



MEMORANDUM

TO: City Council

FROM: Lauren Russell, Associate Planner

DATE: August 31, 2021

SUBJECT: APP2021-0002 Appeal of Herzog Meier Expansion Design Review Three (DR2020-0079) and APP2021-0003 Appeal of Herzog Meier Expansion Sidewalk Design Modification (SDM2020-0007)

At the September 7, 2021, meeting, the City Council will hear an appeal of the Planning Commission's decision to approve Herzog Meier Expansion Design Review Three (DR2020-0079) and Herzog Meier Expansion Sidewalk Design Modification (SDM2020-0007). The entire land use record must be provided to the Council for consideration, which is provided with this Memorandum and Agenda Bill.

A note on terminology: the land use record refers to the "applicant" and the appeal materials refer to the "appellant". These terms refer to the same parties, since it is the applicant that filed the appeals.

Council is designated as the decision-maker for these appeals, which will be the final land use decisions for these applications. The appeals are "de novo" pursuant to BDC 50.70.5. A de novo hearing is a new hearing, which means the council will hear the case as if the action had not been previously heard, and as if no decision had been rendered, except that all the testimony, evidence and other material from the Planning Commission's record is included in the record before the council. This means that the council may choose to reconsider any aspect of the land use applications that are being appealed, not only the objections raised by the appellant. However, the land use applications associated with the proposed development that were not appealed may not be reconsidered by Council.

Below is a detailed staff assessment of the approval criteria for the appeals. As a threshold matter, staff finds that the appeal contains all the information required pursuant to BDC 50.70.3 to be properly before the council. The approval criteria for the original land use applications may be found in the staff report (Exhibit 2). Council's decision must be based on the approval criteria for the land use applications that were appealed.

Background Information

The Herzog Meier Expansion project for the Herzog Meier Volkswagen and Volvo dealerships located at 4180 SW 141st Avenue includes: a Major Modification of a Conditional Use application to increase the gross floor area of the existing conditionally permitted Major Automotive Service use on the site; a Design Review Three application 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; a Loading Determination application to reduce the required off-street loading spaces from three to two; a Parking Requirement Determination application to establish an off-street parking ratio for automotive dealerships; a Sidewalk Design Modification application to modify the sidewalk and planter strip widths for a portion of the sidewalk; and a Tree Plan Two application to remove eight Community Trees.

The applicant, AXIS Design Group, submitted Design Review Three (DR2020-0079) and Tree Plan Two (TP2020-0005) applications on June 16, 2020, and Major Modification of a Conditional Use (CU2020-0006), Loading Determination (LO2020-0003), Parking Requirement Determination (PD2020-0005), and Sidewalk Design Modification (SDM2020-0007) applications on August 28, 2020. Staff received the applicant's request to deem the applications complete on September 24, 2020. On July 14, 2021, the Planning Commission held a public hearing to consider the Herzog Meier Expansion (CU2020-0006 / DR2020-0079 / LO2020-0003 / PD2020-0005 / SDM2020-0007 / TP2020-0005) proposal and took public testimony. After reviewing all materials entered into the record and conducting deliberations, the Commission voted to approve the Herzog Meier Expansion (CU2020-0006 / DR2020-0079 / LO2020-0003 / PD2020-0005 / SDM2020-0007 / TP2020-0005) proposal subject to conditions of approval.

The Land Use Orders were prepared and mailed on July 27, 2021, with the appeal period ending at 4:30 PM on August 6, 2021. Two timely appeals (Exhibit APP 1.1) were filed by the applicant and owner on July 30, 2021, prior to the appeal deadline: one appeal (APP2021-0002) of the Design Review Three (DR2020-0079) application and one appeal (APP2021-0003) of the Sidewalk Design Modification (SDM2020-0007) application. Staff reviewed and accepted the appeals as valid under the provisions of Section 50.70 of the Beaverton Development Code. The appellant did not file any additional appeals; therefore, the Council may only consider the Design Review Three and Sidewalk Design Modification applications. Because the Major Modification of a Conditional Use (CU2020-0006), Loading Determination (LO2020-0003), Parking Requirement Determination (PD2020-0005), and Tree Plan (TP2020-0005) applications were not appealed, those decisions are final.

Staff anticipates that additional materials will be filed by the appellant or members of the public. Staff will provide additional memoranda to the Council as necessary to respond to additional materials.

Section 50.70.3 Appeal of a Type 3 Decision

Within seven (7) calendar days after an appeal has been filed, the Director shall determine whether an appeal contains at least the following information:

A. *The case file number designated by the City.*

FINDING:

The appellants identified Design Review Three (DR2020-0079) and Sidewalk Design Modification (SDM2020-0007) applications on in the letter attached to the appeal form (Exhibit APP 1.1) received by the City on July 30, 2021.

Therefore, staff finds that appeal contains the required information.

B. *The name and signature of each appellant.*

FINDING:

Tom Herzog signed the appeal form on behalf of the owner, Herzog Properties LLC and Erin Upham signed the appeal form on behalf of the applicant, AXIS Design Group.

Therefore, staff finds that appeal contains the required information.

C. *Reference to the oral or written evidence provided to the decision making authority by the appellant that is contrary to the decision.*

FINDING:

The appellants referenced their oral testimony at the July 14, 2021, Planning Commission hearing as evidence that the appellants provided to the decision making authority that is contrary to the Planning Commission's decision

Therefore, staff finds that appeal contains the required information.

D. *If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.*

FINDING:

Two parties, Herzog Properties LLC and AXIS Design Group, signed and filed both appeals. The appeals designate Erin Upham as the appellant representative.

Therefore, staff finds that appeal contains the required information.

- E. The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law, or both, and the evidence relied on to allege the error.***

FINDING:

The appellants outlined the alleged errors in their appeal letter (Exhibit APP 1.1) received by the City on July 30, 2021. Responses to these allegations of error are provided below. Staff finds that the appellants provided specific approval criteria being appealed, the reasons why they assert that the findings are in error, and the evidence they relied on to allege the errors.

Therefore, staff finds that appeal contains the required information.

- F. The appeal fee, as established by resolution of the City Council.***

FINDING:

The appellants submitted the required fee of \$2,208.69 for the appeal of the Design Review Three application and the required fee of \$258.75 for the appeal of the Sidewalk Design Modification application. The appeal fees were set by the City Council as part of the Planning Division fee schedule.

Therefore, staff finds that appeal contains the required information.

Summary of Appellants' Assertions

Staff identifies three main assertions in the appeal submittal (Exhibit APP 1.1). In the findings below, staff only responds to the appellant's assertions of errors and does not provide a full re-analysis of the original Design Review Three (DR2020-0079) or Sidewalk Design Modification (SM2020-0007) decisions. Staff incorporates the findings of DR2020-0079 and SDM2020-0007 in their entirety and provides references to where analysis of these topics is found within the Staff Report and Land Use Orders in Exhibit 2 to the Agenda Bill.

Staff summarizes the three main appellant assertions below, as well as detailing specific assertions related to each main assertion. The appellants' full discussion is provided in Exhibit APP 1.1. Each specific assertion is followed by a short summary staff response, with detailed discussion and analysis below.

Assertion 1: The Planning Commission erred in conditioning the dedication of approximately four feet of right of way along SW Tualatin Valley Highway to the Oregon Department of Transportation and in conditioning the

redevelopment of the SW Tualatin Valley Highway frontage with a 7.5-foot planter strip. (DR2020-0079 Conditions of Approval #27 and #28 and SDM2020-0007 Condition of Approval #3).

Challenged conditions of approval

Full text of the challenged conditions of approval (COA):

DR2020-0079 COA #27: Prior to issuance of the site development grading permit, the applicant shall 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 the property to the Department. Note: it may take up to three months to transfer ownership of property to ODOT.

DR2020-0079 COA #28: Prior to issuance of the site development grading permit, the applicant shall 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).

SDM2020-0007 COA #3: Prior to issuance of the site development grading permit, the applicant shall 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.

The applicant challenges the city's findings of nexus and proportionality:

- The exaction of a right of way dedication to ODOT is supported by neither the law nor the facts and the City has not met its burden of proof to demonstrate the constitutionality of the exaction.
 - The two nexus arguments provided by the City are not sufficient

- Bicycle safety – the dedication is needed to accommodate a bike lane and turn lane for bicycle safety
- Pedestrian safety – no clear connection between the needed bike/right turn lane improvements and pedestrian safety.
- Proportionality argument is not sufficient – the applicant's position is that the City used the cost of right of way donation to show the dedication was proportional to traffic impacts generated from the proposal, but the City did not provide further analysis, calculations, or data.

Summary staff response: Staff incorporate findings in this memo that demonstrate there is a clear public need that the proposed development worsens (an essential nexus), and that the challenged conditions of approval are necessary to make affirmative findings for the land use decision as well as to address the worsened conditions caused by the proposed development. Staff also provide further analysis to meet its burden of proof to demonstrate how the required conditions of approval are roughly proportional to the impacts directly attributed to the development proposal.

- Conditions of approval are inappropriate because they are based on faulty Institute of Transportation Engineers (ITE) trip calculation method.

Summary staff response: Staff provided guidance on the methodology for required analysis of transportation impacts pursuant to Beaverton code. The certified traffic engineer retained by the appellant to conduct the transportation impact analysis certified the resulting document to be complete and accurate, providing the technical foundation for city staff to assess the impacts of the project.

Detailed Staff Discussion and Analysis of Appellant Assertion 1

Is there a public need which the conditions of approval are designed to address?

As described in Land Use Orders No. 2824 and No. 2827, the subject site's frontage along SW Tualatin Valley Highway currently does not meet minimum adopted street standards for either the City of Beaverton or the Oregon Department of Transportation (ODOT), which has jurisdiction over the roadway. SW Tualatin Valley Highway is designated as a Principal Arterial in the City's adopted Transportation System Plan (TSP), as depicted in Figure 6.4 in Chapter 6 of the Comprehensive Plan, the Transportation Element. The City's Engineering Design Manual (EDM) contains the City's adopted street standards that implement functional classifications, including minimum widths for right of way, travel lanes, bicycle lanes, sidewalks, and more. The adopted street standards for each functional classification are intended to facilitate the desired use of the functional classification, which includes assumptions about capacity and conditions that provide for safe use of the right of way by bicycles, pedestrians, and vehicles. EDM Standard Drawing 200-1 is the adopted street cross-section for an Arterial, from which the sidewalk and planter strip standards apply. The minimum bicycle lane and vehicle right turn lane widths are established in ODOT's Highway Design Manual that was adopted in 2012, as noted by ODOT staff (Exhibit 4.1 to the Staff Report).

Currently the site's frontage to SW Tualatin Valley Highway lacks the minimum required six-foot bicycle lane as well as a 13-foot right turn lane. Along the eastern end of the site's frontage to SW Tualatin Valley Highway, there is a five-foot bicycle lane and a nine-foot turn lane. As the bicycle lane and the vehicle turn lane continue west, the bicycle lane disappears, requiring bicyclists to share the vehicle right turn lane, merging into a single 13-foot-wide lane. The existing sidewalk along this frontage is six-feet wide and does not provide the required planter strip between the sidewalk and the curb. Because these transportation facilities do not meet the minimum adopted design standards for the Principal Arterial functional classification, as well as the design standards contained within the Highway Design Manual as outlined by ODOT staff (Exhibit 4.1 to the Staff Report), staff finds that there is not adequate capacity for the bicycle lane, vehicle turn lane, or the sidewalk. Bicyclists and pedestrians are especially at risk for safety issues when adequate capacity is not provided. The marked six-foot bike lane that is fully separated from a standard 13-foot vehicle turn lane allows for needed space for vehicles and bicyclists to merge as well as allows for better visibility for bicyclists. The standard marked bicycle lane also assists with setting expectations for both bicyclists and motorists as to where each roadway user is located, reducing the potential for conflicts and crashes. Pedestrians in particular are at higher risk when minimum street standards are not provided. The physical planter strip between the curb and the sidewalk provides a needed buffer between fast-moving, high traffic volumes and vulnerable pedestrians and transit user. The physical buffer would intercept and slow down a vehicle in the event that it departs the roadway and drives over the curb. Not meeting the minimum street design standards creates not just a capacity issue but also a serious safety problem for the multiple users of the right of way. Staff recommended, and the Planning Commission approved, conditions of approval that are designed to address these safety concerns.

Therefore, staff finds that the inadequate capacity for the bicycle lane, vehicle turn lane, and sidewalk on SW Tualatin Valley Highway creates transportation safety issues, which is the public need that Design Review Three (DR2020-0079) Conditions of Approval #27 and #28, and Sidewalk Design Modification (SDM2020-0007) Condition of Approval #3 are designed to address.

Does the development create or exacerbate the identified public need?

Traffic counts collected by the applicant (Appendix 4 of the applicant's Traffic Impact Analysis (TIA), Exhibit 3.10 to the Staff Report) show over 24,000 daily trips on SW Tualatin Valley Highway. The section of SW Tualatin Valley Highway adjacent to the project site has a posted speed of 45 miles per hour. As noted in the City's findings above, the segment of SW Tualatin Valley Highway along the site's frontage includes a substandard five-foot bicycle lane and a substandard nine-foot vehicle right turn lane. As the bicycle lane and turn lane continue west along the site's frontage, the bicycle lane disappears, and both bicycle and turning vehicles share a merged 13-foot lane. Additionally, this portion of SW Tualatin Valley Highway currently has a six-foot curb tight sidewalk without a buffer between the sidewalk and vehicle lanes. The site's frontage includes Tri-Met bus stop #5595, which serves frequent service Bus Line 57-TV Hwy/Forest Grove.

According to the applicant's TIA, the proposal is expected to generate an additional 536 vehicle trips per average weekday. The trip distribution (TIA Figure 2) indicates that while the majority of projected traffic from the proposal will either come from, or travel to, SW Tualatin Valley Highway, vehicle traffic generated by the proposal nonetheless will utilize the surrounding network of SW 141st Avenue (a Collector), as well as SW 139th Way and SW Whitney Way (both Local Streets). As noted in the appellants' letter (Exhibit APP 1.1 to this memorandum), of the 536 projected trips associated with the development proposal, 402 of the vehicle trips will utilize SW Tualatin Valley Highway. Those 402 trips will create a 1.6% increase in traffic on SW Tualatin Valley Highway, assuming an average daily traffic count of 24,534 as captured in Appendix 4 of the applicant's TIA.

The applicant's traffic counts (Appendix 4 of the applicant's TIA) confirm the presence of pedestrians and bicyclists at the intersections of SW Tualatin Valley Highway and SW 141st Avenue and SW Tualatin Valley Highway and SW 139th Way. Ridership data from Tri-Met (Exhibit APP 2.1 to this memorandum) indicate that during the Fall 2020 passenger census, 19 riders either boarded or exited the bus stop on an average weekday that is served by a frequent service bus line and is located directly on the site's frontage of SW Tualatin Valley Highway. The Fall 2020 passenger census provided by Tri-Met also shows the lifts, which are ramps that provide accessible boarding for disabled persons, were deployed six times during the month of data collection.

In addition to the bicycle facilities being substandard, the existing sidewalk along this frontage is six-feet wide and does not provide the required planter strip between the sidewalk and the curb. The increase in vehicle trips using SW Tualatin Valley Highway places increased risk to bicyclists travelling in the narrower bicycle lane, as well as the shared lane with the vehicle right turn lane. The increase in vehicle trips also increases risk to pedestrians travelling on the sidewalks. Buffers between the travel lane and the sidewalk provide needed separation between fast moving vehicles and pedestrians. The City's adopted Active Transportation Plan (2018) states on page 26 that a key best practice for bicycle and pedestrian facility design includes facilities being "sufficiently separated from motor vehicle traffic." Furthermore, on page 27 the Plan includes strong design guidance for separation between sidewalks and vehicle travel lanes as follows:

Sidewalks along roadways with higher traffic volumes and/or speeds (average daily traffic more than 6,000 and/or speeds of 35 mph or more) necessitate greater separation of pedestrians from traffic to be comfortable.

As noted in the applicant's TIA (Exhibit 3.10 to the Staff Report), over 24,000 daily trips were counted on SW Tualatin Valley Highway adjacent to the site, which is well over the Active Transportation Plan's recommendation for greater separation of pedestrians and vehicle traffic based on roadway average daily traffic. SW Tualatin Valley Highway currently has a posted speed of 45 miles per hour, which is again higher than the Plan's recommendation for when to consider greater separation between motor vehicles and pedestrians of 35 miles per hour.

In their letter (Exhibit APP 1.1 to this memorandum), the appellants assert that the conditions of approval that require the dedication and sidewalk improvements on SW Tualatin Valley Highway and SW Whitney Way are inappropriate because they are based on a faulty trip calculation methodology. They assert that the ITE (Institute of Transportation Engineers) square footage approach required by staff did not accurately measure the traffic impacts of the project and instead punishes the applicant for proposing an attractive, high-quality facility that will benefit employees, customers, and City residents with a better customer and neighborhood experience. Staff refers to the ITE land use descriptions for "Automobile Sales (New)" and other similar uses (Exhibit APP 2.2 to this memorandum) to demonstrate that the most appropriate assumption was used in the methodology.

Pursuant to Beaverton Development Code (BDC) Section 60.55.20.2, which requires a Traffic Impact Analysis (TIA) when a proposed development will generate 300 vehicle trips or more per average weekday, the applicant submitted a TIA that was certified by a registered traffic engineer in the state of Oregon. BDC Section 60.55.20.4 outlines the required contents of a TIA, including required methodologies and assumptions to be used. Subsection D.3(a) specifically addresses the assumptions to use for trip generation calculations. This subsection reads:

BDC 60.55.20.4.D.3(a) Trip generation. Estimates of the proposed development's trip generation shall be made for peak period traffic. Selection of the peak period used in the analysis shall be justified and shall consider, at a minimum, the peak period for the proposed development and the peak period for surrounding streets. The City Engineer may require review of other time periods based on known or anticipated marginal or substandard traffic capacity or traffic safety. Trip generation estimates shall be based on ITE's Trip Generation (latest published edition). The City Engineer may approve different trip generation rates when trip generation rates are not available in ITE's Trip Generation or different rates are justified.

The applicant's initial traffic memorandum dated April 17, 2020, (Exhibit APP 2.3 to this memorandum) provided an estimated trip generation rate utilizing rates from the ITE Land Use Codes 941 (Quick Lubrication Vehicle Shop) and 942 (Automobile Care Center). The initial memorandum states that the proposal will add seven new vehicle bays to the site and that these vehicle bays are "intended to provide support for the vehicle service branch of the facility, rather than expand the showroom floor sales component."

City staff did not agree with the ITE land use assumptions that the applicant utilized in the initial traffic memorandum. The *ITE Trip Generation Manual* provides descriptions for each of the Land Use Codes to help users of the data determine the most appropriate rate to use. The description provided in the 10th edition of the *ITE Trip Generation Manual* for Land Use Code 941 (Quick Lubrication Vehicle Shop) reads:

A quick lubrication vehicle shop is a business where the primary activity is to perform oil change services for vehicles. Other ancillary services provided may include preventative

maintenance, such as fluid and filter changes. Automobile repair service is generally not provided.

Similarly, the applicant's initial memorandum also utilizes trip generation rates for ITE Land Use Code 942 (Automobile Care Center). The 10th edition of the *ITE Trip Generation Manual* provides the following description for this land use category:

An automobile care center houses numerous businesses that provide automobile-related services, such as repair and servicing, stereo installation, and seat cover upholstery.

The proposal reviewed by City staff is for existing automotive dealership businesses to expand portions of their site, including a new, state of the art automotive service building. The applicant describes the businesses on the site as follows: "Herzog-Meier Volkswagen and Volvo display, sell, and service new and used vehicles." The businesses located on this site do not have a primary activity of performing oil changes and other ancillary services such as fluid and filter changes. The site also does not host numerous businesses providing automobile-related services, but rather functions as "one expanded and improved service department servicing both Volkswagen and Volvo customer vehicles" that is located within the broader car dealership business (page 6 of the applicant's narrative, Exhibit 3.14 to the Staff Report). Staff finds that utilizing the estimated trip generation rates for ITE Land Use Codes 941 and 942 are not appropriate for the subject proposal.

The City Transportation Engineer is given the authority in BDC Section 60.55.20.4.D.3(a) to approve alternative trip generation rates if warranted. Under the authority of this Code subsection, staff required the applicant to revise the traffic analysis to utilize the best suited land use code within the 10th edition of the *ITE Trip Generation Manual*. City staff required that trip generation rates from ITE Land Use Code 840 (Automobile Sales (New)) be used to calculate the traffic projections associated with the development. The description provided in the 10th edition of the *ITE Trip Generation Manual* for Land Use Code 840 (Automobile Sales (New)) reads as follows:

A new automobile sales dealership is typically located along a major arterial street characterized by abundant commercial development. The sale or leasing of new cars is the primary business at these facilities; however, automobile services, parts sales, and used car sales may also be available. Some dealerships also include leasing options, truck sales, and servicing.

Staff refers to the applicant's own description of the business of the display, sale, and service of new and used vehicles. Consistent with the description for ITE Land Use Code 840 (Automobile Sales (New)), the primary business activity of the subject site is vehicle sales. The subject site is located along a major arterial characterized by abundant commercial development, which is also consistent with ITE Land Use Code 840. The subject site also provides automobile servicing, which is an accessory use also captured in the description of ITE Land Use Code 840. City staff, including the City Transportation Engineer, finds that utilizing the trip generation rate assumptions

from the ITE Land Use Code 840 (Automobile Sales (New)), is the most appropriate estimate for the subject development proposal.

Furthermore, the applicant's Traffic Impact Analysis dated July 6, 2021, (Exhibit 3.10 to the Staff Report) and completed and stamped by a registered traffic engineer provided the following description of the revised trip generation estimates on page 9 of the TIA:

Data from the Land Use Code 840 (Automobile Sales (New)) was used to estimate and compare the proposed development's trip generation between the existing and modified building based on the increase in square footage. Automobile Sales (New) is defined as "the sale or leasing of new cars is the primary business at these facilities; however, automobile services, part sales, and used car sales may also be available." This description is concurrent with the proposed use."

The letter (Exhibit APP 1.1 to this memorandum) submitted by the appellants asserts as the specific reasons why a finding or condition is in error as a matter of fact, law, or both, that the trip calculation used in determining right of way dedication and sidewalk improvement requirements was faulty. The appellants describe the "ITE square footage approach" as being an incorrect methodology to use because the increase in square footage "was not due to an increase in service capacity." The appellants do not explicitly offer which ITE methodology should have been used instead but seem to imply that a trip generation rate based on per service bay would be more appropriate than the per 1,000 square feet of gross floor area rate that was ultimately required and then applied.

ITE Land Use Codes 941 (Quick Lubrication Vehicle Shop) and 942 (Automobile Care Center) provide trip generation rates based on the number of service bays located at the facility; however, staff provides findings above explaining why these two land use categories within the 10th Edition of the *ITE Trip Generation Manual* are not the appropriate rates and methodology to use for this proposed development. Staff ultimately required the applicant to utilize the trip generation methodology for the ITE Land Use Code 840 (Automobile Sales (New)), which includes rates based on per 1,000 square feet gross floor area.

