

## Staff Report

HEARING DATE: November 18, 2015

STAFF REPORT DATE: November 10, 2015

TO: Planning Commission

FROM: Jana Fox, Associate Planner

PROPOSAL: **Fred Meyer Fuel Facility & Commercial Building**  
**CU2015-0007 / DR2015-0042 / LD2015-0007 / LD2015-0015 /**  
**LO2015-0003 / PD2015-0004**

LOCATION: The subject site is located at the southwest corner of SW Canyon Road and the Highway 217 access road. Tax Lots 500 and 1100 on Washington County Tax Assessor's Map 1S115AB.

SUMMARY: The applicants, Fred Meyer Stores and Edge Development have submitted a Design Review Three application for the construction of a new fueling facility, new approximately 13,000 square foot building, along with implementation of the ClickList drive-up grocery program and all associated necessary site improvements. Concurrent with the Design Review application is an application that proposes a Replat Two to adjust the property lines between lots, as well as a Preliminary Fee Ownership Partition to separate the ownership of the new commercial building and fuel station while keeping landscaping and parking in common ownership between the lots. The applicants propose a Loading Determination in order to provide a loading space in a regular parking space for the loading needs of the commercial building. Conditional Use approval is also being requested for a drive-thru facility for the proposed ClickList grocery pick up service. Additionally a Shared Parking Determination is proposed for parking spaces between the Fred Meyer Store and Fuel sites.

APPLICANT: Edge Development  
Ed Bruin  
5440 SW Westgate Drive, Ste. 150  
Portland, OR 97221

APPLICANT'S  
REPRESENTATIVE: Barghausen Consulting Engineers  
Joel Howitt  
18215 72<sup>nd</sup> Avenue S.  
Kent, WA 98032

PROPERTY OWNERS: Metropolitan Life Insurance Company  
 Joel Redmon  
 425 Market Street, Suite 1050  
 San Francisco, CA 94105

PROPERTY OWNERS/APPLICANT: Fred Meyer Stores, Inc.  
 James Coombes  
 3800 E 22<sup>nd</sup> Avenue  
 Portland, OR 97202

RECOMMENDATION: **APPROVAL of CU2015-0007 / DR2015-0042 / LD2015-0007 / LD2015-0015 / LO2015-0003 / PD2015-0004 (Fred Meyer Fuel Facility & Commercial Building)**

**BACKGROUND FACTS**

**Key Application Dates**

Application	Submittal Date	Application Deemed Complete	Final Written Decision Date	240-Day*
CU2015-0007	September 4, 2015	September 30, 2015	January 28, 2016	May 27, 2016
DR2015-0042	April 8, 2015	September 30, 2015	January 28, 2016	May 27, 2016
LD2015-0007	April 8, 2015	September 30, 2015	January 28, 2016	May 27, 2016
LD2015-0015	June 29, 2015	September 30, 2015	January 28, 2016	May 27, 2016
LO2015-0003	April 8, 2015	September 30, 2015	January 28, 2016	May 27, 2016
PD2015-0004	April 8, 2015	September 30, 2015	January 28, 2016	May 27, 2016

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

**Existing Conditions Table**

<b>Zoning</b>	Regional Center-East (RC-E)	
<b>Current Development</b>	Commercial Development & Vacant Parcel	
<b>Site Size &amp; Location</b>	The site is located at the southwest corner of the SW Canyon Road and the Highway 217 access road intersection. The site is approximately 21.5 acres.	
<b>NAC</b>	Central Beaverton	
<b>Surrounding Uses</b>	<b>Zoning:</b> <u>North:</u> RC-E <u>South:</u> RC-E <u>East:</u> Highway 217 <u>West:</u> RC-E	<b>Uses:</b> <u>North:</u> Commercial <u>South:</u> Commercial <u>East:</u> Highway <u>West:</u> Commercial

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### Exhibits

#### **Exhibit 1. Materials submitted by Staff**

Exhibit 1.1: Vicinity Map (page SR-4 of this report)

