



Community Development Department / Planning
Division
12725 SW Millikan Way / PO Box 4755
Beaverton, OR 97076
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MEMORANDUM

TO: City Council

FROM: Jana Fox, Current Planning Manager

DATE: May 7, 2020

SUBJECT: APP2020-0001 Appeal of Life Time Fitness Director's Interpretation (DI2019-0003)

PURPOSE:

Staff provides this memorandum to summarize and incorporate into the record additional materials received from the applicant and the appellant. No additional materials were submitted from members of the public. Where new topics were raised, or evidence provided, staff provides additional and/or revised analysis. Where topics have already been addressed by staff in the April 6, 2020, April 10, 2020, April 13, 2020, and/or April 14, 2020 memoranda, staff refers to the findings provided in those memoranda.

SUMMARY AND ANALYSIS OF ADDITIONAL MATERIALS SUBMITTED:

Exhibit APP 1.5 Letter on behalf of BBO from Mike Connors, Hathaway Larson, dated April 21, 2020

Mr. Connors's (appellant) April 21, 2020 letter raises seven issues which are identified and responded to in turn below.

- 1. Beaverton Business Owners' arguments are based on undisputed evidence, the City code and the applicable vesting law, not technicalities or policy arguments.**

The appellant's letter lists a number of facts as 'undisputed.' Staff does not concur that all of the items listed are 'undisputed facts' and addresses them below in turn. Staff notes the applicant also addresses these items in their April 28, 2020 rebuttal comments.

- The PUD approved a "range of uses" and neither the surface parking lot or guard structure are included in the uses contemplated by the PUD.**

This is incorrect. The PUD did not approve a range of uses. The PUD *assumed* a mix of uses for the purposes of estimating transportation impacts. The PUD did not approve uses for any sites, nor limit the uses to those identified in the assumed mix for the traffic study. The PUD specifically identified that any use allowed by the zoning district at the time of application for future development could be allowed within the PUD. This is discussed on page 15 of the Sunset Station and Barnes Road PUD staff report. This argument is also addressed in staff's Memorandum dated April 6, 2020 on pages 5-6.

- **The surface parking lot and guard shack do not comply with several important PUD and SC-S zone approval standards.**

This is incorrect. The Planning Commission found that the proposal met all of the applicable approval standards, subject to conditions of approval. Because that decision was not appealed and was therefore final, it established that the proposal actually met all applicable approval standards. The appellant's arguments to the contrary comprise an impermissible collateral attack. The arguments repeat similar ones that are addressed in staff's Memorandum dated April 6, 2020 on pages 3-5.

- **The Planning Commission adopted findings and conditions to ensure the surface parking lot and guard structure were temporary uses and not a "principal use of the site."**

The Planning Commission's decision approved the Sunset Surface Parking Lot as "Parking as a Principal Use" through the approved Conditional Use (CU2018-0023). Throughout these proceedings, the appellant has repeatedly and deliberately tried to introduce confusion by conflating "permanent use" with "principal use." A principal use does not have to be permanent. The adopted conditions of approval, including one limiting the duration of the parking lot to 10 years in certain circumstances, do not change the use classification which is "parking as a principal use." The parking lot was not approved as a Temporary Use, as that is defined in the Development Code ("A short-term, seasonal, or intermittent use"). This argument is also addressed in staff's Memorandum dated April 6, 2020 on pages 3-5.

- **The Peterkorts and Staff repeatedly stated that the guard structure is an accessory use or structure.**

Regardless of how some planning commissioners referred to the use, the Planning Commission's actual decision approving the parking lot and guard structure was to approve "parking as a principal use." Statements made by individual decision makers expressing erroneous interpretations of law or legally improper reasons for adopting a land use decision provide no basis for reversal or remand unless such statements are adopted in the final written decision or findings supporting the written decision. *Fraley v. Deschutes County*, 32 Or LUBA 27, 38 (1996), *aff'd* 145 Or App 484, 930 P2d 902 (1996), *rev den* 325 Or 45, 934 P2d 1125 (1997). The Planning Commission concluded the guard structure is a part of the "parking as a principal use" of the site. This argument is also addressed in staff's Memorandum dated April 6, 2020 on pages 4-5.

- **As of the expiration date of the PUD the only construction that had occurred in the 80-acre PUD was the foundation pad for the 200 square foot accessory guard structure.**

Staff concurs that as of November 5, 2019 the only physical construction that had occurred was the completion of the guard structure foundation and footings. As noted above, staff disagrees that the guard structure is an Accessory Use, as that is defined in the Development Code ("A structure or use incidental, appropriate, and subordinate to the main structure or use"). The guard structure is a necessary part of the parking use, not incidental or subordinate to it. This argument is also addressed in staff's Memorandum dated April 6, 2020 on pages 4-5.

- **Substantial construction could not have occurred because the guard structure is an accessory use.**

Staff does not concur with the appellant's arguments to this point, which are addressed in detail in the Staff's Memorandum dated April 6, 2020 on pages 4-5.

- **Vested rights law applies to the Life Time project because of its reliance on the PUD transportation standards.**

Staff does not concur with the appellant's arguments, which are addressed in detail in the Staff's Memorandum dated April 6, 2020 on pages 9-10.

- **The City Council must enforce the City code based on evidence in the record. This is not a technicality but a core function of the City's land use and zoning system.**

Staff agrees that the City Council must render a decision based on findings of fact that are included in the land use record. Staff has provided recommendations to the City Council based on findings of fact and the evidence in the land use record.

2. Beaverton Business Owners' position is consistent with the spirit of the law.

The question of whether the Sunset Station and Barnes Road PUD has vested and, if it has not, the effects on Life Time Fitness, has been reviewed based on language in the Development Code that has been interpreted and applied to the questions asked in the Life Time Fitness Director's Interpretation. The Development Code is the implementation tool of legislative policy and is the document relevant to this Director's Interpretation. If the appellant, applicant, or City Council wish to change the language in the Development Code then a separate legislative process, not a Director's Interpretation, would be the appropriate vehicle. As the appellant notes in their letter, on page 2 of APP 1.5, this appeal is based on the letter of the law and not the "spirit" of the law.

3. Beaverton Business Owners did not initiate this process nor is forcing the City Council to address it now.

This is true. As noted on page 2 of staff's April 6, 2020 memorandum Life Time Fitness filed a valid application for a Director's Interpretation, and Beaverton Business Owners filed a valid and timely appeal of that interpretation. The City of Beaverton continues to process land use applications, as required by the ORS and the Development Code. The COVID-19 emergency situation was unforeseeable to all parties involved at the start of this land use process and does not create new land use issues. Both parties have been amenable to hearing date changes and continuances to allow the City time to implement remote hearing processes that respond to the constraints imposed by the emergency.

4. Life Time's application demonstrates that the planning commission did not decide the vesting issue and Beaverton Business Owners are raising legitimate legal questions.

Staff notes one apparent clerical error in the appellant's full statement. The appellant asserts that Life Time filed its application one day after the PUD expiration date. In fact, the application was filed one day prior to the PUD expiration date.

All parties have a right to file land use applications, including for a Director's Interpretation application, on any matter they choose. Anyone may participate in those land use actions by providing public testimony, and any party of record may appeal a land use decision. Speculating on why parties have filed applications or appeals is fruitless, since their motives are irrelevant to a decision.

5. The City Council's decision will establish precedent for future PUDs and developments.

Appellant attaches far too much importance to precedent at the local government level. Every time an applicant files an application (or applications), it relates to a different set of facts and circumstances. While, to be sure, the City Council cannot act arbitrarily and capriciously, it is not tightly bound by precedent in the same manner as an appellate court. Local government land use decisions are not

organized and published in reporters, with topic headings. When LUBA reviews local land use decisions for compliance with relevant approval standards, it does not matter whether the challenged decision is consistent with prior decisions if it is correct when made. *Okeson v. Union County*, 10 Or LUBA 1, 5 (1983) (cited in *Nordlun v. Clackamas County*, 67 Or LUBA 67 (2012)). In this case, the applicant has made a request for a Director's interpretation of the code based on the facts and circumstances presented by the existing land use record. Given the flexibility inherent in local government land use decision making, setting a precedent should not be a significant concern.

- 6. Beaverton Business Owners challenged the Life Time project for legitimate reasons and should not be disregarded for challenging that project.**
- 7. Beaverton Business Owners anonymity should not be relevant to the City Council's decision.**

Staff respond to items 6 and 7 together. Staff concur that the previous appeal of Life Time Fitness's development application and the anonymity of BBO are not relevant to the questions raised in this Director's Interpretation request and appeal. All parties involved in the application and appeal of this Director's Interpretation have standing and have met the requirements to proceed with the appeal. The findings and recommendations provided by staff consider only the questions raised in the Director's Interpretation related to the vesting of the Sunset Station and Barnes Road PUD and the effect that may have on the Life Time Fitness proposal.

Exhibit APP 2.4 Letter on behalf of J. Peterkort Co. by Don Odermott, dated April 14, 2020.

The original letter provided into the record with the April 14, 2020 memorandum was difficult to read. This is a better scanned version of the same letter, provided for ease of review.

Exhibit APP 2.6 Letter on behalf of Life Time Fitness by Dana Krawczuk, dated April 21, 2020.

The applicant's April 21, 2020 letter addresses why the applicant filed the original Director's Interpretation application. It is unfortunate that appellant raised questions of motive and that applicant then had to address them. As noted above, the reason an application is filed is not relevant to a review for consistency with, or in this case interpretation of, the Development Code.

Exhibit APP 2.7 Letter on behalf of Life Time Fitness by Dana Krawczuk, dated April 28, 2020.

The applicant's April 28, 2020 letter rebuts the April 21, 2020 letter submitted by Mike Connors of behalf of Beaverton Business Owners. Where relevant the rebuttal provided in APP 2.7 was included in staff's response to APP 1.5 and does not need to be further addressed here.

RECOMMENDATION

Staff recommends that City Council **affirm the Director's decision to approve the Life Time Fitness Director's Interpretation (DI2019-0003)**, thereby **denying the appeal (APP2020-0001)**.

EXHIBITS:

Exhibit APP 1 – Appellant Materials:

APP 1.5 Letter on behalf of BBO by Mike Connors, Hathaway Larson, received April 21, 2020

Exhibit APP 2 – Applicant Materials:

APP 2.4 Letter on behalf of J. Peterkort Co. by Don Odermott, Transportation Consulting Group received via email April 14, 2020 (Clean Scan Copy)

APP 2.6 Letter on behalf of Life Time Fitness by Dana Krawczuk, dated April 21, 2020 w/ Exhibit

APP 2.7 Letter on behalf of Life Time Fitness by Dana Krawczuk, dated April 28, 2020 w/ Exhibits

Exhibit APP 3 – Public Comment:

No additional public testimony received.

Exhibit APP 4 – Agency Comment:

No additional agency comment received.

Received
Planning Division
04/21/2020



EXHIBIT APP 1.5

April 21, 2020

VIA EMAIL (jfox@beavertonoregon.gov)

City Council
c/o Jana Fox, Current Planning Manager
City of Beaverton
12725 SW Millikan Drive
Beaverton, OR 97076-4755

Re: **Appeal of Director's Decision to Approve Life Time Fitness Director's Interpretation, Casefile No. APP2020-0001**
LTF Real Estate Company, Inc.'s Application No. DI2019-003
Our Client: Beaverton Business Owners, LLC
Open Record Period Comments

Dear Mayor Doyle and Councilors:

Since it appears the City Council already made up its mind about this matter based on the comments from Councilors at the April 14, 2020 appeal hearing, Beaverton Business Owners, LLC ("Beaverton Business Owners") will limit these comments to correcting certain misstatements or misconceptions about our position and actions. We hope these corrections and clarifications will help the City Council better appreciate our position and recognize that we are raising legitimate issues that will have broad implications for the City.

1. Beaverton Business Owners' arguments are based on the undisputed evidence, the City code and the applicable vesting law, not technicalities or policy arguments.

Beaverton Business Owners' arguments are based on undisputed evidence in the record. It is undisputed that the PUD approved a "range of uses" and neither the surface parking lot nor guard shack are included in the range of uses or contemplated by the PUD. It is undisputed that the surface parking lot and guard shack do not comply with several important PUD and SC-S zone approval standards. It is undisputed that the planning commission adopted findings and conditions to ensure the surface parking lot and guard shack were temporary uses and not a "principal use of the site." It is undisputed that Peterkort and Staff repeatedly stated that the guard shack is an accessory use or structure. It is undisputed that as of the PUD expiration date the only construction that had occurred in the 80-acre PUD area was the foundation pad for the 200 sq. ft. accessory guard shack.

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Beaverton Business Owners' arguments are based on the plain language of the City code. The PUD Approval required that "substantial construction" of the PUD occur prior to November 5, 2019. "Substantial construction" requires the completion of the footings for "the building where the principal use will take place." BDC Chapter 90. A temporary accessory building that was not contemplated by or consistent with the PUD or underlying zoning does not meet the plain language definition of a "principal use" or a "principal building."¹ BDC Chapter 90. The planning commission only approved the surface parking lot and guard shack as temporary uses to ensure they were not the principal use of the site.

Beaverton Business Owners are not making up the vested rights law. As reflected in both parties comment letters, the vested rights doctrine was adopted by the Oregon Supreme Court and has been applied in numerous cases. The Life Time project relied on the PUD transportation standards and the expiration of the PUD means those standards are no longer applicable.² Because the transportation standards have changed since the Life Time project was approved, the law is clear that Life Time must demonstrate it has a vested right to complete the project. It is undisputed that Life Time has not and cannot demonstrate it has a vested right to complete its project as of the date the PUD expired.

Asking the City Council to enforce the City code based on undisputed evidence in the record is not a technicality. It is a core function of the City's land use and zoning system. Although there are several important policy reasons for reversing the Director's Interpretation decision, Beaverton Business Owners' position is not based purely on policy. Its position is based on the undisputed evidence in the record, the plain language of the City code and the applicable vesting law.

2. Beaverton Business Owners' position is consistent with the spirit of the law.

Although Beaverton Business Owners is only required to demonstrate that the Director's Interpretation decision is inconsistent with the letter of the law, it also believes its position is consistent with the spirit of the law. In 2013, Peterkort sold the City on an 80-acre PUD plan to develop a mixed-use, pedestrian-oriented and dense urban development with over 1,250,000 square feet of commercial space, hotels with 500 rooms and 2,175 residential units. Peterkort had six (6) years to commence that development. Almost seven (7) years later and the only development that has occurred in the 80-acre area is the foundation pad for a 200 sq. ft. accessory guard shack that will be used as part of a temporary surface parking lot.

¹ A "Principal Use" is defined as "[t]he main or primary purpose of which land or a structure is designed, arranged or intended or for which it is occupied or maintained." A "Principal Building" is defined as a "structure within which is conducted the principal use of the lot."

² If the PUD has no impact or relevancy on the transportation approval standards for development in the PUD, why did Peterkort spend so much time, money and resources getting it approved, getting multiple extensions and pursuing the surface parking lot project so they could vest it? The PUD clearly impacts the standards for which development within the PUD is reviewed. Life Time and Petrkort's efforts to preserve the PUD are clear evidence of that fact.

It is hard to imagine any lower threshold for vesting a PUD of this size and scale than what is proposed in this case. If the City Council does not believe it is within the spirit of the law to even question whether the PUD vested under these circumstances, it should amend the code and do away with development approval expiration dates and vesting requirements altogether. There really is no purpose or benefit to the community to require the construction of a small shack foundation if the City Council does not believe it matters when the real PUD construction is commenced and eventually built out.

3. Beaverton Business Owners did not initiate this process nor is it forcing the City Council to address it now.

Beaverton Business Owners understands that the City is dealing with the COVID-19 situation, but we are not the one pressing the City to address this matter. Life Time initiated this process by filing the Application, not Beaverton Business Owners. Beaverton Business Owners filed its appeal before the gravity of the COVID-19 situation became apparent and has not once pressured the City to move forward with the process. As Staff can attest, Beaverton Business Owners have fully cooperated with the City regarding the delays and procedural adjustments. It is Life Time who controls the timing of this process due to its 120-day mandamus rights. It is Life Time, not Beaverton Business Owners, who is asking the City to continue pressing forward with the appeal process at this time.

Nor could Beaverton Business Owners have known that some Councilors would consider this process a waste of time. As previously noted, Beaverton Business Owners truly believes its position is consistent with the letter and spirit of the law. It also believes this is an important issue for the City given the impact of the PUD development on the surrounding area and precedent for future PUDs and development. We are merely exercising our procedural rights to weigh in on the Application using the procedures adopted by the City.