For these reasons, staff finds that the development exacerbates the identified public need for safe transportation facilities for bicyclists, pedestrians, and vehicles, which is due to the inadequate bicycle lane, vehicle turn lane, and sidewalk on SW Tualatin Valley Highway.

Do the conditions of approval solve or alleviate the identified public need?

Staff finds that there is an essential nexus between the required right of way donation to the Oregon Department of Transportation (ODOT) and the alleviation of the identified transportation safety concerns, which is considered under the approval criteria in Beaverton Development Code (BDC) Section 40.03.1 and applicable Transportation Facilities standards in BDC Section 60.55.

The Facilities Review Committee approval criterion 40.03.1.A requires that “all critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.” Critical facilities and services are defined in BDC Chapter 90 as “services that include potable and non-potable public water; public sanitary sewer; stormwater discharge, treatment, and retention; transportation; and fire protection.” Furthermore, Transportation facilities are defined in BDC Chapter 90 as “any physical facility that moves or assists in the movement of people or goods, which may include accessways, bicycle facilities, shared-used paths, pedestrian connections, or streets.”

As described in Land Use Orders No. 2824 and No. 2827, the subject site's frontage along SW Tualatin Valley Highway currently does not meet minimum adopted street standards for both the City of Beaverton as well as the Oregon Department of Transportation (ODOT), which has jurisdiction over the roadway. SW Tualatin Valley Highway is designated as a Principal Arterial in the City's adopted Transportation System Plan (TSP), as depicted in Figure 6.4 in Chapter 6 of the Comprehensive Plan, the Transportation Element. The City's Engineering Design Manual (EDM) contains the City's adopted street standards that implement functional classifications including minimum widths for right of way, travel lanes, bicycle lanes, sidewalks, and more. The adopted street standards for each functional classification are intended to facilitate the desired function of the functional classification, which includes assumptions about capacity. EDM Standard Drawing 200-1 is the adopted street cross-section for an Arterial, from which the sidewalk and planter strip standards apply. The minimum bicycle lane and vehicle right turn lane widths are established in ODOT's Highway Design Manual that was adopted in 2012, as noted by ODOT staff (Exhibit 4.1 to the Staff Report).

Currently the site's frontage to SW Tualatin Valley Highway lacks the minimum required six-foot bicycle lane as well as a 13-foot right turn lane. Along the eastern end of the site's frontage to SW Tualatin Valley Highway, there is a five-foot bicycle lane and a nine-foot turn lane. As the bicycle lane and the vehicle turn lane continue west, the bicycle lane disappears, requiring bicyclists to share the vehicle right turn lane, merging into a single 13-foot-wide lane. The existing sidewalk along this frontage is six-feet wide and does not provide the required planter strip between the sidewalk and the curb. Because these transportation facilities do not meet the minimum adopted design standards for the Principal Arterial functional classification, as well as the design standards contained within the Highway Design Manual as outlined by ODOT staff (Exhibit 4.1 to the Staff Report), staff finds that there is not adequate capacity for the bicycle lane, vehicle turn lane, or the sidewalk. Staff recommended and Planning Commission approved conditions of approval requiring the right of way donation to ODOT in order to accommodate the required bicycle and vehicle turn lane improvements in the future, and to also reconstruct the sidewalks to the minimum six-foot width at the back of the new right of way line to ensure the minimum required 7.5-foot-wide planter strip will remain in the future.

Similarly, the Facilities Review Committee approval criterion 40.03.1.B requires that “essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy.” Essential

facilities and services are defined in BDC Chapter 90 as “schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities within the right of way.” Thus, this approval criterion specifically calls out needing necessary capacity for transit improvements and on-site pedestrian and bicycle facilities within the right of way.

As stated in the findings above, the site's frontage along SW Tualatin Valley Highway currently has a substandard bicycle lane as well as a missing required planter strip between the curb and the sidewalk per the Oregon Highway Design Manual (2012) and the City's Engineering Design Manual (2019). As noted by ODOT staff (Exhibit 4.1 to the Staff Report), the Oregon Highway Design Manual requires a minimum six-foot-wide bicycle lane. Currently the eastern half of the site's frontage to SW Tualatin Valley Highway provides a substandard five-foot bicycle lane. As the bicycle lane continues west, the bicycle lane disappears and merges into a vehicle right turn lane. The City's adopted street standards for an Arterial (EDM Standard Drawing 200-1) require a minimum six-foot-wide sidewalk that is separated from the vehicle travel lanes with a 7.5-foot-wide planter strip. Currently the site has a six-foot-wide curb tight sidewalk, meaning that the required planter strip is missing in its entirety.

Facilities Review Committee approval criterion 40.03.1.D is relevant to establishing essential nexus for the required right of way donation along the site's frontage to SW Tualatin Valley Highway. This approval criterion requires that “the proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.” As noted in the staff findings above in response to approval criteria 40.03.1.A and B, which require capacity for both critical facilities as well as essential facilities, the substandard transportation facilities that currently exist along the site's frontage to SW Tualatin Valley Highway do not provide the required capacity for the bicycle lane, the right turn lane, nor the sidewalk for the development proposal. The proposed development could not receive land use approval without conditions of approval to address the transportation facility capacity deficiencies. Thus, staff recommended, and Planning Commission approved, conditions of approval requiring right of way donation to ODOT for future planned improvements to widen the bicycle lane and the vehicle turn lane, as well as requiring reconstructing sidewalks to the new right of way line which also provides the required planter strip between the sidewalk and the vehicle lanes. Staff finds that there is essential nexus in requiring the conditions of approval in order to meet the applicable approval criteria under Facilities Review pertaining to sufficient transportation capacity.

Consistency with applicable provisions of BDC Section 60.55 Transportation Facilities is required under Facilities Review Committee approval criterion 40.03.1.D. The purpose and intent of the Transportation Facilities section is to “establish design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the City of Beaverton.” The general provisions contained within BDC Section 60.55.10.1 are:

BDC 60.55.10.1 General provisions. All public and private transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies.

The proposal is located on a site with frontage along four public streets. SW Tualatin Valley Highway is under the jurisdictional authority of the Oregon Department of Transportation and has a functional classification of Principal Arterial in the City's Transportation System Plan (TSP). SW 139th Way is under the jurisdictional authority of the City of Beaverton and has a functional classification of Local Street in the City's TSP. SW Whitney Way is under the jurisdictional authority of the City of Beaverton and has a functional classification of Local Street in the City's TSP. SW 141st Avenue is under the jurisdictional authority of the City of Beaverton and has a functional classification of Collector in the City's TSP.

Under Facilities Review Committee approval criteria 40.03.1.A and B, staff finds that the proposal must dedicate right of way and improve sidewalks in order to meet the required approval criteria for land use approval. Along the site's frontage of SW Tualatin Valley Highway, a four-foot right of way donation to ODOT is required to accommodate planned future improvements along the roadway. The future improvements include a six-foot-wide bicycle lane, 13-foot-wide right turn lane, 7.5-foot-wide planter strip including the six-inch curb, six-foot sidewalks, and one-foot maintenance buffer. The minimum widths for the bicycle lane and right turn lane are from the Oregon Highway Design Manual, ODOT's adopted highway design standards. Despite SW Tualatin Valley Highway being under the jurisdictional authority of ODOT, the state agency defers to the City of Beaverton's pedestrian facility standards including the 7.5-foot-wide planter strip and six-foot-wide sidewalk as shown in the City's adopted street standards for an Arterial (Standard Drawing 200-1 in the Engineering Design Manual).

As noted in the letter from ODOT (Exhibit 4.1 to the Staff Report), an ODOT Miscellaneous Permit will be required for improvements in the SW Tualatin Valley Highway right of way. Pursuant to BDC Section 60.55.10.1 above, the City requires the applicant to obtain this ODOT permit as a condition of approval to the proposal. As indicated in the letter from ODOT staff, the required right of way donation to accommodate the minimum street standards outlined above are needed to obtain an approved Miscellaneous Permit.

For these reasons, staff finds that Design Review Three (DR2020-0079) Conditions of Approval #27 and #28 and Sidewalk Design Modification (SDM2020-0007) Condition of Approval #3 are necessary to meet the applicable approval criterion described above, and to alleviate the identified public need for safe transportation facilities for bicyclists, pedestrians, and vehicles, which is due to the inadequate bicycle lane, vehicle turn lane, and sidewalk on SW Tualatin Valley Highway.

Are the conditions of approval roughly proportional to that portion of the need created or exacerbated by the proposed development?

To demonstrate that the conditions of approval requiring right of way dedication on SW Tualatin Valley Highway meet the rough proportionality test, staff provides the following calculation of the percentage of the site's area that will be dedicated to the Oregon Department of Transportation for public road purposes. Using aerial maps and publicly available data of tax lot boundaries, City staff estimates the following amount of land area to be dedicated based upon the conditions of approval requiring a four-foot-wide dedication along SW Tualatin Valley Highway:

Table 1: Percentage of Site's Land Area¹ to Be Dedicated for SW Tualatin Valley Highway Public Right of Way

Site Frontage	Dedication Width	Length of Frontage	Area of Dedication	Percentage of Site's Area to Be Dedicated
SW Tualatin Valley Highway	4 feet	440 feet	1,760 square feet	0.9%

As shown in the above table, the required right of way dedication of four-feet along the site's frontage to SW Tualatin Valley Highway makes up less than one-percent (0.9%) of the site's total land area. As previously stated in the findings above, the data from the applicant's Traffic Impact Analysis, including the trip generation from the proposal, traffic counts along SW Tualatin Valley Highway, and trip distribution patterns, demonstrate that 402 of the 536 new trips will utilize SW Tualatin Valley Highway, which represents an increase of 1.6% in traffic along this road. Staff finds that the requirement to deed four feet of right of way, approximately 0.9% of the site's total land area is roughly proportional to the expected new trips attributable to the development proposal, an increase of 1.6% in traffic.

In addition to the four-foot right of way dedication along the site's frontage of SW Tualatin Valley Highway, the conditions of approval require that the sidewalks be reconstructed in order to provide the minimum planter strip as required in the City's Engineering Design Manual Standard Drawing 200-1, which is the adopted street design standards for an Arterial. The City requires that the reconstructed sidewalk be located one-foot from the back of the new right of way line.

The City is not requiring the applicant to construct full frontage improvements along the site's frontage to SW Tualatin Valley Highway. As discussed in detail in the staff's findings above, the segment of SW Tualatin Valley Highway adjacent to the subject site includes a substandard five-foot bicycle lane and nine-foot right turn lane, which eventually merge into a single shared 13-foot turn lane as the lanes travel west toward SW 141st Avenue. Formal comment from the Oregon Department of Transportation (ODOT) (Exhibit 4.1 to the Staff Report) states that the minimum required width for a bicycle lane on SW Tualatin Valley Highway is six feet wide and the minimum required width for a vehicle right turn lane is 13 feet wide. Requiring the bicycle

¹ The total land area is 196,891.2 square feet, which was converted from 4.52 acres pulled from Washington County's Assessment & Taxation database.

lane and right turn lane be reconstructed to meet the minimum standards established by ODOT would necessitate moving the road's curb, underlying stormwater facilities, and catch basins, and adding a substantial amount of paving to extend the travel lanes. The City has provided a cost estimate of the construction costs associated with reconstructing the full street frontage to ensure the bicycle lane and right turn lane are brought up to standard (Exhibit APP 2.4 to this memorandum). The cost estimate utilizes a standard cost estimating methodology based on local capital projects and construction costs. Based on this estimate, the full construction cost of the street frontage reconstruction if the City had required it is over \$250,000.

In order to provide a cost comparison of the proposed improvements to the cost of full street frontage reconstruction, staff references the building permit valuation for a new service building at the Herzog Mazda site next door and under the same ownership as the appellant. City building permit B2021-0068 states a \$723,600 valuation for a new 4,855 square foot service building. This valuation translates to a rough estimate of \$149.04 per square foot for a new service building. Using this assumption, staff calculate that the subject development that is proposing a new 24,900 square foot service building could roughly be valued at \$3,711,151.39. The full street frontage reconstruction along SW Tualatin Valley Highway construction estimated of approximately \$250,000 is roughly 6% of the new service building valuation estimate. City staff does not find that the cost of the full street frontage reconstruction was roughly proportional to the transportation safety impacts of the development proposal.

While full street frontage reconstruction is not being required, the staff finds that the impacts associated with the proposed development warrant the reconstruction of the sidewalks in their ultimate location, meaning one foot from the back of the new right of way line after dedication. Given the high traffic volumes of SW Tualatin Valley Highway, and a high posted speed of 45 miles per hour, staff finds that requiring the sidewalks to be reconstructed to include the minimum planter strip width of 7.5 feet is essential to the safety and comfort of pedestrians. Because the City will not require the curb to be relocated at this time due to the costs not being proportional to the development's impacts, the planter strip between the reconstructed sidewalk and the curb will be wider than the minimum width of 7.5 feet for an unknown length of time. This interim design configuration will ensure that the minimum required 7.5-foot-wide planter strip will be in place at a future time when ODOT improves SW Tualatin Valley Highway to its full street standards. If the City instead allowed the reconstructed sidewalks to be placed such that there is a 7.5-foot-wide planter strip between the existing curb and sidewalk, the future planter strip width would be approximately four feet wide when the full street improvements are constructed. If the final design of the site's frontage to SW Tualatin Valley Highway includes a substandard four-foot-wide planter strip, as noted in the findings for BDC Section 40.03.1 and 60.55.10, staff cannot make affirmative findings to the applicable approval criteria found in BDC Section 40.03.1.A and B regarding capacity for critical and essential facilities, as well as BDC Section 40.03.1.D regarding consistency with the applicable provisions of BDC Chapter 60, including BDC Section 60.55.10.2 about traffic safety.

Data provided by the applicant in their Traffic Impact Analysis (TIA) (Exhibit 3.10 to the Staff Report) indicates that 402 of the 536 expected vehicle trips associated with this project will be

travelling along SW Tualatin Valley Highway. The traffic counts within Appendix 4 of the TIA confirm the presence of pedestrians who utilize the substandard curb tight sidewalk as is. Furthermore, the passenger census collected by TriMet during the fall of 2020 shows that 19 transit riders utilized the bus stop along the site's frontage in one day. The increase in vehicle trips using SW Tualatin Valley Highway places increased risk to pedestrians travelling on the sidewalks. Buffers between the travel lane and the sidewalk provide needed separation between fast moving vehicles and pedestrians. Page 27 of the City's Active Transportation Plan includes strong design guidance for separation between sidewalks and vehicle travel lanes as follows:

Sidewalks along roadways with higher traffic volumes and/or speeds (average daily traffic more than 6,000 and/or speeds of 35 mph or more) necessitate greater separation of pedestrians from traffic to be comfortable.

Given that the proposed development is adding 402 vehicles trips to SW Tualatin Valley Highway, an increase of 1.6% of the observed average daily traffic on the roadway, staff finds that the cost and burden of reconstructing the sidewalk in its ultimate location is roughly proportional.

For these reasons, staff finds that Design Review Three (DR2020-0079) Conditions of Approval #27 and #28 and Sidewalk Design Modification (SDM2020-0007) Condition of Approval #3 are roughly proportional to the identified public need for safe transportation facilities for bicyclists, pedestrians, and vehicles, which is due to the inadequate bicycle lane, vehicle turn lane, and sidewalk on SW Tualatin Valley Highway.

Therefore, staff finds that the conditions requiring the dedication of approximately four feet of right of way along SW Tualatin Valley Highway to the Oregon Department of Transportation and the redevelopment of the SW Tualatin Valley Highway frontage with a 7.5-foot planter strip meet the constitutional requirements for nexus and proportionality. (DR2020-0079 Conditions of Approval #27 and #28 and SDM2020-0007 Condition of Approval #3).

Assertion 2: The Planning Commission erred in conditioning the dedication of approximately one foot of right of way along SW Whitney Way to the City of Beaverton and in conditioning the redevelopment of the SW Whitney Way frontage with a five-foot-wide sidewalk. (DR2020-0079 Conditions of Approval #31 and #54 and SDM2020-0007 Condition of Approval #2).

Challenged conditions of approval

The appellants have challenged the following three conditions of approval (COA):

DR2020-0079 COA #31: Prior to issuance of the site development grading permit, the applicant shall 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).

DR2020-0079 COA #54: Prior to final inspection and final occupancy permit, the applicant shall 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 show on the applicant's side plans (BDC 60.55.10.1, 2, and 4).

SDM2020-0007 COA #2: Prior to issuance of the site development grading permit, the applicant shall 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.

The appellants challenge the city's findings of nexus and proportionality, and the associated conditions of approval, for the following reasons:

- Planning Commission did not provide any arguments for essential nexus and rough proportionality for both the 1-foot right of way dedication as well as the sidewalk improvements.

Summary staff response: Staff contends that the conditions respond to a public need that is impacted by the proposed project, and that the exactions required are roughly proportional to the proposed development. Staff provide detailed findings below.

- The design of the reconstructed sidewalks along Whitney Way will create an unsafe/abrupt and unsightly condition whereas the requested design from the applicant would retain a seamless sidewalk condition.

Summary staff response: The Engineering Design Manual allows for transitions between different sidewalk corridors and provides transition standards that result in a safe sidewalk (EDM Standard Drawing 217). Avoiding such a transition is not one of the SDM approval criteria. The applicant's proposed sidewalk would be substandard, and it is not approvable because it wouldn't meet Fac Rev approval criteria, Design Standards, and 60.55. In addition, the minimum sidewalk width that meets ADA requirements would be the five-foot-wide sidewalk required by the city.

Detailed Staff Discussion and Analysis of Appellant Assertion 2

Is there a public need which the conditions of approval are designed to address?

The subject site's frontage along SW Whitney Way currently does not meet the City's minimum adopted street standards. SW Whitney Way has a functional classification of a Local Street in the City's adopted Transportation System Plan (TSP), as depicted in Figure 6.4 in Chapter 6 of the Comprehensive Plan, the Transportation Element. The City's Engineering Design Manual (EDM) contains the City's adopted street standards that implement functional classifications including the minimum widths for right of way, travel lanes, bicycle lanes, sidewalks, and more. The adopted street standards for each functional classification are intended to facilitate the use of the functional classification, which includes assumptions about capacity. EDM Standard Drawing 200-4 is the adopted street cross-section for a Local Street.

SW Whitney Way is designed as an L2 Local Street as shown in the adopted street standards. The L2 standard is one of two alternative street cross-sections for a Local Street, allowing for narrower right of way and street features for Local Streets with fewer than 500 average daily trips. Currently the site's frontage to SW Whitney Way lacks the minimum required right of way width of 52 feet, or 26 feet for the half street as measured from center line, for an L2 Local Street. For the subject site's frontage to SW Whitney Way, the current half street width as measured from the center line is 25 feet.

In addition to the substandard right of way width, the sidewalks along the site's frontage to SW Whitney Way do not meet the minimum standards as shown in EDM Standard Drawing 200-4 for Local Streets. The current sidewalks measure approximately four feet wide, whereas the adopted street standards require a minimum of five feet in width, to comply with ADA requirements. Because these transportation facilities do not meet the minimum adopted design standards for the L2 Local Street functional classification, staff finds that there is not adequate capacity for the sidewalk. Staff recommended and Planning Commission approved conditions of approval that are designed to address the lack of adequate pedestrian space along SW Whitney Way.

Therefore, staff finds that providing adequate capacity for sidewalks on SW Whitney Way is a public need which Design Review Three (DR2020-0079) Conditions of Approval #31 and #54 and Sidewalk Design Modification (SDM2020-0007) Condition of Approval #2 are designed to address.

Does the development create or exacerbate the identified public need?

Historical traffic counts provided by the City of Beaverton (Appendix 3 of the applicant's Traffic Impact Analysis, Exhibit 3.10 to the Staff Report) show 4,316 daily trips on SW 141st Avenue, a two-lane Collector street. Currently, the site's frontage along SW 141st Avenue includes newer 10-foot-wide curb tight sidewalks with tree wells that were required from a 2013 land use approval. Traffic counts were not collected for SW 139th Way and SW Whitney Way, nor does

the City maintain any historic traffic count data on these streets. Both streets have a functional classification of Local Street in the City's Transportation System Plan.

According to the applicant's TIA, the proposal is expected to generate an additional 536 vehicle trips per average weekday. The trip distribution (TIA Figure 2) indicates that while the majority of projected traffic from the proposal will either come from or travel to SW Tualatin Valley Highway, vehicle traffic generated by the proposal nonetheless will utilize the surrounding network of SW 141st Avenue (a Collector), as well as SW 139th Way and SW Whitney Way (both Local Streets). As mentioned above, traffic count data is not available for SW 139th Way and SW Whitney Way. In lieu of collected daily traffic counts, the City refers to the applicant's estimated AM- and PM-peak hour traffic volumes for existing conditions that were calculated using a methodology acceptable to the City Transportation Engineer. Staff refers to Exhibit APP 2.5 to this memorandum, which compares the existing volumes at the studied intersections along SW 139th Way and SW Whitney Way (TIA Figure 3) with the additional volumes anticipated from the proposal (TIA Figure 2). This exhibit demonstrates an increase of through traffic ranging from 7% to 24% on SW 139th Way, and from 3% to 18% on SW Whitney Way, that is directly attributed to the proposed development.

In their letter (Exhibit APP 1.1 to this memorandum), the appellants assert that the conditions of approval that require the dedication and sidewalk improvements on SW Tualatin Valley Highway and SW Whitney Way are inappropriate because they are based on a faulty trip calculation methodology. They assert that the ITE (Institute of Transportation Engineers) square footage approach required by staff did not accurately measure the traffic impacts of the project and instead punishes the applicant for proposing an attractive, high-quality facility that will benefit employees, customers, and City residents with a better customer and neighborhood experience. Staff incorporates the findings above in the staff responses to the appellants' first assertion related to the SW Tualatin Valley Highway conditions.

For these reasons, staff finds that the development exacerbates the identified public need for adequate sidewalk capacity on SW Whitney Way.

Do the conditions of approval solve or alleviate the identified public need?

Staff finds that there is an essential nexus between requiring the right of way dedication to the City and the creation of adequate pedestrian space on SW Whitney Way, which is considered under the approval criteria in Beaverton Development Code in (BDC) Section 40.03.1 and applicable Transportation Facilities standards in BDC Section 60.55.

Approval criterion 40.03.1.A requires that "all critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion." Critical facilities and services are defined in BDC Chapter 90 as "services that include potable and non-potable public water; public sanitary sewer; stormwater discharge, treatment, and retention; transportation; and fire protection." Furthermore, Transportation facilities are defined in BDC Chapter 90 as "any

physical facility that moves or assists in the movement of people or goods, which may include accessways, bicycle facilities, shared-used paths, pedestrian connections, or streets.”

Similarly, the Facilities Review Committee approval criterion 40.03.1.B requires that “essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy.” Essential facilities and services are defined in BDC Chapter 90 as “schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities within the right of way.” Thus, this approval criterion specifically calls out needing necessary capacity for transit improvements and on-site pedestrian and bicycle facilities within the right of way.

The subject site's frontage along SW Whitney Way currently does not meet the City's minimum adopted street standards. As stated in the findings above, the site's frontage along SW Whitney Way has substandard sidewalk widths and right of way width per the City's adopted Engineering Design Manual (2019). The challenged conditions of approval solve the identified need to provide adequate capacity pursuant to Facilities Review Committee approval criteria 40.03.1.A and B.

