

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

IN THE MATTER OF A REQUEST FOR APPROVAL OF ) ORDER NO. 2827  
A SIDEWALK DESIGN MODIFICATION FOR HERZOG )  
MEIER EXPANSION. AXIS DESIGN GROUP, ) SDM2020-0007 ORDER APPROVING HERZOG MEIER  
APPLICANT. ) EXPANSION, SIDEWALK DESIGN MODIFICATION.  
)

The matter came before the Planning Commission on July 14, 2021, on a request for a Sidewalk Design Modification to modify the sidewalk and planter strip widths for a portion of the sidewalk. 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 Section 40.58.15.1.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **SDM2020-0007** 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) and Design Review Three (DR2020-0079) 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 revised plans showing a five-foot-wide sidewalk with 5.5-foot-wide planter strip instead of a four-foot-wide sidewalk with 6.5-foot-wide planter strip along the western half of the site's SW Whitney Way frontage, which transitions to a five-foot-wide sidewalk with 6.5-foot-wide planter strip along the remainder of the frontage. (Planning/LR)
3. Submit revised plans showing that at the ultimate curb location, there is a six-foot-wide sidewalk with four-foot-wide planter strip and six-inch maintenance buffer along the portion of the frontage that immediately abuts the Volvo entrance plaza, which transitions to a six-foot-wide sidewalk with 7.5-foot-wide planter strip and six-inch maintenance buffer along the remainder of the frontage. (Planning/LR)

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

**AYES:** Winter, Teater, Lawler, McCann, Nye, Overhage, Saldanha.  
**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. 2827, 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

  
\_\_\_\_\_  
TERRY LAWLER  
Chair

\_\_\_\_\_  
ANNA SLATINSKY  
Planning Division Manager