4. Life Time's Application demonstrates that the planning commission did not decide the vesting issue and Beaverton Business Owners are raising legitimate legal questions.

As Life Time acknowledged at the hearing, it filed the Application one day after the PUD expiration date and before Beaverton Business Owners raised any questions about the PUD vesting. We believe Life Time filed the Application immediately in the hopes that the City would render a decision before Beaverton Business Owners was aware of the Application. Regardless of Life Time's motive, its decision to file the Application tells the City Council two important things.

First, Life Time agrees that the PUD vesting issue has not been decided. If the planning commission or someone else had previously decided the PUD vesting issue, Life Time would never have filed the Application. Life Time and Peterkort choose this process to decide the PUD vesting issue.

Second, Life Time recognizes that Beaverton Business Owners is raising legitimate issues. Life Time's claim that it wanted to preempt Beaverton Business Owners makes no sense if the arguments were frivolous as Life Time and Peterkort suggest. If the arguments were not

legitimate, Life Time would have forced Beaverton Business Owners to initiate a legal process and tell the court or LUBA to dismiss the action as frivolous. Life Time filed the Application because it knew their position on the vesting issues was questionable and pursued a favorable process and forum to resolve this difficult issue.

5. The City Council's decision will establish precedent for future PUDs and developments.

The City Council should not be fooled by Life Time's claim that the decision will not establish precedent. Life Time's arguments are not specific to the PUD approval or PUDs in general. Life Time claims the City code allows *any* structure to vest a development approval regardless of its size in relation to the underlying development, temporary status, accessory nature, or inconsistencies with the original development approval. Since a temporary accessory structure has never been used to vest a development, the City Council's decision will absolutely establish new precedent. If the City Council affirms the decision, the precedent will be an extremely broad and liberal vesting policy that is inconsistent with the City code and bad policy for the City.

6. Beaverton Business Owners challenged the Life Time project for legitimate reasons and should not be disregarded for challenging that project.

The City Council should not disregard our comments simply because we opposed the Life Time project. Beaverton Business Owners raised legitimate issues and code-based arguments during the Life Time project process. Its involvement improved the project, including pressuring Life Time to lower the building height from 80 to 60 feet, relocate the office entrance to the corner of the SW Cedar Hills Blvd/Barnes Road intersection and enhancements to the corner pedestrian plaza. Beaverton Business Owners is still pursuing the appeal because it believes LUBA's determination that BDC 20.10.40 does apply to fitness swimming pools means that the pools must be indoors. If Beaverton Business Owners prevails on appeal, the layout and orientation of the buildings can be more pedestrian friendly since it is the outdoor swimming pools that are driving the current building and entrance orientation.

7. Beaverton Business Owners anonymity should not be relevant to the City Council's decision.

The mere fact that Beaverton Business Owners chose to be anonymous does not mean that we are untrustworthy or our opinions should be disregarded. As we previously stated, Beaverton Business Owners is a group of business owners and operators in the City of Beaverton area. The members chose to be anonymous because they did not want their opposition to the Life Time project to adversely impact the relationship with the City and/or Peterkort.

We hope that you will look past our decision to remain anonymous and judge the Application based on the City code, applicable law and undisputed evidence. Our position should be judged by the merits of our arguments, not our identity. That is especially true since this decision will have broad implications on the PUD area, the City's ability to mitigate future transportation impacts and the vesting of future PUDs and development projects.

Conclusion

We hope this letter clarifies some of these issues and dispels the misconceptions about our position and actions. For the reasons stated in our previous submittals and this letter, we request that the City Council reverse the Director's Interpretation decision and declare both the PUD Approval and the Life Time project approval expired and invalid.

Very truly yours,

HATHAWAY LARSON LLP

/s/

E. Michael Connors

cc: Client

TRANSPORTATION CONSULTING GROUP

Transportation Engineering & Planning

Phone 503 / 969-6255

PO Box 282 Banks, Oregon 97106

April 13, 2020

Via E-mail: janaf@beavertonoregon.gov and US Mail

City of Beaverton
City Council
PO Box 4755
Beaverton OR 97076-4755

RECEIVED
APR 16 2020
City of Beaverton
Planning Services

Re: Life Time Fitness Director's Interpretation (DI2019-0003)

Dear Mayor and Beaverton City Council:

Transportation Consulting Group (TCG) has represented J. Peterkort and Company (JPC) on matters of transportation planning, transportation engineering, and transportation infrastructure planning and funding since 1992. This dates back to the period of time preceding development of the Westside Light Rail, the public-private partnership between JPC and ODOT/TriMet on the extension of SW Barnes Road west of the OR217 interchange, the extension of Cedar Hills Blvd north of US26 to Cornell Road, and development of housing on Peterkort property north of Johnson Creek and the Peterkort Centre Office site adjacent St. Vincent Hospital. Given nearly three decades of transportation infrastructure planning history surrounding the Peterkort property, we have been asked to provide perspective to the process used in the 2013 Planned Unit Development traffic impact study to assure adequate capacity has been identified to meet the needs of subarea growth above and beyond simply the development of JPC property.

Throughout these years, evaluation of long-term "buildout" transportation infrastructure required to meet capacity and performance objectives, particularly adjacent the region's premier medical facility where gridlock can have dire consequences for those seeking emergency care, has been critical to establishing future right-of-way needs. The regional vision of a dense mixed use development program along SW Barnes Road, requiring minimal to no setback for future buildings from the right-of-way, makes sound long range forecasting particularly important given the immediate proximity of adjacent future buildings.

Over the past 28 years, our firm has evaluated future "buildout" infrastructure needs four times, most recently in the 2013 Planned Unit Development. Throughout these analyses, the required future roadway infrastructure capacity and "footprint" have remained constant. This is best attributed to the studies evaluating subarea buildout, as opposed to the legal minimum requirements placed upon Traffic Impact Analyses which only include previously vested "In-Process" developments and background growth at the time of development, or Transportation

System Plan's legal minimum requirement to only include 20 years of growth forecast instead of reasonable buildout under existing zoning.

The 2013 Planned Unit Development traffic impact analysis, its methodology and assumptions, were prepared in close coordination with Washington County, the City of Beaverton, ODOT, and TriMet, as well as with key subarea properties known to have future development potential. These included not just formally recognized In-Process developments such as the Teufels PUD to the west and Touchmark Heights to the east, but also the adjacent vacant Choban property, the St. Vincent Hospital Master Plan, infill redevelopment of the neighboring Westhaven area, and regional growth of arterial traffic reflecting development of areas to the north spanning from North Bethany to the Forest Heights area as well as demand overflow on SW Barnes Road from the growing congestion of US26. In short, the 2013 TIA endeavored to establish capacity needs upon subarea buildout, not just development of Peterkort properties.

Recognizing that multiple phases of development would be necessary to build out over 80 acres of dense urban development in a suburban setting, the agencies agreed that buildout should be assessed in the Region's forecast year of 2035. The mix of land uses estimated on Peterkort property, as well as other subarea developable property, were established to be characteristic of reasonable worst-case development under their respective adopted zoning. The 2035 buildout analysis, incorporating all of the above growth impacts, as well as planned transit service expansion and the completion of pedestrian and bicycle infrastructure, identified required vehicular capacity improvements for the subarea, as well as geometric requirements such as turn lane storage lengths necessary for design of safe roadway operations. Together, these requirements guide engineering design to identify future right-of-way needs and resulting buildable adjacent development areas. These requirements, documented in the PUD's conditions of approval, were based upon agreement of City, County, and ODOT staffs and were the subject of extensive technical analysis and public testimony.

The TIA methodology reflected an awareness that land uses would likely change over the years within the allowed uses of the zoning in response to evolving market conditions. In order to provide flexibility for response to market conditions, the traffic impact analysis established a "trip cap" of vested trips within which future Peterkort development would be measured. With more than 80 acres of land spanning across two freeway interchanges, it was also recognized that it would be pure speculation to estimate which PUD properties would develop first, when they would develop, and in what sequence. This inherent uncertainty led to the requirements built into the PUD conditions of approval that incremental development phases be evaluated at their time of development with a limited study scope established by the agencies to assess which specific conditioned improvements would need to be constructed to maintain performance standards in conjunction with occupancy of the specific development phase. The TIA submitted in conjunction with the Life Time application is an example of the implementation of these PUD conditions of approval. Its findings, measured against the same performance standards of the 2013 PUD, established specific roadway

improvements conditioned on Life Time which must be operational prior to issuance of Certificate of Occupancy.

Traffic impact studies follow a standard recipe which require updated traffic counts, augmented by the addition of future “trips” that have been authorized, or “vested”, by prior land use approval. These are known as “In-Process Trips”. This vesting of trips protects the share of capacity necessary to support the approved land development. Subsequent developments must account for the future demand on capacity “earmarked” by previously approved developments. As such, subsequent development’s impacts are measured above and beyond the addition of vested, or “In-Process Trips”. Additional mitigation requirements to meet adopted performance standards may then be placed upon the subsequent development. The subsequent development may also be conditioned to construct specific improvements included in the preceding development’s conditioned improvements if said improvements have not yet been triggered by its predecessor’s phased development. With over \$35 Million worth of conditioned capacity improvements placed as requirements of approval on phased Peterkort property, it is essential that the constructed capacity be protected for use of vested “In-Process Trips” generated by subsequent phases of Peterkort development.

In summary, the 2013 Planned Unit Development’s traffic impact study was guided by the City of Beaverton, Washington County, and ODOT but also reflected the voluntary cooperation of JPC through its willingness to conservatively include future growth beyond legal minimum requirements. This was done in a joint effort to establish a transportation system that would maintain acceptable mobility protecting two critical freeway interchanges, accessibility to St. Vincent Hospital, and reliable safe and convenient access to adjacent Peterkort and surrounding properties while recognizing full buildout of J. Peterkort and Company property will take many years to accomplish.

Respectfully submitted,



Donald P. Odermott, PE, TE

cc: Lois Ditmars
Jim Draudt
Tim Ramis
Scott Eaton
Dana Krawczuk
Joseph Schaefer

Received
Planning Division
04/21/2020



EXHIBIT APP 2.6

April 21, 2020

Dana L. Krawczuk
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VIA EMAIL (JFOX@BEAVERTONOREGON.GOV)

City of Beaverton
City Council
P.O. Box 4755
Beaverton, OR 97076-4755

**Re: APP2020-0001 - Appeal of Life Time Fitness Director's Interpretation
(DI2019-0002).**

Dear Mayor Doyle and Councilors:

As you know, my office represents LTF Real Estate Company, Inc. ("Life Time") in connection with the above-referenced Director's Interpretation decision and appeal.

At the City Council hearing for this appeal, on April 14, 2020, the appellant asserted that Life Time's decision to apply for this Director's Interpretation is evidence of Life Time's doubt as to whether the Sunset Station and Barnes Road PUD vested. As we stated in written and oral testimony, the vesting of the PUD happens automatically. Once substantial construction of a development within the PUD area occurs, the PUD vests—no additional approval is required. In oral testimony we explained that Life Time filed the Director's Interpretation in anticipation of litigation by opponents. Consistent with our expectations, on November 11, 2019, opponents submitted a letter to the City asserting that the PUD had expired and demanding the City take action to halt construction of the Life Time Fitness project. That letter is attached as Exhibit A.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dana L. Krawczuk", is written in a cursive style.

Dana L. Krawczuk

cc: Megan Eaton, LTF Real Estate Company, Inc.

Exhibit A: Letter from E. Michael Connors (Nov. 11, 2019)

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Received
Planning Division
04/21/2020



HATHAWAY LARSON

Koback · Connors · Heth

November 11, 2019

VIA EMAIL

Jana Fox, Current Planning Manager
City of Beaverton
Community Development Department
12725 SW Millikan Way, 4th Floor
Beaverton, OR 97005

Peter Livingston, City Attorney
City of Beaverton
City Attorney's Office
12725 SW Millikan Drive
Beaverton, OR 97005

Re: Peterkort PUD Expiration
Application Nos. CU2013-0023, EXT2015-0004 & EXT2017-0003
Our Client: Beaverton Business Owners, LLC

Dear Jana & Peter:

As you know, this firm represents Beaverton Business Owners, LLC ("Beaverton Business Owners"). We are submitting this letter to advise the City that the above-referenced Peterkort PUD approval (the "PUD Approval") expired as of November 6, 2019 because the PUD development has not been substantially constructed. Therefore, the City is obligated to take prompt action to ensure that any development projects that rely on the PUD Approval, in particular the Peterkort surface parking lot and Life Time fitness center projects, must immediately cease all further work or construction activity associated with those projects.

The PUD Approval was originally scheduled to expire on November 5, 2015, but the Peterkorts obtained two (2) separate two-year extensions. EXT2015-0004 and EXT2017-0003. EXT2017-0003 extended the expiration date of the PUD Approval to November 5, 2019. Since Community Development Code ("CDC") 50.93.3 provides that a land use approval may not be extended more than twice, the PUD Approval cannot be extended any further.

Pursuant to PUD Approval condition of approval no. 42, the PUD Approval shall expire on the expiration date unless "a construction permit has been issued and *substantial construction* pursuant

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(503) 303-3111 direct
(503) 303-3101 main

thereto has taken place * * *."¹ (Emphasis added). "Substantial construction" is defined as "Providing there are buildings on the site, the *completion of construction of footings for the building where the principal use will take place* shall constitute substantial construction." CDC Chapter 90 (Emphasis added). Therefore, the PUD Approval can only vest if the footings for the buildings for principal uses in the PUD area have been completed.

As of November 6, 2019, the Peterkorts have not completed the footings for any buildings for a principal use in the PUD area. Therefore, the PUD Approval has expired. As such, the City cannot process or issue any building, grading, or other site development permits for development projects in the PUD area because all such projects rely on and are contingent upon the PUD Approval. Since the Sunset Surface Parking project (Application No. CU2018-0023) and the Life Time project (Application Nos. ADJ2018-0006, DR2018-0128, LO2018-0005, SDM2018-0007 & TP2018-0009) rely on and are contingent upon the PUD Approval, the expiration of the PUD Approval invalidates the City approvals for these projects.

It is our understanding that the Peterkorts intended to rely on the construction of the guard shack associated with the Sunset Surface Parking project to vest the PUD Approval. To the extent that is true, there are several significant problems with the Peterkorts' reliance on the construction of the guard shack to vest the PUD.

First, the parking lot guard shack cannot vest the PUD Approval because the surface parking lot and guard shack are not a principal use of the PUD. Based on the definition of "substantial construction," the PUD Approval can only be vested if a building associated with a principal use is substantially constructed. As part of the findings for the Sunset Surface Parking project, the planning commission specifically concluded that the parking lot was not a principal use of the site and relied on the fact that it would only be a temporary use of the site in order to avoid conflicts with Comprehensive Plan Policies 3.6.1 (Support pedestrian-oriented mixed use areas) and 3.6.4 (Station Communities). We attached a copy of the planning commission's decision and findings concluding that the parking lot and guard shack are not a principal use of the PUD.

Second, the construction of the guard shack cannot by itself vest the entire PUD. The PUD Approval covers an approximate 80-acre area and approved the development of over 1,250,000 square feet of commercial space, hotels consisting of 500 rooms and 2,175 residential units. As the planning commission recognized, the surface parking lot and guard shack were not even proposed or contemplated as one of the PUD uses. A mere 200 square foot guard shack for a use that was not even contemplated by the PUD Approval cannot possibly vest a PUD development of this size and scale. If the City were to allow the Peterkorts to vest the entire PUD with a guard shack that was not even contemplated by the PUD Approval, it will establish a terrible precedent that will allow future developers to easily avoid the expiration of their approvals by constructing a small ancillary structure on their property. If a guard shack can vest a PUD of this size, a guard shack would be sufficient to vest any development.

Third, the City cannot deem the entire PUD as having been vested by the mere construction of a guard shack because it would improperly convert the PUD Approval to a phased development approval. There are two types of PUDs under the City code – a single phase PUD and a multiple

¹ The language in condition of approval no. 42 mirrors the expiration language in CDC 50.90.3.B.1.

phase PUD. BDC 40.15.15.4.C.11 and 40.15.15.4.F. A single phase PUD expires in two years and a multiple phase PUD expires in five years. BDC 50.90.1.A and 50.90.1.B. The Peterkorts proposed and obtained approval for a single phase PUD. The City would be effectively converting the PUD Approval to multiple phase PUD if it were to allow the Peterkorts to vest the entire PUD based solely on the construction of a guard shack and develop the remainder of the PUD whenever the Peterkorts feel like it. Allowing a developer to vest a massive development proposal based on the construction of a tiny incidental shack that was not even contemplated as part of the original PUD proposal would render the entire concept of having expiration dates meaningless.