Approval criterion 40.03.1.D is relevant to establishing an essential nexus for the required right of way dedication along the site's frontage to SW Whitney Way. This approval criterion requires that “the proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.” As noted in the staff findings above in response to approval criteria 40.03.1.A and B, which require capacity for both critical facilities as well as essential facilities, the substandard transportation facilities that currently exist along the site's frontage to SW Whitney Way do not provide the required capacity for the sidewalk. The proposed development could not receive land use approval without conditions of approval to address the transportation facility capacity deficiency. Thus, staff recommended, and Planning Commission approved, conditions of approval requiring right of way dedication to the City that would accommodate the required sidewalk reconstruction to meet the minimum adopted street standards for a Local Street. Staff finds that there is an essential nexus between the required conditions of approval and the dedication of right of way because the conditions of approval are necessary to obtain sufficient transportation capacity.

Consistency with applicable provisions of BDC Section 60.55 Transportation Facilities is required under BDC 40.03.1.D. The purpose and intent of the Transportation Facilities section is to “establish design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the City of Beaverton.” The general provisions contained within BDC Section 60.55.10.1 are:

BDC 60.55.10.1 General provisions. All public and private transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development

abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies.

The proposal is located on a site with frontage along four public streets. SW Tualatin Valley Highway is under the jurisdictional authority of the Oregon Department of Transportation, and it has a functional classification of Principal Arterial in the City's Transportation System Plan (TSP). SW 139th Way is under the jurisdictional authority of the City of Beaverton, and it has a functional classification of Local Street in the City's TSP. SW Whitney Way is under the jurisdictional authority of the City of Beaverton, and it has a functional classification of Local Street in the City's TSP. SW 141st Avenue is under the jurisdictional authority of the City of Beaverton, and it has a functional classification of Collector in the City's TSP.

Under BDC 40.03.1.A and B, staff finds that the proposal must dedicate right of way and improve sidewalks in order provide adequate sidewalks and meet the required approval criteria. Along the site's frontage of SW Whitney Way, a one-foot right of way dedication to the City is required to accommodate the needed sidewalk improvements along SW Whitney Way. Currently the sidewalks measure approximately four feet wide, whereas the adopted street standards for an L2 Local Street (EDM Standard Drawing 200-4) requires a minimum of five feet in width.

For these reasons, staff finds that Design Review Three (DR2020-0079) Conditions of Approval #31 and #54 and Sidewalk Design Modification (SDM2020-0007) Condition of Approval #2 alleviate the identified public need by providing adequate capacity for the sidewalk on SW Whitney Way.

Are the conditions of approval roughly proportional to that portion of the need created or exacerbated by the proposed development?

To demonstrate that the conditions of approval requiring right of way dedication on SW Whitney Way meet the rough proportionality test, staff provides the following calculation of the percentage of the site's area that will be dedicated to the City of Beaverton for public road purposes. Using aerial maps and publicly available data of tax lot boundaries, City staff estimates the following amount of land area to be dedicated based upon the conditions of approval requiring a one-foot-wide dedication along SW Whitney Way:

Table 2: Percentage of Site's Land Area² to Be Dedicated for SW Whitney Way Public Right of Way

Site Frontage	Dedication Width	Length of Frontage	Area of Dedication	Percentage of Site's Area to Be Dedicated
SW Whitney Way	1 foot	288 feet	288 square feet	0.1%

² The total land area is 196,891.2 square feet, which was converted from 4.52 acres pulled from Washington County tax assessment data.

As shown in the above table, the required right of dedication of one foot along the site's frontage to SW Whitney Way represents approximately 0.1% of the site's land area. Staff references Exhibit APP 2.5, which tabulates data from the applicant's Traffic Impact Analysis (TIA) (Exhibit 3.10 to the Staff Report) to compare existing traffic volumes at key intersections and the expected distribution of trips created by the proposed development. The data for SW Whitney Way is available for the morning peak hour, referred to as the "AM peak," and the evening peak hour, referred to as the "PM peak." Daily traffic counts and projections for SW Whitney Way are not available. Below is an excerpt of the table displaying the combined traffic volumes for eastbound and westbound traffic on SW Whitney Way at the location of the driveway that will be removed as part of the proposal.

Table 3: Increase in Site-Generated Traffic at SW Whitney Way Driveway Location

Intersection Movement	AM Peak Existing Volume	AM Peak Site-Generated Trips	Percent Increase in AM Peak	PM Peak Existing Volume	PM Peak Site-Generated Trips	Percent Increase in PM Peak
SW Whitney Way (Combined WB/EB Through Traffic)	48	5	10.4%	104	9	8.7%

As shown in the above table, the data from the applicant's TIA expects a 10.4% increase in traffic during the AM peak hour and an 8.7% increase during the PM peak as a direct result of the proposed development. Staff finds that the requirement to dedicate one foot along the site's frontage to SW Whitney Way, representing approximately 0.1% of the site's total land area, is roughly proportional to the anticipated increased traffic volumes during peak hours, 10.4% for the morning peak and 8.7% for the evening peak.

The 10.4% and 8.7% increase in site generated traffic for the AM and PM peak hours, respectively, at the SW Whitney Way driveway location further exacerbates the issue of inadequate sidewalk capacity along the site's SW Whitney Way frontage. The minimum sidewalk widths established in the Engineering Design Manual (EDM) provide not only adequate capacity but also adequate safety and comfort to pedestrians utilizing the sidewalks. Reconstructing the sidewalk to meet the minimum standard of five-foot-width would ensure sufficient capacity, safety, and comfort for pedestrians that travel along SW Whitney Way with the anticipated increases in vehicle trips as demonstrated in the applicant's TIA.

Staff notes that the applicant is proposing to close an existing 35-foot-wide driveway along the site's frontage of SW Whitney Way. By closing the driveway, the applicant would be required to replace the driveway apron with the minimum standard sidewalks, planter strip, and curb because in the driveway location these facilities do not currently exist. The EDM requires a 20-foot transition where the widths of adjoining transportation facilities do not align. Thus, the 35-foot-wide driveway apron would be replaced with the minimum width sidewalks, and then have 20-foot transitions on either side of the new sidewalk, meaning that a total of 75 feet of sidewalk would be reconstructed regardless of the challenged conditions of approval that require the

full length of sidewalk to be reconstructed. As stated in Table 2 above, the site's frontage to SW Whitney Way is approximately 288 feet long. The challenged conditions of approval to reconstruct sidewalks to be five feet wide instead of the existing four-foot width are effectively applicable to the remaining 213 feet of frontage.

For these reasons, staff finds that Design Review Three (DR2020-0079) Conditions of Approval #31 and #54 and Sidewalk Design Modification (SDM2020-0007) Condition of Approval #2 are roughly proportional to that portion of the identified public need, which is the inadequate capacity for the sidewalk on SW Whitney Way, exacerbated by the proposed development.

Therefore, staff finds that conditioning the dedication of approximately one foot of right of way along SW Whitney Way to the City of Beaverton, and the redevelopment of the SW Whitney Way frontage with a five-foot-wide sidewalk, meets the constitutional requirements of nexus and proportionality. (DR2020-0079 Conditions of Approval #31 and #54 and SDM2020-0007 Condition of Approval #2).

Assertion 3: The Planning Commission erred in not fully granting the requested Sidewalk Design Modification (SDM2020-0007) because the approval criteria were met.

Challenged conditions of approval

The full text of the challenged Sidewalk Design Modification conditions of approval reads:

SDM2020-0007 COA #2: Prior to issuance of the site development grading permit, the applicant shall 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.

SDM2020-0007 COA #3: Prior to issuance of the site development grading permit, the applicant shall 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.

Specific Assertion. The appellants assert that the conditioned design of the reconstructed sidewalks along SW Whitney Way will create an unsafe, abrupt, and unsightly condition whereas the design that the appellants requested would retain a seamless sidewalk condition.

Summary staff response: The existing four-foot-wide sidewalk would not meet the Americans with Disabilities Act as well as several applicable approval criteria and the Engineering Design

Manual contains standards that provide for safe transitions where sidewalk segments of different widths meet.

Specific Assertion. Staff erred in failing to find that the applicant met the Sidewalk Design Modification application approval criteria on SW Tualatin Valley Highway because:

- The approval criteria authorize sidewalk modifications to avoid existing local physical conditions, such as an existing structure or existing utility device, that prevents the construction of a standard sidewalk.
- Appellants assert that the record is clear that there are 9 structures that will be affected that should be considered in this approval criteria.

Summary staff response: Pole mounted on-site lighting and pole-mounted signs are not local conditions that prevent the construction of a standard sidewalk.

Specific Assertion. The SW Tualatin Valley Highway frontage design, as approved by the Planning Commission, is not reasonable and will result in substantial unnecessary expense. It results in:

- Unnecessary removal of two existing monument signs, as well as seven light poles, along the southern edge of the parking lot;
- Either unnecessary removal of a PGE utility pole or an unsightly sidewalk design that jogs around the pole;
- Inconsistency with other conditions of approval that require planters and plaza to remain; and
- Inconsistency in the sidewalk design as it relates to the surrounding developments.

Summary staff response: A detailed discussion of the rationale for the required ROW donation and improvements and staff findings regarding the TV Highway frontage is provided above in the staff response to Assertion 1. Staff and the Planning Commission did not find that the SDM approval criteria were met for the full length of the TV Highway frontage as asserted by the appellant.

Detailed Staff Discussion and Analysis of Appellants' Assertion 3

Staff incorporates in full the findings for the Sidewalk Design Modification approval criteria from the pages 70 through 74 of the Staff Report. In response to the appellants' SW Whitney Way assertions, staff notes that the Engineering Design Manual (EDM) contains standards that ensure that sidewalk designs are safe when a transition is required to connect sidewalks and landscape strips of different widths. EDM Section 210.23.1.f states that the connection of sidewalks of different widths shall be accomplished by a transition section of sidewalk that is at least 20 feet long with deflection angles from the centerlines of the two connected sidewalks not to exceed 45 degrees without the City Engineer's written approval. EDM Standard Drawing 217 demonstrates how such a transition is safely accomplished between a curb tight sidewalk and a sidewalk separated from the curb by a 6.5 to 7.5-foot-wide planter strip, which is a much greater difference than the conditioned one-foot difference in how far from the curb the SW Whitney Way sidewalk segments will be. Additionally, the Sidewalk Design Modification

approval criteria do not require an approvable modified sidewalk corridor to be free of such transitions.

The appellants' requested sidewalk design would maintain the existing four-foot-wide sidewalk on the western half of the SW Whitney Way frontage. Staff finds that a sidewalk that is only four feet wide is substandard and cannot be approved because it would not meet two Facilities Review Committee approval criteria as well as an applicable design standard. Facilities Review Committee approval criterion 40.03.1.K requires that "access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes." In order to comply with the Americans with Disabilities Act (ADA), sidewalks must be provide a minimum unobstructed width of five feet. The requested sidewalk would not be able to meet this ADA requirement and thus an applicable approval criterion could not be met. consistency with applicable provisions of BDC Section 60.55 Transportation Facilities is required under BDC 40.03.1.D. The purpose and intent of the Transportation Facilities section is to "establish design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the City of Beaverton." One of the applicable provisions of this code section is BDC 60.55.25.10, which also states that walkways shall maintain at least five feet of unobstructed width. Lastly, a four-foot-wide sidewalk would also not meet Design Standard BDC 60.05.20.3.F, which states that pedestrian walkways shall have a minimum width of five-foot-wide unobstructed clearance, making the Design Review Three application unapprovable.

In response to the appellants' SW Tualatin Valley Highway assertions, the Sidewalk Design Modification approval criteria do not allow for modifications to be approved based on the cost of providing frontage improvements. Staff incorporates the findings above in the staff responses to the appellants' first assertion related to the SW Tualatin Valley Highway conditions nexus and proportionality. Modifications may be granted if an applicant can demonstrate that there is an existing local physical condition such as an existing structure or existing utility device that prevents the construction of a standard sidewalk. The appellants assert that the seven on-site light poles and two on-site signs that would have to be relocated to construct the standard sidewalk corridor along SW Tualatin Valley Highway are such local physical conditions; however, the on-site light poles and signs are fully within the control of the appellants and are items that can be reasonably relocated by the appellants, nor are they required to be located in their current positions. As such, staff finds that the nine private on-site light poles and signs referenced by the appellants do not meet the approval criterion because they do not prevent construction of standard sidewalk due to the ability of the applicant to relocate them elsewhere on site. The built features and utility devices associated with the Volvo entrance plaza, unlike the poles, are local physical conditions that prevent the construction of the standard sidewalk just in the portion of the frontage that immediately abuts the plaza area at the southwest corner of the site because these are structures that cannot be reasonably relocated by the appellants. The condition of approval modifies the standard sidewalk corridor to allow these structures to remain, not require them to remain as the appellants assert.

Staff also finds that the appellants' assertion that the requirement to remove an existing PGE utility pole in order to construct the standard sidewalk corridor is not a local condition that would warrant a design modification. Beaverton Development Code Section 60.65.15.1 states that all existing and proposed utility lines within and contiguous to the subject property, including but not limited to those required for electric, communication, and cable television services and related facilities shall be placed underground and that the utilities required to be placed underground shall be those existing overhead utilities that are impacted by the proposed development and those utilities that are required to be installed as a result of the proposed development. This provision applies to not just utility lines but also any existing utility poles that would be impacted by frontage improvements. Because all developments may be subject to frontage improvements and all developments are required to underground impacted utility poles, the removal of the PGE pole on the subject site's frontage is not a local physical condition but rather a common development situation.

Lastly, staff finds that the appellants' assertion that the requested design modification on SW Tualatin Valley Highway should be granted because the approved design would be inconsistent with the sidewalk corridors of surrounding developments is not valid because the Sidewalk Design Modification approval criteria do not allow for modifications to be approved based on compatibility with nearby sidewalks. Further, the appellants specifically state that the requested design would be more consistent with the sidewalk along the Porsche Audi dealership's SW Tualatin Valley Highway to the east across SW 139th Way. While the dealership to the east has a substandard planter strip along its SW Tualatin Valley Highway frontage, the adjacent dealership to the west, which is the Herzog Meier Mazda site separated from the subject site by SW 141st Avenue, received land use approval earlier this year to construct the standard sidewalk corridor including the required 7.5-foot-wide planter strip along its SW Tualatin Valley Highway frontage. Individual land use proposals are assessed by staff using the development code based on its own merits, impacts, and surrounding environmental context. Between the Porsche Audi dealership to the east and the Herzog Meier Mazda site to the west, the surveyed center line of SW Tualatin Valley Highway splits into two center lines, one for each direction of travel. This is a relevant example as to how the surrounding context of each site and development must be assessed individually given that the conditions upon which right of way needs are determined can vary.

Therefore, staff finds that the Planning Commission did not err in not fully granting the requested Sidewalk Design Modification because the request could not meet the approval criteria without the adopted conditions of approval (SDM2020-0007 Conditions of Approval #2 and #3).

Correction to SDM2020-0007 Condition of Approval No. 3

Staff, having reviewed the conditions of approval, proposes an update to Condition of Approval (COA) 3 of SDM2020-0007 to reflect the required one-foot maintenance buffer required at the back of sidewalk. The condition erred in stating the buffer was to be six inches instead of one

foot. Staff provides the following revised condition language and recommends the Council adopt the revised condition language:

SDM2020-0007 COA #3: Prior to issuance of the site development grading permit, the applicant shall submit revised plans showing that at the ultimate curb location, there is a six-foot-wide sidewalk with ~~four-foot-wide~~ 3.5-foot planter strip and ~~six-inch~~ one-foot 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~~ one-foot maintenance buffer along the remainder of the frontage.

RECOMMENDATION:

Staff recommends that the City Council **affirm the Planning Commission's decision to approve Herzog Meier Expansion Design Review Three (DR2020-0079)**, with the conditions of approval stated in the Land Use Order No. 2824, dated July 27, 2021, **thereby denying the appeal (APP2021-0002)**. Staff recommends that the City Council **affirm the Planning Commission's decision to approve Herzog Meier Expansion Sidewalk Design Modification (SDM2020-0007)**, with the conditions of approval stated in Land Use Order No. 2827, dated July 27, 2021, with the updated condition of approval 3 language provided in this memorandum, **thereby denying the appeal (APP2021-0003)**.

Exhibits:

Exhibit APP 1 – Appellant Materials:

- APP 1.1 Appeal Submittal from Herzog Properties LLC and AXIS Design Group, received July 30, 2021

Exhibit APP 2 – Staff Materials:

- APP 2.1 Tri-Met Ridership Census Data for Fall 2019 and Fall 2020
- APP 2.2 Comparing Relevant ITE Land Use Category Descriptions
- APP 2.3 Initial Traffic Impact Analysis Submitted by Applicant, dated April 17, 2020, and submitted to City on June 16, 2020
- APP 2.4 City Staff's Construction Cost Estimate for Full Frontage Improvements to the Site's Frontage Along SW Tualatin Valley Highway
- APP 2.5 Percent Increases in Vehicle Trips at Studied Intersections

Exhibit APP 3 – Public Comment:

None received

Exhibit APP 4 – Agency Comment:

No additional agency comment received to date.

Land Use Record (Exhibit 2 to the Agenda Bill)



COMMUNITY DEVELOPMENT DEPARTMENT
TRANSMITTAL FORM

Please complete this form when submitting documents to the Planning (land use), Site Development, or Building divisions for review. Please list all documents you are submitting at this time.

TO: _____
DIVISION: _____
FROM: _____
COMPANY: _____
PHONE: _____
EMAIL: _____
PROJECT: _____

(Permit/Case Number, if Assigned)

(Site Address)

(Project name or subdivision name and lot number)

DATE RECEIVED:

**Received
Planning Division
07/30/2021**

By: _____

I AM THE PROPERTY OWNER OR I AM AUTHORIZED BY THE PROPERTY OWNER TO ACT AS AN AGENT ON THEIR BEHALF FOR THE PROPOSED PROJECT OR WORK AFFILIATED WITH THE ATTACHED PERMIT APPLICATION.

ATTACHED ARE THE FOLLOWING DOCUMENTS (NOT FOR INDIVIDUAL PLAN REVIEW COMMENT RESPONSES):

Item #:	Description: <small>(examples: application, plans, revision, deferred submittal, calculations, specifications, affidavits)</small>
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	

REMARKS: _____

FOR OFFICE USE ONLY			
Routed to Reviewer(s):		Date:	
Application #:	Application Materials Saved to Network: Yes No		
Applicant Contacted: Yes No	Date:		
Routed to Permit Technician:	Date:	Fees Due: Yes No	Initials:
Fee Descriptions and Amounts Due:			

Received
Planning Division
07/30/2021

Beaverton
O R E G O N

CITY OF BEAVERTON
Community Development
Department
Planning Division
12725 SW Millikan Way
PO Box 4755
Beaverton, OR. 97076
Tel: (503) 526-2420
Fax: (503) 526-2550

OFFICE USE ONLY

FILE #: APP2021-0002
FILE NAME: Appeal of Herzog Meier-Volvo
TYPE: 3 **RECEIVED BY:**
FEE PAID: **CHECK/CASH:**
SUBMITTED: 7.30.21 **NAC:** Central

APPEAL OF A LAND USE DECISION

Revised 01/2016

PLEASE SELECT THE SPECIFIC TYPE OF APPEAL FROM THE FOLLOWING LIST:

- APPEAL OF A TYPE 1 DECISION APPEAL OF A TYPE 3 DECISION
 APPEAL OF A TYPE 2 DECISION OTHER

APPELLANT NAME(S):

Herzog Properties LLC
AXIS Design Group

SIGNATURE(S): (Original Signature(s) Required)

EACH APPELLANT MUST HAVE PROVIDED EVIDENCE TO THE DECISION MAKING AUTHORITY THAT WAS CONTRARY TO THE DECISION.

APPELLANT REPRESENTATIVE: All pre-hearing contact will be made solely to this person.
IF MORE THAN ONE APPELLANT, APPELLANTS MUST DESIGNATE A SINGLE APPELLANT REPRESENTATIVE.

NAME: Erin Upham **COMPANY:** AXIS Design Group
ADDRESS: 11104 SE Stark Street
CITY, STATE, ZIP: Portland, OR 97201
PHONE: 971-533-8229 **FAX:**
SIGNATURE:  (Original Signature Required)

REQUIRED INFORMATION

SITE ADDRESS: 4180 SW 141st Ave. **CASE FILE NO. UNDER APPEAL:** CU 2020-6 / DR 2020-79 /
LO 2020-37 / PD 2020-57
SPECIFIC APPROVAL CRITERIA / CONDITION BEING APPEALED: SDM 2020-7 / TP 2020-5
see accompanying letter

SPECIFIC REASON(S) WHY A FINDING / CONDITION IS IN ERROR AS A MATTER OF FACT, LAW OR BOTH:
see accompanying letter

SPECIFIC EVIDENCE RELIED ON TO ALLEGE ERROR: see accompanying letter (Attach additional sheets if necessary)

(Attach additional sheets if necessary)

HOW DID THE APPELLANT(S) PROVIDE EVIDENCE TO THE DECISION-MAKING AUTHORITY? WHERE IN THE OFFICIAL RECORD IS SUCH EVIDENCE?: see accompanying letter

(Attach additional sheets if necessary)

Received
Planning Division
08/06/21

Beaverton
O R E G O N

CITY OF BEAVERTON

Community Development
Department
Planning Division
12725 SW Millikan Way
PO Box 4755
Beaverton, OR. 97076
Tel: (503) 526-2420
Fax: (503) 526-2550

OFFICE USE ONLY

FILE #: _____
FILE NAME: _____
TYPE: _____ RECEIVED BY: _____
FEE PAID: _____ CHECK/CASH: _____
SUBMITTED: _____ NAC: _____

APPEAL OF A LAND USE DECISION

Revised 01/2016

PLEASE SELECT THE SPECIFIC TYPE OF APPEAL FROM THE FOLLOWING LIST:

- APPEAL OF A TYPE 1 DECISION APPEAL OF A TYPE 3 DECISION
 APPEAL OF A TYPE 2 DECISION OTHER

APPELLANT NAME(S):

Herzog Properties LLC
AXIS Design Group

SIGNATURE(S): *(Original Signature(s) Required)*

Tom Herzog
ES

EACH APPELLANT MUST HAVE PROVIDED EVIDENCE TO THE DECISION MAKING AUTHORITY THAT WAS CONTRARY TO THE DECISION.

APPELLANT REPRESENTATIVE: *All pre-hearing contact will be made solely to this person.*
IF MORE THAN ONE APPELLANT, APPELLANTS MUST DESIGNATE A SINGLE APPELLANT REPRESENTATIVE.

