

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

IN THE MATTER OF A REQUEST FOR APPROVAL ) ORDER NO. 2927  
OF A DESIGN REVIEW THREE, FLOOR & DÉCOR ) DR2022-0078 ORDER APPROVING  
OUTLETS OF AMERICA, INC., APPLICANT. ) FLOOR & DÉCOR, DESIGN REVIEW THREE.  
)

The matter came before the Planning Commission on February 8, 2023, on a request for a Design Review Three approval for a new 75,100-square-foot retail building with associated site improvements in the southwest portion of the subject site. The site is zoned Community Service (CS) and is located at 10700 SW Allen Boulevard, specifically identified as 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.

*Pedestrian Circulation and Safety.* During the public hearing, the Commission raised concerns about the design of on-site pedestrian walkways. The applicant proposes a walkway along the eastern edge of the Phase 2 parking lot, which will connect to a previously approved walkway that runs through the center of the Phase 1 site. The Commission expressed concern that this walkway created an unsafe situation for pedestrians, as it would require pedestrians to cross a drive aisle twice when traveling from the western portion of the Phase 1 site to the Floor & Décor building on the Phase 2 site. The Commission recommended the applicant install an additional walkway in the

western portion of the Phase 2 site that would connect to the Phase 1 site. The applicant responded that installing an additional walkway in the western portion of the site would create a safety issue, as it would direct pedestrians to travel in the area of an approved drive-through lane on the Phase 1 site, and that topographical constraints prevented the applicant from installing an additional walkway in this western area.

*Public Testimony.* Public testimony raised concerns that the project's on-site pedestrian walkways were not designed to provide safe, efficient, and direct routes, thereby creating issues related to pedestrian circulation, pedestrian safety, and accessibility. Public testimony stated the proposal does not comply with Sections 40.03.1.F, 40.03.1.G, and 40.03.1.K (Facilities Review Committee) and Sections 60.05.40.3.A, 60.05.40.3.C, and 60.05.40.3.D (Circulation and Parking Design Guidelines). Public testimony also stated the site should be required to share access with the adjacent Peppertree Inn site to the west (10720 SW Allen Boulevard; Tax Lot 00300 on Washington County Tax Assessor's Map 1S122AA).

*Applicant and Staff Response.* In response to public testimony, the applicant stated there are significant topographic constraints on the subject site, but that all on-site pedestrian walkways were designed to provide connectivity and direct pedestrians to safe crossings over parking lot drive aisles. The applicant also added that all walkways will meet Americans with Disabilities Act (ADA) accessibility requirements. Shared access with the Peppertree Inn property would require the neighboring property owner's

consent, and the applicant stated the Phase 1 applicant team attempted to contact Peppertree Inn about this matter but did not receive a response. Staff also noted there is an existing cross over access easement with the subject site and Peppertree Inn, but the easement is located on the Phase 1 site and is outside of the Phase 2 project area.

*Commission Findings.* Based on the evidence in the record, including the testimony received at the hearing, the Commission finds that the applicant has met Sections 40.03.1.F, 40.03.1.G, and 40.03.1.K (Facilities Review Committee) and Sections 60.05.40.3.A, 60.05.40.3.C, and 60.05.40.3.D (Circulation and Parking Design Guidelines). Although the pedestrian circulation may not provide the most direct route in all cases, the applicant has shown that the pedestrian walkways are safe, efficient, and reasonably direct considering topography and on-site vehicular movement. The Commission also finds that the development proposed in this application does not implicate the access easement for the neighboring Peppertree Inn site. That easement is located on the approved Phase 1 site.