Since the PUD Approval expired for the reasons noted above, it is imperative that the City promptly notify the Peterkorts and Life Time of this fact and require them to immediately cease any further permit work or construction activity with respect to their projects. Any project related construction that occurs will be required to be removed and the sites put back into their pre-construction condition due to the expiration of the PUD Approval.

Please understand that if the City does not declare the PUD Approval expired and require the Peterkorts and Life Time to immediately cease any further work or construction activity with respect to their projects, Beaverton Business Owners are prepared to take the necessary legal actions to ensure that the City is enforcing this important Community Development Code requirement. All land use approvals have an expiration date and must be deemed expired if the applicant fails to vest the project within the required time period. The Peterkorts have had six (6) years to vest the PUD Approval and failed to do so. Therefore, it is time to move on and consider a community-supported alternative to a failed development plan which has now expired.

Please advise us if the City intends to declare the PUD Approval expired and require the Peterkorts and Life Time to immediately cease any further work or construction activity with respect to their projects. If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

HATHAWAY LARSON LLP



E. Michael Connors

Enclosures
cc: Client

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

After recording return to:
City of Beaverton, City Recorder:
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2685
OF A CONDITONAL USE FOR PARKING AS A) CU2018-0023 ORDER APPROVING
PRINCIPAL USE IN THE SC-S ZONING DISTRICT) SUNSET SURFACE PARKING, NEW
(SUNSET SURFACE PARKING) J. PETERKORT) CONDITIONAL USE.
COMPANY, APPLICANT.)

The matter came before the Planning Commission on March 13, 2019, on a request for a New Conditional Use application for Parking as the Principal Use in the Station Community-Sunset (SC-S) zoning district. The site is generally located adjacent to the Sunset Transit Center, south of SW Barnes Road, west of the Highway 217 off-ramp, north of Highway 26, and east of the Sunset Station access road. Tax Lots 100 and 200 on Washington County Tax Assessor's Map 1S102CB.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission discussed their concern that the proposed surface parking lot as a principal use of the site and whether that was consistent with the Comprehensive Plan Policies 3.6.1 (Support pedestrian-oriented mixed use

areas) and 3.6.4 (Station Communities), including policies related to providing vertically mixed uses, limiting auto-oriented uses, and promoting walkable areas. The applicant explained how understanding the total parking demand at the station site was integral to right-sizing the parking for future development phases, including dense mixed use development. The Commission found that with a condition of approval to ensure that the conditional use was intended help facilitate full buildout of the site and not a permanent principal use of the site, that the proposal met the Comprehensive Plan policies. The Commission agreed to the following condition of approval which identified expirations dates for the Conditional Use approval:

1. *CU2018-0023 (Sunset Surface Parking) shall expire:*
 - a. *If CU2013-0003 (Sunset Station & Barnes Road PUD) expires.*
 - b. *5 years after issuance of a certificate of occupancy unless there is an active land use entitlement for a minimum of 80,000 square feet of non-residential floor area or 200 dwelling units on the station site.*
 - c. *10 years after issuance of a certificate of occupancy.*

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated March 6, 2019, supplemental memoranda dated March 12, 2019 and March 13, 2019, supplemental findings provided in this land use order, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.15.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **CU2018-0023** is **APPROVED**, based on the testimony, reports and exhibits, and evidence

presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report, dated March 6, 2019, supplemental memoranda dated March 12, 2019 and March 13, 2019, and this land use order, subject to the conditions of approval as follows:

1. CU2018-0023 (Sunset Surface Parking) shall expire:
 - a. If CU2013-0003 (Sunset Station & Barnes Road PUD) expires.
 - b. 5 years after issuance of a certificate of occupancy unless there is an active land use entitlement for a minimum of 80,000 square feet of non-residential floor area or 200 dwelling units on the station site.
 - c. 10 years after issuance of a certificate of occupancy.

A. Prior to any site work commencing and issuance of the site development permit, the applicant shall:

2. Ensure that the Design Review Three (DR2018-0167) application has been approved and is consistent with the submitted plans. (Planning/JF)
3. The Conditional Use permit shall run with the land and shall continue to be valid upon a change in ownership of the site, unless the use ceases for a period of one year or greater, at which time the Conditional Use permit shall be considered expired. (Planning/JF)
4. Final decision shall expire automatically two (2) years from the effective date of decision unless the approval is enacted either through establishment of the use within the two (2) year time period. (Planning/JF)

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

AYES: Lawler, Uba, Brucker, Nye, Winter.
NAYS: Matar, Overhage.
ABSTAIN: None.
ABSENT: None.

Dated this 28th day of March, 2019.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2685 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on April 8, 2019.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



JANA FOX
Current Planning Manager



JENNIFER NYE
Chair



CARMIN RUIZ
Recording Secretary

April 28, 2020

Dana L. Krawczuk
D. 503.294.9218
dana.krawczuk@stoel.com

VIA EMAIL (JFOX@BEAVERTONOREGON.GOV)

City of Beaverton
City Council
P.O. Box 4755
Beaverton, OR 97076-4755

Re: APP2020-0001 - Appeal of Life Time Fitness Director's Interpretation (DI2019-0002).

Dear Mayor Doyle and Councilors:

LTF Real Estate Co., Inc. ("Life Time") submits these comments in response to the letter from Beaverton Business Owners, LLC ("BBO") dated April 21, 2020. In its letter, BBO reasserts several arguments already made in prior testimony. To the extent that Life Time has already responded to those arguments, we try not to repeat our responses here. For simplicity's sake, our comments are organized consistently with the heading numbers in BBO's letter.

1. "Undisputed Evidence." BBO described several statements as "undisputed evidence." These statements are not "undisputed evidence"—they are either incorrect or irrelevant:

- *That the "PUD approved a 'range of uses.'" The PUD assumed a mix of uses for the purpose of estimating transportation impacts. But the PUD did not approve any uses. As stated in the Staff Report: "Future development proposals [within the PUD area] will be required to show continued compliance with the standards of Chapter 20 [Land Uses]. No physical development is proposed with this application." Staff Report, p. 15 (Oct. 23, 2013).*
- *That the "surface parking lot and guard shack do not comply with several important PUD and SC-S zone approval standards." The Planning Commission found that the Sunset Surface Parking project—including the parking lot and guard structure—comply with all applicable PUD and SC-S zone standards. The Planning Commission's decision was unchallenged and is final. Based on the Planning Commission's irrefutable findings, the Sunset Surface Parking project complies with all PUD and SC-S zone approval criteria.*

- *That “the planning commission adopted findings and conditions to ensure the surface parking lot and guard shack were temporary uses and not a ‘principal use of the site.’”* The Planning Commission approved “Parking, as a Principal Use” as the principal use of the site. The Planning Commission adopted a condition of approval limiting the duration of the Sunset Surface Parking approval to no more than 10 years after issuance of a certificate of occupancy. The Planning Commission did not approve parking as a “temporary use,” and the 10-year condition of approval does not convert parking to a “temporary use.”
- *That “Peterkort and Staff repeatedly stated that the guard shack is an accessory use or structure.”* Whether Peterkort or Staff described the guard structure as “accessory” is irrelevant, because it does not alter the Planning Commission’s final decision approving “Parking, as a Principal Use” as the principal use of the site.¹ Nor does it change the fact that the guard structure is a part of the “facility providing for the temporary parking of automobiles and transportation vehicles . . . ,” which is the definition of “Parking, as a Principal Use.”
- *That “as of the PUD expiration date the only construction that had occurred in the 80-acre PUD area was the foundation pad for the 200 sq. ft. accessory guard shack.”* We agree that the guard structure foundation was the first construction completed within the PUD area and was completed before November 5, 2019. As explained above, however, the guard structure is not an accessory use or structure.

2. “Spirit of the Law.” BBO argues that its position is consistent with the spirit of the law, because if the City allows construction of the guard structure foundation to vest the PUD, it might as well “do away with development approval expiration dates and vesting requirements altogether.” We note that the City decides its policy, and, once decided, that policy is communicated through the Development Code. If BBO disagrees with the Development Code, it ought to participate in the City’s legislative process and seek an amendment.

3. Process on Appeal of Director’s Interpretation. We believe that the City has complied with all applicable procedural requirements governing BBO’s appeal of the Director’s Interpretation. We appreciate that the City has adapted its public hearing procedures in response to current circumstances to allow a decision to be reached on this appeal.

4. Relevance of Director’s Interpretation Application. We previously explained that Life Time applied for the Director’s Interpretation because, based on history, we anticipated that the PUD vesting would be challenged. Assuming that a challenge would occur, we preferred to

¹ BBO also asserts that the guard structure does not meet the definition of “principal building.” We note that the definition of “principal building” is irrelevant to the “substantial construction” test. See BDC Ch. 90.

proceed in a local forum rather than in court. BBO argues that Life Time would not have filed the application if we believed that our interpretation of the Development Code was correct. Essentially, BBO asks the City to presume that an applicant for a Director's Interpretation is wrong, because, BBO argues, the applicant would not apply for the Director's Interpretation if the applicant believed that their interpretation was right. This presumption does not exist in the Development Code and would be quite a hurdle to overcome for persons seeking a Director's Interpretation.

5. BBO's Opposition of the Life Time Fitness Project. BBO stated that it is continuing to pursue the appeal of the Life Time Fitness approval² because it believes that the "enclosed structure" provision in BDC 20.10.40 requires swimming pools to be indoors. BBO's preference is contrary to how the City has interpreted its Code on at least two occasions, and with recent code amendments to make it abundantly clear that an outdoor swimming pool is allowed.

Since the approval of the Life Time Fitness project, the City has amended the Development Code to clarify that the "enclosed structure" requirement does not apply to swimming pools. Ord. 4782.

The credibility of the basis for BBO's opposition is questionable because prior to the Code amendment, BBO's counsel, Hathaway Larson, attended a pre-application meeting and represented another entity seeking a Director's Interpretation of the "enclosed structure" provision, and that Director's Interpretation (DI2019-0001) is directly contrary to the position the BBO is currently asserting in the Life Time Fitness appeal. That Director's Interpretation application and pre-application conference summary and sign-in sheet is attached as Exhibit B.

Very truly yours,



Dana L. Krawczuk

cc: Megan Eaton, LTF Real Estate Company, Inc.

Exhibit A: Order No. 2720 – Appeal of Life Time Fitness Beaverton (APP2019-0002)
Exhibit B: DI2019-0001 Application and Pre-Application Conference Summary and Sign-in Sheet

² To ensure completeness of the record, the City's final order denying BBO's appeal of the Planning Commission's decision to approve the Life Time Fitness project (APP2019-0002) is attached as Exhibit A.

Received
Planning Division
04/28/2020

**BEFORE THE CITY COUNCIL OF
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF AN APPEAL OF THE PLANNING)	ORDER NO. 2720
COMMISSION'S DECISION TO APPROVE DR2018-)	APP2019-0002 APPEAL OF LIFE TIME FITNESS
0128 LIFE TIME FITNESS BEAVERTON ON TAX LOT)	BEAVERTON ON TAX LOT 1700 ON WASHINGTON
1700 ON WASHINGTON COUNTY ASSESSOR'S MAP)	COUNTY ASSESSOR'S MAP 1S103A (DR2018-0128)
1S103A.)	
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The matter came before the City Council on July 16, 2019 on appeal of the June 14, 2019 Planning Commission decision to approve the applicant's Design Review Three application (DR2018-0128). The appellant asked the Council to reverse the Planning Commission's decision and deny DR2018-0128 Life Time Fitness Beaverton. The specific proposal is presented in Exhibits to Agenda Bill 19199, dated July 2, 2019. The applicant proposes construction of a 140,000 square foot athletic facility, 45,000 square foot office, outdoor pool area, structured and surface parking, and associated site improvements.

The subject site is located north of Highway 26, west of SW Cedar Hills Boulevard, and south of SW Barnes Road. It comprises Tax Lot 1700 on Washington County Assessor's Map 1S103A. Limited street and utility work are proposed off-site on 165 SW Cedar Hills Boulevard (Washington County Assessor's Map 1S103AB, Tax Lot 200) and 1525 SW Choban Lan (Washington County Assessor's Map 1S103BA, Tax Lots 1300, 1400 and 2300). The primary

site is zoned Corridor Commercial (CC) and is located within the Sunset Station and Barnes Road Planned Unit Development (PUD) (CU2013-0003).

Pursuant to Ordinance 2050 (Development Code) Sections 50.70 and 50.85 through 50.88, the City Council conducted a public hearing and considered testimony and exhibits on the subject proposal. The appeal hearing was “de novo,” meaning that the Council could consider evidence and arguments not already raised at the Planning Commission Hearing.

The appeal made seven assertions of error. The first six assertions of error concern the Planning Commission’s decision on the following Design Review Approval Criteria and Design Guidelines: BDC 40.03.1.A and B (Critical and essential facilities and services related to proposed development); BDC 20.10.40 (Other CC zoning requirements); BDC 20.10.15.6 (Maximum building height in CC zoning district); BDC 60.05.35.6 (Building location and orientation in Commercial and Multiple Use zones); BDC 60.05.53.1.D (Building articulation and variety) and 60.05.35.7 (Building scale along Major Pedestrian Routes); and BDC 60.35.15.1 (Open space for a Planned Unit Development). The above-listed Approval Criteria and Design Guidelines were found by the Planning Commission to be met by the proposal. In addition to the Design Review Approval Criteria, the appellant’s seventh assertion of error concerns the Planning Commission’s decision to approve the applicant’s Tree Plan Two (TP2018-0009). The appellant did not appeal the Tree Plan Two, and the appellant’s discussion of the Tree Plan Two is not applicable to the appeal of the Design Review Three application. Nonetheless, in an abundance of caution, the

Council made findings in the alternative on the Planning Commission's approval of the Tree Plan Two.

For all approval criteria, we adopt as our own findings the Revised Staff Report dated June 7, 2019, and Staff's memoranda dated July 3, 2019, July 9, 2019, July 15, 2019, and July 16, 2019. In addition, with respect to the issues that were discussed at the public hearing, the Council adopts the following supplemental findings in support of the final action.

Appellant's First Assertion: Traffic Impact Analysis (TIA)

The appellant in its written and oral testimony contended that the applicant's TIA is inadequate and underestimates traffic impacts and required transportation mitigation measures. The Council finds that the applicant's TIA meets all applicable standards and that the applicant satisfied the conditions of approval of the Sunset Station and Barnes Road PUD by providing a supplemental TIA and identifying transportation improvements that are required to mitigate the traffic impacts of the proposed development.

BDC 40.03.1 requires an applicant for development to demonstrate that "[a]ll critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion," BDC 40.03.1.A, and that "[e]ssential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to occupancy," BDC 40.03.1.B. Chapter 90 of the Development Code defines "critical facilities" to include transportation and defines "essential facilities" to include on-site pedestrian and bicycle facilities in the public right-of-way. The Sunset Station and Barnes Road PUD identifies the

full scope of transportation improvements required for development of the PUD. The Sunset Station and Barnes Road PUD further requires an applicant for development within the PUD to provide a supplemental TIA to determine which transportation improvements are required for the proposed development.

The Council considered all oral and written testimony submitted by the appellant concerning the TIA and required transportation improvements, including memoranda from Kittelson & Associates, Inc. (Kittelson) dated May 14, 2019 and June 5, 2019. As well, the Council considered all oral and written testimony submitted by the applicant concerning the TIA and required transportation improvements, including: the TIA prepared by David Evans and Associates, Inc. (DEA); Addenda 1 through 6 to the TIA; and memoranda from DEA dated May 29, 2019 and July 8, 2019. The Council also considered public testimony concerning traffic conditions in the area of and resulting from the development. Finally, the Council considered written testimony from the Oregon Department of Transportation (ODOT) and oral and written testimony from the City Transportation Engineer, Jabra Khasho.

The Council adopts and incorporates by reference the findings in pages 1 through 3 of Staff's memorandum dated July 9, 2019 concerning appellant's first assertion. In addition, the Council adopts the following supplemental findings concerning the TIA and required transportation improvements.