NAME: Erin Upham COMPANY: AXIS Design Group

ADDRESS: 11104 SE Stark Street

CITY, STATE, ZIP Portland, OR 97201

PHONE: 971-533-8229 FAX: _____

SIGNATURE: *[Signature]* *(Original Signature Required)*

REQUIRED INFORMATION

SITE ADDRESS: 4180 SW 141st Ave. CASE FILE NO. UNDER APPEAL: CU 2020-6 / DR 2020-79 /

SPECIFIC APPROVAL CRITERIA / CONDITION BEING APPEALED: LO 2020-37 / PD 2020-57 /
SDM 2020-7 / TP 2020-5
see accompanying letter

SPECIFIC REASON(S) WHY A FINDING / CONDITION IS IN ERROR AS A MATTER OF FACT, LAW OR BOTH: see accompanying letter

SPECIFIC EVIDENCE RELIED ON TO ALLEGE ERROR: see accompanying letter (Attach additional sheets if necessary)

(Attach additional sheets if necessary)

HOW DID THE APPELLANT(S) PROVIDE EVIDENCE TO THE DECISION-MAKING AUTHORITY? WHERE IN THE OFFICIAL RECORD IS SUCH EVIDENCE?: see accompanying letter

(Attach additional sheets if necessary)



Received
Planning Division
07/30/21

David J. Petersen
david.petersen@tonkon.com
Admitted to Practice in Oregon and California

503.802.2054 direct
503.221.1440 main

July 30, 2021

VIA HAND DELIVERY

Beaverton City Council
c/o Ms. Lauren Russell
Associate Planner
12725 SW Millikan Way, 4th Floor
Beaverton, OR 97005

Re: Appeal of CU2020-0006 / DR2020-0079 / LO2020-0003 / PD2020-0005 /
SDM2020-0007 / TP2020-0005

Dear Council:

This law firm represents Herzog Properties LLC. This letter is part of the Appeal of a Land Use Decision filed by Herzog Properties LLC and AXIS Design Group with respect to the decisions of the Beaverton Planning Commission dated July 27, 2021 in the above-referenced land use matters. The appellants provide the following additional information as requested by the appeal form:

Specific Approval Criteria / Condition Being Appealed

1. Design Review (DR) Conditions 27 and 28, and Sidewalk Design Modification (SDM) Condition 3
2. DR Conditions 31 and 54, and SDM Condition 2

Specific Reasons Why a Finding / Condition is in Error as a Matter of Fact, Law or Both

1. DR conditions 27 and 28, and SDM condition 3, require the dedication of approximately four feet of right-of-way along SW Tualatin Valley Highway to ODOT, and the redevelopment of the T-V Highway frontage east of the Volvo entrance plaza and north of the dedicated right-of-way with a 7'6" planter strip including a six-inch curb, a six-foot sidewalk and a six-inch maintenance buffer. These conditions should be revised to require no dedication, a nine-foot planter strip north of the existing right-of-way, a six-foot sidewalk and a six-inch maintenance buffer along the entire T-V Highway frontage, as originally proposed by the applicant. The conditions are in error for the following reasons:

A. The exaction of a right-of-way dedication to ODOT is supported by neither the law nor the facts, and the City has not met its burden of proof to demonstrate the constitutionality of the exaction. ORS 197.796(4). The Planning Commission made findings regarding the required nexus and rough proportionality of the exaction to perceived impacts of the project in the final orders for both DR2020-079 and SDM2020-0007, but those findings fail to meet minimum constitutional requirements under both the Fifth Amendment of the U.S. Constitution and Article I, Section 18 of the Oregon Constitution. Specifically, the findings fail to explain how the required exaction (a forced dedication of right-of-way) is related in both nature (nexus) and extent (rough proportionality) to an impact of the project.

As to the nexus, the Planning Commission found that a wider right-of-way is needed on T-V Highway to build dedicated bike and turn lanes thereby improving bicyclist safety, but the Commission failed to explain how any impact of the project would negatively affect bicyclist safety. Instead, the Commission merely stated 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" the right-of-way and reconstruct the sidewalk. This is just an ends-justify-the-means analysis – the facilities are needed and therefore there is a nexus. While the Commission does refer to the conclusion of the Traffic Impact Analysis (TIA) that the project will generate 536 new vehicle trips per weekday (a conclusion the appellants challenge, as discussed below), the Commission fails to link those new trips to the required dedication. In fact, if anything the Commission found that those trips do not have a nexus to the exaction, since it expressly found that all studied intersections will still operate at acceptable levels after the addition of the project's new traffic.

The Commission also found that the right-of-way dedication is necessary to improve pedestrian safety for persons on the sidewalk, but it is unclear how additional ODOT right-of-way, to be used to reconfigure and expand travel lanes on the street, improves pedestrian safety on the sidewalk. If anything, *not* dedicating ODOT right-of-way would be better for pedestrian safety because ODOT could not later use the right-of-way to expand the travel lanes and thereby reduce the width of the planter strip. None of the Commission's nexus findings are constitutionally sufficient.

As to rough proportionality, the Commission provides no analysis at all except to merely make the conclusory statement that the "cost of donating" the right-of-way is roughly proportional to 536 new weekday trips. The Commission does not explain what that cost is or how it is calculated, nor does it explain how one equates cost to trips, so it is impossible to properly evaluate the comparison. In fact, the "cost of donating" the right-of-way is wildly out of proportion to whatever minimal



impact those trips might have on bicycle safety, given the additional cost of the design changes that would be required by the Commission's approved frontage design, as discussed further below.

Also, ODOT transportation data shows that in 2019 (the most recent year for which data is available), this part of the T-V Highway experienced about 31,400 trips on an average weekday. ODOT further assumes that traffic increases annually by 0.67%, which equates to 31,821 daily weekday trips on T-V Highway in 2021. The TIA, in turn, shows that of the estimated 536 new weekday trips generated by the project, about 402 of those trips would impact T-V Highway. This means that the project will only increase traffic on T-V Highway by about 1.26% (402 / 31,821). It is not reasonable to conclude that a 1.26% increase in weekday traffic on T-V Highway is roughly proportional to the obligation to dedicate four feet of right-of-way and the corresponding additional expense of the required frontage improvements.

B. BDC 40.55.15.1.C.3.b authorizes sidewalk modifications to avoid "exist[ing] local physical conditions such as an existing structure [or existing utility device] that prevents the construction of a standard sidewalk." While the Commission acknowledged the existing structures and utility devices in front of the Volvo facility, and imposed corresponding conditions to the SDM to preserve these physical conditions, it selectively ignored the uncontroverted evidence from the applicant that the approved T-V Highway frontage design in front of the Volkswagen facility will require the relocation of at least nine structures (two monument signs, seven light poles) and one utility pole, while applicant's proposed configuration would preserve all of them. Accordingly, the Planning Commission erred in failing to find: (1) that the physical conditions created by the existing structures and utility pole prohibited the approval of staff's preferred sidewalk modifications, and (2) that the sidewalk modifications proposed by the applicant satisfied the approval criteria.

C. The TV Highway frontage design approved by the Planning Commission is not reasonable and will result in substantial unnecessary expense. East of the Volvo facility, the approved design requires a four-foot dedication and (after development of the right-of-way) a 7'6" planter strip, which together would relocate the sidewalk at least 11'6" north of its current location. As noted above, this would require the unnecessary removal of two existing monument signs along the frontage for both the Volvo and Volkswagen dealerships and seven light poles along the south side of the Volkswagen dealership parking lot. It would also require either the unnecessary removal of an existing PGE utility pole in the frontage, or an odd and unsightly sidewalk design that jogs around the utility pole. This design also is inconsistent with other conditions of approval requiring the existing planters and plaza in front of the Volvo dealership to remain, since the



planters and a portion of the plaza would be in the new right-of-way and appellants expect ODOT would require their removal if and when it sought to build the new bike and travel lanes. And lastly, the frontage design that is required by the conditions is inconsistent with the design of the frontage on the Porsche and Audi dealership property immediately east of SW 139th Way, which the City approved in 2014 with a four-foot planter strip.

The design proposed by the applicant, in contrast, requires no dedication and provides a nine-foot planter strip. The planter strip would be well in excess of the 7'6" City standard while also accommodating the possibility that ODOT later condemns an additional four or five feet of right-of-way on the north side of T-V Highway. Should that happen, the planter strip would be reduced to no less than four feet, creating a seamless and uniform frontage along T-V Highway by matching the planter strip both to the east on the Porsche/Audi property and to the west fronting the Volvo property, while still providing sufficient safety for pedestrians and a significant improvement over the existing curb-tight sidewalk.

D. The appealed conditions are also inappropriate because they are based on a faulty trip calculation methodology. Over the applicant's objection, City staff required the TIA to use ITE Trip Manual data to calculate the traffic impacts of the project from the net increase in square footage over the existing service facility. During the scoping of the TIA, the applicant objected to this approach because the net increase in square footage was not due to an increase in service capacity, but instead the result of the spacious state-of-the-art design of the facility with an interior drive aisle. As the applicant argued to the Commission, the applicant could instead have proposed a smaller, cramped facility with no interior drive aisle and the same number of service bays, resulting in the same service capacity but a net loss of square footage. Had it done so, the ITE square footage approach would have predicted no new net trips. Accordingly, the ITE square footage approach required by staff did not accurately measure the traffic impacts of the project and instead punishes the applicant for proposing an attractive, high-quality facility that will benefit employees, customers and City residents with a better customer and neighborhood experience.¹

¹ The absurdity of the square footage approach is evident from some simple math: 536 new daily weekday trips = 2,680 new weekly trips = 10,720 new monthly trips, which is more customers than the operator has in its entire customer database. Even if each service customer visit generates two trips, every existing customer would need to visit the facility about one time per month to even approach the trip count generated by the ITE Manual approach. Since gasoline-powered vehicles are in fact serviced once or twice per year on average, and electric vehicles less often than that, the ridiculousness of the 536 new daily trips conclusion becomes apparent.



Accordingly, the City Council should modify DR conditions 27 and 28, and SDR condition 3, to not require any right-of-way dedication and to approve a nine-foot planter strip, four-foot sidewalk and six-inch maintenance buffer along the entirety of the T-V Highway frontage, as proposed by the applicant.

2. DR conditions 31 and 54, and SDM condition 2, require the dedication of one foot of right-of-way along SW Whitney Way to the City, and the redevelopment of the western half of the SW Whitney frontage with a five-foot sidewalk and 5'6" planter strip. The conditions are in error for the following reasons:

A. Like the exaction on T-V Highway, the right-of-way exaction on Whitney fails on federal and state constitutional grounds and for the Commission's failure to meet its burden of proof under ORS 197.796(4). In this case, the failure is even more apparent since the Commission has cited no evidence and made no findings whatsoever to try to justify the exaction on Whitney based on a nexus to, and rough proportionality with, the impacts of the proposed project.

B. The required redesign of the western half of the SW Whitney frontage is not reasonable. The City standard along a local street such as SW Whitney requires a five-foot sidewalk and a 6'6" planter strip for a total improvement 11'6" in width. The existing improvements along the western half of the SW Whitney frontage consist of a four-foot sidewalk and 6'6" planter strip, for a total improvement 10'6" in width. The applicant proposed to replace the existing improvements with a sidewalk and planter strip of the same width, so as to minimize impacts to the root zones of existing adjacent Community and Significant Individual Trees. The Planning Commission concurred in keeping the total width of the improvements at 10'6", but its conditions instead require a five-foot sidewalk and a 5'6" planter strip. This design will result in an unsafe and unsightly condition where the sidewalk abruptly jogs north by twelve inches (when walking east to west), whereas the applicant's proposal would create a consistent and seamless southern edge of the sidewalk along the entire frontage.

Accordingly, the City Council should modify DR conditions 31 and 54, and SDR condition 2, to not require any right-of-way dedication and to approve a 6'6"-foot planter strip and four-foot sidewalk along the western half of the SW Whitney Way frontage.

Specific Evidence Relied on to Allege Error

The right-of-way exactions are illegal and unconstitutional due to the lack of sufficient findings and evidence in the record that the exactions meet constitutional requirements, despite the fact that the City has the burden of proof to demonstrate constitutionality. ORS 197.796(4). As to the Whitney Way frontage, the Planning



Commission has cited no evidence at all justifying the exaction. As to the T-V Highway frontage, the Planning Commission cites general evidence of the traffic-related impacts of the project, but (as discussed above) the Commission provides no rational explanation as to how the required dedication would mitigate those impacts. The Commission also relies on a faulty traffic analysis methodology to conclude that the project will generate 536 daily new weekday trips.

The applicant, on the other hand, submitted substantial evidence into the record showing that:

- the right-of-way dedications are unnecessary since the existing right-of-way is more than adequate to meet the cross-section for a principal arterial (T-V Highway) and a local street (Whitney Way) established by the City's Transportation System Plan;
- no similar right-of-way exaction was required for earlier projects affecting the T-V Highway both on this block (2012 Volvo showroom) and the next block to the west (2019 Mazda);
- unlike those earlier projects which directly affected the frontage, this project affects the north side of the site and has no direct impacts on the T-V Highway frontage along the south side, so exactions along T-V Highway are not justified;
- there are no significant trends or crash patterns along the site frontage or the studied intersections, and no history of vehicle/pedestrian crashes at all along the frontage; and
- a more accurate traffic methodology would have focused on the service capacity of the new project, not the increase in square footage, which in turn would have found no net increase in daily trips.

See September 24, 2020 TIA; ODOT crash data 2015 to 2019; and e-mail from Erin Upham to City staff, March 20, 2020. The applicant also submitted evidence and argument regarding the physical conditions that prohibit approval of staff's preferred frontage design on T-V Highway under BDC 40.55.15.1.C.3.b and instead counsel in favor of the design proposed by the applicant. See e-mail from Erin Upham to City staff, May 12, 2021.

Evidence showing the comparative appearance and impacts of the Planning Commission's approved frontage designs along both T-V Highway and Whitney Way exists throughout the record, including in the applicant's slide show presentation to the Planning Commission. Sheets 16-18 of the slide show depict the T-V Highway frontage improvements and sheets 19-21 depict the Whitney Way frontage improvements. Similar evidence can be found in the applicant's narrative dated June 1, 2020 (as revised) and the proposed plans and specifications for the project, and elsewhere in the record.



How Did the Appellant Provide Evidence to the Decision-Making Authority? Where in the Official Record is Such Evidence?

Citations to relevant evidence in the record are stated above. This letter is not an exhaustive statement of appellants' arguments in support of this appeal or the relevant evidence in the record, and appellants reserve the right to submit further evidence, testimony and argument.

Please direct all correspondence to the appellants regarding this appeal to the following:

Property Owner:
Herzog Properties LLC
4275 SW 139th Way
Beaverton, OR 97005

Appellants' Representative:
AXIS Design Group
Attn: Erin Upham
11104 SE Stark Street
Portland, OR 97201

Legal Counsel:
Max Miller, Jr.
Tonkon Torp LLP
1600 Pioneer Tower
888 SW Fifth Avenue
Portland, OR 97204

Thank you for your attention to this matter.

Best regards,



David J. Petersen

DJP/rkb
cc (via e-mail): Tom Herzog
Erin Upham
Tim Brunner
Max Miller, Jr.



Lauren Russell

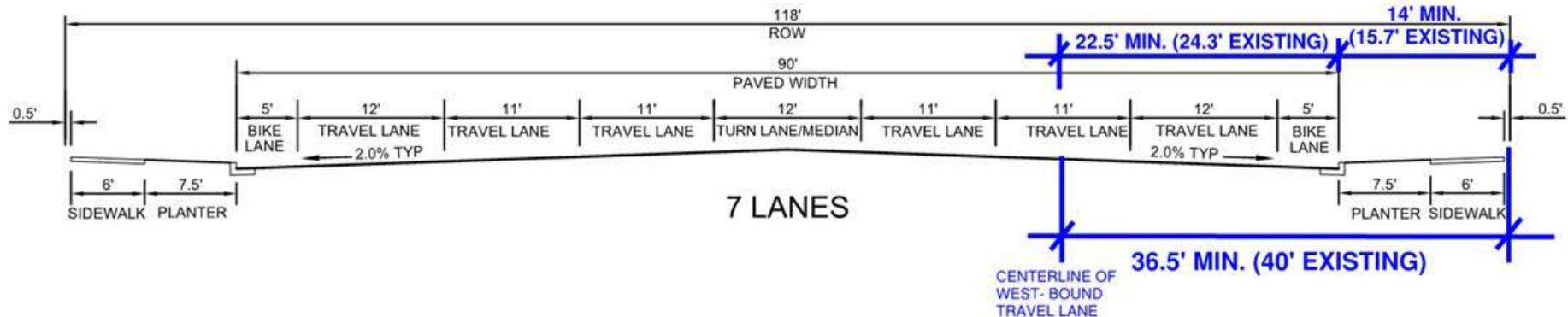
From: Erin Upham <ErinU@axisdesigngroup.com>
Sent: Friday, March 20, 2020 3:38 PM
To: Kate McQuillan; Steven Maguire; Lauren Russell
Cc: Tim Brunner
Subject: RE: Re City of Beaverton Pre-application Conference PA2019-0087
Attachments: Herzog Meier Volkswagen-Volvo - Site Plan_TVH ROW markup.pdf; 200-1.pdf

Hi Kate,

Thanks for your reply. We've taken a look at the impact of a 4' ROW dedication on TVH – this would translate to significant disruption to a number of site features and utilities, as shown in the first attachment. Some of these site features were constructed as recently as 2012 under the previous land use approval (DR2012-0077 & LD 2012-0008).

Stepping back, there are several objections we see to this site dedication and it seems that improving the public space can be achieved in other ways:

1. TV Hwy is classified as a Principal Arterial, per the TSP. Comparing EDM 200-1 to the surveyed site, the existing ROW provided is more than adequate to meet the cross-section for a 7-lane Arterial:



2. The 2012 Land Use Approval for the new Volvo Showroom did not require ROW dedication along TV Hwy. For that project at the corner of SW 141st and TV Hwy, SW 141st was seen as the primary frontage affected by the development. For the new proposed project, to relocate and enlarge the Service Building by 8 service bays, the new building is to be located at the corner of SW 139th and SW Whitney Way. No work is proposed along TV Hwy and it seems unreasonable to require significant redevelopment here. The City is already requiring full frontage improvements along SW 139th and SW Whitney Way, which we are planning to construct at significant cost to the owner.

3. We believe the new Service Building project supports the development goals of the City of Beaverton and can serve to define and enhance the Pedestrian route along SW Whitney Way.

4. For another recently proposed project for Herzog Meier Mazda, on the adjacent TV Hwy site to the west, ODOT does not require ROW dedication, as reflected in the Pre-App Summary Notes (PA2019-0026).

We are hopeful that we can come to a mutually beneficial agreement regarding the TVH frontage. In all honesty, significant site redevelopment here, resulting from ROW dedication, is likely to prevent this project from moving forward, particularly amid the new economic situation we are all encountering.

Kind regards,
Erin

ERINUPHAM, AIA, LEED GA | PROJECT ARCHITECT
DIRECT: 971.533.8229 | OFFICE: 503.284.0988 | FAX: 503.546.9276
11104 S.E. STARK STREET, PORTLAND, OR 97216

EMAIL: ErinU@axisdesigngroup.com
WEBSITE: www.axisdesigngroup.com | Like us on Facebook!

-----Original Message-----

From: Kate McQuillan <kmcquillan@beavertonoregon.gov>
Sent: Wednesday, March 18, 2020 3:25 PM
To: Steven Maguire <StevenM@axisdesigngroup.com>; Lauren Russell <lrussell@beavertonoregon.gov>
Cc: Erin Upham <ErinU@axisdesigngroup.com>; Tim Brunner <TimB@axisdesigngroup.com>
Subject: Re: Re City of Beaverton Pre-application Conference PA2019-0087

Hello Steven,

I sincerely apologize for the long delay. I was unexpectedly out of the office quite a bit this last month.

We've had several conversations with ODOT about what the right of way donation and the frontage improvements will be. At this time, we expect to require a 4 foot right of way donation. The additional right of way is needed to accommodate the following cross section:

- * 6ft bicycle lane
- * 13ft right turn lane

- * 4 foot planter (this could be grass or low bushes)
- * 6ft sidewalk
- * Street lights (if photometric data indicates that lighting levels do not meet minimum City standards)
- * 2.5ft buffer behind the sidewalk for maintenance purposes

Given the net increase in square footage for auto -related business that was discussed during the pre-application meeting, I also anticipate the City will require constructing frontage improvements to meet the cross-section outlined above. For your reference, the cross-section above would mirror the frontage improvements that your neighbors to the west (Porsche) completed.

Let me know if you have any further questions about the anticipated street improvements.

Kate

From: Steven Maguire <StevenM@axisdesigngroup.com>
Sent: Monday, March 9, 2020 3:48:26 PM
To: Lauren Russell
Cc: Erin Upham; Tim Brunner; Kate McQuillan
Subject: RE: Re City of Beaverton Pre-application Conference PA2019-0087

Hi, Lauren.

A few weeks back we were having a dialogue re the ROW dedication requirements on TV HWY for this project. At that time you referred us to Kate McQuillan for more information. Since then I have been trying to get a response from her with no success. Please refer to the e-mails below.

I can't find a phone number for her and was hoping you could help us connect?

Thanks!

STEVENMAGUIRE, AIA, NCARB | PROJECT ARCHITECT | PROJECT DESIGN

DIRECT: 971.266.6919 | OFFICE: 503.284.0988 | FAX: 503.546.9276

11104 S.E. STARK STREET, PORTLAND, OR 97216

EMAIL: StevenM@axisdesigngroup.com<mailto:StevenM@axisdesigngroup.com>

WEBSITE: [www.axisdesigngroup.com](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUlr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=DoIGnsNtiXdZ-ni8DvPoEPKRE8OICj30JPuv61JJMSY&e=>)<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUlr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=DoIGnsNtiXdZ-ni8DvPoEPKRE8OICj30JPuv61JJMSY&e=>> | Like us on Facebook<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.facebook.com_AXIS-2DDesign-2DGroup-2D180612618623582_-3Fref-3Daymt-5Fhomepage-5Fpanel&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUlr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=W9x9rr6zL3l6aR-2Gl4j48Qwb25L1qksD-4RG2DR9Ek&e=>>!

From: Steven Maguire

Sent: Monday, March 2, 2020 3:57 PM

To: Kate McQuillan <kmcquillan@beavertonoregon.gov>

Cc: Erin Upham <ErinU@axisdesigngroup.com>; Tim Brunner <TimB@axisdesigngroup.com>; Lauren Russell <lrussell@beavertonoregon.gov>

Subject: RE: Re City of Beaverton Pre-application Conference PA2019-0087

Hi, Kate.

Just following up on this – I had emailed you back on Feb. 10 as a follow up from an e-mail forwarded to you by Lauren Russell on Jan 23rd.

To date I have yet to receive any response in regards to our question about possible right-of-way dedication requirements along TV Highway.

Please review the e-mail chain below and respond. We are trying to get our application put together and need the information for our site layout.

Thanks!

STEVENMAGUIRE, AIA, NCARB | PROJECT ARCHITECT | PROJECT DESIGN

DIRECT: 971.266.6919 | OFFICE: 503.284.0988 | FAX: 503.546.9276

11104 S.E. STARK STREET, PORTLAND, OR 97216

EMAIL: StevenM@axisdesigngroup.com<mailto:StevenM@axisdesigngroup.com>

WEBSITE: [www.axisdesigngroup.com](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUIr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=DoIGnsNtiXdZ-ni8DvPoEPKRE8OICj30JPuv61JJMSY&e=>)<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUIr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=DoIGnsNtiXdZ-ni8DvPoEPKRE8OICj30JPuv61JJMSY&e=>> | Like us on Facebook<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.facebook.com_AXIS-2DDesign-2DGroup-2D180612618623582_-3Fref-3Daymt-5Homepage-5Fpanel&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUIr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=W9x9rr6zL3l6aR-2Gl4j48Qwb25L1qksD-4RG2DR9Ek&e=>>!