The Commission, after holding the public hearing and considering the record as a whole, including all oral and written testimony, adopts the findings herein, the Staff Report dated February 1, 2023, and the Supplemental Memoranda dated February 6, 2023, and February 8, 2023, 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 **DR2022-0078** 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 herein and in the Staff Report dated February 1, 2023, and the Supplemental Memoranda dated February 6, 2023, and February 8, 2023, subject to the conditions of approval as follows:

**A. General Conditions, the applicant shall:**

1. Ensure the associated Shared Parking application (PD2022-0006) has been approved and is consistent with the submitted plans. (Planning / LS)
2. The locations of the Phase 1 and Phase 2 sites referenced in the conditions of approval are identified on Sheet C1.1 of the applicant's approved civil drawings. (Planning / LS)

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

3. 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)
4. 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)
5. 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)

6. 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. Any Phase 1 improvements constructed with Phase 2 shall be included only in the Phase 2 security. (Site Development Div. / SAS)
7. Submit a public water easement, executed and ready for recording when required, to the City. City will require approval of legal description and form prior to execution. (Site Development Div. / SAS)
8. 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)
9. Provide plans showing the proposed 8-inch and 12-inch city water lines extending through the Phase 1 site and connecting to the water main within SW Allen Blvd. (Site Development Div. / SAS)
10. Provide plans showing the storm water design for the outfall to Fanno Creek. (Site Development Div. / SAS)
11. Provide plans showing the flood storage basin in-flow and out-flow pipe connections to Fanno Creek. (Site Development Div. / SAS)

12. Provide flood storage basin pump design, calculations, and sizing determinations, satisfactory to the City. Provide a design and plan for a redundant pump system in the event of pump failure. (Site Development Div. / SAS)
13. Provide a design and plan for a pump station and redundant energy system in the event of electrical power failure, satisfactory to the City Engineer and Floodplain Administrator. (Site Development Div. / SAS)
14. Provide an Operations and Maintenance plan for the pump and redundant energy system, satisfactory to the City Engineer and Floodplain Administrator. This operations and maintenance plan shall be provided should the Phase 1 development not move forward with construction. (Site Development Div. / SAS)
15. 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. This operations and maintenance agreement shall be provided should the Phase 1 development not move forward with construction. (Site Development Div. / SAS)
16. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div. / SAS)
17. Submit a completed 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)
18. 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)

19. 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)
20. The site plans shall 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 certification by a registered professional engineer. (Site Development Div. / SAS)
21. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to the development. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer or as permitted per sections 307 and 311 of Oregon Uniform Plumbing Code. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div. / SAS)
22. 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)

23. 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)
24. Provide plans showing a proprietary stormwater treatment system for treatment of the site's piped surface water runoff. 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)
25. 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)
26. 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)
27. 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, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site. (Site Development Div. / SAS)
28. Provide plans for the placement of underground utility lines within the site for services to the proposed new building. No overhead



services shall remain on the site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div. / SAS)

29. 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 control structures unless otherwise specifically approved by the City Engineer. (Site Development Div. / SAS)
30. When 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 is 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)
31. 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)
32. Resubmit site plans to demonstrate that the minimum required standards for short term bicycle parking are met. Specifically, there shall be a minimum of 2-foot wide clearance between the staple rack and a wall. A minimum 5-foot wide unobstructed path along pedestrian walkways shall not be impeded. (BDC 60.30.10.2.B and EDM Sections 340 and 450) (Transportation / KM)
33. Resubmit site plans demonstrating long term bicycle parking complies with all applicable design standards in BDC 60.30.10.2.B and EDM Sections 340 and 450. (Transportation / KM)
34. If Phase 1 has not yet substantially completed the site's access to SW Allen Boulevard and the site's private driveway, submit site plans for the required access improvements. The interim access improvements should include, at a minimum, the intersection at SW

Allen Boulevard (including two through travel lanes and a northbound left turn lane), a private street with sufficient width for two-way vehicle traffic, and curb and walkways on at least one side of the private street that provides direct pedestrian access (compliant with ADA) to the Phase 2 site. Site plans for interim access and circulation improvements shall be approved by the City Transportation Engineer. (BDC 40.03.1.F, G, and K, and 60.55.10, 25, and 35) (Transportation / KM)

35. Submit a revised site photometric plan demonstrating compliance with the Technical Lighting Standards in BDC Table 60.05-1 and the walkway lighting standards in BDC 60.55.25.10.B.7. (Planning / LS)
36. The applicant shall enter into an agreement with the City, in a form approved by the City Attorney, for any work proposed within the City's bicycle and pedestrian easements, as shown on Sheets C1.1 and C2.0. The agreement shall be accompanied by a performance bond to cover the full cost to restore the easements in the event the easements are not vacated. The performance bond shall be submitted to the City Attorney for review and approval. (Planning / LS)