Memorandum from Kittelson dated July 16, 2019

At the Council hearing, the appellant introduced a memorandum from Kittelson, dated July 16, 2019, which contained traffic data collected at the VillaSport facility located at the northeast corner of SW Murray Boulevard and

SW Jenkins Road. The memorandum reported traffic counts collected on Thursday, July 11, 2019, between the hours of 7:00-9:00 AM and 4:00-6:00 PM. Based on those counts, the memorandum concluded that VillaSport exhibited peak hour trip generation rates of 3.47 (AM) and 4.87 (PM) on July 11, 2019. The memorandum concluded that the applicant inappropriately relied on a 2007 traffic study prepared by TRC Engineers, Inc., titled *Life Time Fitness Centers: Traffic & Parking Design Characteristics*, based on the following reasons: (1) the data collected at VillaSport on July 11, 2019 shows higher trip generation rates than the rates in the 2007 traffic study; (2) the Institute of Transportation Engineers (ITE) *Trip Generation Handbook* and the Development Code require the applicant to complete a new traffic study; and (3) potential errors in the 2007 traffic study and the size of the proposed development require the applicant to complete a new traffic study. The appellant in its oral testimony argued that the July 16, 2019 memorandum and data cited therein are additional evidence that the applicant's TIA is inadequate and that the applicant should be required to prepare a new traffic study. The appellant further testified that the applicant's TIA underestimates traffic impacts from the proposed development and, as a result improperly distributes required transportation improvements to subsequent developments within the Sunset Station and Barnes Road PUD. At the public hearing, the Council considered the memorandum and oral testimony from the appellant, testimony from the applicant, and testimony from the City Transportation Engineer regarding the Kittelson memorandum dated July 16, 2019.

The Council finds that the Kittelson memorandum dated July 16, 2019 and the appellant's testimony at the hearing concerning that memorandum do not demonstrate that the applicant's use of the 2007 traffic study was inappropriate or that the City Transportation Engineer and Planning Commission erred in determining that use of the 2007 traffic study was justified. BDC 60.55.20.4.D.3.a provides: "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." Stated another way, BDC 60.55.20.4.D.3.a requires the use of ITE trip generation rates unless the City Engineer, in his or her discretion, approves different trip generation rates. The City Engineer may approve the use of non-ITE trip generation rates if ITE trip generation rates are not available or if "different rates are justified." The City Engineer includes the "City Engineer of the City of Beaverton or the City Engineer's designee." BDC Ch. 90.

The City Transportation Engineer determined that use of the trip generation rates from the 2007 traffic study are justified because the 2007 traffic study is based on evaluation of multiple, comparable facilities owned by the applicant, and because the trip generation rates from the 2007 traffic study are higher (and therefore more conservative) than ITE trip generation rates for Health/Fitness Clubs.

The Council finds that the traffic data collected at VillaSport on July 11, 2019 does not cause the City Transportation Engineer's determination that the applicant's use of trip generation rates from the 2007 traffic study are justified to

be in error. The City Transportation Engineer testified that ITE trip generation rates are based on averages of traffic data collected over time. The 2007 traffic study is likewise based on data collected at five different facilities over multiple days, all of which is averaged to determine a trip generation rate. Although the trip generation rates determined by Kittelson for VillaSport on July 11, 2019 are higher than the rates from the 2007 traffic study, the Kittelson rates are based on data collected at a single location on a single day. As a result, it is possible that the trip generation rates determined by Kittelson do not represent average traffic conditions at the VillaSport location. Because the VillaSport data represents only one day of traffic at one location, it does not demonstrate that the 2007 traffic study is unreliable or that the 2007 traffic study underrepresents trip generation from the proposed development.

The Council also finds that neither the Development Code nor the *ITE Trip Generation Handbook* require the applicant to complete a new traffic study. The appellant argues that Chapter 9 of the *ITE Trip Generation Handbook*, which provides guidance for collecting and using local trip generation data, requires the applicant to collect current, local trip generation data. In support of this argument, the appellant cites BDC 60.55.20.4.D, which states that a TIA “report shall include complete documentation of trip generation calculations including Institute of Transportation Engineers (ITE) Trip Generation (latest published edition) use code(s) or an alternative basis of trip generation and the rationale for using the alternative.” The ITE assigns trip generation rates to land use categories, which are identified by codes. For example, the land use category Health/Fitness Club is assigned the code 492. Thus, BDC 60.55.20.4.D requires

an applicant to calculate trip generation for a specific use using either (1) ITE rates assigned by land use code or (2) “an alternative basis of trip generation.” Pursuant to BDC 60.55.20.4.D.3.a, the City Engineer may approve use of an alternative basis of trip generation only if the ITE trip generation rates are not available or if “different rates are justified.” The Development Code does not specify an acceptable form or source for “an alternative basis of trip generation,” and, contrary to the appellant’s arguments, the Development Code does not require that an alternative basis of trip generation be based on contemporaneous traffic data. Neither does the Development Code state that the only acceptable alternative basis of trip generation is traffic data collected in accordance with Chapter 9 of the ITE *Trip Generation Handbook*. Instead, the Development Code requires that an alternative basis of trip generation be approved by the City Engineer and that the TIA provide “the rationale for using the alternative.” BDC 60.55.20.4.D. Here, the applicant used an alternative basis of trip generation, the 2007 traffic study, to determine trip generation rates for the athletic facility portion of the proposed development. The City Transportation Engineer determined that the use of the 2007 traffic study was justified. The TIA and Addendum 2 to the TIA provide the applicant’s rationale for use of the 2007 traffic study. Although not required by the Development Code, Addendum 6 to the TIA also provides the applicant’s rationale for use of the ITE rates to calculate trip generation for the office portion of the development. The approval of the City Transportation Engineer and the rationale provided by the applicant satisfy the requirements in the Development Code for use of an alternative basis of trip generation.

The Council also finds that the size of the facilities in the 2007 traffic study do not cause the applicant's use of the 2007 traffic study to be inappropriate. The athletic facilities evaluated in the 2007 traffic study range in size from 101,000 to 115,000 square feet. By contrast, the proposed athletic facility is 140,000 square feet. The difference in size between the facilities in the 2007 traffic study and the proposed athletic facility does not cause the 2007 traffic study to underestimate trip generation for the proposed athletic facility because estimated trip generation is calculated based on a ratio that applies per 1,000 square feet of a facility's size. Therefore, estimated trip generation is proportional to a facility's square footage. In addition, the applicant presented evidence that facility memberships are not necessarily proportional to facility size because Diamond-level facilities, such as the development proposed in Beaverton, are intended to have a smaller number of memberships at a higher price point. For those reasons, the difference in size between the proposed facility and the facilities in the 2007 traffic study does not cause applicant's use of the 2007 traffic study to be inappropriate or unjustified.

Finally, the potential calculation errors in the 2007 traffic study identified in the Kittelson memorandum dated July 16, 2019 do not cause the applicant's use of the trip generation rates from the 2007 traffic study to be inappropriate. The applicant's traffic consultant responded to the asserted calculation errors in memoranda from DEA dated May 29, 2019 and July 8, 2019. The City Transportation Engineer reviewed the comments from Kittelson and the responses from DEA. Having reviewed both the comments and responses, the City Transportation Engineer endorsed the applicant's use of the 2007 traffic

study. Likewise, on June 28, 2019, ODOT submitted written testimony stating that the methodology and data in the TIA meets applicable State standards and is consistent with standard industry practices. The Council finds that the applicant's use of the 2007 traffic study was justified and appropriate.

The appellant also contended in written and oral testimony that the applicant did not mitigate for the full traffic impacts from the proposed development. The applicant is proposing, and is required, to construct a large number of traffic mitigation measures to increase capacity and safety in the area and provide relief to existing congested traffic systems. The applicant has conducted a TIA in accordance with the City of Beaverton, Washington County, and ODOT standards and has proposed traffic mitigation measures accordingly. To the extent that the appellant argues that further mitigations are required, such mitigations are not proportional to the traffic impacts of the applicant's development.

Memorandum from DEA dated July 16, 2019

Prior to the Council hearing, the applicant submitted a memorandum from DEA dated July 16, 2019 concerning signal timing modification at the intersection of US 26/Highway 217/SW Barnes Road. The memorandum included as an attachment an email from ODOT stating that the signal timing modification proposed in the applicant's TIA can mitigate anticipated traffic impacts from the applicant's development without exceeding ODOT's target v/c ratio. ODOT intends to evaluate the need for signal timing modification at the US 26/Highway 217/SW Barnes Road intersection after the completion of the proposed development and to initiate signal timing modification if so required. It is

therefore feasible to mitigate anticipated traffic impacts of the development at the intersection of US 26/Highway 217/SW Barnes Road through signal timing modification and, if required, such modification will be initiated by ODOT.

Appellant's Second Assertion: BDC 20.10.40

The appellant in its written and oral testimony contended that outdoor swimming pools are prohibited by BDC 20.10.40. The Council finds that BDC 20.10.40 does not prohibit the applicant's outdoor pools.

The Council adopts and incorporates by reference the findings in pages 3 through 6 of Staff's memorandum dated July 9, 2019 concerning appellant's second assertion. In addition, the Council adopts the following supplemental findings concerning the application and interpretation of BDC 20.10.40.

A potential conflict exists between BDC 20.10.40, which requires that activities in the CC zoning district be "wholly within an enclosed structure," and BDC 20.10.20(23), which allows Recreational Facilities, including outdoor uses such as golf course and outdoor swimming pools, in the CC zoning district. The definition of "Recreational Facilities" includes some uses that may be conducted indoors or outdoors. For certain indoor/outdoor uses, the definition of "Recreational Facilities" specifies that the use is limited to indoors or outdoors (e.g., "indoor soccer fields"). For other indoor/outdoor uses, the definition does *not* specify whether use is limited to indoors or outdoors (e.g., "swimming clubs or pools"). Where the definition of "Recreational Facilities" includes a use that may be conducted indoors or outdoors, and the definition does not specify whether the use is limited to either indoors or outdoors, then the definition includes *both* the indoor and outdoor use.

Because it is unclear how BDC 20.10.40 applies to outdoor Recreational Facilities that are allowed in the CC zoning district, the Council considered the intent of BDC 20.10.40. The Council agrees with Staff that the intent and purpose of the “enclosed structure” requirement is to restrict outdoor storage and sales activities, and that the requirement does not apply to outdoor uses that are allowed in the CC zoning district. Evidence of the purpose of BDC 20.10.40 is found in the legislative history of the “enclosed structure” requirement and in other provisions of the Development Code. Likewise, Planning Commissioner Overhage, who was on the Planning Commission at the time the “enclosed structure” requirement was applied to the CC zoning district, agreed with Staff at the Planning Commission’s public hearing on June 12, 2019 that the intent of the requirement was to prohibit outdoor sales and storage.

Further, even if BDC 20.10.40 applied to outdoor Recreational Facilities, such as outdoor swimming pools, the applicant’s outdoor swimming pools would be permitted under BDC 20.10.40, because they are “wholly within an enclosed structure.” The Development Code provides two definitions of “structure.” The appellant argued that the definition of “structure” that should be applied to BDC 20.10.40 is: “[a] walled and roofed building including a gas or liquid storage tank that is principally above ground.” The applicant argued that the definition of “structure” that should be applied to BDC 20.10.40 is: “[a]nything which is constructed, erected or built and located on or under the ground, or attached to something fixed to the ground.” The Council agrees with Staff and the applicant that the definition of “structure” that applies to BDC 20.10.40 is “[a]nything which is constructed, erected or built and located on or under the ground, or attached to

something fixed to the ground,” because this was the only definition of “structure” that was defined in the Development Code at the time of adoption of the “enclosed structure” requirement. The definition of “structure” recommended by the appellant had not been adopted into the Development Code at the time the “enclosed structure” provision was adopted. Based on the definition of “structure” recommended by the applicant and by Staff, the applicant’s outdoor swimming pools are “wholly within an enclosed structure.”

Appellant’s Third Assertion: BDC 20.10.15, footnote 6

The appellant in its written and oral testimony contended that the 35-foot height limit set forth in BDC 20.10.15, footnote 6 applies to the applicant’s parking structure/office building. The Council finds that the 35-foot height limit does not apply to the applicant’s parking structure/office building, because the phrase “residentially zoned property” in BDC 20.10.15, footnote 6 does not include public right-of-way, and the applicant’s parking structure is greater than 100 feet from the nearest residentially zoned property.

The Council adopts and incorporates by reference the findings in pages 6 through 7 of Staff’s memorandum dated July 9, 2019 concerning appellant’s third assertion. In addition, the Council adopts the following supplemental findings concerning the application of BDC 20.10.15, footnote 6.

BDC 20.10.15, footnote 6 is intended to prevent buildings that are out of scale with nearby residential properties. This is accomplished by establishing a 100-foot buffer around residentially-zoned properties in which buildings may not exceed 35 feet in height. Because BDC 20.10.15, footnote 6 is focused on protecting residentially-zoned properties, the size of the required buffer does not

change due to the presence or width of a public right-of-way. Thus, the 100-foot buffer should be measured from the residential property line.

The appellant argues that the Planning Commission's application of the 100-foot buffer in BDC 20.10.15, footnote 6 is incorrect, because Staff's application renders BDC 10.35.1 meaningless. BDC 10.35.1 states: "When bordering a public right-of-way, all zoning district boundaries shall extend to the centerline of the right-of-way" BDC 10.35.1 applies to "zoning district boundaries," whereas BDC 20.10.15, footnote 6 applies to "residentially zoned properties." The purpose of BDC 10.35.1 is administrative and is to avoid the creation of gaps or holes in the zoning map.

Appellant's Fourth Assertion: BDC 60.05.35.6

The appellant in its written and oral testimony contended that the development proposal is inconsistent with the pedestrian orientation Design Guidelines in BDC 60.05.35.6. The Council finds that the development complies with the Design Guidelines in BDC 60.05.35.6.

The Council adopts and incorporates by reference the findings in pages 7 through 8 of Staff's memorandum dated July 9, 2019 concerning appellant's fourth assertion, and the findings in pages DR-9 through DR-10 of the Revised Staff Report dated June 7, 2019 in response to BDC 60.05.35.6. In addition, the Council adopts the following supplemental findings concerning the pedestrian orientation Design Guidelines in BDC 60.05.35.6.

The development satisfies the pedestrian-oriented Design Guidelines by locating a primary entrance at the intersection of SW Cedar Hills Boulevard and SW Barnes Road and by emphasizing that entrance with architectural details and

a large pedestrian plaza. In addition, the development satisfies the Design Guidelines by locating both buildings close to public streets and intersections, and by making the entrance to the athletic facility building easily accessible from SW Cedar Hills Boulevard and SW Barnes Road via multiple pedestrian connections, including a pedestrian promenade with overhead lighting.

The appellant contends that the Planning Commission erred by granting an exception to the pedestrian orientation Design Guidelines to accommodate the placement of the applicant's outdoor pools. The Design Guidelines state that "property size, shape and topographical conditions should also be considered" when determining the appropriate orientation and location of buildings and entrances. BDC 60.05.35.6.A and B. The Planning Commission properly considered the triangular shape of the subject site and the fact that the site is bordered by a high-speed on-ramp to Highway 26 when applying the Design Guidelines. No exception to the pedestrian orientation Design Guidelines is required or was granted.

Appellant's Fifth Assertion: BDC 60.05.35.1.D and 60.05.35.7

The appellant in its written and oral testimony contended that the proposed development is too large and that the size and scale of the development cause the development to be inconsistent with the Design Guidelines in BDC 60.05.35.1.D and 60.05.35.7. The Council finds that the development meets all applicable size standards and complies with the Design Guidelines in BDC 60.05.35.1.D and 60.05.35.7.

The Council adopts and incorporates by reference the findings in page 8 of Staff's memorandum dated July 9, 2019 concerning appellant's fifth assertion,

and the findings beginning on page DR-5 of the Revised Staff Report dated June 7, 2019 in response to BDC 60.05.35.1.D and 60.05.35.7. In addition, the Council adopts the following supplemental findings concerning the Design Guidelines in BDC 60.05.35.1.D and 60.05.35.7.

BDC 60.05.35.1 is directed at “Building articulation and variety.” BDC 60.05.35.1.D provides, in relevant part, “Buildings should promote and enhance a comfortable pedestrian scale and orientation.” The applicant’s buildings satisfy BDC 60.05.35.1.D by providing visual interest through the use of glazing, different materials, and accented architectural features. As well, the applicant provides a comfortable pedestrian scale by providing canopies, trellises, and clear and direct pedestrian connections.

BDC 60.05.35.7 is directed at “Building scale along Major Pedestrian Routes.” BDC 60.05.35.7.A discourages low-height, single-story buildings along Major Pedestrian Routes. The applicant’s buildings are not single-story, and therefore are consistent with BDC 60.05.35.7.A. BDC 60.05.035.7.B states that building heights at street edge should be no higher than 60 feet and “should help form a sense of enclosure, but should not create an undifferentiated high wall out of scale with pedestrians.” The heights of the applicant’s buildings do not exceed 60 feet. The office and parking garage building is located at the public street, thereby creating a sense of enclosure. Neither of the buildings have undifferentiated high walls; instead, the building walls are differentiated by glazing, architectural details, and use of different materials. In addition, amenities such trellises, canopies, planter benches, water features and other frontage improvements maintain pedestrian scale.