From: Steven Maguire

Sent: Monday, February 10, 2020 3:10 PM

To: Kate McQuillan <kmcquillan@beavertonoregon.gov<mailto:kmcquillan@beavertonoregon.gov>>

Cc: Erin Upham <ErinU@axisdesigngroup.com<mailto:ErinU@axisdesigngroup.com>>; Tim Brunner

<TimB@axisdesigngroup.com<mailto:TimB@axisdesigngroup.com>>; Lauren Russell <lrussell@beavertonoregon.gov<mailto:lrussell@beavertonoregon.gov>>

Subject: RE: Re City of Beaverton Pre-application Conference PA2019-0087

Hi, Kate.

Lauren Russel had forwarded my e-mail to you back on Jan 23rd regarding ROW improvements along TV Hwy. See below.

We had reached out to ODOT about their comments in the notes to our pre-application conference and they appeared to kick it back in the city's court.

Have you had an opportunity to review this?

Thanks!

STEVENMAGUIRE, AIA | ARCHITECT | PROJECT DESIGN

DIRECT: 971.266.6919 | OFFICE: 503.284.0988 | FAX: 503.546.9276

11104 S.E. STARK STREET, PORTLAND, OR 97216

EMAIL: StevenM@axisdesigngroup.com<mailto:StevenM@axisdesigngroup.com>

WEBSITE: [www.axisdesigngroup.com](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUIr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=DoIGnsNtiXdZ-ni8DvPoEPKRE8OICj30JPuv61JJMSY&e=>)<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUIr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=DoIGnsNtiXdZ-ni8DvPoEPKRE8OICj30JPuv61JJMSY&e=>> | Like us on Facebook<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.facebook.com_AXIS-2DDesign-2DGroup-2D180612618623582_-3Fref-3Daymt-5Homepage-5Fpanel&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUIr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=W9x9rr6zL3l6aR-2Gl4j48Qwb25L1qksD-4RG2DR9Ek&e=>>!

From: Steven Maguire

Sent: Thursday, January 23, 2020 11:26 AM

To: Lauren Russell <lrussell@beavertonoregon.gov<mailto:lrussell@beavertonoregon.gov>>

Cc: Erin Upham <ErinU@axisdesigngroup.com<mailto:ErinU@axisdesigngroup.com>>; Tim Brunner <TimB@axisdesigngroup.com<mailto:TimB@axisdesigngroup.com>>; Kate McQuillan <kmcquillan@beavertonoregon.gov<mailto:kmcquillan@beavertonoregon.gov>>

Subject: RE: Re City of Beaverton Pre-application Conference PA2019-0087

Thanks, Lauren.

STEVENMAGUIRE, ASSOC. AIA | PROJECT DESIGN | JOB CAPTAIN II

DIRECT: 971.266.6919 | OFFICE: 503.284.0988 | FAX: 503.546.9276

11104 S.E. STARK STREET, PORTLAND, OR 97216

EMAIL: StevenM@axisdesigngroup.com<mailto:StevenM@axisdesigngroup.com>

WEBSITE: [www.axisdesigngroup.com](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUlr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=DoIGnsNtiXdZ-ni8DvPoEPKRE8OICj30JPuv61JJMSY&e=>)<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUlr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=DoIGnsNtiXdZ-ni8DvPoEPKRE8OICj30JPuv61JJMSY&e=>> | Like us on Facebook<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.facebook.com_AXIS-2DDesign-2DGroup-2D180612618623582_-3Fref-3Daymt-5Fhomepage-5Fpanel&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=GeUlr7Te_ikRHU1q_M4HgSqBNgS4pOR3-IW990uER5Q&m=DFWA5DMli65VCuAsjNOzjBxQqgggm0b0-agg0YxCB_0&s=W9x9rr6zL3I6aR-2GI4j48Qwb25L1qksD-4RG2DR9Ek&e=>>!

From: Lauren Russell <lrussell@beavertonoregon.gov<<mailto:lrussell@beavertonoregon.gov>>>
Sent: Thursday, January 23, 2020 10:46 AM
To: Steven Maguire <StevenM@axisdesigngroup.com<<mailto:StevenM@axisdesigngroup.com>>>
Cc: Erin Upham <ErinU@axisdesigngroup.com<<mailto:ErinU@axisdesigngroup.com>>>; Tim Brunner <TimB@axisdesigngroup.com<<mailto:TimB@axisdesigngroup.com>>>; Kate McQuillan <kmcquillan@beavertonoregon.gov<<mailto:kmcquillan@beavertonoregon.gov>>>
Subject: RE: Re City of Beaverton Pre-application Conference PA2019-0087

Steven,

I am copying Kate McQuillan on this email, who should be able to give you an update on your ROW questions.

Kate: can you please provide Steven with a status update on the Herzog Meier frontage improvements?

Thank you,

Lauren Russell, AICP

Associate Planner | Community Development

City of Beaverton | 12725 SW Millikan Way

PO Box 4755 | Beaverton, OR 97076

p: 503-526-3718 | www.beavertonoregon.gov<<http://www.beavertonoregon.gov/>>

[BeavertonLogoTagline.jpg]

From: Steven Maguire <StevenM@axisdesigngroup.com<<mailto:StevenM@axisdesigngroup.com>>>

Sent: Tuesday, January 21, 2020 9:59 AM

To: Lauren Russell <lrussell@beavertonoregon.gov<<mailto:lrussell@beavertonoregon.gov>>>

Cc: Erin Upham <ErinU@axisdesigngroup.com<<mailto:ErinU@axisdesigngroup.com>>>; Tim Brunner <TimB@axisdesigngroup.com<<mailto:TimB@axisdesigngroup.com>>>

Subject: FW: Re City of Beaverton Pre-application Conference PA2019-0087

Hi, Lauren.

Last week I reached out to Marah Danielson at ODOT re her comments in the City's pre-app summary regarding a ROW dedication along TV Highway... Based on the e-mail below it appears she is deferring to the city to make a determination on what, if anything, would be required along that frontage. We were wondering if this is something staff has worked through yet? There are several existing private features - pole mounted site lighting, concrete walls and plaza, and even the freestanding brand sign, that could end up in the ROW depending on the size of the proposed dedication. It may also have an effect on our new proposed development so we'd like be able to prepare as soon as possible.

Thanks!

STEVENMAGUIRE, ASSOC. AIA | PROJECT DESIGN | JOB CAPTAIN II

DIRECT: 971.266.6919 | OFFICE: 503.284.0988 | FAX: 503.546.9276

11104 S.E. STARK STREET, PORTLAND, OR 97216

EMAIL: StevenM@axisdesigngroup.com<<mailto:StevenM@axisdesigngroup.com>>

WEBSITE: [www.axisdesigngroup.com](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=-9UCqb9LrCWynWAjxfFvLD4gTh0nlpGLq81J8dTPQY&m=LgU8P_wDIW_wHbHXCRGYLkUOPFg4dJotlWe3PpJW-iM&s=hpu2o-yi8vA-k5PM0ZcCFoV56CA1KpT8k9S6T4FH7cQ&e=>)<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=-9UCqb9LrCWynWAjxfFvLD4gTh0nlpGLq81J8dTPQY&m=LgU8P_wDIW_wHbHXCRGYLkUOPFg4dJotlWe3PpJW-iM&s=hpu2o-yi8vA-k5PM0ZcCFoV56CA1KpT8k9S6T4FH7cQ&e=>> | Like us on Facebook<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.facebook.com_AXIS-2DDesign-2DGroup-2D180612618623582_-3Fref-3Daymt-5Fhomepage-5Fpanel&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=-9UCqb9LrCWynWAjxfFvLD4gTh0nlpGLq81J8dTPQY&m=LgU8P_wDIW_wHbHXCRGYLkUOPFg4dJotlWe3PpJW-iM&s=eSfuQ136SwSTRmfZ1DiIE5UljxAB_fFlpDUZM1OFTM&e=>>!

From: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us<<mailto:Marah.B.DANIELSON@odot.state.or.us>>>

Sent: Friday, January 17, 2020 5:54 PM

To: Steven Maguire <StevenM@axisdesigngroup.com<<mailto:StevenM@axisdesigngroup.com>>>

Cc: Erin Upham <ErinU@axisdesigngroup.com<<mailto:ErinU@axisdesigngroup.com>>>; Tim Brunner <TimB@axisdesigngroup.com<<mailto:TimB@axisdesigngroup.com>>>; lrussell@beavertonoregon.gov<<mailto:lrussell@beavertonoregon.gov>>; 'Kate McQuillan' <kmcquillan@beavertonoregon.gov<<mailto:kmcquillan@beavertonoregon.gov>>>

Subject: RE: Re City of Beaverton Pre-application Conference PA2019-0087

Hi Steven,

I was unable to locate ODOT comments in our database for the design review application for an application for the same property back in 2012. I have been working with ODOT Preliminary Design to identify how much right of way donation may be needed to meet city and ODOT standards. It sounds like they have access to better tools than they had back in 2012 to use to estimate right of way needs. This may have contributed to ODOT not requesting right of way donation at that time.

Based on the information we have today, ODOT and City of Beaverton staff have discussed right of way donation and frontage improvements for Tualatin Valley Highway along the property frontage at 4180 SW 141st Ave for your proposed development. Several options have been discussed. Since right of way donation and frontage improvements would be required by the city through the land use process, city staff will follow up with you next week regarding their land use process and potential options for right of way donation and frontage improvements along the highway.

Have a good weekend!

Marah Danielson, Senior Planner

ODOT R1 Development Review Program

(503) 731-8258

marah.b.danielson@odot.state.or.us<mailto:marah.b.danielson@odot.state.or.us>

From: Steven Maguire <StevenM@axisdesigngroup.com<mailto:StevenM@axisdesigngroup.com>>

Sent: Thursday, January 16, 2020 3:28 PM

To: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us<mailto:Marah.B.DANIELSON@odot.state.or.us>>

Cc: Erin Upham <ErinU@axisdesigngroup.com<mailto:ErinU@axisdesigngroup.com>>; Tim Brunner

<TimB@axisdesigngroup.com<mailto:TimB@axisdesigngroup.com>>; lrussell@beavertonoregon.gov<mailto:lrussell@beavertonoregon.gov>

Subject: Re City of Beaverton Pre-application Conference PA2019-0087

Hi, Marah.

I am working with Erin Upham on a Design Review application in the city of Beaverton on which you contributed comments to the Pre-Application Conference.

In the Meeting Summary Notes supplied by Lauren Russell it was stated that your review concluded a 5.5 foot right- of-way dedication would be required on SW Tualatin Valley Highway. We were involved in a design review application for this same property back in 2012 and no dedication was requested at that time. Has the ODOT ROW width designation for TV Highway changed since then?

Thanks for your help.

STEVENMAGUIRE, ASSOC. AIA | PROJECT DESIGN | JOB CAPTAIN II

DIRECT: 971.266.6919 | OFFICE: 503.284.0988 | FAX: 503.546.9276

11104 S.E. STARK STREET, PORTLAND, OR 97216

EMAIL: StevenM@axisdesigngroup.com<mailto:StevenM@axisdesigngroup.com>

WEBSITE: www.axisdesigngroup.com<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.axisdesigngroup.com_&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=-9UCqb9LrCWynWAjxfFvLD4gTh0nlpGLq81J8dTPQY&m=LgU8P_wDIW_wHbHXCRGYLkUOPFg4dJotlWe3PpJW-iM&s=hpu2o-yi8vA-k5PM0ZcCFoV56CA1KpT8k9S6T4FH7cQ&e=>> | Like us on Facebook<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.facebook.com_AXIS-2DDesign-2DGroup-2D180612618623582_-3Fref-3Daymt-5Homepage-5Fpanel&d=DwMFAg&c=pslXprxdtWHFBuj41-AaSLF1gHAT1_cek1PvLND777Q&r=-9UCqb9LrCWynWAjxfFvLD4gTh0nlpGLq81J8dTPQY&m=LgU8P_wDIW_wHbHXCRGYLkUOPFg4dJotlWe3PpJW-iM&s=eSfuQ136SwSTRmfZ1DiE5UjlxAB_fFlpDUZM1OFTM&e=>>

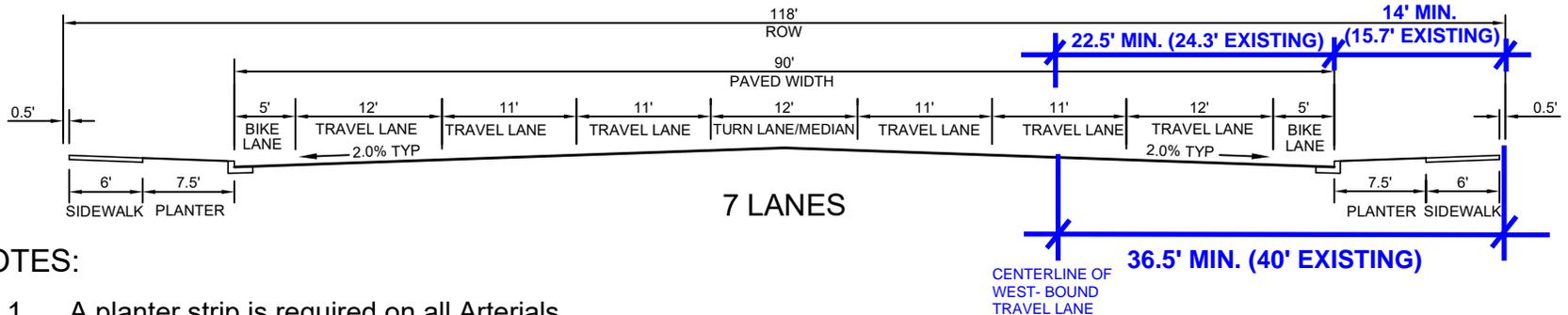
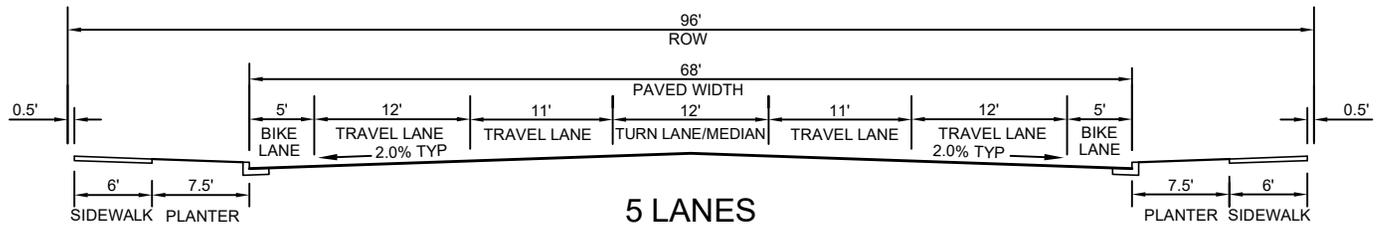
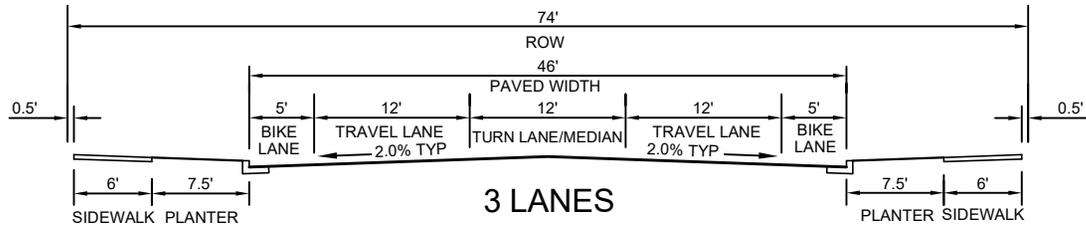
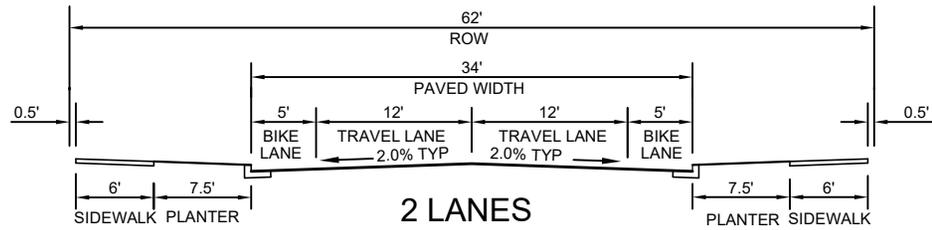
[2015PortlandEmailSignatureLogo]

CONFIDENTIALITY NOTICE

This e-mail may contain information that is confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

PUBLIC RECORDS LAW DISCLOSURE

This e-mail is a public record of the City of Beaverton and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.



NOTES:

1. A planter strip is required on all Arterials.
2. Paved width and planter strip are measured to face of curb.
3. Provide 0.5 feet from right-of-way line to the back of sidewalk for maintenance and survey monument protection.
4. Street trees and street lights are required and shall be located within the planter strip.
5. Engineer/Designer is required to check for special district design parameters. Contact Community Development - Planning Division for additional information.
6. Power, street lights, traffic signal, and all other franchise utility boxes/vaults shall be located outside of ADA ramps & landings.

Received
Planning Division
08/03/21

Lauren Russell

From: Erin Upham <ErinU@axisdesigngroup.com>
Sent: Wednesday, May 12, 2021 4:15 PM
To: Lauren Russell
Cc: Tim Brunner
Subject: RE: Herzog-Meier VW-Volvo Service - Revised Parking & Circulation Plan

Hi Lauren,

We appreciate this feedback. In our revised application, we will clarify the pedestrian circulation with respect to the various parking areas utilized by customers and employees.

It sounds like the narrower sidewalk (and maintenance buffer?) would necessitate a Sidewalk Design Modification to be acceptable. I believe that the following two criteria among the list do apply to our condition: "local physical conditions such as an existing structure preventing the construction of a standard sidewalk, an existing utility device preventing the construction of a standard sidewalk". The existing location of both the Volvo plaza/planter structure and various utility devices (light poles, utility valves, and I believe a stormwater detention pipe as well) would make the standard sidewalk not feasible for this project. Our revised application can detail this further.

The above two issues seemed like the major ones needing to be ironed out before proceeding with the Planning Commission Hearing. Do you concur that with the above items addressed as outlined, staff could support our application moving forward?

The June 9th tentative hearing date is fast approaching. Our revisions will take 2-3 weeks to prepare. How many weeks do you need to review our revised submittal prior to the hearing? A hearing later in June or early July seems better – what other dates are available?

Thank you,

ERINUPHAM, AIA, LEED GA | PROJECT ARCHITECT
DIRECT: 971.533.8229 | **OFFICE:** 503.284.0988
11104 S.E. STARK STREET, PORTLAND, OR 97216

www.axisdesigngroup.com | Like AXIS on [Facebook!](#)

From: Lauren Russell <lrussell@beavertonoregon.gov>
Sent: Wednesday, May 12, 2021 3:57 PM
To: Erin Upham <ErinU@axisdesigngroup.com>
Cc: Tim Brunner <TimB@axisdesigngroup.com>
Subject: RE: Herzog-Meier VW-Volvo Service - Revised Parking & Circulation Plan

Hi Erin and Tim,

Kate and Jabra took a look at the draft parking study and revised parking and circulation plans. They said that both looked okay and that they didn't see any major red flags. I see there is a new walkway from the employee parking to the service building. Please be sure to update the narrative to describe how pedestrian circulation will work on the site. Will the new employee parking spaces only be used by those who work in the service building? Where do employees who work in the existing buildings park? How does customer parking work on the site? Will there be signage to point customers to parking meant for them?

Please note that Sidewalk Design Modifications can only be approved for the following scenarios: local topographical conditions would result in a sidewalk located above or below the top surface of a finished curb or a situation in which construction of the EDM standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property; local physical conditions such as an existing structure preventing the construction of a standard sidewalk, an existing utility device preventing the construction of a standard sidewalk, or rock outcroppings preventing the construction of a standard sidewalk without blasting; environmental conditions such as a significant natural resource area, jurisdictional wetland, CWS water quality sensitive area, CWS required vegetative corridor, or significant tree grove; or if additional ROW is required to construct the EDM standard and the adjoining property is not controlled by the applicant.

Planning Commission has become much stricter in granting SDMs since the one for Porsche/Audi was approved in 2014. Are any of the above scenarios applicable? If not, that approval criterion would not be met and staff would not be able to make findings that a SDM is appropriate on TV Highway.

Please let me know if you have additional questions.

Lauren Russell

Associate Planner | Community Development Department
City of Beaverton | 12725 SW Millikan Way | Fourth Floor
PO Box 4755 | Beaverton, OR 97076
office: 503-526-3718 | cell: 503-278-0318
lrussell@beavertonoregon.gov | www.beavertonoregon.gov

Please note: I am working remotely at this time Monday through Friday 8:00 AM to 5:00 PM. You can reach me at 503-278-0318.



From: Erin Upham <ErinU@axisdesigngroup.com>
Sent: Monday, May 10, 2021 4:05 PM
To: Lauren Russell <lrussell@beavertonoregon.gov>
Cc: Tim Brunner <TimB@axisdesigngroup.com>
Subject: RE: Herzog-Meier VW-Volvo Service - Revised Parking & Circulation Plan

Hi Lauren,

Just checking in to see if there is any staff feedback on our new proposed site design and frontage improvements for the Herzog-Meier VW-Volvo Service Expansion project.

Thanks,

ERINUPHAM, AIA, LEED GA | PROJECT ARCHITECT
DIRECT: 971.533.8229 | **OFFICE:** 503.284.0988
11104 S.E. STARK STREET, PORTLAND, OR 97216

www.axisdesigngroup.com | Like AXIS on [Facebook!](#)

From: Lauren Russell <lrussell@beavertonoregon.gov>
Sent: Friday, April 23, 2021 2:47 PM
To: Erin Upham <ErinU@axisdesigngroup.com>

Cc: Tim Brunner <TimB@axisdesigngroup.com>

Subject: Re: Herzog-Meier VW-Volvo Service - Revised Parking & Circulation Plan

Hi Erin,

There will not be an additional facilities review meeting prior to the Planning Commission hearing. This project is tentatively scheduled for the June 9th Planning Commission meeting but we do not need to send notice out until May 13th.

You can submit for your site development or building permits now because you have already had a facilities review meeting. However, permits cannot be issued until the land use approval is final (once the appeal period ends).

I am going to try to get staff feedback on the new design by the end of next week, as well as information on frontage improvements.

Thank you,

Lauren Russell

From: Erin Upham <ErinU@axisdesigngroup.com>

Sent: Tuesday, April 20, 2021 9:28 AM

To: Lauren Russell <lrussell@beavertonoregon.gov>

Cc: Tim Brunner <TimB@axisdesigngroup.com>

Subject: RE: Herzog-Meier VW-Volvo Service - Revised Parking & Circulation Plan

Good Morning, Lauren,

Just for our scheduling purposes – do you expect there will be a second Fac Rev meeting for this project once we've revised the submittal? I'm trying to understand 1.) how many weeks after submittal revision to expect the PC Hearing and 2.) when we would be able to submit for permit.

