



Community Development Department / Planning Division  
12725 SW Millikan Way / PO Box 4755  
Beaverton, OR 97076  
General Information: 503-526-2222 V/TDD  
www.BeavertonOregon.gov

## MEMORANDUM

TO: Planning Commission  
FROM: Steve Regner, Senior Planner  
DATE: January 26, 2021  
SUBJECT: Herzog Meier Mazda – Revised Conditions of Approval

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This memo is intended to supplement the staff report dated January 21, 2021, for the proposed Herzog Meier Mazda (CU2020-0007 / DR2020-0113 / SDM2020-0010). This memo provides suggested revisions to the recommended conditions of approval.

### COA 27

SW Tualatin Valley Highway is a Principal Arterial under the jurisdiction of Oregon Department of Transportation (ODOT). While ODOT is responsible for the roadway, typically, the local jurisdiction is responsible for the frontage design, including sidewalks and landscape strips, as well as the required right of way dedication to accommodate the design. The current condition of approval does not specify the right of way width required. However, findings for Facilities Review Criteria 40.03.1A and D identifies that two feet of dedication is required. Staff is recommending condition of approval 27 be modified to include the specific dedication amount.

The recommended revised condition of approval reads as follows (new text is underlined, removed text has ~~strike through~~):

“Donate two feet of right of way to be deeded to the Oregon Department of Transportation ~~as necessary~~ to accommodate the planned cross-section along the site's frontage to SW Tualatin Valley Highway. The planned future cross-section includes an 8' buffered bike lane, 7' 6" planter strip (including standard curb), 6' sidewalk, and 1' between back of sidewalk and the right of way line. (BDC 60.55.10.5) (Transportation / KM)”

### COA 55

In previous iterations of the application, the applicant proposed a stormwater planter facility in the landscape planter in the right of way along the SW 141<sup>st</sup> Avenue frontage. Subsequent iterations removed the stormwater planter facility, and stormwater management is now

addressed fully through an underground facility. Several conditions of approval were removed to reflect this change, but, in error, one condition of approval was not removed.

In the staff report dated January 21, 2021, condition of approval 55 reads as follows:

“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 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. / TDM)”

As noted above, the version of the proposal under consideration by Planning Commission does not have a stormwater planter facility, rendering this condition of approval unwarranted.

Staff recommends that condition of approval 55, as shown above, be removed from the recommended conditions of approval.