Appellant's Sixth Assertion: Open Space

The appellant in its written and oral testimony contended that the applicant is required to contribute toward the 20 percent open space requirement under the Sunset Station and Barnes Road PUD. The Council finds, first, that the applicant is not required to contribute to the open space requirement because the development is not a residential use, and, second, that it is feasible for the open space requirement to be met by the remaining undeveloped properties in the PUD.

The Council adopts and incorporates by reference the findings in page 9 of Staff's memorandum dated July 9, 2019 concerning appellant's sixth assertion. In addition, the Council adopts the following supplemental findings concerning the open space requirement.

BDC 60.35.15 requires a PUD to provide open space of an area equal to at least 20 percent of the subject site. The open space requirement applies to the whole PUD, rather than to individual parcels. This allows flexibility to cluster development to create open space and protect natural resources. The Sunset Station and Barnes Road PUD requires that open space be provided at the time of development of residential uses. Requiring open space to be provided at the time of residential development allows open space to be created on individual lots where residential development is located or in a centrally located area accessible to community residents. The applicant's development proposal is not residential, and therefore the applicant is not required to provide open space.

Although the applicant is not required to provide open space, the applicant demonstrated that it is feasible for the open space requirement to be met by the

remaining properties in the Sunset Station and Barnes Road PUD, all of which are zoned Residential or Multiple Use.

Finally, the applicant's pedestrian plaza and the pedestrian areas to the north and east of the applicant's buildings provide pedestrian open space benefits.

Appellant's Seventh Assertion: Tree Plan Two

The appellant in its written and oral testimony contended that the Planning Commission erred in concluding that the applicant satisfied the tree removal criteria and that the applicant adequately justified the removal of trees on the subject site and adjacent properties. The Council finds that the appellant did not appeal the Planning Commission's approval of the Tree Plan Two application (TP2018-0009) and, therefore, the approval of the Tree Plan Two is final. In the alternative, even if the appellant had appealed the Tree Plan Two, the Council finds that the applicant properly filed a Tree Plan Two and demonstrated compliance with the criteria in BDC 40.90.15.2.C.4.

June 24, 2019 was the deadline to appeal the Planning Commission's Land Use Orders approving the applicant's five applications (DR2018-0128 / LD2019-0008 / LO2018-0005 / SDM 2018-0007 / TP2018-0009). On June 24, 2019, the appellant submitted a single appeal form listing all five application numbers and submitted a single appeal fee. Following the appellant's submission, on the same day, Staff left a voicemail for and sent an email to the appellant seeking clarification regarding which application was intended to be appealed and allowing the appellant an additional day to submit additional form(s) and fee(s) if the appellant desired to appeal more than one application.

The same evening, on June 24, 2019, the appellant sent an email to Staff which stated that “the main decision we are appealing is the Design Review” but that the appellant listed all applications on a single appeal form because the appellant understood the applications to be consolidated. The following morning, on June 25, 2019, Staff sent an email to the appellant restating that a separate appeal form and fee was required for each application. Staff reiterated that the appellant may submit an additional form(s) and fee(s) if the appellant desired to appeal other application(s) in addition to the Design Review Three application (DR2018-0128). The appellant did not submit any additional appeal form or fee.

The Council adopts and incorporates by reference the findings in pages 1 through 4 of Staff’s memorandum dated July 15, 2019 concerning the scope of the appellant’s appeal and finds that the appellant filed an appeal of the applicant’s Design Review Three application (DR2018-0128) and did not appeal the applicant’s Tree Plan Two application (TP2018-0009). Therefore, the City Council does not have review authority with respect to the Tree Plan Two decision by the Planning Commission.

Finally, and in the alternative, the Council finds that the applicant met the threshold requirements for filing a Tree Plan Two and demonstrated compliance the criteria in BDC 40.90.15.2.C.4, and therefore the Planning Commission did not err in approving the applicant’s Tree Plan Two application. The Council adopts and incorporates by reference the updated findings in pages 4 through 5 of Staff’s memorandum dated July 15, 2019 concerning approval criteria of the Tree Plan Two application. In addition, the Council adopts the following supplemental findings regarding the applicant’s Tree Plan Two.

The appellant contended that the applicant failed to demonstrate that the trees proposed to be removed constitute not more than 75 percent of the total diameter at breast height (DBH) of non-exempt surveyed trees found on the project site within significant natural resource areas (SNRA). The applicant proposes to remove five (five) trees from the SNRA on Tax Lot 200 on Washington County Assessor's Map 1S103AB. The memorandum from DEA dated July 12, 2019, and Exhibit A to that memorandum, show that the removal of five (5) trees represents less than three (3) percent of the total DBH within the SNRA on Tax Lot 200, which is less than the 75 percent threshold. Therefore, the applicant's tree removal proposal meets the threshold requirements for a Tree Plan Two.

The appellant also contended that the applicant did not satisfy BDC 40.90.15.2.C.4, which requires an applicant to demonstrate that, "[i]f applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists." The applicant proposes to remove trees to accommodate the physical development of the primary property, which includes the parking garage and athletic facility buildings, outdoor pool area, stormwater area, surface parking and other frontage improvements. In addition, the applicant proposes to remove trees from adjacent parcels to facilitate utility provision and right-of-way improvements, which are necessary to serve the proposed development, as well as future development. Due to the scope of the development proposal and the applicant's effort to preserve large native trees on the property, no reasonable alternative exists to avoid removal of the trees.

Other Issues

Certain public comments stated that notice was inadequate. The Council finds that notice was properly given and that public participation before the Planning Commission and before the Council was robust. As such, no prejudice to substantial rights occurred.

Certain public comments were not directed at approval criteria. Issues raised in public comment and not addressed in findings are irrelevant to approval criteria.

The Council, after holding the public hearing and considering all oral and written testimony, affirms the Planning Commission approval on appeal and approves DR2018-0128, Life Time Fitness Beaverton. The Council adopts by reference the Agenda Bill (number 19199) and Exhibits of July 2, 2019, Supplemental Memoranda from staff dated July 9, July 15, 2019, and July 16, 2019 with associated exhibits, testimony submitted orally and in writing at the public hearing on July 16, 2019, and the supplemental findings contained therein as evidence and findings demonstrating that the applicant meets the approval criteria for Design Review Three (DR2018-0128) approval.

Therefore, **IT IS HEREBY ORDERED** that **APP2019-0002** is **DENIED** and the Planning Commission's **APPROVAL** of **DR2018-0128** is **AFFIRMED**, based on the testimony and evidence presented during the public hearing and the supplemental materials provided prior to the hearing and the findings contained herein. DR2018-0128 is subject to the following conditions of approval:

- A. Prior to Issuance of Site Development Permits, the applicant shall:**
1. Ensure that the Replat One (LD2019-0008), Loading Determination (LO2018-0005), Sidewalk Design Modification (SDM2018-0007), and

Tree Plan Two (TP2018-0009) applications have been approved and are consistent with the submitted plans. (Planning / JF)

2. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD/NP)
3. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD/NP)
4. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD/NP)
5. Provide assurances that the ownership of the subject project will guarantee improvements and work per the detailed cost estimate format and breakdown in the site development permit application. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD/NP)
6. Submit any required easements under the City of Beaverton's authority, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. Submit copies of other recorded easements for the project as needed from property ownerships within the City of Beaverton (Site Development Div./JJD/NP)
7. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to areas within County-permitting authority. (Site Development Div./JJD/NP)
8. Submit to the City a copy of issued permits or other approvals needed from ODOT for work within, and/or construction access to areas within ODOT-permitting authority, except, however, if the applicant elects to construct the improvements described in condition 54.c.ii the permits or

other approvals needed from ODOT for that work may be issued following issuance of the Site Development Permit. (Site Development Div./JJD/NP)

9. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction. (Site Development Div./JJD/NP)
10. Submit a completed 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the standard plan format per requirements for sites 5 acres or larger adopted by DEQ and Clean Water Services. (Site Development Div./JJD/NP)
11. Submit a copy of Service Provider Letter Amendment from CWS for the off-site storm sewer improvements as shown on site plans. (Site Development Div./JJD/NP)
12. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers for work within or affecting a jurisdictional wetland. (Site Development Div./JJD/NP)
13. Obtain the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD/NP)
14. Obtain the Clean Water Services District Stormwater Connection Permit as a part of the City's plan review process. (Site Development Div./JJD/NP)
15. Provide final construction plans and a final drainage report demonstrating compliance with City surface water management requirements and maintenance access per Section 530, of City Resolution 4542 and with CWS Resolution and Order 2017-05. This also includes design of the off-site storm sewer. (Site Development Div./JJD/NP)
16. The applicant shall provide an arborist's evaluation of the proposed work near the protected trees. The evaluation shall examine any anticipated impacts to the trees as a result of the proposed construction and finished condition, including but not limited to hydrologic changes, compaction effects, and root disturbance. Any recommended mitigation measures or construction methods to reduce or eliminate adverse effects on the trees shall be incorporated into the construction documents and shown on the approved site development permit plans. In lieu of such an arborist's evaluation, written documentation that a licensed landscape architect is satisfied with the proposed work must be submitted to the

City prior to issuance of the site development permit. (Site Development Div./JJD/NP)

17. Provide plans that delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed storm water management facilities. On all plan sheets that show grading and elevations, the 100 year inundation level shall be identified. (Site Development Div./JJD/NP)
18. Provide plans showing that encroachments in the public right of way or public easements shall be a non-structural attachment or in other words not integral (removable without damage) to the building structure. If a revocable right of way encroachment permit is desired by the owner or required by a financial institution or insurance company, the City Attorney will need to be consulted to prepare a specific document for this situation. (Site Development Div./JJD/NP)
19. Obtain the City Building Official's courtesy review of the proposed private site utility plans per OAR 918-780-0040. (Site Development Div./JJD/NP)
20. Provide construction plans that show how each lot will be independently served by public utility systems as required by the City Engineer and City Building Official. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to lots. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD/NP)
21. Submit a design for all retaining walls greater than four feet in height, designed by a civil engineer or structural engineer for the expected soil and ground water conditions. (Site Development Div./JJD/NP)
22. Submit a grading plan that meets provisions of Beaverton Code 9.05.110 and 9.05.115. No grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This applies to all exterior property boundaries of the proposed project. The proposed grading plan shall also have a minimum building pad elevation that is at least one foot higher than the maximum possible high-water elevation (emergency overflow) of the SWM facility. Additionally, a minimum finish floor elevation that is at least three feet higher than the maximum possible high-water elevation shall be established for each new building lot and documented on the plans. (Site Development Div./JJD/NP)

23. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces on the site. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, equipment pads, parking lots and driveways, sidewalk and pedestrian areas, and any gravel or pervious pavement surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, modified existing impervious, the new impervious surface area created, and total final impervious surface area on the entire site after completion. (Site Development Div./JJD/NP)
24. Pay storm water system development charges for overall system conveyance for the net new private impervious area proposed. (Site Development Div./JJD/NP)
25. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD/NP)
26. Provide plans for street lights Option C unless otherwise approved by the City Operations and Maintenance Director. (Site Development Div./JJD/NP)
27. Provide plans for the placement of underground utility lines along street frontages, and for affected services to existing lots. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding must be paid per Section 60.65 of the Development Code. (Site Development Div./JJD/NP)
28. Provide plans showing a City standard commercial driveway apron at the intersection of any private or common driveway and a City public street. (Site Development Div./JJD/NP)
29. Provide a plan showing the necessary transportation mitigation improvements identified in the Traffic Impact Analysis dated February 2019, prepared by David Evans and Associates, Inc., including:
 - a. Construction of an off-street bi-directional multi-use bike/pedestrian pathway along the site frontage between SW Barnes Road and the future undercrossing of the Highway 26 westbound on-ramp, consistent with sheet C100. Minimum clear width of the trail shall be 10 feet.

- b. Construction of half street improvements along the site frontage on Cedar Hills Boulevard to a minimum of five lane arterial standards including sidewalks, but not including a bike lane, consistent with sheet C400.
- c. Construction of a traffic signal at the intersection of SW Barnes Road and SW 116th Avenue, including interconnection with the traffic signal at Cedar Hills Boulevard and Barnes Road.
- d. For the eastbound approach to the intersection of SW Barnes Road and SW 116th Avenue, widen Barnes Road between 117th Avenue and 116th Avenue to provide a through lane, a through/right-turn lane, and a left turn lane with a minimum storage of 75 feet. Construction of a bike lane and a sidewalk, subject to available right-of-way. Construction of left-turn lane does not include striping.
- e. For the westbound approach to the intersection of SW Barnes Road and SW 116th Avenue, widen Barnes Road to provide a through lane, a through/right turn-lane, two left-turn lanes with a minimum storage length of 200 feet and a bike lane. Extend a continuous westbound side-by-side left turn lane from 116th Avenue to 117th Avenue. Extend a second westbound receiving lane. Construct a bike lane and sidewalk from 116th Avenue to 117th Avenue, subject to available right-of-way. Construction of second left turn lane does not include striping or a signal head.
- f. For the northbound approach to the intersection of SW Barnes Road and SW 116th Avenue, construct a through/left-turn lane and a right turn-lane with a minimum storage length of 175 feet. Design traffic signal with a northbound right turn overlap signal phase.
- g. Construction of half street improvements along the site frontage on Barnes Road to five lane arterial standards with bike lanes and sidewalks.
- h. For the southbound approach to the intersection of SW Cedar Hills Boulevard and SW Barnes Road, widen Cedar Hills Boulevard to provide a through lane, a through/right-turn lane with a storage length of between 180 and 200 feet, and a sidewalk extending the length of the through/right-turn lane.
- i. For the eastbound approach to the intersection of SW Cedar Hills Boulevard and SW Barnes Road, widen Barnes Road to provide two right-turn lanes with a minimum storage length of 350 feet, two through lanes, a left-turn lane with a minimum storage length of 185 feet, a bike lane, and a sidewalk.

- j. Modification of the traffic signal at the intersection of SW Barnes Road and SW Cedar Hills Boulevard to accommodate the improvements described in Conditions 28(h) and 28(i).
30. Provide a conceptual plan (30% design level) showing the feasibility of a multi-use trail along SW Cedar Hills Boulevard extending from the proposed sidewalk improvements shown on C100 to the undercrossing with a minimum clear width of 10 feet. This is conditioned only if the full undercrossing is not being constructed by the applicant. (Planning / JF)
 31. Provide a signage and barrier plan for the multi-use trail along the SW Cedar Hills Boulevard site frontage until the Highway 26 westbound on-ramp undercrossing is completed. The plan shall be approved by the City Engineer and include provisions for the removal of the signage and barrier(s) when the pedestrian and bike connections are made to the south to SW Butner Road. (Planning / JF & Transportation / JK)
 32. Provide a plan showing that pedestrian access is maintained from SW Cedar Hills Boulevard into the site at a minimum paved width of five (5) feet. Vehicular access at the internal pedestrian access from SW Cedar Hills Boulevard shall be emergency vehicle only. (Planning / JF)
 33. Provide one additional pedestrian connection within the north surface parking lot connecting the northwest parking area to the internal pedestrian circulation system. (Planning / JF)
 34. Provide a lighting plan showing conformance with the City's Technical Lighting Standards. (Planning / JF)
 35. Provide a plan showing the construction of the ODOT sign bridge to accommodate the full future build-out of SW Cedar Hills Boulevard. (Planning / JF)
 36. The following shall be recorded with Washington County (Contact Survey Division: 503-846-7932): (Washington County / NV)
 - a. Dedication of additional right-of-way to meet a minimum of 51 feet from the centerline of SW Barnes Road from Sta. 45+36.22 to Sta. 46+67.29 along the site's frontage including additional right-of-way and easements that are required for a signal, turn lanes and associated equipment at the new public street (SW 116th Avenue) connection to SW Barnes Road.
 - b. Dedication of additional right-of-way to meet a minimum of 73 feet from the centerline of SW Barnes Road from Sta. 48+40.52 to Sta. 51+57.92 including adequate corner radius and easements needed for signal modifications at the intersection of SW Cedar Hills Boulevard.