Thank you,

ERINUPHAM, AIA, LEED GA | PROJECT ARCHITECT

DIRECT: 971.533.8229 | **OFFICE:** 503.284.0988
11104 S.E. STARK STREET, PORTLAND, OR 97216

www.axisdesigngroup.com | Like AXIS on [Facebook!](#)

From: Erin Upham

Sent: Monday, April 19, 2021 7:10 PM

To: Lauren Russell <lrussell@beavertonoregon.gov>

Cc: Tim Brunner <TimB@axisdesigngroup.com>; Jana Fox <jfox@beavertonoregon.gov>; Jabra Khasho <jkhasho@beavertonoregon.gov>; Kate McQuillan <kmcquillan@beavertonoregon.gov>

Subject: Herzog-Meier VW-Volvo Service - Revised Parking & Circulation Plan

Hi Lauren,

We're looking to move forward again on the Herzog-Meier VW-Volvo Service Expansion project after some months regrouping on our end and working on a Parking Study for the site with our traffic engineer. Some weeks ago, we reviewed the parking study methodology with Jabra and Kate – the draft report of that study is attached and has determined that 84 parking spaces are sufficient to serve the customer and employee parking needs of the site (pg. 5).

We've also worked to revise the parking and circulation configuration on site, taking into account the City's comments on the Fac Rev Draft Report. The attached Site Plan provides 114 parking spaces, with employee spaces (marked with signage) clustered closer to the new service building. A scored concrete walkway is to provide a clear route to this employee parking area.

Please let us know if this configuration is something planning can support – we're happy to meet and discuss as well.

Also – please update on the status of the ROW & frontage review with ODOT (per my 2/9 email).

Thank you,
Erin

ERINUPHAM, AIA, LEED GA | PROJECT ARCHITECT

DIRECT: 971.533.8229 | **OFFICE:** 503.284.0988
11104 S.E. STARK STREET, PORTLAND, OR 97216

www.axisdesigngroup.com | Like AXIS on [Facebook!](#)



CONFIDENTIALITY NOTICE

This e-mail may contain information that is confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

Exhibit APP 2.1 TriMet Ridership Census Data for Fall 2019 and Fall 2020

Data accessed 8/24/21 from:

[Ridership and Performance Statistics \(trimet.org\)](https://trimet.org/about/performance.htm#ridership)<https://trimet.org/about/performance.htm#ridership>

TriMet Bus Stop ID 5595 (Westbound service, Bus Line 57 TV Hwy - Forest Grove)

Table 1. TriMet Passenger Census - Fall 2019

	<i>All day ons and offs, Weekday</i>	<i>Monthly lifts deployed</i>
Weekday	18	
Saturday	18	1
Sunday	13	

Table 2. TriMet Passenger Census - Fall 2020

	<i>All day ons and offs, Weekday</i>	<i>Monthly lifts deployed</i>
Weekday	19	
Saturday	15	6
Sunday	17	

Exhibit APP 2.2. Comparing Relevant ITE Land Use Category Descriptions

Descriptions taken from the 10th edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual, Volume 2.

Relevant Land Use Codes for Retail Uses (Land Use Codes 800 – 899)

840 – Automobile Sales (New)

“A new automobile sales dealership is typically located along a major arterial street characterized by abundant commercial development. The sale or leasing of new cars is the primary business at these facilities; however, automobile services, parts sales, and used car sales may also be available. Some dealerships also include leasing options, truck sales, and servicing. Automobile sales (used) (Land Use 841) and recreational vehicle sales (Land Use 842) are related uses.”

841 – Automobile Sales (Used)

“A used automobile sales dealership is typically located along a major arterial street characterized by abundant commercial development. The sale or lease of used cars is the primary business at these facilities; however, automobile services and parts sales may also be available. Some dealerships include leasing options, truck sales, and servicing. Automobile sales (new) (Land Use 840) and recreational vehicle sales (Land Use 842) are related uses.”

Relevant Land Use Codes for Service Uses (Land Use Codes 900 - 999)

941 – Quick Lubrication Vehicle Shop

“A quick lubrication vehicle shop is a business where the primary activity is to perform oil change services for vehicles. Other ancillary services provided may include preventative maintenance, such as fluid and filter changes. Automobile repair service is generally not provided. Automobile care center (Land Use 942) and automobile parts and service center (Land Use 943) are related uses.”

942 – Automobile Care Center

“An automobile care center houses numerous businesses that provide automobile-related services, such as repair and servicing, stereo installation, and seat cover upholstery. Quick lubrication vehicle shop (Land Use 941) and automobile parts and service center (Land Use 943) are related uses.”

943 – Automobile Parts and Service Center

“An automobile parts and service center sells automobile parts for do-it-yourself maintenance and repair including tires, batteries, oil and sparks plugs. The stores may also sell automobile parts to retailers and repair facilities. Automobile parts and service centers also provide a full array of on-site services for various automobiles. These facilities provide centralized cashiering and maintain long hours 7-days a week. Automobile parts and service centers are sometimes found as separate parcels within a

retail complex. Automobile parts sales (Land Use 843), tire store (Land Use 848), tire superstore (Land Use 849), quick lubrication vehicle shop (Land Use 941), and automobile care center (Land Use 942) are related uses."

Received
Planning Division
06/16/2020



321 SW 4th Ave., Suite 400
Portland, OR 97204
503.248.0313
lancastermobley.com

EXHIBIT APP 2.3

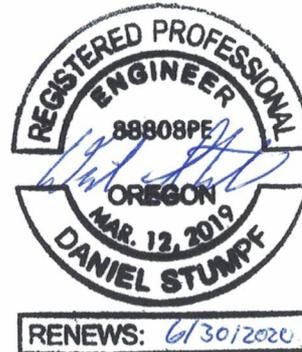
Memorandum

To: Erin Upham
Axis Design Group

From: Nick Mesler, EIT
Daniel Stumpf, PE

Date: April 17, 2020

Subject: Herzog Meier Service Building
Trip Generation & Sight Distance Evaluation



Introduction

This memorandum reports the findings of a trip generation study and sight distance evaluation conducted for the proposed modification of the existing Herzog Meier Service Building. The existing site will demolish 24 vehicle service bays, construct 29 new vehicle service bays, and construct 2 new quick lubrication bays, for a total increase of 7 vehicle bays.

The purpose of this memorandum is to examine the projected trip generation of the proposed increase of 7 vehicle bays for the morning peak hour, evening peak hour, and average weekday trip generation. Trip generation of the site will determine if the project will exceed the 300-vehicle trip threshold, requiring a Traffic Impact Analysis. In addition, sight distance was evaluated at the existing site access driveways on SW 139th Way.

Location Description

The project site is located along the north side of SW Tualatin Valley Highway (OR-8), south of SW Whitney Way, east of SW 141st Avenue, and west of SW 139th Way in Beaverton, Oregon. The site includes a single tax lot, lot #03300, which encompasses an approximate total of 4.52 acres. The site is currently developed as the Herzog-Meier Volkswagen Volvo auto dealership and service station. The project plans to reconstruct, modernize, and add additional service bays to the site. The project will demolish 24 vehicle service bays at the existing site, construct 29 new vehicle service bays, and construct 2 new quick lubrication bays, for a total increase of 7 vehicle bays.

SW Tualatin Valley Highway (OR-8) is classified by the City of Beaverton as a Principal Arterial. The roadway has a five-lane cross-section with a center turn lane/striped median and has a posted speed of 45 mph. Partial curbs and Class II bicycle lanes are provided along both sides of the roadway. Sidewalks are provided along the north side of the roadway.

SW 141st Avenue is classified by the City of Beaverton as a Collector. The roadway has an undivided, two-lane cross-section with a posted speed limit of 20 mph. Curbs and sidewalks are provided along both sides of the roadway. No bicycle facilities exist along this roadway segment.

SW Whitney Way and SW 139th Way are non-classified local roadways. These roadways are two-lane undivided roadways with no posted speed. Curbs and sidewalks are provided on both sides of the roadway, except on the north side of SW Whitney Way. No bicycle facilities are provided along this roadway segment.

Figure 1 below presents an aerial image of the nearby vicinity with the project site outlined in yellow with the project improvements outlined in red.

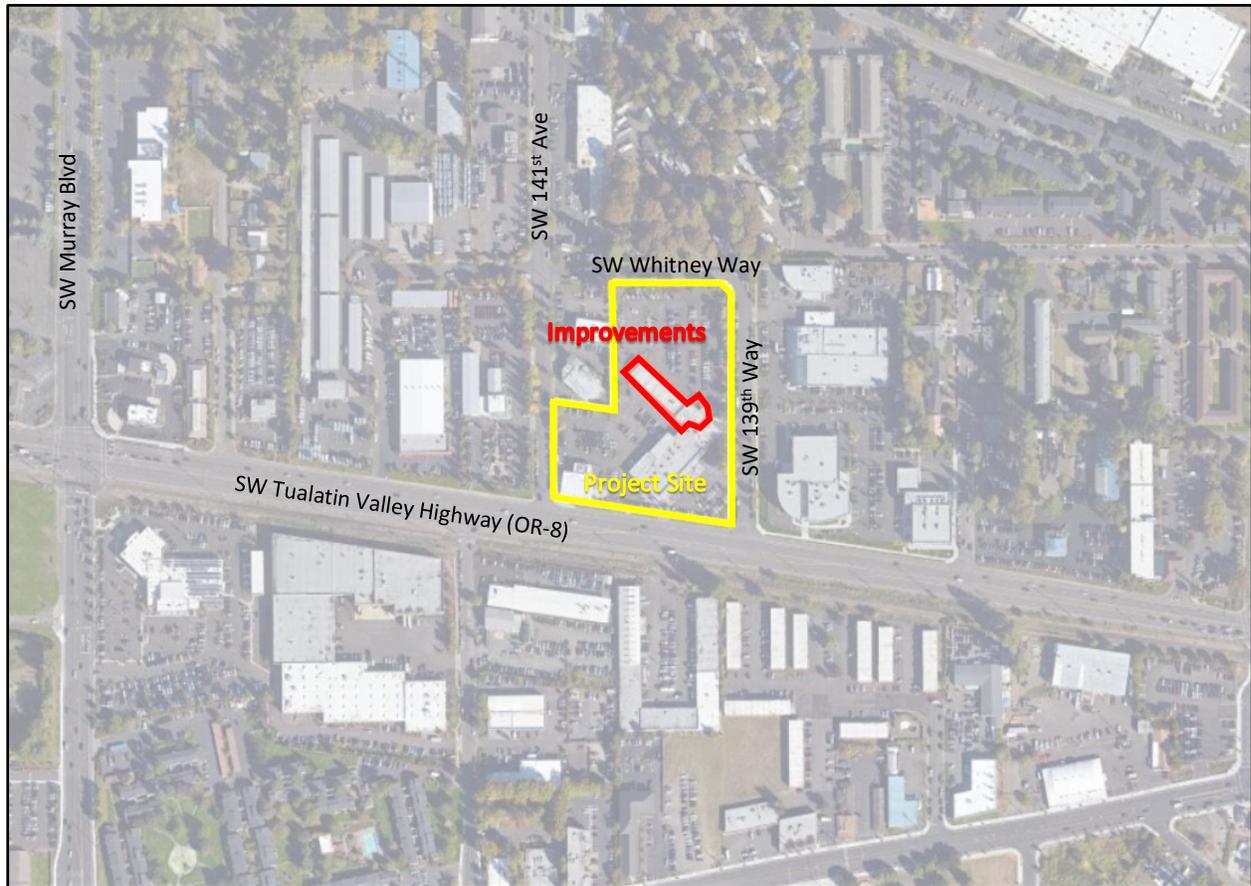


Figure 1: Aerial Photo of Site Vicinity (Image from Google Earth)

Trip Generation

The proposed site modification increases the number of vehicle bays from an existing 24 to a proposed 31, for a net gain of seven (7). Other site improvements are intended to provide support for the vehicle service branch of the facility, rather than expand the showroom floor sales component.

To estimate the number of trips generated by the proposed project, trip rates from the *Trip Generation Manual*¹ were used. Data from land use codes 941, *Quick Lubrication Vehicle Shop*, and 942, *Automobile Care Center*, were used to estimate and compare the proposed development's trip generation between the existing and modified building based on the number of vehicle service bays. It should be noted that land use code 942 does not have a weekday ADT rate, only a Saturday and Sunday rate. Thus, a 10% assumption was deduced from the

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th Edition, 2017.

PM Peak Hour, yielding a weekday ADT trip rate of 21.70 trips per service bay. This number is significantly higher than both the Saturday and Sunday trip rate, 12.48 and 2.03, respectively.

The trip generation estimates are summarized in Table 1 below. Detailed trip generation calculations are included as an attachment to this document.

Table 1 – Trip Generation Summary

	ITE Code	Size/Rate	Morning Peak Hour			Evening Peak Hour			Weekday Total
			Enter	Exit	Total	Enter	Exit	Total	
Existing Automobile Care Center	942	24 Bays	24	12	36	25	27	52	520
Proposed Automobile Care Center	942	29 Bays	30	14	44	30	33	63	630
Proposed Quick Lubrication Vehicle Shop	941	2 Bays	4	2	6	6	4	10	80
Net Additional Site Trips		7 Bays	10	4	14	11	10	21	190

The trip generation calculations show that the proposed modification to the existing vehicle service station building is projected to generate a net increase of 14 site trips during the weekday morning peak hour, 21 site trips during the weekday evening peak hour, and 190 site trips during a typical weekday.

Additionally, an alternative and highly unlikely worst-case scenario of trip generation was analyzed. The highly conservative analysis was conducted to show trip generation if the service bays were to operate similar to a *Quick Lubrication Vehicle Shop*. This calculation uses the higher ADT trip generation rate of ITE land use code 941, *Quick Lubrication Vehicle Shop*, at 40 trips per service bay per day. The trip generation estimates are summarized in Table 2 below.

Table 2 – Alternative Trip Generation Summary

	ITE Code	Size/Rate	Morning Peak Hour			Evening Peak Hour			Weekday Total
			Enter	Exit	Total	Enter	Exit	Total	
Existing Automobile Care Center	941	24 Bays	48	24	72	65	51	116	960
Proposed Quick Lubrication Vehicle Shop	941	31 Bays	62	31	93	84	66	150	1,240
Net Additional Site Trips		7 Bays	14	7	21	19	15	34	280



The trip generation calculations show that the worst-case scenario is projected to generate a net increase of 21 site trips during the weekday morning peak hour, 34 site trips during the weekday evening peak hour, and 280 site trips during a typical weekday. It should be noted that the design and functionality of the 29 proposed service bays are not intended to operate as quick lubrication bays. Therefore, this analysis is provided only as a highly conservative metric.

Per the City of Beaverton Development Code 60.55.20.2, dated May 2017, "A *Traffic Impact Analysis* is required when the proposed land use change or development will generate 300 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer." Since the proposed modification is projected to generate less than 300 average weekday trips over the existing 24 service bay building, the above threshold for requiring a traffic impact study is not met in either trip generation scenario.

Sight Distance Analysis

Sight distances were evaluated for site accesses on SW 139th Way. The minimum required intersection sight distance was determined in accordance with the City of Beaverton's Engineering Design Manual Section 210.18 "Intersection Sight Distance Policy," Table 210.12 "Intersection Sight Distance." The southern and northern driveways are approximately 100 and 230 feet north of the SW Tualatin Valley Highway (OR-8) and SW 139th Way intersection, respectively.

These standards state that intersection sight distance measurements must comply with standards established in *A Policy on Geometric Design of Highways and Streets*². According to AASHTO, the driver's eye is assumed to be 15 feet from the near edge of the nearest travel lane (or travelled way) of the intersecting street and at a height of 3.5 feet above the minor-street approach pavement. The vehicle driver's eye-height along the major-street approach is assumed to be 3.5 feet above the cross-street pavement.

Based on the roadway's classification as a local roadway and the City of Beaverton's local roadway design speed of 25 mph, the minimum recommended intersection sight distance is 240 feet to the north and south.

Both driveways along SW 139th Way exceed 300 feet of sight distance to the north of the driveway access points. To the south of both driveways, line of sight extended onto the SW Tualatin Valley Highway (OR-8) roadway but had clear lines of sight from both turn approaches onto SW 139th Way that exceeded 240 feet. In all instances, line of sight within 240 feet was limited only by on-street parking and no other obstructions.

Based on the analysis, adequate sight distances are available at the proposed site access driveway intersections that ensure safe operation along SW 139th Way. No other sight distance mitigation is necessary or recommended. It is recommended, however, that the applicable jurisdiction restrict on-street parking within the sight line triangles of the driveway.

² American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 7th Edition, 2018.



Conclusions

The construction of the proposed Meier Volkswagen Volvo service building expansion is projected to generate a net increase of 14 morning peak hour trips, 21 evening peak hour trips, and 190 average weekday site trips. However, in the unlikely event and provided as a highly-conservative metric, if all proposed service bays were to operate more similar to a quick lube facility, site trip generation may increase by 21 morning peak hour trips, 34 evening peak hour trip, and 280 average weekday trips. In either case, the proposed modification to the site is not projected to trigger the City of Beaverton's 300 average weekday trip generation threshold for requiring a full Traffic Impact Analysis (TIA).

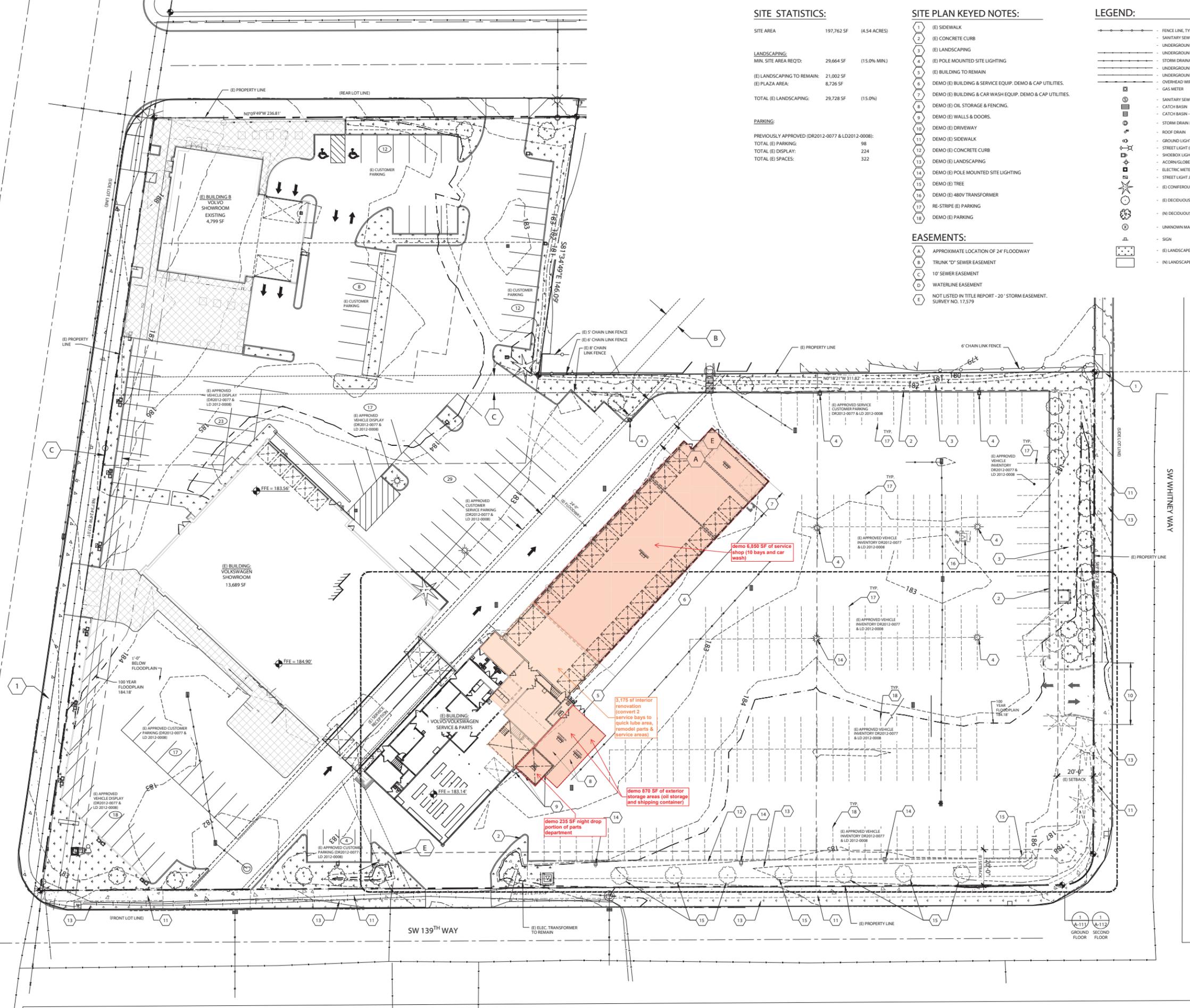
Adequate sight distances are available for the existing site accesses along SW 139th Way to ensure safe and efficient operation of the intersections. No sight distance related mitigation is necessary or recommended as part of the proposed use.

If you have any questions or concerns regarding this analysis or need further assistance, please don't hesitate to contact us.



S:\Project\2019\Project\19-040_VW-Volvo Service Building\Drawings\F2_Current\CAD\19040 - A-101 Existing Site Plan.dwg © P&ID Date: Dec 20 10:52 AM

1 SITE PLAN - EXISTING/DEMO
SCALE: 1"=20'



SITE STATISTICS:

SITE AREA	197,762 SF	(4.54 ACRES)
LANDSCAPING:		
MIN. SITE AREA REQ'D:	29,664 SF	(15.0% MIN.)
(E) LANDSCAPING TO REMAIN:	21,002 SF	
(E) PLAZA AREA:	8,726 SF	
TOTAL (E) LANDSCAPING:	29,728 SF	(15.0%)
PARKING:		
PREVIOUSLY APPROVED (DR2012-0077 & LD2012-0008):		
TOTAL (E) PARKING:	98	
TOTAL (E) DISPLAY:	224	
TOTAL (E) SPACES:	322	

SITE PLAN KEYED NOTES:

- 1 (E) SIDEWALK
- 2 (E) CONCRETE CURB
- 3 (E) LANDSCAPING
- 4 (E) POLE MOUNTED SITE LIGHTING
- 5 (E) BUILDING TO REMAIN
- 6 DEMO (E) BUILDING & SERVICE EQUIP. DEMO & CAP UTILITIES.
- 7 DEMO (E) BUILDING & CAR WASH EQUIP. DEMO & CAP UTILITIES.
- 8 DEMO (E) OIL STORAGE & FENCING.
- 9 DEMO (E) WALLS & DOORS.
- 10 DEMO (E) DRIVEWAY
- 11 DEMO (E) SIDEWALK
- 12 DEMO (E) CONCRETE CURB
- 13 DEMO (E) LANDSCAPING
- 14 DEMO (E) POLE MOUNTED SITE LIGHTING
- 15 DEMO (E) TREE
- 16 DEMO (E) 480V TRANSFORMER
- 17 RE-STRIPE (E) PARKING
- 18 DEMO (E) PARKING

EASEMENTS:

- A APPROXIMATE LOCATION OF 24' FLOODWAY
- B TRUNK "D" SEWER EASEMENT
- C 10' SEWER EASEMENT
- D WATERLINE EASEMENT
- E NOT LISTED IN TITLE REPORT - 20' STORM EASEMENT. SURVEY NO. 17,579

LEGEND:

- FENCE LINE, TYPE AS NOTED
- SANITARY SEWER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- STORM DRAINAGE LINE
- UNDERGROUND ELECTRICAL LINE
- UNDERGROUND TELEPHONE LINE
- OVERHEAD WIRE
- GAS METER
- SANITARY SEWER MANHOLE
- CATCH BASIN
- CATCH BASIN - TRAPPED TYPE
- STORM DRAIN MANHOLE
- ROOF DRAIN
- GROUND LIGHT
- STREET LIGHT (COBRA ARM)
- SHOEBOX LIGHT (SINGLE)
- ACORN GLOBE LIGHT
- ELECTRIC METER
- STREET LIGHT JUNCTION BOX
- (E) CONIFEROUS TREE
- (E) DECIDUOUS TREE
- (E) UNKNOWN MANHOLE
- SIGN
- (E) LANDSCAPE
- (E) LANDSCAPE



**HERZOG MEIER
VOLKSWAGEN-VOLVO
NEW SERVICE BUILDING**
4275 SW 139TH WAY
BEAVERTON, OR 97005

REVISIONS

No.	Description	Date

DRAWN BY: ECU
CHECKED BY: TRB
JOB NO: 19-040
DATE: 12/20/2019
ISSUED FOR: SD PROGRESS

SHEET TITLE
SITE PLAN
EXISTING/DEMO

SHEET NO.





