator and City Building Official. Floodplain elevations will be identified on plans. (Site Development Div. / JY)
46. Show 10 foot clearance on the trash enclosure roofs. This will allow for the lid of a 4-yard container that's on casters to be fully opened or closed, as needed by the user. (Recycling/ EC)
47. Show 10 foot doors without a center post on the trash enclosures. This allows for adequate space to safely maneuver the containers to the vehicle for servicing. Note, two 6' doors without a center post, allowing for a 12' opening would be acceptable in this situation. Curbs shall not be placed between the drive aisle and the trash enclosure opening. (Recycling/ EC)
48. Provide revised elevation plans showing material on facades on Building Pad 1, shown in green on the Elevation Plans dated January 31, 2022 plans, are a different material than the remainder of the facade. The material shall be masonry, stone, wood, terra cotta, and tile or a similar permanent and durable material. (Planning/BG)
49. Provide revised elevation plans showing a different, contrasting trim material placed between the second and fourth story of the hotel building on all elevations. (Planning/BG)
50. Provide revised elevation plans showing a cornice treatment or trim placed along the roofline of Building Pad 1. (Planning/BG)

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

51. Have verified to the satisfaction of the City Engineer that the location and width of all existing and proposed rights of way and easements are adequate; that each parcel and tract has proper access provisions; and that each parcel and tract has adequate public utility service provision/availability per adopted City standards and requirements. (Site Development Div. / SAS)
52. Have commenced construction of the site development improvements to provide minimum critical public services to site (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are

adequate for the completed infrastructure, per adopted City standards. (Site Development Div. / SAS)

53. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div. / SAS)

E. Prior to final inspection/occupancy of any building permit, the applicant shall:

54. 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)
55. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / SAS)
56. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div. / SAS)
57. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / SAS)
58. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div. / SAS)
59. Submit an approved FEMA elevation certificate (on current FEMA form) for each structure. Elevation certificate to be prepared by an Oregon licensed architect, engineer, or surveyor Submit the elevation certificate to the city's Floodplain Administrator and the City's Building Official. Certify that the lowest finished floor is at least one foot above base flood elevation (BFE). The base flood elevation is 192.2 feet, NAVD-88. (Site Development Div./JY)
60. Provide a post construction survey of the floodplain storage including the elevations of the floodplain storage at a grid of 25 feet on the bottom of the storage facility and at 50-foot intervals at the top of storage facility. Provide elevations (inflow and outflow) of all piping associated with the storage facility. Provide elevations for the pumps. (Site Development/JY)
61. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div. / SAS)

62. Reconstruct the public street frontage along SW Allen Boulevard to provide the following:
 - a) Along the western half of the site's frontage: Portion of the center turn lane ranging from approximately 6'6" to 7'2" as shown on the applicant's approved site plans; two 12-foot wide eastbound vehicle travel lanes, 5-foot wide bicycle lane; 7.5-foot wide planter strip (including the standard 6" curb); and a 6-foot wide sidewalk.
 - b) Along the eastern half of the site's frontage: 5-foot wide portion of the center turn lane; two 12-foot wide eastbound vehicle travel lanes, 5-foot wide bicycle lane; 7.5-foot wide planter strip (including the standard 6" curb); and a 6-foot wide sidewalk.

F. Prior to release of performance security, the applicant shall

63. Have completed the site development improvements and verify that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div. / SAS)
64. Submit any required easements, executed and ready for recording, to the City. City will require approval of legal description and form prior to execution. 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)
65. Provide a post-construction cleaning, system maintenance, and any proprietary stormwater treatment system recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary storm water treatment systems by a qualified maintenance provider as determined by the City Engineer. Additional service report will be required per maintenance schedule and until the maintenance and planting period is complete. (Site Development Div. / SAS)
66. 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 storm water management facility, vegetated corridor, and the wetland mitigation areas, as determined by the City Engineer. If the plants

are not well established (as determined by the City) 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 prior to release of the security. (Site Development Div. / SAS)

67. Provide a 2-year Maintenance Security with a value of 25 percent of the cost to construct City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It will run concurrently with the performance security of the plant establishment and will be released after a minimum of 2 years after project acceptance, following the correction of any identified defects. (Site Development Div. / SAS)

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

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

Dated this 16 day of February, 2022.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2876 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 March 17, 2022.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

BRITTANY GADA
Associate Planner

JENNIFER NYE
Chair

ANNA SLATINSKY
Planning Division Manager