37. Submit to Washington County Public Assurance Staff (503-846-3843):
(Washington County/NV)
- a. Completed "Design Option" form, Geotech/Pavement Report, and Engineer's Checklist (Appendix "E" of the County Road Standards).
 - b. \$60,000.00 Administration Deposit.
 - c. A copy of the City's Notice of Decision and the County's Letter dated April 4, 2019.
 - d. Provide evidence that the documents under 36. a. and b. have been recorded.
 - e. Preliminary certification of adequate sight distance for the access point to SW Barnes Road, in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
 - i. A detailed list of improvements necessary to produce adequate intersection sight distance at the proposed new public street access.
 - f. Engineering plans to County standards for construction of the following public improvements:
 - i. Half-street improvement to County standards along the site's SW Barnes Road frontage. The half-street improvement shall include additional pavement to meet County minimum lane widths and required lane configuration (dual EB right-turn lanes and two through lanes at SW Cedar Hills Boulevard and a WB a left-turn lane at SW 116th Ave.), 7 foot buffered bike lanes, curb and gutter, 10 foot sidewalks with tree wells and continuous illumination to County standards.
 - ii. Signal modifications, (including signal interconnect conduit from SW Barnes Road/SW Cedar Hills Boulevard to the westbound US 26 ramp terminal intersection) for a shared southbound through /right-turn lane to SW Barnes Road /SW Cedar Hills Boulevard and a second eastbound right-turn lane at SW Barnes Road/SW Cedar Hills Boulevard to County standards.
 - iii. Construct a new traffic signal and associated equipment at the intersection of SW Barnes Road and SW 116th Avenue, including one (1) WB left-turn lane with a

minimum storage of 275 feet and a closed future WB left-turn lane with required minimum storage on SW Barnes Road. Signal interconnect conduit shall be installed along the site's SW Barnes Road frontage.

- iv. Construct a shared southbound through/right-turn lane with a minimum storage of 180 feet at the intersection of SW Cedar Hills Boulevard and SW Barnes Road.
- v. Construct a second eastbound right-turn lane at the intersection of SW Barnes Road and SW Cedar Hill Boulevard.
- vi. Construct curb, gutter, bike lane and additional pavement on the north side of SW Barnes Road from the intersection of SW Cedar Hills Boulevard to the new intersection of SW 116th Avenue. Grade and alignment shall be approved by the County Engineer.

38. Obtain a Washington County Facility Permit upon completion of the following:

- a. Engineering Division approval of plans and a financial assurance for the construction of the public improvements listed in conditions 37.f.

39. Provide a revised landscaping plan showing that a minimum of 50% of the total number of species proposed to be planted on site are native species, cultivars of native species, and/or adapted plant species. The plan shall be stamped by a certified landscape architect. (Planning / JF)

40. Provide a plan showing: (TVF&R / DN)

- a. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)
- b. **DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (OFC 503.2.5 & D103.1)
- c. **ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. Buildings or facilities having a gross building area of more than 62,000 square

feet shall have at least two approved separate means of fire apparatus access. Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems. (OFC D104)

- d. **AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2)
- e. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)
- f. **MULTIPLE ACCESS ROADS SEPARATION:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Code Official), measured in a straight line between accesses. (OFC D104.3) Exception: Buildings equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
- g. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. The fire district will approve access roads of 12 feet for up to three dwelling units and accessory buildings. (OFC 503.2.1 & D103.1)
- h. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of

unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

- i. NO PARKING: Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
 - 1. 20-26 feet road width – no parking on either side of roadway (signage to indicate the no parking)
 - 2. 26-32 feet road width – parking is allowed on one side (signage to indicate the no parking side)
 - 3. Greater than 32 feet road width – parking is not restricted
- i. PAINTED CURBS: Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
- j. FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)
- k. SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)
- l. TURNING RADIUS: The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)
- m. ACCESS ROAD GRADE: Fire apparatus access roadway grades shall not exceed 12%. When fire sprinklers* are installed, a maximum grade of 15% will be allowed.
 - i. 0-12% Allowed
 - ii. 12-15% Automatic fire sprinkler system* required
 - iii. 15-18% Consideration on a case by case basis with submission of written Alternate Methods and Materials request and automatic fire sprinkler system.*
 - iv. 18% and greater Not allowed

- n. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
- o. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
- p. **AERIAL APPARATUS OPERATING GRADES:** Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.
- q. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)
- r. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined in accordance with residual pressure (OFC Appendix B Table B105.2). The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.
 - i. Note: Appendix B, Section B106, Limiting Fire-Flow is also enforced, save and except for the following:
 - 1. In areas where the water system is already developed, the maximum needed fire flow shall be either 3,000 GPM or the available flow in the system at 20 psi, whichever is greater.
 - 2. In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi.
 - 3. Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
- s. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system.

Water availability information may not be required to be submitted for every project. (OFC Appendix B)

- t. WATER SUPPLY DURING CONSTRUCTION: Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)
- u. FIRE HYDRANTS – COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1)
- v. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
- w. The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.
- x. FIRE HYDRANT NUMBER AND DISTRIBUTION: The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in (OFC Table C105.1)
- y. FIRE HYDRANT(S) PLACEMENT: (OFC C104)
 - i. Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
 - ii. Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
 - iii. Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the fire code official.
 - iv. Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.

- z. FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD: Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the fire code official. (OFC C102.1)
- aa. FIRE DEPARTMENT CONNECTIONS: A fire hydrant shall be located within 100 feet of a fire department connection (FDC) or as approved. Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle. (OFC 912 & NFPA 13)
 - i. Fire department connections (FDCs) shall normally be located remotely and outside of the fall-line of the building when required. FDCs may be mounted on the building they serve, when approved.
 - ii. FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants (as diagramed below).

B. Prior to Building Permit Issuance, the applicant shall:

- 41. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD/NP)
- 42. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD/NP)
- 43. Have submitted the paper copies of the draft final plat needed for City review and to the County Surveyor to begin processing. (Site Development Div./JJD/NP)
- 44. Provide a plan showing the areas identified as having a pedestrian trellis over pedestrian walkways have provide a solid canopy to provide weather protection those areas. (Planning / JF)
- 45. Provide a plan showing: (TVF&R / DN)
 - a. KNOX BOX: A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1)
 - b. UTILITY IDENTIFICATION: Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4

inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1)

- c. EMERGENCY RESPONDER RADIO COVERAGE: In new buildings where the design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated Communications Agency shall be provided. (OSSC 915.1, OFC 510.1, and Appendix F)

C. Prior to Final Occupancy, the applicant shall:

- 46. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD/NP)
- 47. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD/NP)
- 48. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD/NP)
- 49. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD/NP)
- 50. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submit a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD/NP)
- 51. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD/NP)
- 52. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/JF)
- 53. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/JF)

54. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit C", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/JF)
55. Obtain a Final Washington County Facility Permit, subject to completion of the following: (Washington County/NV)
 - a. The road improvements required in condition 37.f. above shall be completed and accepted by Washington County.
 - b. Submit a Final Sight Distance Certification for the public street connection to SW Barnes Road.
 - c. Pay to Washington County the pro rata share of the cost to mitigate the traffic impacts noted in Sunset Station & Barnes PUD (CU2013-0003) as required per the City's Notice of Decision. Including:
 - i. Pay Washington County \$553,595 as a contribution toward the future construction of a bike/pedestrian pathway undercrossing at the westbound on-ramp to Highway 26. In lieu of paying the contribution towards the improvements, applicant at their own discretion may choose to construct the improvements as directed by ODOT and the County Engineer, in which case the improvements directed by ODOT must be substantially complete and accepted prior to City issuance of the Final Occupancy Permit. Per Condition of Approval 33 of the Sunset Station and Barnes Road PUD the monetary contribution amount shall be adjusted on July 1st of each year. (Planning / JF & Transportation / JK)
 - ii. At ODOT's discretion, pay ODOT \$276,797.50 as a contribution towards a variable message sign/variable speed sign to be installed by ODOT on OR 217 northbound between SW Walker Rd and the Barnes Road off-ramp.
 - iii. Pay Washington County \$76,388 as an additional contribution for construction of the at grade multi-use path along SW Cedar Hills Boulevard between the internal pedestrian connection and the pedestrian undercrossing. The applicant may also elect to construct the improvement instead of paying the fee in lieu, in which case the improvements must be substantially completed and accepted by ODOT prior to City issuance of a Final Occupancy Permit. (Planning / JF)

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

56. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD/NP)
57. Submit any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. (Site Development Div./JJD/NP)
58. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation as shown on the approved plan within the storm water management facility as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Operations Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Public Works Director prior to release of the security. (Site Development Div./JJD/NP)

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

AYES: San Soucie, Fagin, Arnold, Beaty, Mitchell.

NAYS: None.

ABSTAIN: None.

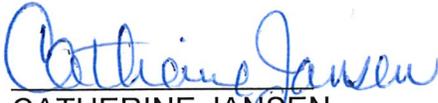
ABSENT: None.

Dated this 13th day of August, 2019.

CITY COUNCIL
FOR BEAVERTON, OREGON

ATTEST

APPROVED:


CATHERINE JANSEN
City Recorder


DENNY DOYLE
Mayor



Received
Planning Division
 04/28/2020

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: Carmin Ruiz
DIVISION: Planning - PlanningPlanSubmit@BeavertonOregon.gov - (503) 526-2420
FROM: Brandon McDougald
COMPANY: Kimley Horn & Associates, Inc.
PHONE: 801-915-7842
EMAIL: brandon.mcdougald@kimley-horn.com
RE: 10700 SW Allen Blvd
(Site Address)
 Allen Blvd Redevelopment
(Project name or subdivision name and lot number)

DATE RECEIVED:

Received
Planning Division
 06/03/2019

By: _____

PA2019-0021
(Permit/Case Number)

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 ITEMS:

Item #:	Description: <small>(examples: application, plans, revision, deferred submittal, calculations, specifications, affidavits)</small>
1	Directors Interpretation Application (Previously Submitted and recieved by COB)
2	Directors Interpretation Application Narrative
3	Allen Blvd Redevelopment - Overall Site Plan
4	Pre-Application Conference Meeting Minutes
5	
6	
7	
8	
9	
10	
11	
12	

REMARKS: _____

FOR OFFICE USE ONLY			
Routed to Reviewer(s):		Date:	
Application #:	Application Materials Saved to Network: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Applicant Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date:		
Routed to Permit Technician:	Date:	Fees Due: <input type="checkbox"/> Yes <input type="checkbox"/> No	Initials:
Fee Descriptions and Amounts Due:			

Received
Planning Division
06/03/2019



June 3, 2019

The City of Beaverton
Community Development Department
The Beaverton Building at The Round
12725 SW Millikan Way
Beaverton, OR 97076

**RE: Director's Interpretation of Code 20.10.35.1
Allen Blvd Redevelopment - Drive Shack
10700 SW Allen Blvd (tax lots 100, 200, 400, and 500 map 1S122AA)**

Dear Ms. Twete,

Please find attached, information in conformance with the City of Beaverton's Directors Interpretation Application submittal requirements. This Directors Interpretation requests relates to Oregon Worsted Co.'s proposal to redevelop the parcels located at 10700 SW Allen Boulevard (tax lots 100, 200, 400, and 500 of map 1S122AA), including a proposed Drive Shack and Holiday Inn Express.

The proposed redevelopment is located within the CS (Community Service) zoning district and totals approximately 17.43 acres in area (including unbuildable wetland). Abutting properties to the west and south are also zoned CS. Abutting parcels to the east are primarily IND (Industrial) with a small piece of R2 (Urban Medium Density) at the southeast corner. All properties to the north across the SW Allen Boulevard right-of-way are IND (Industrial).

The masterplan for this site includes a 109 Room (\pm 62,000 SF) Holiday Inn Express with associated parking and service areas on a demised area of approximately 1.98-acres. In addition, a \pm 50,000 SF, 72 bay Drive Shack with a 180-yard out-field and associated parking and service areas are proposed on a demised area of approximately 9.41-acrs. The master plan also incorporates a 100-yr flood basin to balance the cut and fill on-site, and a parking deck is proposed to be constructed over a portion of the flood storage basin to achieve the minimum parking requirements.

We formally request clarification on whether the proposed outfield of the Drive Shack facility meets the intent of the CS zone regarding code **20.10.35.1 - Other CS Zoning requirements** which states, "*Activity is conducted wholly within an enclosed structure, except for outside play areas for child care and educational facilities and as allowed in item 2 below.*"

The proposed Drive Shack facility is wholly enclosed with the exception of the outfield which allows golfers to drive balls from multiple open-faced bays. It is impractical to wholly enclose this type of facility due to the nature of this type of recreational venue. The perimeter of the outfield will be enclosed by a net which is common practice for this type of facility. Pursuant to the City's Pre-Application notes, we request a Director's interpretation whether the outfield of this facility, with its enclosed netting, meets the approval criteria for such an interpretation pursuant to Section 40.25.15.1.C 1-6. and is consistent with Section 20.10.35.1 of the City's Code.

The following is a response to the approval criteria for a Director's Interpretation as outlined in Section 40.25.15.1.C 1-6:

Approval Criteria. *In order to approve a Director's Interpretation application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

1. ***The proposal satisfies the threshold requirements for a Director's Interpretation application.***

This proposal satisfies the threshold requirements for a Director's Interpretation under Section 40.25.15 1. A.1 since Drive Shack is requesting in writing that the Director render an interpretation of Section 20.10.35.1 of the City's Code.

This Criteria is satisfied.

2. ***All City application fees related to the application under consideration by the decision-making authority have been submitted.***

All City applications fees related to this application will be submitted with this letter.

This Criteria is satisfied.

3. ***That the interpretation is consistent with the City's Comprehensive Plan and other provisions within the Development Code. [ORD 4584; June 2012]***

The proposed redevelopment of 10700 SW Allen Blvd is consistent with the Comprehensive plan by providing thoughtful and strategic infill/redevelopment of the previous Greenwood Inn site within the Community Service zone (Commercial Centers and Corridors – General Plan). The proposed Drive Shack use is instrumental in the proposed redevelopment. The outfield, with its enclosed netting, is consistent with the requirements of Section 20.10.35.1 since it is a recreational use and does have an enclosure.

This Criteria is satisfied.

4. ***When interpreting that a use not identified in the Development Code is a Permitted, Conditional, or Prohibited Use, that use must be substantially similar to a use currently identified in the subject zoning district or elsewhere in the Development Code. [ORD 4584; June 2012]***

A Recreational Facility, such as the proposed Drive Shack, is a permitted use within the Community Service (CS) zone, therefore this section does not apply.

5. ***The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.***

The applicant intends to include all the applicable submittal requirements with the balance of the applications required for this project as set forth in the City's Pre-Application notes.

This Criteria is satisfied.

6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

The applicant intends to submit all of the applicable submittal documents and applications in the proper sequence.

This Criteria is satisfied.

Based on the foregoing, we respectfully request that you interpret Section 20.10.35.1 and conclude that the proposed Drive Shack with its outfield, and enclosed netting, is permitted within the CS zone.

Please contact me at (385) 212-3180 or brandon.mcdougald@kimley-horn.com should you have any questions.

Sincerely,



Brandon McDougald, P.E., LEED AP
Associate

Received
Planning Division
06/03/2019

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

www.BeavertonOregon.gov



OFFICE USE ONLY

FILE #: _____

FILE NAME: _____

TYPE: _____ RECEIVED BY: _____

FEE PAID: _____ CHECK/CASH: _____

SUBMITTED: _____ LWI DESIG: _____

LAND USE DESIG: _____ NAC: _____

DIRECTORS INTERPRETATION APPLICATION

APPLICANT: Use mailing address for meeting notification.

Check box if Primary Contact

COMPANY: Baysinger Partners Architecture

ADDRESS: 1006 SE Grand Ave #300

(CITY, STATE, ZIP) Portland, OR 97214

PHONE: 503.546.1623 FAX: _____ E-MAIL: jenniferr@baysingerpartners.com

SIGNATURE: _____ CONTACT: Jennifer L. Rinkus

(Original Signature Required)

APPLICANT'S REPRESENTATIVE:

Check box if Primary Contact

COMPANY: Kimley-Horn

ADDRESS: 215 South State Street #400

(CITY, STATE, ZIP) Salt Lake City, UT 84111

PHONE: 385.212.3180 FAX: _____ E-MAIL: Brandon.McDougald@kimley-horn.com

SIGNATURE: _____ CONTACT: Brandon McDougald

(Original Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed.

Check box if Primary Contact

COMPANY: Oregon Worsted Co

ADDRESS: Attention: Nancy Bishop Dietrich, 9701 SE McLoughlin Blvd

(CITY, STATE, ZIP) Portland, OR 97222

PHONE: 541.944.4550 FAX: _____ E-MAIL: millendstr@aol.com

SIGNATURE: _____ CONTACT: Howard Dietrich

Note: A land use application must be signed by the property owner(s) or by someone authorized by the property owner(s) to act as an agent on their behalf. If someone is signing as the agent of the property owner(s), that person must submit a written statement signed by the property owner(s), authorizing the person to sign the application.