TRIP GENERATION CALCULATIONS Existing Conditions

Land Use: Automobile Care Center
Land Use Code: 942
Setting/Location: General Urban/Suburban
Variable: Service Bays
Variable Quantity: 24

AM PEAK HOUR

Trip Rate: 1.52

	Enter	Exit	Total
Directional Distribution	68%	32%	
Trip Ends	24	12	36

PM PEAK HOUR

Trip Rate: 2.17

	Enter	Exit	Total
Directional Distribution	48%	52%	
Trip Ends	25	27	52

Note: Enter/Exit split assumed to match SF PM Peak Hour split.

WEEKDAY

Trip Rate: 21.70

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	260	260	520

Note: ADT assumed to be ten times the PM Peak Hour.

SATURDAY

Trip Rate: 12.48

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	150	150	300

SUNDAY

Trip Rate: 2.03

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	24	24	48



TRIP GENERATION CALCULATIONS Planned Conditions

Land Use: Automobile Care Center
Land Use Code: 942
Setting/Location: General Urban/Suburban
Variable: Service Bays
Variable Quantity: 29

AM PEAK HOUR

Trip Rate: 1.52

	Enter	Exit	Total
Directional Distribution	68%	32%	
Trip Ends	30	14	44

PM PEAK HOUR

Trip Rate: 2.17

	Enter	Exit	Total
Directional Distribution	48%	52%	
Trip Ends	30	33	63

Note: Enter/Exit split assumed to match SF PM Peak Hour split.

WEEKDAY

Trip Rate: 21.70

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	315	315	630

Note: ADT assumed to be ten times the PM Peak Hour.

SATURDAY

Trip Rate: 12.48

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	181	181	362

SUNDAY

Trip Rate: 2.03

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	29	29	58



TRIP GENERATION CALCULATIONS Planned Conditions

Land Use: Quick Lubrication Vehicle Shop
Land Use Code: 941
Setting/Location: General Urban/Suburban
Variable: Servicing Positions
Variable Quantity: 2

AM PEAK HOUR

Trip Rate: 3.00

	Enter	Exit	Total
Directional Distribution	67%	33%	
Trip Ends	4	2	6

PM PEAK HOUR

Trip Rate: 4.85

	Enter	Exit	Total
Directional Distribution	56%	44%	
Trip Ends	6	4	10

WEEKDAY

Trip Rate: 40.00

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	40	40	80



TRIP GENERATION CALCULATIONS
Worst-Case Scenario: Existing Conditions

Land Use: Quick Lubrication Vehicle Shop
Land Use Code: 941
Setting/Location: General Urban/Suburban
Variable: Servicing Positions
Variable Quantity: 24

AM PEAK HOUR

Trip Rate: 3.00

	Enter	Exit	Total
Directional Distribution	67%	33%	
Trip Ends	48	24	72

PM PEAK HOUR

Trip Rate: 4.85

	Enter	Exit	Total
Directional Distribution	56%	44%	
Trip Ends	65	51	116

WEEKDAY

Trip Rate: 40.00

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	480	480	960



TRIP GENERATION CALCULATIONS
Worst-Case Scenario: Future Conditions

Land Use: Quick Lubrication Vehicle Shop
Land Use Code: 941
Setting/Location: General Urban/Suburban
Variable: Servicing Positions
Variable Quantity: 31

AM PEAK HOUR

Trip Rate: 3.00

	Enter	Exit	Total
Directional Distribution	67%	33%	
Trip Ends	62	31	93

PM PEAK HOUR

Trip Rate: 4.85

	Enter	Exit	Total
Directional Distribution	56%	44%	
Trip Ends	84	66	150

WEEKDAY

Trip Rate: 40.00

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	620	620	1,240

CITY OF Beaverton, OREGON
 BUREAU OF TRANSPORTATION
 ENGINEERS ESTIMATE FOR 2020 STANDARD CONSTRUCTION SPECIFICATIONS
 Herzog Meier - Volkswagen

Kate edits highlighted in green

Date: August 12,2021 JY

Preliminary estimate for Herzog Meier frontage for TV Hwy

VALUES IN BLUE ARE PERCENT OF CONTRACT.

BID ITEMS

NO.	ITEMS OF WORK AND MATERIALS	SPEC REFERENCE	UNIT	TOTAL QUANTITY	UNIT PRICES	TOTAL AMOUNT
1	MOBILIZATION	0210	LS	1.00	\$ 20,866.35	\$ 20,866.35
2	TEMPORARY PROTECTION & DIRECTION OF TRAFFIC	0221	LS	1.00	\$ 7,587.76	\$ 7,587.76
3	TEMPORARY WORK ZONE TRAFFIC CONTROL, COMPLETE	0221	LS	1.00		\$ -
4	SEQUENTIAL ARROW SIGNS	0222	EACH	0.00	\$ 1,788.00	\$ -
5	PORTABLE CHANGEABLE MESSAGE SIGNS	0222	EACH	0.00	\$ 8,836.00	\$ -
6	TEMPORARY SIGNS	0222	SQFT	0.00	\$ 20.50	\$ -
7	FLAGGERS	0223	HOUR	0.00	\$ 55.40	\$ -
8	TRAFFIC CONTROL SUPERVISOR	0223	LS	0.00	\$ 80.50	\$ -
9	FLAGGER STATION LIGHTING	0223	EACH	0.00	\$ 1,500.00	\$ -
10	SURFACE MOUNTED TUBULAR MARKERS	0224	EACH	0.00	\$ 52.00	\$ -
11	REPLACE SURFACE MOUNTED TUBULAR MARKERS	0224	EACH	0.00	\$ 51.00	\$ -
12	TEMPORARY PLASTIC DRUMS	0224	EACH	0.00	\$ 56.00	\$ -
13	TEMPORARY BARRICADES, TYPE II	0224	EACH	0.00	\$ 100.00	\$ -
14	TEMPORARY BARRICADES, TYPE III	0224	EACH	0.00	\$ 150.00	\$ -
15	TEMPORARY REFLECTIVE PAVEMENT MARKERS	0225	EACH	0.00	\$ 6.30	\$ -
16	TEMPORARY FLEXIBLE PAVEMENT MARKERS	0225	EACH	0.00	\$ 4.30	\$ -
17	TEMPORARY REMOVABLE TAPE	0225	FOOT	0.00	\$ 2.00	\$ -
18	TEMPORARY STRIPING	0225	FOOT	0.00	\$ 1.20	\$ -
19	TEMPORARY PAVEMENT LEGENDS	0225	EACH	0.00	\$ 65.00	\$ -
20	TEMPORARY PAVEMENT BARS	0225	SQFT	0.00	\$ 5.00	\$ -
21	STRIPE REMOVAL	0225	FOOT	0.00	\$ 1.25	\$ -
22	LEGEND REMOVAL	0225	SQFT	0.00	\$ 3.44	\$ -
23	BAR REMOVAL	0225	SQFT	0.00	\$ 3.44	\$ -
24	TEMPORARY BARRIER	0226	FOOT	0.00	\$ 29.00	\$ -
25	MOVING TEMPORARY BARRIER	0226	FOOT	0.00	\$ 12.00	\$ -
26	TEMPORARY IMPACT ATTENUATOR, SAND BARREL SYSTEM	0226	EACH	0.00	\$ 1,500.00	\$ -
27	TEMPORARY IMPACT ATTENUATOR, NARROW SITE SYSTEM	0226	EACH	0.00	\$ 2,395.00	\$ -
28	REFLECTIVE BARRIER PANELS	0226	EACH	0.00	\$ 12.57	\$ -
29	TEMPORARY ILLUMINATION	0227	LS	0.00		\$ -
30	TEMPORARY TRAFFIC SIGNAL	0227	LS	0.00		\$ -
31	CHANNELIZING DEVICES	0228	FOOT	0.00	\$ 65.20	\$ -
32	TEMPORARY CURB RAMP, PARALLEL	0228	EACH	0.00	\$ 1,105.88	\$ -
33	TEMPORARY CURB RAMP, PERPENDICULAR	0228	EACH	0.00	\$ 932.22	\$ -
34	TEMPORARY CURB RAMP, CONSTRUCTED	0228	EACH	0.00	\$ 1,500.00	\$ -
35	TEMPORARY WALKS	0228	SQFT	0.00	\$ 7.70	\$ -
36	TEMPORARY PEDESTRIAN BRIDGES	0228	FOOT	0.00	\$ 48.60	\$ -
37	TEMPORARY TYPE ORANGE PLASTIC MESH FENCE	0270	FOOT	0.00	\$ 7.10	\$ -
38	TEMPORARY TYPE CL CHAIN LINK FENCE	0270	FOOT	0.00	\$ 22.10	\$ -
39	EROSION CONTROL	0280	LS	1.00	\$ 1,896.94	\$ 1,896.94
40	PLASTIC SHEETING	0280	SQFT	0.00	\$ 0.63	\$ -
41	MATTING, TYPE C	0280	SQFT	0.00	\$ 3.50	\$ -
42	CONSTRUCTION ENTRANCE, TYPE 3	0280	EACH	0.00	\$ 2,666.00	\$ -
43	SEDIMENT FENCE	0280	FOOT	0.00	\$ 4.20	\$ -
44	INLET PROTECTION, TYPE 3	0280	EACH	0.00	\$ 118.00	\$ -
45	POLLUTION CONTROL PLAN	0290	LS	1.00	\$ 189.69	\$ 189.69

NO.	ITEMS OF WORK AND MATERIALS	SPEC REFERENCE	UNIT	TOTAL QUANTITY	UNIT PRICES	TOTAL AMOUNT
46	CONTAMINATED MEDIA DISPOSAL	0291	CUYD	0.00	\$ 262.00	\$ -
47	TRUCK LINERS	0291	EACH	0.00	\$ 470.00	\$ -
48	CMDP WORK PLANS	0291	LS	0.00	\$ 1,499.00	\$ -
49	CONSTRUCTION SURVEY WORK	0305	LS	1.00		\$ -
50	REMOVAL OF PIPES	0310	FOOT	0.00	\$ 25.30	\$ -
51	REMOVAL OF CURBS	0310	FOOT	500.00	\$ 25.30	\$ 12,650.00
52	REMOVAL OF WALKS AND DRIVEWAYS	0310	SQYD	333.00	\$ 13.90	\$ 4,628.70
53	REMOVAL OF SURFACINGS	0310	SQYD	100.00	\$ 8.20	\$ 820.00
54	REMOVAL OF INLETS	0310	EACH	1.00	\$ 310.00	\$ 310.00
55	REMOVAL OF MAINTENANCE HOLES	0310	EACH	0.00	\$ 1,050.00	\$ -
56	REMOVAL OF RAILROAD TRACK AND TIES	0310	FOOT	0.00	\$ 95.50	\$ -
57	SALVAGING AND STOCKPILING OF COBBLESTONES	0310	SQYD	0.00	\$ 122.00	\$ -
58	REMOVE AND REINSTALL HORSE RINGS	0310	EACH	0.00	\$ 291.25	\$ -
59	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	0310	LS	1.00	\$ 7,587.76	\$ 7,587.76
60	REMOVAL OF FENCES	0310	FOOT	0.00	\$ 6.00	\$ -
61	CLEARING AND GRUBBING	0320	LS	1.00	\$ 4,742.35	\$ 4,742.35
62	TREE PRESERVATION AND PRUNING	0325	LS	0.00		\$ -
63	DITCH EXCAVATION	0330	CUYD	0.00	\$ 60.00	\$ -
64	GENERAL EXCAVATION	0330	CUYD	0.00	\$ 62.70	\$ -
65	EMBANKMENT IN PLACE	0330	CUYD	0.00	\$ 24.00	\$ -
66	12 INCH SUBGRADE STABILIZATION	0331	SQYD	0.00	\$ 55.40	\$ -
67	WATERING	0340	MGAL	0.00	\$ 36.39	\$ -
68	DRAINAGE GEOTEXTILE, TYPE 2	0350	SQYD	0.00	\$ 1.78	\$ -
69	EMBANKMENT GEOTEXTILE	0350	SQYD	0.00	\$ 2.24	\$ -
70	SUBGRADE GEOTEXTILE	0350	SQYD	0.00	\$ 1.79	\$ -
71	GEOGRID GEOTEXTILE	0350	SQYD	0.00	\$ 3.08	\$ -
72	FILTER BLANKET	0390	SQYD	0.00	\$ 24.52	\$ -
73	LOOSE RIPRAP, CLASS 50	0390	CUYD	0.00	\$ 35.10	\$ -
74	LOOSE RIPRAP, CLASS 100	0390	CUYD	0.00	\$ 59.70	\$ -
75	HIGH TENSILE STRENGTH WIRE MESH SLOPE PROTECTION	0398	SQFT	0.00	\$ 5.71	\$ -
76	VIDEO INSPECTION OF SEWERS, MAINLINE	0401	FOOT	0.00	\$ 4.83	\$ -
77	TRENCH EXCAVATION, COMMON	0405	CUYD	0.00	\$ 25.50	\$ -
78	EXPLORATORY EXCAVATION	0405	CUYD	0.00	\$ 130.00	\$ -
79	POTHOLE EXCAVATION	0405	EACH	0.00	\$ 987.40	\$ -
80	TRENCH FOUNDATION STABILIZATION	0405	CUYD	0.00	\$ 97.86	\$ -
81	TRENCH BACKFILL, CLASS B	0405	CUYD	0.00	\$ 39.00	\$ -
82	STORMWATER FACILITY	0415	SQFT	480.00	\$ 59.50	\$ 28,560.00
83	STORMWATER FACILITY	0415	SQYD	0.00	\$ 177.30	\$ -
84	4 INCH, DRAIN PIPE	0430	FOOT	0.00	\$ 27.15	\$ -
85	SUBSURFACE DRAIN OUTLETS	0430	EACH	0.00	\$ 610.00	\$ -
86	12 INCH PIPE, PVC AWWA C900, CI 150, BEDDING TYPE: D, COMPLETE	0445	FOOT	0.00	\$ 130.00	\$ -
87	10 INCH PIPE, PVC ASTM D3034 SDR35, BEDDING TYPE: D, COMPLETE	0445	FOOT	0.00	\$ 174.42	\$ -
88	12 INCH PIPE, PVC ASTM D3034 SDR35, BEDDING TYPE: D, COMPLETE	0445	FOOT	0.00	\$ 187.52	\$ -
89	10 INCH PIPE, HDPE ASTM F714 SDR 26 BEDDING TYPE:D, COMPLETE	0445	FOOT	0.00	\$ 160.50	\$ -
90	12 INCH PIPE, HDPE ASTM F714 SDR 26 BEDDING TYPE:D, COMPLETE	0445	FOOT	10.00	\$ 160.00	\$ 1,600.00
91	CONCRETE CLOSURE COLLARS	0445	EACH	0.00	\$ 1,336.50	\$ -
92	CONCRETE MAINTENANCE HOLES, 48 INCH, 0-8 FT DEPTH	0470	EACH	0.00	\$ 7,356.80	\$ -
93	CONCRETE MAINTENANCE HOLES, 48 INCH, DEEPER THAN 8 FT	0470	FOOT	0.00	\$ 337.50	\$ -
94	CONCRETE MAINTENANCE HOLES, WATER QUALITY	0470	EACH	0.00	\$ 12,410.00	\$ -
95	CONCRETE MAINTENANCE HOLES, SEDIMENTATION	0470	EACH	0.00	\$ 7,943.75	\$ -
96	SUMP MAINTENANCE HOLE, 30 FT DEPTH	0470	EACH	0.00	\$ 11,250.00	\$ -
97	SUMP CAPACITY TEST	0470	EACH	0.00	\$ 2,400.00	\$ -
98	CONCRETE INLETS, TYPE CG-1	0470	EACH	0.00	\$ 2,858.33	\$ -
99	CONCRETE INLETS, TYPE CG-2	0470	EACH	0.00	\$ 3,079.01	\$ -
100	CONCRETE INLETS, TYPE CG-3	0470	EACH	1.00	\$ 3,232.95	\$ 3,232.95

NO.	ITEMS OF WORK AND MATERIALS	SPEC REFERENCE	UNIT	TOTAL QUANTITY	UNIT PRICES	TOTAL AMOUNT
101	CONCRETE INLETS, TYPE D	0470	EACH	0.00	\$ 2,100.00	\$ -
102	CONCRETE INLETS, TYPE G-1	0470	EACH	0.00	\$ 2,366.28	\$ -
103	CONCRETE INLETS, TYPE G-2	0470	EACH	0.00	\$ 3,586.70	\$ -
104	CONCRETE INLETS, TYPE G-2MA	0470	EACH	0.00	\$ 2,805.93	\$ -
105	CONCRETE INLETS, DEEPER THAN 4 FT	0470	FOOT	0.00	\$ 415.00	\$ -
106	CONCRETE INLETS, TYPE METAL	0470	EACH	0.00	\$ 1,030.28	\$ -
107	CONCRETE INLETS, TYPE METAL, MODIFIED	0470	EACH	0.00	\$ 853.61	\$ -
108	CONCRETE INLETS, TYPE CHANNEL & GRATE	0470	EACH	0.00	\$ 3,431.25	\$ -
109	CONCRETE INLETS, TYPE CONCRETE	0470	EACH	0.00	\$ 135.00	\$ -
110	CONCRETE INLETS, TYPE BEEHIVE	0470	EACH	0.00	\$ 2,006.25	\$ -
111	CATCH BASINS, METAL SUMP	0470	EACH	0.00	\$ 1,832.50	\$ -
112	ACCESS DOORS	0470	EACH	0.00	\$ 2,700.00	\$ -
113	DRAINAGE CURBS	0480	FOOT	0.00	\$ 19.10	\$ -
114	ADJUSTING BOXES	0490	EACH	0.00	\$ 382.80	\$ -
115	ADJUSTING INLETS	0490	EACH	0.00	\$ 1,140.30	\$ -
116	FILLING ABANDONED STRUCTURES	0490	EACH	0.00	\$ 2,400.00	\$ -
117	MINOR ADJUSTMENT OF MAINTENANCE HOLES	0490	EACH	0.00	\$ 1,290.62	\$ -
118	MAJOR ADJUSTMENT OF MAINTENANCE HOLES	0490	EACH	0.00	\$ 2,117.40	\$ -
119	MAINTENANCE HOLES OVER EXISTING SEWERS	0490	EACH	0.00	\$ 4,200.00	\$ -
120	TRENCH RESURFACING	0495	SQYD	0.00	\$ 110.26	\$ -
121	TEMPORARY TRENCH RESURFACING	0495	SQYD	0.00	\$ 62.62	\$ -
122	SHORING, CRIBBING, AND COFFERDAMS	0510	LS	0.00		\$ -
123	STRUCTURE EXCAVATION	0510	CUYD	0.00	\$ 48.30	\$ -
124	GRANULAR WALL BACKFILL	0510	CUYD	0.00	\$ 125.00	\$ -
125	GRANULAR STRUCTURE BACKFILL	0510	CUYD	0.00	\$ 75.00	\$ -
126	REINFORCEMENT	0530	LB	0.00	\$ 3.50	\$ -
127	ASPHALTIC PLUG JOINT SEALS	0585	LS	0.00		\$ -
128	ASPHALTIC PLUG JOINT SEAL MATERIAL	0585	CUYD	0.00	\$ 7,000.00	\$ -
129	RETAINING WALL, CAST-IN-PLACE CONCRETE RIGID GRAVITY	0596C	LS	0.00		\$ -
130	RETAINING WALL, CAST-IN-PLACE CONCRETE SEMI-GRAVITY CANTILEVER	0596C	LS	0.00		\$ -
131	RETAINING WALL, PREFABRICATED MODULAR GRAVITY	0596B	LS	0.00		\$ -
132	RETAINING WALL, MSE	0596A	LS	0.00		\$ -
133	CONCRETE SLOPE PAVING	0599	SQFT	0.00	\$ 25.00	\$ -
134	COLD PLANE PAVEMENT REMOVAL, 2 INCHES DEEP	0620	SQYD	0.00	\$ 6.08	\$ -
135	COLD PLANE PAVEMENT REMOVAL, 3 INCHES DEEP	0620	SQYD	0.00	\$ 6.75	\$ -
136	COLD PLANE PAVEMENT REMOVAL, 4 INCHES DEEP	0620	SQYD	0.00	\$ 8.10	\$ -
137	COLD PLANE PAVEMENT REMOVAL, 5 INCHES DEEP	0620	SQYD	0.00	\$ 9.45	\$ -
138	AGGREGATE BASE, 4 INCHES THICK	0640	SQYD	0.00	\$ 21.50	\$ -
139	AGGREGATE BASE, 6 INCHES THICK	0640	SQYD	0.00	\$ 18.64	\$ -
140	AGGREGATE BASE, 8 INCHES THICK	0640	SQYD	555.00	\$ 23.56	\$ 13,075.80
141	SLURRY SEAL CRACK SEALING	0706	FOOT	0.00	\$ 0.80	\$ -
142	SLURRY SEAL	0706	SQYD	0.00	\$ 1.30	\$ -
143	LEVEL 1, 1/2 INCH DENSE, ACP MIXTURE, IN TEMPORARY	0744	TON	0.00	\$ 140.50	\$ -
144	LEVEL 2, 1/2 INCH DENSE, ACP MIXTURE WITH PG 64-22 ASPHALT	0744	TON	0.00	\$ 151.14	\$ -
145	LEVEL 3, 1/2 INCH DENSE, ACP MIXTURE WITH PG 70-22 ASPHALT	0744	TON	175.00	\$ 211.26	\$ 36,970.50
146	LEVEL 3, 1/2 INCH DENSE, ACP MIXTURE, IN LEVELING	0744	TON	0.00	\$ 245.31	\$ -
147	CRACK SEALING	0746	FOOT	0.00	\$ 1.06	\$ -
148	11 INCH ASPHALT CONCRETE PAVEMENT REPAIR	0748	SQYD	0.00	\$ 113.03	\$ -
149	13 INCH ASPHALT CONCRETE PAVEMENT REPAIR	0748	SQYD	0.00	\$ 105.18	\$ -
150	17 INCH ASPHALT CONCRETE PAVEMENT REPAIR	0748	SQYD	0.00	\$ 52.59	\$ -
151	11 INCH ASPHALT CONCRETE PAVEMENT REPAIR, COMPLETE	0748	SQYD	0.00	\$ 150.00	\$ -
152	13 INCH ASPHALT CONCRETE PAVEMENT REPAIR, COMPLETE	0748	SQYD	0.00	\$ 166.80	\$ -
153	17 INCH ASPHALT CONCRETE PAVEMENT REPAIR, COMPLETE	0748	SQYD	0.00	\$ 163.50	\$ -
154	ASPHALT APPROACHES	0749	SQFT	0.00	\$ 7.70	\$ -
155	22' ASPHALT SPEED BUMPS	0749	EACH	0.00	\$ 2,916.56	\$ -