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

37. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / SAS)
38. 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)
39. 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 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. As the floodplain

elevations change throughout the site, individual floodplain elevations will be identified on plans. (Site Development Div. / SAS)

40. Submit documentation showing that the two bicycle and pedestrian easements identified on Sheets C1.1 and C2.0 have been approved for vacation by Beaverton City Council. (Planning / LS)

**D. Prior to the start of construction, the applicant shall:**

41. Install tree protection fencing in compliance with BDC 60.60.20. Any alternatives to the standards in BDC 60.60.20 shall be approved by the City Arborist. (Planning / LS)
42. Survey, stake, and temporarily fence the Vegetated Corridor, in compliance with Clean Water Services Service Provider Letter 19-001462, dated June 1, 2022. During construction, the Vegetated Corridor shall remain fenced and undisturbed. (Clean Water Services / SB)

**E. Prior to issuance of any certificate of occupancy, the applicant shall:**

43. Submit documentation showing that vacation of the two bicycle and pedestrian easements identified on Sheets C1.1 and C2.0 has been recorded. (Planning / LS)

**F. Prior to issuance of temporary occupancy, the applicant shall:**

44. If not yet constructed by the Phase 1 redevelopment, Phase 2 shall construct water lines extending through the Phase 1 site and connecting to the water main within SW Allen Boulevard, as shown on Sheet C5.0 (drawn by DOWL on January 31, 2022). (Site Development Div. / SAS)
45. If not yet constructed by the Phase 1 redevelopment, Phase 2 shall construct the flood storage basin related stormwater infrastructure, as shown on Sheet C4.2 (drawn by DOWL on January 31, 2022), and the pump station on the Phase 1 plans, as shown on the Romtec Utilities Scope of Supply and Design Submittal (dated June 15,

2022). (Site Development Div. / SAS)

46. If not yet dedicated with the Phase 1 development, dedicate sufficient property for the purposes of public 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 on Sheet C1.4 (drawn by DOWL on January 31, 2022). If dedication has already occurred with Phase 1 development as shown on Sheet C1.4, provide documentation of the finalized right of way dedication. (BDC 40.03.1, 60.55.10) (Transportation / KM)
47. If not yet completed from Phase 1 redevelopment, reconstruct the public street frontage along SW Allen Boulevard to provide the following: (BDC 40.03.1. A, B, and D, and 60.55.10) (Transportation / KM)
  - 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.
48. If not yet constructed from Phase 1 redevelopment, construct the interim access and private street improvements approved in previous Site Development plans to provide direct vehicular and pedestrian access to SW Allen Boulevard. (BDC 40.03.1.F and G, and BDC 60.55.10 and 35) (Transportation / KM)
49. Submit documentation showing the lot consolidation of Tax Lots 100, 200, 400, and 500 on Washington County Tax Assessor's Map 1S122AA has been recorded. (Planning / LS)

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

50. 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)
51. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / SAS)
52. 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)
53. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / SAS)
54. 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)
55. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form, to the City Building Official, verifying that the lowest finished floor is at least one foot above base flood elevation (BFE) 192.2 feet, NAVD-88 and higher or flood-proofed to one foot above the BFE. (Site Development Div./SAS)

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

56. 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)

57. 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)
  
58. 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)
  
59. 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 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)
  
60. A 2-year Maintenance Security will be required at 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 for plant establishment

and is released 2 years after project acceptance following the correction of any identified defects. (Site Development Div. / SAS)

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

- AYES:** Lawler, Glenewinkel, Akkal, Ellis, Winter.
- NAYS:** Nye.
- ABSTAIN:** None.
- ABSENT:** McCann.

Dated this 14 day of February, 2023.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2927 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 February 24, 2023.

**PLANNING COMMISSION  
FOR BEAVERTON, OREGON**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**LINA SMITH**  
Associate Planner

\_\_\_\_\_  
**JENNIFER NYE**  
Chair

\_\_\_\_\_  
**STEVE REGNER**  
Senior Planner