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: 10700 SW Allen Blvd

AREA TO BE DEVELOPED (s.f.): 496,148.4

ASSESSOR'S MAP & TAX LOT #	LOT SIZE	ZONING DISTRICT
<u>1S122AA00100</u>	<u>.29 ac</u>	<u>CS</u>

EXISTING USE OF SITE: vacant

<u>1S122AA00200</u>	<u>8.54 ac</u>	<u>CS</u>
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PROPOSED DEVELOPMENT ACTION: _____

<u>1S122AA00400</u>	<u>1.16 ac</u>	<u>CS</u>
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use interpretation for proposed driving range

<u>1S122AA00500</u>	<u>7.44 ac</u>	<u>CS</u>
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PRE-APPLICATION DATE: 04/27/2019

DIRECTORS INTERPRETATION SUBMITTAL CHECKLIST

WRITTEN STATEMENT REQUIREMENTS

- A. APPLICATION FORM.** Provide **one (1) completed** application form with original signature(s).
 - *Have you submitted for a permit from another division?*
- B. CHECKLIST.** Provide **one (1) completed** copy of this four page checklist.
- C. WRITTEN STATEMENT.** Submit **three (3) copies** of a detailed description of the proposed project including, but not limited to, the changes to the site, structure, landscaping, parking, and land use. In the written statement, please:
 - Identify the section of the Development Code for which the applicant requests an interpretation.
 - Describe the requested interpretation of the section of the Development Code.
 - Provide a description of the reason for the interpretation request including but not limited to how the section to be interpreted currently applies, how it would apply under the requested interpretation, any previously identified differences in interpretation between the applicant and the staff
 - Provide individual findings specifically addressing how and why the proposal satisfies each of the criterions in Section 40.25.15.1.C.1-6 of the City's *Development Code* (ORD 2050), attached.
- D. FEES,** as established by the City Council. Make checks payable to the City of Beaverton.
- E. SITE ANALYSIS INFORMATION (Required only if site specific):**

<ul style="list-style-type: none"> <input type="checkbox"/> Proposed parking modification: _____ sq. ft. Proposed number of parking spaces: <u>515</u> Proposed use: <u>restaurant, entertainment, hotel</u> Parking requirement: <u>503</u> 	<ul style="list-style-type: none"> <input type="checkbox"/> Existing building height: <u>0</u> _____ ft. Proposed building height: <u>65 and 46</u> _____ ft Existing building area: <u>0</u> _____ sq. ft. Proposed building modification: <u>~83,822</u> sq. ft.
<ul style="list-style-type: none"> <input type="checkbox"/> Existing parking area: <u>0</u> _____ sq. ft. Existing number of parking spaces: <u>0</u> 	<ul style="list-style-type: none"> <input type="checkbox"/> Existing landscaped area: <u>0</u> _____ sq. ft. Percentage of site: <u>0</u> _____ % Proposed landscape modification: <u>~74,422.26</u> sq. ft. Percentage of site: <u>~15%</u>
- F. CLEAN WATER SERVICES (CWS) DOCUMENTATION.** Pursuant to Section 50.25.1.F of the City's *Development Code* requires that all development proposals provide written documentation from Clean Water Services (formerly Unified Sewerage Agency) stating that water quality will not be adversely affected by the subject proposal. Therefore, the City recommends that you contact CWS in order to obtain the required documentation. For more information, please contact Lindsey Obermiller, Environmental Plan Reviewer, at (503) 681-3653 or ObermillerL@CleanWaterServices.org
- G. PRE-APPLICATION CONFERENCE NOTES. (REQUIRED FOR TYPE 2, 3, & 4 APPLICATIONS ONLY)**
Provide a copy of the pre-application conference summary as required by the City's *Development Code Section 50.25.1.E*. The Pre-Application Conference must be held within the one (1) year prior to the submission date of the proposed project application.
- H. OTHER REQUIREMENTS.** Provide documentation showing that the project proposed is permitted by, or satisfies the requirements of, other agencies and/or jurisdictions OR submit a schedule that details the forecasted submission and approval timelines for permits/applications to the respective agencies and/or jurisdictions.

PLANS & GRAPHIC REQUIREMENTS

All plans, except architectural elevations, shall be presented at a minimum of 1" = 20' engineering scale and on a maximum sheet size of 24" x 36". Architectural elevations may be presented at an architectural scale. **A total of three (3) copies of each plan shall be submitted, unless otherwise noted. All plans shall be folded to fit a legal size file jacket.**

Each of the following plans and drawings shall be submitted on **separate sheets**. If the size of the project requires the use of match line sets, each set of match line sets must include a sheet (at a scale to fit a 24" x 36" sheet) depicting the entire site, including match lines, as a cover sheet.

Include all of the following information:

- A. EXISTING CONDITIONS PLAN (*Required only if application is site specific*):**
- 1. North arrow, scale and date of plan.
 - 2. Vicinity map.
 - 3. The entire lot(s), including area and property lines dimensioned.
 - 4. Points of existing access, interior streets, driveways, and parking areas.
 - 5. Location of all existing buildings and structures, including refuse storage locations, pedestrian/bike paths, swimming pools, tennis courts, tot lots, and lighting.
 - 6. Existing right-of-way and improvements.
 - 7. Dimension from centerline to edge of existing right-of-way.
 - 8. Existing topographical information, showing 2 ft. contours.
 - 9. Surrounding development and conditions within 100 ft. of the property such as zoning, land uses, buildings, driveways, and trees.
 - 10. Location of existing public and private utilities, easements, and 100-year floodplain.
 - 11. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Trees, as applicable.
 - 12. Sensitive areas, as defined by Clean Water Services (CWS) standards.
 - 13. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*
- B. DIMENSIONED SITE PLAN (*Required only if application is site specific*):**
- 1. North arrow, scale and date of plan.
 - 2. The entire lot(s), including area, property lines dimensioned and labeled "front," "side," and "rear."
 - 3. Points of access, interior streets, driveways, and parking areas.
 - 4. Location of buildings and structures, including refuse storage locations, pedestrian/bike paths, swimming pools, tennis courts, and tot lots.
 - 5. Proposed right-of-way, dedications and improvements.
 - 6. Dimension from centerline to edge of proposed right-of-way.
 - 7. Dimensions of all improvements, including setbacks, parking spaces, driveways, and distance between buildings.
 - 8. Location of storm water quality/detention facilities.
 - 9. Boundaries of development phases, if applicable.
 - 10. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Trees, as applicable.
 - 11. Sensitive areas, as defined by CWS standards.
 - 12. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*

- C. LANDSCAPE PLAN (Required only if site specific):**
 - 1. North arrow, scale and date of plan.
 - 2. The entire lot(s).
 - 3. Points of access, interior streets, driveways, and parking areas.
 - 4. Location of buildings and structures, including refuse storage locations, pedestrian/bike paths, swimming pools, tennis courts, and tot lots.
 - 5. Proposed right-of-way, dedications and improvements.
 - 6. Boundaries of development phases, if applicable.
 - 7. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Trees, as applicable.
 - 8. Sensitive areas, as defined by the CWS standards.
 - 9. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*
 - 11. The location and design of landscaped areas for variance, indicating all plant materials, including genus, species, quantity, plant sizes, and spacing.
 - 12. List of plant materials, including genus, species, common name, size, quantity, spacing and method of planting.
 - 13. Other pertinent landscape features, including walls, retaining walls, berms, fences, and fountains.
 - 14. Proposed location of light poles, bollards and other exterior illumination.
 - 15. A note on the plan indicating that an irrigation system will be installed to maintain the landscape materials.

- D. ARCHITECTURAL ELEVATIONS:** Provide, *if relevant to interpretation request*, drawings that depict the character of the proposed building(s) and structure(s) (these include buildings, retaining walls, refuse storage facilities, play structures, fences and the like). These drawing should include dimensions of the building(s) and structure(s) and indicate the materials, colors, and textures proposed for the structures.

- E. MATERIALS BOARD:** Provide, *if relevant to interpretation request*, one (1) 8½"x11" or one (1) 8½"x14" Materials Board that includes examples of all building materials, colors, and textures of exterior surfaces for building(s) and structure(s). *Materials Boards provided at a size other than what is indicated above will not be accepted.*

- F DESCRIPTION OF MATERIALS AND FINISHES FORM:** Provide, *if relevant to interpretation request*, one (1) completed copy of the Materials and Finishes Form with the application submittal.

Note: Complete sets of plans reduced to 8 ½"x11" (11"x17" are not acceptable) will be required at the time the application is deemed complete.

I have provided all the items required by this four (4) page submittal checklist. I understand that any missing information, omissions or both may result in the application being deemed incomplete, which may lengthen the time required to process the application.

Jennifer L. Rinkus

Print Name

503.546.1623

Telephone Number

Signature

04/19/2019

Date

DIRECTORS INTERPRETATION SUBMITTAL CHECKLIST

PURSUANT TO SECTION 50.25.1.B OF THE DEVELOPMENT CODE, A WRITTEN STATEMENT ADDRESSING THE APPROVAL CRITERIA FOR AN APPLICATION MUST BE SUBMITTED IN ORDER FOR AN APPLICATION TO BE DEEMED COMPLETE. STATEMENTS SUCH AS “NOT APPLICABLE” OR “THE PROPOSAL WILL COMPLY WITH APPLICABLE DEVELOPMENT REGULATIONS” ARE NOT SATISFACTORY. THE WRITTEN STATEMENT MUST ADDRESS EACH CRITERION AND MUST SPECIFY IN DETAIL HOW EACH WILL BE COMPLIED WITH.

An applicant for a Director's Interpretation shall address compliance with all of the following Approval Criteria as specified in 40.25.15.1.C.1-6 of the Development Code:

- 1. The proposal satisfies the threshold requirements for a Director's Interpretation application.
- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
- 3. That the interpretation is consistent with the City's Comprehensive Plan and other provisions within this Code.
- 4. When interpreting that a use not identified in the Development Code is a permitted, a conditional or prohibited use, that use must be substantially similar to a use currently identified in the subject zoning district or elsewhere in the Development Code.
- 5. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
- 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Received
Planning Division
06/03/2019



April 26, 2019

Brandon McDougald
Kimley Horn and Associates, Inc.
215 South State Street Suite 400
Salt Lake City, UT 84111

Subject: 10700 SW Allen Blvd Redevelopment (PA2019-0021)

Dear Mr. McDougald,

Thank you for attending the Pre-Application Conference held on March 27, 2019. We are pleased to provide you with the following notes prepared in response to your proposal.

Comments prepared by staff are reflective of the proposal considered at the Pre-App. A copy of your proposal was also sent to other members of staff who did not attend the Pre-App but have provided written comments hereto. Please feel free to contact anyone who provided comments. Contact names, telephone number and e-mail addresses are listed herein.

Following every Pre-App, staff understands that there may be changes to the plan or use considered. If these changes effectively re-design the site plan or involve a change to a use not discussed, please be advised that such change could require different land use application(s) than were identified by staff at the Pre-App. It is also possible that different issues or concerns may arise from such change. In these cases, we highly encourage applicants to request a second Pre-App for staff to consider the change and provide revised comments accordingly.

In part, the Pre-App is intended to assist you in preparing plans and materials for staff to determine your application(s) to be "complete" as described in Section 50.25 of the City Development Code. For your application(s) to be deemed complete on the first review, you must provide everything required as identified on the Application Checklist(s) (provided at the Pre-App) in addition to any materials or special studies identified in the summary notes hereto. If you have questions as to the applicability of any item on the checklist(s) or within this summary, please contact me directly.

On behalf of the staff who attended the Pre-App, we thank you for sharing your proposal with us. If we can be of further assistance, please do not hesitate to call.

Sincerely,

Sambo Kirkman, AICP
Senior Planner
(503) 526-2557

PRE-APPLICATION CONFERENCE MEETING SUMMARY NOTES

Prepared for
10700 SW Allen Blvd Redevelopment
PA 2019-0021, March 27, 2019

The following pre-application notes have been prepared pursuant to Section 50.20 of the Beaverton Development Code. All applicable standards, guidelines and policies from the City Development Code, Comprehensive Plan and Engineering Design Manual and Standard Drawings identified herein are available for review on the City's web site at: www.beavertonoregon.gov. Copies of the Development Code and Comprehensive Plan are also available for review at the City's Customer Service Kiosk located within the Community Development Department. Copies of these documents are also available for purchase.

The following is intended to identify applicable code sections, requirements and key issues for your proposed development application. Items checked are to be considered relevant to your proposed development.

PRE-APPLICATION CONFERENCE DATE: March 27, 2019

PROJECT INFORMATION:

Project Name: 10700 SW Allen Blvd Redevelopment

Project Description: Redevelopment of the site to include a new hotel and driving range with associated improvements

Property/Deed Owner: Oregon Worsted Co.
Attn: Howard Dietrich
9701 SE McLoughlin Blvd.
Portland, OR 97222

Site Address: 10700 SW Allen Boulevard (Southside of SW Allen Blvd. and east of Hwy 217)

Tax Map and Lot: 1S122AA00100 / 1S122AA00200/ 1S122AA00400/ 1S122AA00500

Zoning: Community Service (CS)

Comp Plan Designation: Commercial

Site Size: 20 acres (approximately)

APPLICANT INFORMATION:

Applicant's Name: Kimley Horn and Associates, Inc.

Applicant's Rep: Attn: Brandon McDougald
215 South State Street Suite 400
Salt Lake City, UT 84111

Phone / E-mail: Phone: 385-212-3180 (brandon.mcdougald@kimley-horn.com)

PREVIOUS LAND USE HISTORY:

The following are applications that have been submitted since the approval to demolish the former Greenwood Inn building:

- PA2019-0012 10017 SW Allen Boulevard Grade Work
- PA2017-0009 Allen Boulevard Commercial Development
- PA2014-0056 Greenwood Inn Site Redevelopment
- DR2006-0002 Greenwood Inn Building Demolition.

SECTION 50.25 - APPLICATION COMPLETENESS:

The completeness process is governed by Section 50.25 of the Development Code. The applicant is encouraged to contact staff to ask any questions or request clarification of any items found on the application checklists that were provided to the applicant at the time of the pre-application conference. In addition, the applicant should be aware that staff is not obligated to review any material submitted 14 days or later from the time the application has been deemed “complete” that is not accompanied with a continuance to provide staff the necessary time to review the new material.

APPLICATION FEES:

Based on the plans/materials provided, the identified application fees (**land use only**) are as follows:

New Conditional Use Permit (Hotel Use)	\$4,262
New Conditional Use Permit (Hours of Operation)	\$4,262
Design Review Type 3	\$5,909
Variance (Height of Pole Structures)	\$3,141
Minor Adjustment (Height of Building)	\$1,021
Tree Plan (Type 2)	\$1,540
Land Division Replat (Lot Consolidation) - Possible	\$677
Adjustment (Hotel-side yard setback)- Possible	\$1,021
Loading Determination (Hotel) - Possible	\$439
Loading Determination (Recreational Facility) - Possible	\$439
Parking Determination – Shared Parking - Possible	\$439
Director’s Interpretation – Possible	\$1,072
Quasi-Judicial Zone Change – Possible	\$4,460

Due to the conceptual nature of the materials provide, staff has included both applications that are need as well as potential applications based on the design of the project. Staff recommends following up with the Planning Division on the site design as it progresses, to determine the applicable land use applications for the ultimate submittal, as changes in the proposal can require additional or different land use applications than those reviewed at the pre-application conference state.

***See Key Issues/Considerations herein** for description of applications and associated process. Application fees (above) could be subject change on July 1, 2019. The fees in effect at the time a complete application is received will control.

SECTION 50.15. CLASSIFICATION OF APPLICATIONS:

Applications are subject to the procedure (Type) specified by the City Development Code. Per Section 50.15.2 of the Code, when an applicant submits more than one complete application for a given proposal, where each application addresses separate code requirements and the applications are subject to different procedure types,

all of the applications are subject to the procedure type that requires the broadest notice and opportunity to participate.