NO.	ITEMS OF WORK AND MATERIALS	SPEC REFERENCE	UNIT	TOTAL QUANTITY	UNIT PRICES	TOTAL AMOUNT
156	PLAIN CONCRETE PAVEMENT, UNDOVELLED, 6 INCHES THICK	0756	SQYD	0.00	\$ 191.47	\$ -
157	PLAIN CONCRETE PAVEMENT, UNDOVELLED, 8 INCHES THICK	0756	SQYD	0.00	\$ 157.70	\$ -
158	PLAIN CONCRETE PAVEMENT, UNDOVELLED, 10 INCHES THICK	0756	SQYD	0.00	\$ 97.50	\$ -
159	PLAIN CONCRETE PAVEMENT, UNDOVELLED, 12 INCHES THICK	0756	SQYD	0.00	\$ 70.00	\$ -
160	PLAIN PERVIOUS CONCRETE PAVEMENT, UNDOVELLED, 10 INCHES THICK	0757	SQYD	0.00	\$ 73.00	\$ -
161	CONCRETE CURBS, CURB AND GUTTER	0759	FOOT	500.00	\$ 44.88	\$ 22,440.00
162	CONCRETE CURBS, STANDARD CURB	0759	FOOT	0.00	\$ 56.42	\$ -
163	CONCRETE CURB, MOUNTABLE CURB	0759	FOOT	0.00	\$ 59.00	\$ -
164	CONCRETE CURBS, THICKENED CURB AND GUTTER	0759	FOOT	0.00	\$ 68.17	\$ -
165	CONCRETE ISLANDS	0759	SQFT	0.00	\$ 27.01	\$ -
166	CONCRETE DRIVEWAYS	0759	SQFT	0.00	\$ 24.00	\$ -
167	CONCRETE DRIVEWAYS, REINFORCED	0759	SQFT	0.00	\$ 17.38	\$ -
168	CONCRETE WALKS	0759	SQFT	3,000.00	\$ 10.80	\$ 32,400.00
169	MONOLITHIC CURB AND SIDEWALKS	0759	SQFT	0.00	\$ 21.00	\$ -
170	CONCRETE VALLEY GUTTER	0759	FOOT	0.00	\$ 42.02	\$ -
171	6 INCH CONCRETE SURFACING	0759	SQFT	0.00	\$ 25.35	\$ -
172	CONCRETE STAIRS	0759	CUYD	0.00	\$ 1,650.00	\$ -
173	CONCRETE DRIVEWAY CONNECTIONS	0759	SQFT	0.00	\$ 13.00	\$ -
174	CONCRETE BUS SHELTER PADS	0759	EACH	2.00	\$ 730.00	\$ 1,460.00
175	METAL HANDRAIL, 3 RAILS	0759	SQFT	0.00	\$ 105.66	\$ -
176	EXTRA FOR NEW CURB RAMPS	0759	EACH	2.00	\$ 505.00	\$ 1,010.00
177	TRUNCATED DOMES ON NEW SURFACES	0759	SQFT	0.00	\$ 40.00	\$ -
178	TRUNCATED DOMES ON EXISTING SURFACES	0759	SQFT	0.00	\$ 58.68	\$ -
179	BRICK PAVERS	0760	SQFT	0.00	\$ 45.90	\$ -
180	CONCRETE PAVERS	0760	SQFT	0.00	\$ 40.00	\$ -
181	PERMEABLE PAVERS	0760	SQFT	0.00	\$ 40.00	\$ -
182	CONCRETE RAILROAD CROSSING	0770	FOOT	0.00	\$ 472.00	\$ -
183	GUARDRAIL, TYPE 2A	0810	FOOT	0.00	\$ 75.00	\$ -
184	GUARDRAIL, TYPE 3	0810	FOOT	0.00	\$ 123.95	\$ -
185	GUARDRAIL ANCHORS, TYPE 1	0810	EACH	0.00	\$ 1,040.05	\$ -
186	GUARDRAIL END PIECES, TYPE C	0810	EACH	0.00	\$ 325.00	\$ -
187	GUARDRAIL TRANSITION	0810	EACH	0.00	\$ 2,825.73	\$ -
188	GUARDRAIL CONNECTIONS	0810	EACH	0.00	\$ 959.86	\$ -
189	GUARDRAIL TERMINALS	0810	EACH	0.00	\$ 3,062.00	\$ -
190	REMOVABLE BOLLARDS	0815	EACH	0.00	\$ 1,631.71	\$ -
191	CONCRETE BARRIER	0820	FOOT	0.00	\$ 92.78	\$ -
192	IMPACT ATTENUATORS, TYPE B	0830	EACH	0.00	\$ 4,780.00	\$ -
193	IMPACT ATTENUATORS, TYPE E	0830	EACH	0.00	\$ 16,000.00	\$ -
194	DELINEATORS TYPE 2	0840	EACH	0.00	\$ 68.96	\$ -
195	DELINEATORS TYPE 4	0840	EACH	0.00	\$ 29.30	\$ -
196	BI-DIRECTIONAL YELLOW TYPE I MARKERS	0855	EACH	0.00	\$ 10.92	\$ -
197	MONO-DIRECTIONAL WHITE TYPE I MARKERS	0855	EACH	0.00	\$ 9.55	\$ -
198	PERMANENT SURFACE MOUNTED TUBULAR MARKERS	0856	EACH	0.00	\$ 106.14	\$ -
199	SURFACE MOUNTED PLASTIC CURB WITH TUBULAR MARKER	0858	EACH	0.00	\$ 309.82	\$ -
200	LONGITUDINAL PAVEMENT MARKINGS - PAINT	0860	FOOT	500.00	\$ 0.50	\$ 250.00
201	CURB MARKINGS - PAINT	0861	FOOT	0.00	\$ 4.45	\$ -
202	THERMOPLASTIC, EXTRUDED, SURFACE, NON-PROFILED	0865	FOOT	0.00	\$ 1.40	\$ -
203	PROFILED TACTILE GUIDANCE (EXTRUDED MMA)	0865	FOOT		\$ 268.00	\$ -
204	PAVEMENT LEGEND, TYPE B-HS: [TYPE]	0867	EACH	2.00	\$ 399.00	\$ 798.00
205	PAVEMENT BAR, TYP B-HS	0867	SQFT	0.00	\$ 8.90	\$ -
206	PAVEMENT BAR, TYPE A	0867	SQFT	0.00	\$ 4.80	\$ -
207	PAVEMENT BAR, TYPE B	0867	SQFT	0.00	\$ 12.00	\$ -
208	GREEN BICYCLE LANE, PREFORMED THERMOPLASTIC FILM	0868	SQFT	0.00	\$ 12.00	\$ -
209	GREEN BICYCLE LANE, METHYL METHACRYLATE	0868	SQFT	0.00	\$ 12.00	\$ -
210	RED TRANSIT LANE, PREFORMED THERMOPLASTIC FILM	0868	SQFT	0.00	\$ 12.00	\$ -

NO.	ITEMS OF WORK AND MATERIALS	SPEC REFERENCE	UNIT	TOTAL QUANTITY	UNIT PRICES	TOTAL AMOUNT
211	RED TRANSIT LANE, METHYL METHACRYLATE	0868	SQFT	0.00	\$ 12.00	\$ -
212	CROSSWALK CLOSURE SUPPORTS	0902	EACH	0.00	\$ 591.52	\$ -
213	REMOVE EXISTING SIGNS	0905	LS*	1.00	\$ 95.90	\$ 95.90
214	REMOVE & REINSTALL EXISTING SIGNS	0905	LS*	1.00	\$ 161.60	\$ 161.60
215	SIGN SUPPORT FOOTINGS, BREAKAWAY	0920	LS*	0.00	\$ 225.90	\$ -
216	SIGNAL POLE MOUNTS	0930	LS*	0.00	\$ 1,049.00	\$ -
217	PIPE SIGN SUPPORTS	0930	LS*	0.00	\$ 209.40	\$ -
218	BIKE RACK SIGN SUPPORTS	0930	EACH	0.00	\$ 811.00	\$ -
219	FLEXIBLE POST SIGN SUPPORTS	0932	EACH	0.00	\$ 100.00	\$ -
220	PERMANENT SURFACE MOUNTED FLEXIBLE SIGNS, ONE-SIDED	0935	EACH	0.00	\$ 380.00	\$ -
221	PERMANENT SURFACE MOUNTED FLEXIBLE SIGNS, TWO-SIDED	0935	EACH	0.00	\$ 475.00	\$ -
222	SIGNS, STANDARD SHEETING, SHEET ALUMINUM	0940	SQFT	0.00	\$ 16.61	\$ -
223	SIGNS, WIDE ANGLE SHEETING, SHEET ALUMINUM	0940	SQFT	0.00	\$ 16.05	\$ -
224	REMOVAL OF ELECTRICAL SYSTEMS	0950	LS*	0.00		\$ -
225	POLE FOUNDATIONS	0970	LS*	1.00	\$ 2,500.00	\$ 2,500.00
226	LIGHTING POLES	0970	LS*	1.00	\$ 7,000.00	\$ 7,000.00
227	LIGHTING POLE ARMS	0970	LS*	1.00	\$ 600.00	\$ 600.00
228	LUMINAIRES	0970	LS*	1.00	\$ 1,400.00	\$ 1,400.00
229	SWITCHING, CONDUIT AND WIRING	0970	LS*	1.00	\$ 15,000.00	\$ 15,000.00
230	TRAFFIC SIGNAL INSTALLATION, [INTERSECTION NAME]	0990	LS*	0.00	\$ 300,000.00	\$ -
231	TRAFFIC SIGNAL MODIFICATION, [INTERSECTION NAME]	0990	LS*	0.00	\$ 100,000.00	\$ -
232	FLASHING BEACON INSTALLATION, [INTERSECTION NAME]	0990	LS*	0.00	\$ 100,000.00	\$ -
233	LOOP DETECTOR INSTALLATION, [INTERSECTION NAME]	0990	LS*	0.00	\$ 45,000.00	\$ -
234	INTERCONNECT SYSTEM	0990	LS*	0.00		\$ -
235	TRAFFIC CAMERA INSTALLATION	0996	LS*	0.00	\$ 5,000.00	\$ -
236	PERMANENT SEEDING, SLOPE	1030	ACRE	0.00	\$ 6,400.00	\$ -
237	LAWN SEEDING	1030	SQYD	0.00	\$ 9.54	\$ -
238	TOPSOIL	1040	CUYD	0.00	\$ 86.49	\$ -
239	SOIL CONDITIONER	1040	CUYD	0.00	\$ 60.00	\$ -
240	CONIFER TREES, 9 FT HEIGHT	1040	EACH	0.00	\$ 351.00	\$ -
241	DECIDUOUS TREES, 2-1/2 INCH CALIPER	1040	EACH	0.00	\$ 822.00	\$ -
242	DECIDUOUS TREES, 3 INCH CALIPER	1040	EACH	0.00	\$ 890.00	\$ -
243	SHRUBS, #1 CONTAINER	1040	EACH	0.00	\$ 14.04	\$ -
244	SHRUBS, #2 CONTAINER	1040	EACH	0.00	\$ 17.00	\$ -
245	SHRUBS, #3 CONTAINER	1040	EACH	0.00	\$ 31.00	\$ -
246	SHRUBS, #5 CONTAINER	1040	EACH	0.00	\$ 42.00	\$ -
247	GROUNDCOVERS, #1 CONTAINER	1040	EACH	0.00	\$ 12.44	\$ -
248	GROUNDCOVERS, 4 INCH POTS	1040	EACH	0.00	\$ 4.37	\$ -
249	BULBS	1040	EACH	0.00	\$ 4.68	\$ -
250	SEEDLING PLANTS	1040	EACH	0.00	\$ 11.30	\$ -
251	ROOTED PLANT CUTTINGS	1040	EACH	0.00	\$ 5.10	\$ -
252	SOD LAWN	1040	SQYD	333.00	\$ 8.20	\$ 2,730.60
253	BARK MULCH	1040	CUYD	0.00	\$ 79.10	\$ -
254	ROCK MULCH	1040	TON	0.00	\$ 92.60	\$ -
255	TREE GRATES	1040	EACH	0.00	\$ 2,017.67	\$ -
256	ROOT BARRIER	1040	FOOT	0.00	\$ 14.14	\$ -
257	TYPE 2 FENCE	1050	FOOT	0.00	\$ 6.85	\$ -
258	TYPE CL-6 CHAIN-LINK FENCE	1050	FOOT	0.00	\$ 37.10	\$ -
259	TYPE CL-6R CHAIN-LINK FENCE	1050	FOOT	0.00	\$ 30.13	\$ -
260	TYPE CL-4R CHAIN-LINK FENCE WITH VINYL CLAD FABRIC	1050	FOOT	0.00	\$ 67.67	\$ -
261	REMOVING AND REBUILDING FENCE	1050	FOOT	0.00	\$ 69.77	\$ -
262	SINGLE MAILBOX SUPPORTS	1070	EACH	0.00	\$ 468.87	\$ -
263	MULTIPLE MAILBOX SUPPORTS	1070	EACH	0.00	\$ 628.77	\$ -
264	MAILBOX CONCRETE COLLARS	1070	EACH	0.00	\$ 188.00	\$ -
265	REMOVE AND REINSTALL MAILBOX SUPPORTS	1070	EACH	0.00	\$ 357.32	\$ -

NO.	ITEMS OF WORK AND MATERIALS	SPEC REFERENCE	UNIT	TOTAL QUANTITY	UNIT PRICES	TOTAL AMOUNT
266	BENCHES, TYPE _____	1095	EACH	0.00	\$ 3,090.00	\$ -
267	BICYCLE RACKS	1095	EACH	0.00	\$ 811.03	\$ -
268	LITTER RECEPTACLES	1095	EACH	0.00	\$ 1,290.00	\$ -
269	IRRIGATION SYSTEM	1120	LS	0.00	\$ 3,100.00	\$ -
270	4 INCH DUCTILE IRON PIPE	1140	FOOT	0.00	\$ 110.57	\$ -
271	6 INCH DUCTILE IRON PIPE	1140	FOOT	0.00	\$ 110.57	\$ -
272	8 INCH DUCTILE IRON PIPE	1140	FOOT	0.00	\$ 150.00	\$ -
273	12 INCH DUCTILE IRON PIPE	1140	FOOT	0.00	\$ 110.00	\$ -
274	4 INCH GATE VALVE, MJ	1150	EACH	0.00	\$ 924.00	\$ -
275	6 INCH GATE VALVE, MJ	1150	EACH	0.00	\$ 1,090.00	\$ -
276	8 INCH GATE VALVE, MJ	1150	EACH	0.00	\$ 1,500.00	\$ -
277	12 INCH GATE VALVE, MJ	1150	EACH	0.00	\$ 3,100.00	\$ -
278	HYDRANT ASSEMBLIES	1160	EACH	0.00	\$ 5,474.00	\$ -
279	2 INCH SERVICE LINE, SHORT RUN	1170	EACH	0.00	\$ 2,100.00	\$ -
TOTAL BID ITEMS						\$ 232,564.90

##### ANTICIPATED ITEMS #####						
NO.	ITEMS OF WORK AND MATERIALS	SPEC REFERENCE	UNIT	TOTAL QUANTITY	UNIT PRICE	TOTAL AMOUNT
1	RIGHT OF WAY MONUMENTATION		LS	0.00	\$ -	\$ -
2	RELOCATE WATER FACILITIES - FIRE HYDRANT		EACH	0.00	\$ 20,000.00	\$ -
3	RELOCATE WATER FACILITIES - METER		EACH	0.00	\$ 6,000.00	\$ -
4	STREET LIGHTING - UPGRADE LUMINAIRES		EACH	0.00	\$ 600.00	\$ -
5	STREET LIGHTING - INSTALL ARMS AND LUMINAIRES		EACH	0.00	\$ 5,000.00	\$ -
6	CONNECT CONTRACTOR INSTALLED TRAFFIC SIGNAL LOOPS TO CONTROLLER BY MO		EACH	0.00	\$ 1,000.00	\$ -
7	SELF-PERFORMED WORK BY PBOT SSL		LS	1.00		\$ -
8	POWER CONNECTIONS		LS	1.00		\$ -
9	PLANT TREES AND ESTABLISHMENT BY OTHERS		EACH	0.00	\$ 1,000.00	\$ -
10	STORMWATER PLANTINGS AND PLANT ESTABLISHMENT		SQFT	432.00	\$ 20.00	\$ 8,640.00
11	OFFSITE STORMWATER MANAGEMENT FEE		SQFT	0.00	\$ 3.70	\$ -
12	ROCK EXCAVATION		CUYD	0.00	\$ 106.00	\$ -
13	RAILROAD PROTECTION SERVICES (ONE YEAR)		LS	0.00	\$ 100,000.00	\$ -
14	ASPHALT CEMENT ESCALATION		LS	1.00	\$ -	\$ -
15	FUEL ESCALATION		LS	1.00	\$ -	\$ -
16	TESTING CONTAMINATED MEDIA		LS	0.00	\$ 5,000.00	\$ -
17	BOLI FEE PAYMENT		LS	0.00	\$ 250.00	\$ -
18	CONTRACT CONTINGENCY		LS	0.00	\$ 23,256.49	\$ -
TOTAL ANTICIPATED ITEMS						\$ 8,640.00

SCHEDULE SUMMARY

BID ITEMS		\$ 232,565
CONSTRUCTION CONTINGENCY	5% of Bid Items*	\$ 11,628
SUBTOTAL		\$ 244,193
ANTICIPATED ITEMS		\$ 8,640
TOTAL CONSTRUCTION		\$ 252,833
PROJECT MANAGEMENT	5% of Bid Items	\$ 11,628

NO.	ITEMS OF WORK AND MATERIALS	SPEC REFERENCE	UNIT	TOTAL QUANTITY	UNIT PRICES	TOTAL AMOUNT
	DESIGN ENGINEERING			25%	of Bid Items	\$ 58,141
	CONSTRUCTION MANAGEMENT			15%	of Bid Items	\$ 34,885
	SUBTOTAL					\$ 104,654
	PROJECT ENGINEERING & MANAGEMENT OVERHEAD			80.85%	of PM, Eng., and CM	\$ 84,613
	TOTAL PROJECT ENGINEERING & MANAGEMENT					\$ 189,267
	RIGHT-OF-WAY LAND, IMPROVEMENTS, AND DAMAGES					\$ -
	RIGHT-OF-WAY APPRAISAL, TITLE INSURANCE, AND NEGOTIATION					\$ -
	RIGHT-OF-WAY CONTINGENCY			30%	of Land, Improve, and Damages	\$ -
	TOTAL PROJECT RIGHT-OF-WAY					\$ -
	INFLATION RATE ON CONSTRUCTION CONTRACT		Years		Inflation	
			X	5.1%	of Construction	#VALUE!
	INFLATION RATE ON PERSONNEL COSTS		X	2.3%	of Eng. & Mgmt.	#VALUE!
	ALLOWANCE FOR DESIGN REFINEMENT			20%	of Const. Eng. & Mgmt., and Inflation	#VALUE!
	TOTAL INFLATION AND ALLOWANCE FOR DESIGN REFINEMENT					#VALUE!
	PROJECT ESTIMATE					#VALUE!
	PROGRAM CONTINGENCY			10%	of Construction Bid Items & Anticipated Items	\$ 24,120
	TOTAL PROJECT ESTIMATE WITH PROGRAM CONTINGENCY					#VALUE!

Exhibit APP 2.5. Percent Increase of Vehicle Trips at Studied Intersections

Intersection	Intersection Movement	AM Peak			PM Peak		
		Existing Volume ¹	Site generated trips ²	% increase	Existing Volume	Site generated trips	% increase
(1) TV Hwy and 141st	Northbound on SW 141st Avenue	99	7	7.1%	73	5	6.8%
	Southbound on SW 141st Avenue	50	2	4.0%	117	7	6.0%
	Eastbound on SW Tualatin Valley Highway	1447	9	0.6%	1282	7	0.5%
	Westbound of SW Tualatin Valley Highway	831	3	0.4%	1720	10	0.6%
(2) TV Hwy and 139th	Northbound on SW 139th Way	39	15	38.5%	39	10	25.6%
	Southbound on SW 139th Way	21	5	23.8%	77	12	15.6%
	Eastbound on SW Tualatin Valley Highway	1406	1	0.1%	1283	1	0.1%
	Westbound of SW Tualatin Valley Highway	883	2	0.2%	1681	1	0.1%
(4) 139 th and Driveway #1	Northbound on SW 139th Way	34	7	20.6%	41	8	19.5%
	Southbound on SW 139th Way	21	5	23.8%	77	12	15.6%
	Entering driveway #1	3	9	300.0%	9	6	66.7%
	Exiting driveway #1	5	3	60.0%	14	9	64.3%
(5) 139 th and Driveway #2	Northbound on SW 139th Way	29	2	6.9%	43	7	16.3%
	Southbound on SW 139th Way	24	3	12.5%	74	7	9.5%
	Entering driveway #2	13	9	69.2%	9	6	66.7%
	Exiting driveway #2	5	4	80.0%	14	10	71.4%
(6) 141 st and Driveway #3	Northbound on SW 141st Avenue	95	0	0.0%	70	0	0.0%
	Southbound on SW 141st Avenue	50	0	0.0%	117	0	0.0%
	Entering driveway #3	12	8	66.7%	9	6	66.7%
	Exiting driveway #3	4	3	75.0%	13	10	76.9%
(7) Whitney and Driveway #4	Eastbound on SW Whitney Way	25	3	12.0%	65	2	3.1%
	Westbound on SW Whitney Way	23	2	8.7%	39	7	17.9%
	Entiner driveway #4	12	n/a	0.0%	8	n/a	0.0%
	Exiting driveway #4	4	n/a	0.0%	12	n/a	0.0%

^[1] Existing AM and PM peak volumes tabulated from Figure 3 of the applicant's TIA (Exhibit 3.10 to the Staff Report)

^[2] Site generated trips tabulated from Figure 2 of the applicant's TIA (Exhibit 3.10 to the Staff Report)