SECTION 50.30 (NEIGHBORHOOD REVIEW MEETING):

A Neighborhood Review Meeting is required for any **Type 3** land use applications. Based on the information presented at the pre-application meeting, a Neighborhood Review Meeting is required. Staff always recommends community outreach through a neighborhood meeting. Neighborhood Advisory Committee: (NAC): **Denney Whitford Raleigh NAC** Contact: **Ernie Conway (Co-Chair) - 503-646-5688 or Sherry Moore (Co-Chair) - 503-567-8492**

For meetings held at the NAC staff recommend that a separate sign-in sheet be provided. Note that after the neighborhood meeting, summary of the meeting along with a copy of your sign-in sheet is to be mailed to the NAC contact above. The city also request that the summary of the meeting and sign-in sheet is also sent to: City of Beaverton, Neighborhood Program, P.O. Box 4755, Beaverton, OR 97076 or emailed to: neighbormail@beavertonoregon.gov

CHAPTER 20 (LAND USES):

Please note that your property is located in the Community Service (CS) zoning district and subject to the following Development Code provisions: Section 20.10.15 (Site Development Standards), Section 20.10.20 (Land Uses), Section 20.10.25 (Use Restriction); and Section 20.10.35 (Other CS Zoning Requirements).

CHAPTER 30 (NON-CONFORMING USES):

Proposal subject to compliance with this chapter? Yes No

CHAPTER 40 (PERMITS & APPLICATIONS):

Facilities Review Committee review required? Yes No

Applicable Application Type(s):

- | | | | | | |
|--|-----------------------|--|--|--|--|
| <p>1. New Conditional Use Permits</p> <ul style="list-style-type: none"> • (Hotel Use) • (Hours of Operation) | <p>40.15.15.3.A.1</p> | <p><input type="checkbox"/> Type 1</p> | <p><input type="checkbox"/> Type 2</p> | <p><input checked="" type="checkbox"/> Type 3</p> | <p><input type="checkbox"/> Type 4</p> |
| <p>2. Design Review Type 3
(Threshold #2)</p> | <p>40.20.15.3.A</p> | <p><input type="checkbox"/> Type 1</p> | <p><input type="checkbox"/> Type 2</p> | <p><input checked="" type="checkbox"/> Type 3</p> | <p><input type="checkbox"/> Type 4</p> |
| <p>3. Variance (Height of Pole Structure)</p> | <p>40.95.15.1.A</p> | <p><input type="checkbox"/> Type 1</p> | <p><input type="checkbox"/> Type 2</p> | <p><input checked="" type="checkbox"/> Type 3</p> | <p><input type="checkbox"/> Type 4</p> |
| <p>4. Tree Plan Two
(Threshold #1 and #3)</p> | <p>40.90.15.2.A</p> | <p><input type="checkbox"/> Type 1</p> | <p><input checked="" type="checkbox"/> Type 2</p> | <p><input type="checkbox"/> Type 3</p> | <p><input type="checkbox"/> Type 4</p> |
| <p>5. Minor Adjustment</p> <ul style="list-style-type: none"> • Height of Building • Hotel-side yard setback (Possible) | <p>40.10.15</p> | <p><input type="checkbox"/> Type 1</p> | <p><input checked="" type="checkbox"/> Type 2</p> | <p><input type="checkbox"/> Type 3</p> | <p><input type="checkbox"/> Type 4</p> |

- | | | | | | |
|--|----------------|---|---|---|---------------------------------|
| 6. Land Division Replat (Possible) | 40.45.15.2.A | <input checked="" type="checkbox"/> Type 1 | <input type="checkbox"/> Type 2 | <input type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |
| 7. Loading Determination (Possible) | 40.50.15.1.A | <input type="checkbox"/> Type 1 | <input checked="" type="checkbox"/> Type 2 | <input type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |
| <ul style="list-style-type: none"> • Hotel • Recreational Facility | | | | | |
| 8. Parking Determination (Possible) (<i>Shared Parking</i>) | 40.55.15.2.A.2 | <input type="checkbox"/> Type 1 | <input checked="" type="checkbox"/> Type 2 | <input type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |
| 9. Director's Interpretation (Possible) | 40.25.15.1.1 | <input type="checkbox"/> Type 1 | <input checked="" type="checkbox"/> Type 2 | <input type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |
| 10. Quasi-Judicial Zone Change (Possible) | 40.97.15.1.A. | <input type="checkbox"/> Type 1 | <input type="checkbox"/> Type 2 | <input checked="" type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |

Note: Due to the limited information provided in the applicant's materials, it is possible that additional applications may be required or some of the applications listed are not needed. Staff recommends following up with the Planning Division as you near preparing for submittal of your proposal.

Comments: **In order for your application to be deemed complete, a written statement is necessary, supported by substantial evidence in response to all applicable approval criteria.** Your application narrative will need to explain how and why the proposed application will meet the approval criteria for the land use applications identified above. Approval criteria and development regulations in effect at the time an application is received will control. Approval criteria and development regulations are subject to change.

CHAPTER 60 (SPECIAL REGULATIONS):

The following special requirements when checked are applicable to your development. Please review special requirements in the preparation of written and plan information for a formal application:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Section 60.05 (Design Review Principles Standards and Guidelines) | <input type="checkbox"/> Section 60.07 (Drive-Up Window Facilities) |
| <input checked="" type="checkbox"/> Section 60.10 (Floodplain Regulations) | <input checked="" type="checkbox"/> Section 60.15 (Land Division Standards) |
| <input type="checkbox"/> Section 60.20 (Mobile & Manufactured Home Regulations) | <input checked="" type="checkbox"/> Section 60.25 (Off-Street Loading) |
| <input checked="" type="checkbox"/> Section 60.30 (Off-Street Parking) | <input type="checkbox"/> Section 60.33 (Park and Recreation Facilities) |
| <input type="checkbox"/> Section 60.35 (Planned Unit Development) | <input type="checkbox"/> Section 60.40 (Sign Regulations) |
| <input type="checkbox"/> Section 60.45 (Solar Access Protection) | <input type="checkbox"/> Section 60.50 (Special Use Regulations) |
| <input checked="" type="checkbox"/> Section 60.55 (Transportation Facilities) | <input checked="" type="checkbox"/> Section 60.60 (Trees and Vegetation) |

Section 60.65 (Utility Undergrounding)

Section 60.67 (Significant Natural Resources)

Section 60.70 (Wireless Communication)

Comments: For the application(s) listed above to be deemed complete, written analysis will need to identify and explain how the proposal meets all applicable provisions/requirements as checked above. See *Key Issues / Considerations* herein for additional notes.

COMPREHENSIVE PLAN COMPLIANCE: Comprehensive Plan policy response is required for as part of the application for Conditional Use-New

The following Comprehensive Plan goals (as checked below) contain policies that may be applicable to your applications for *Conditional Use – New* (CU). Staff recommends considering these polices in preparation of a written narrative response to approval criteria. Written response provided to specific Plan policies must be adequate for findings that support Criterion No 4 of Section 40.15.15.3.C (approval criteria for CU-New) requires finding that *the proposal will comply with applicable policies of the Comprehensive Plan*.

Chapter 3 (Land Use Element):

3.2 (Infill and Redevelopment)

3.3 (Sustainability and Natural Resources)

3.7 (Commercial Centers and Corridors)

Chapter 7 (Environmental Quality & Safety Element

7.3 (Natural Resources)

Chapter 8 (Environmental Quality & Safety Element

8.4 (Noise)

OTHER DEPARTMENT/AGENCY CONTACTS:

Your project may require review by other City departments and outside agencies. Staff recommend contacting the following persons at the City of Beaverton or other agencies when their name is checked. In some instances, some or all of these staff persons may submit written comments for the pre-application conference. These comments may be discussed at the pre-application conference and will be attached to this summary:

Recommended contact for further information if checked



Clean Water Services

(CWS not sent copy of Pre-Application materials)

The Clean Water Services (CWS) is the agency that regulates sanitary sewer, storm and surface water management within Washington County and the City of Beaverton. CWS Design and Construction Standards, adopted by Resolution & Order (R&O) 04-09, effective March 1, 2004, establish technical requirements for the design and construction of sanitary and surface water management systems built as part of residential or commercial development. Pursuant to City Development Code Section 50.25.1.F, in order for the application to be deemed complete the applicant is required to submit documentation from CWS stating that water quality will not be adversely affected by the proposal. For most development proposals, CWS typically issues a “Service Provider Letter”. Alternatively, CWS may issue a statement indicating no water quality sensitive areas exist on or within 200 feet of the subject site. Development activity subject to CWS review is defined in Section 1.02.14 of the CWS Design & Construction Standards. For more information contact: **Lindsey Obermiller** (503) 681-3653 / ObermillerL@CleanWaterServices.org.

- Jeremy Foster**, Tualatin Valley Fire & Rescue
503 259-1414 / jeremy.foster@tvfr.com
 No comments provided, Service Provider Letter required.
- Tim Boatwright**, Building, City of Beaverton
(503) 526-2524 / tboatwright@beavertonoregon.gov
 Plans reviewed. Building comments provided in the Key Issue/ Consideration section of the report.
- Steve Brennen**, Operations, City of Beaverton
(503) 526-2200 / sbrennen@beavertonoregon.gov
 Plans reviewed. No comments.
- Silas Shields**, Site Development, City of Beaverton
(503) 350-4055/ sshields@beavertonoregon.gov
 Plans reviewed. Written comments attached hereto.
- Jabra Khasho**, Transportation, City of Beaverton
(503) 536-2427 / jkhasho@beavertonoregon.gov
 Plans reviewed. Comments provided.
- Marah Danielson**, Oregon Department of Transportation
(503) 731-8258/ marah.b.danielson@odot.state.or.us
 Plan reviewed. Comments provided.

KEY ISSUES/CONSIDERATIONS:

Staff has identified the following key development issues, or design consideration or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of other key issues or considerations:

1. **Land Use Applications** In review of the plans and materials submitted for consideration, staff has identified the following potential land use applications for the :

New Conditional Uses: Hotels (Temporary Living Quarters) in the CS zoning district require Conditional Use (CU) approval. Uses proposed to operate during the hours of 10:00 pm to 7:00 am also require CU approval. Both requests are to be reviewed in separate applications. Staff identifies lighting and noise as a potential compatibility issue to the residential properties abutting the southeast corner of the subject site. This should be addressed in the CU application narrative.

Design Review Type 3: A Design Review Three is necessary for the proposed development. The square footage for both buildings meets the threshold for a Design Review Three. Note the Design Guidelines only should be responded and the project is not eligible to address Design Standards. Please see the attached Design Guidelines Checklist for guidelines identified by staff as likely applicable.

Variance: The poles proposed to hold the netting to catch stray balls is proposed to be 160 feet tall, well exceeding the maximum height of the zoning district (maximum height 60 feet) a Variance application is required.

Minor Adjustment: The height of the proposed recreational facility is 65 feet, exceeding the maximum height of the zoning district by 10 percent, thereby requiring a minor adjustment application. Note the threshold between a minor and major adjustment is 10 percent. If it is necessary to increase the height of the building, consider it with this proposal since and further height increase will require a new Type 3 application after completion of this proposal. It is unclear the side yard setback of the proposed hotel to the eastern property line. If the setback is less than 10 feet a separate minor adjustment application may be needed.

Tree Plan (Type 2): If additional Community trees are to be removed as part of this proposal, then a Tree Plan Two application is required. Note, if your development requires removal of trees within the Significant Natural Resource Area (SNRA) this should also be included in your Tree Plan application.

Land Division Replat: Consolidation of the five existing parcels will require a Replat One for Lot Consolidation. A preliminary plat showing the consolidated lots should be provided with the application. Depending on whether the lots are consolidated into one or two lots, may result in additional applications or crossover easements to address shared improvements.

Parking Determination-Shared Parking Agreement: Depending on how the lots get configured a shared parking agreement may be necessary to address how parking is provided for the hotel and the recreational facility.

Loading Determination: Each use proposed requires its own separate loading facility. The hotel will require two "B" Type loading berths and the recreational facility requires one "B" Type loading berths. A loading determination is required for any modifications to these requirements.

Director's Interpretation/ Zone Change: While Recreational Facilities are a permitted use in the CS zoning district, Section 20.10.35 requires activities to be wholly enclosed. Additional coordination with city staff is needed to determine how this issue will need be addressed, potentially through a Director's Interpretation or through a Quasi-Judicial Zoning Map Amendment.

2. **Parking Structure with Grading Permit:** A question was raised if construction of the proposed parking structure could be included as part of the grading permit. This will depend on how the approval is obtained. If the site as a whole is reviewed there may be an opportunity to look at the parking structure with an early grading for the proposed approval. However if a separate grading approval is being proposed for the site, the parking structure cannot be included. To include the parking structure with a grade only approval could not be approved since the parking structure would be evaluated as the primary use on the site. Parking as a primary use is not permitted in the CS zoning district.
3. **Vehicle Parking Analysis:** It appears your vehicle parking analysis addresses the breakdown of the uses on the site. Please note when submitting the application, the specific square footages should be provided to ensure adequate parking is provided.
4. **Orientation of Buildings:** As a Type 3 Design Review application, the guidelines do not require prescriptive coverage, but requires the applicant to indicate why the design chosen effectively address the guideline, including orientation of the building.
5. **Building:** Building permits are required for the buildings as well poles for netting or stadium lights. Additional information can be provided by the Building Division when you are ready, please contact Tim Boatwright from the information above.
6. **Stormwater Quality & Quantity.** See Pre-App Summary Notes attached hereto prepared by Silas Shields, Site Development Division.
7. **Grading and Erosion Control.** See Pre-App Summary Notes attached hereto prepared by Silas Shields, Site Development Division.

8. **Significant Natural Resource Areas (SNRA).** The subject site contains Significant Natural Resource Areas (SNRAs) that are part of Fanno Creek, it is important to know that if any work impacts trees, that work will potentially need approval through a Tree Plan Two application. Sign-off from CWS is also needed to ensure your proposal does not adversely impact the SNRA.
9. **Beaverton School District.** Beaverton school district provided comments on the proposal which is attached with this letter.
10. **Service Provider Letters (SPL).** The City of Beaverton requires service provider letters from special districts who provide services to the subject site. Service Provider Letters are required prior to your application being deemed complete in the land use process. Staff has identified the following service provider letters as applicable to your proposal:
 - a. **Clean Water Services (CWS):** All development within the City requires a Clean Water Services SPL for environmental review. Information can be found at Clean Water Services Website <https://www.cleanwaterservices.org/permits-development/step-by-step-process/environmental-review/> Note: The location and boundaries of any existing environmentally sensitive areas, including wetlands or vegetated corridors, will be determined by Clean Water Services. The mitigation requirements as well as requirements for construction within sensitive areas will also be determined by CWS during their pre-screening process. Please see the listed contact information for CWS in the pre-app notes.
 - b. **Tualatin Valley Fire & Rescue (TVF&R):** TVF&R requires as SPL to address fire code issues related to development. The SPL form is attached to these notes.
 - c. **Water Service:** All developments require a Water Service Provider Letter to address water service provision. The SPL form can be found here: [\\COBNAS2\CITYWIDE\\$\PublicWorks\TVWD IGA\2018 Service Area IGA Operations and Maintenance Plan\New Development\Request for Statement of Service Availability \(Water\).pdf](\\COBNAS2\CITYWIDE$\PublicWorks\TVWD IGA\2018 Service Area IGA Operations and Maintenance Plan\New Development\Request for Statement of Service Availability (Water).pdf)
11. **ODOT.** ODOT's comments have been provided and attached with this report.
12. **Electronic Plan Review.** The City of Beaverton offers electronic plan submission for Planning, Site Development, and Building permit review. For more information please visit our Apply for Permits page at <https://www.beavertonoregon.gov/2047/Apply-for-Permits> or contact staff.
13. **System Development Charges.** The Washington County Transportation Development Tax (TDT) will be due for developments prior to issuance of building permits, in addition to other System Development Charges. The SDC charges are not assessed or evaluated through the land use application review process.

The TDT is based on the estimated traffic generated by each type of development. The TDT is collected prior to the issuance of a building permit; or in cases where no building permit is required (such as for golf courses or parks), prior to final approval of a development application.

To estimate the tax please use Washington County's TDT Self Calculation Form: www.co.washington.or.us/LUT/Divisions/LongRangePlanning/PlanningPrograms/TransportationPlanning/transportation-development-tax.cfm). For more information please contact Jabra Khasho, Transportation Engineer, at (503) 526-2221 or jkhasho@BeavertonOregon.gov.

For information regarding sanitary sewer, storm sewer, water, park, Metro construction excise, School District construction excise, and other applicable fees please use the Building Division link: <http://www.beavertonoregon.gov/DocumentCenter/Home/View/605> or contact the Building Department at cddmail@BeavertonOregon.gov.



PRE APPLICATION CONFERENCE
ATTENDANCE

PRE APP NO: PA2019-0021

DATE: 03/27/2019

PRE APP NAME: Allen Blvd Redevelopment

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