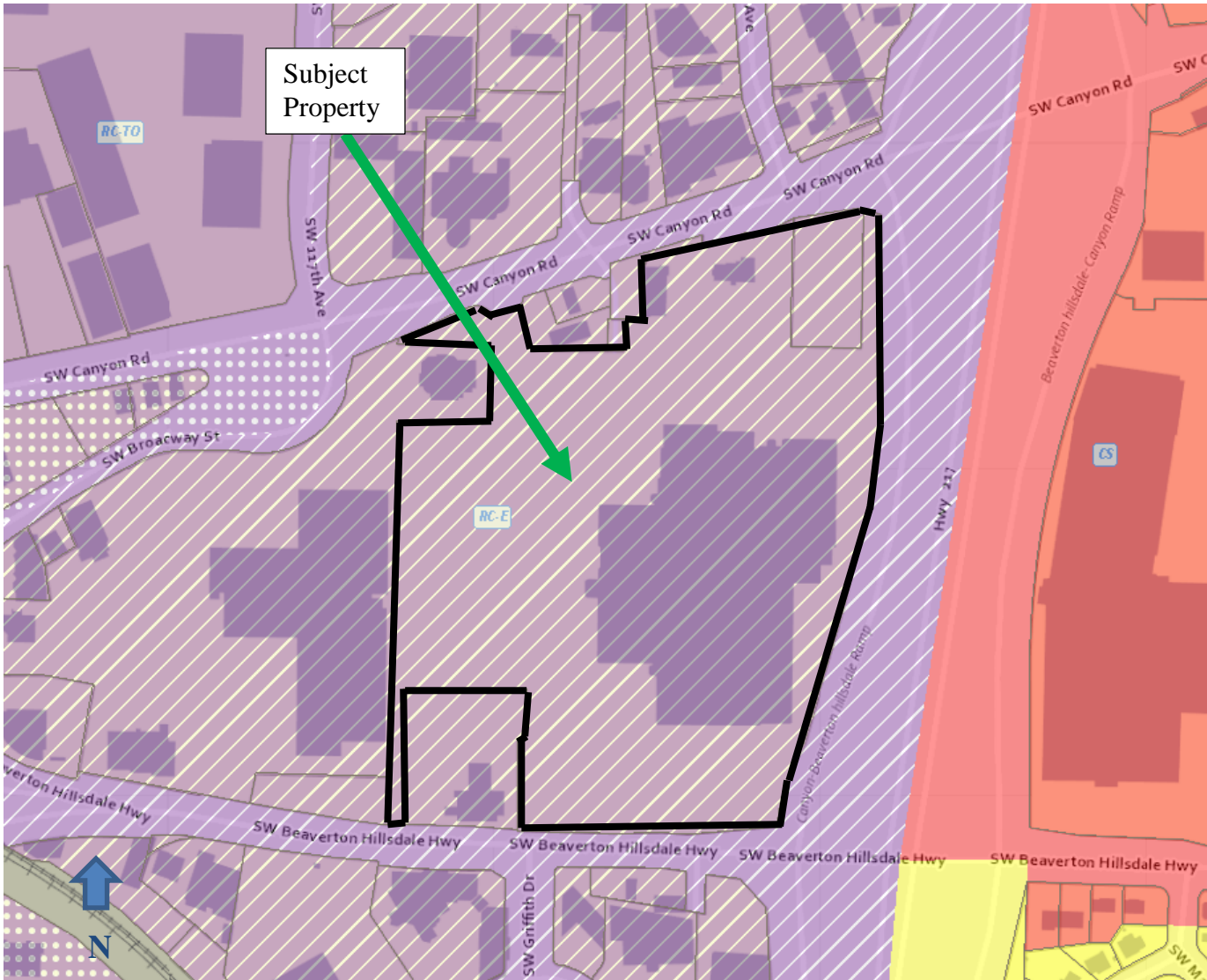
Exhibit 1.2: Aerial Map (page SR-5 of this report)

#### **Exhibit 2. Public Comment**

No Comments Received

#### **Exhibit 3. Materials submitted by the Applicant**

Exhibit 3.1: Submittal Package including plans



**Fred Meyer Fuel Facility & Commercial Building**  
**CU2015-0007 / DR2015-0042 / LD2015-0007 / LD2015-0015 / LO2015-0003 / PD2015-0004**  
**Vicinity & Zoning Map**



**Fred Meyer Fuel Facility & Commercial Building**  
**CU2015-0007 / DR2015-0042 / LD2015-0007 / LD2015-0015 / LO2015-0003 / PD2015-0004**  
**Aerial Map**

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
Fred Meyer Fuel Facility & Commercial Building  
(CU2015-0007 / DR2015-0042 / LD2015-0007  
/ LD2015-0015 / LO2015-0003 / PD2015-0004)**

**Section 40.03.1 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in a different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

**The Facilities Review Committee Criteria are reviewed for all criteria that are applicable to the submitted application as identified below:**

- **All twelve (12) criteria are applicable to the submitted Conditional Use (CU2015-0007), Design Review Three (DR2015-0042), Replat Two (LD2015-0007), and Preliminary Fee Ownership Partition (LD2015-0015) applications.**
- **The Facilities Review Committee Criteria for Approval are not applicable to the submitted Loading Determination (LO2015-0003) and Parking Determination (PD2015-0004) applications.**

***A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

Water, stormwater and sanitary sewer services are provided by the City of Beaverton. The applicant states that there is adequate capacity to serve the proposed fuel center and commercial building. The applicant has submitted a Clean Water Services (CWS) Service Provider Letter (SPL) for the project which shows that there are no significant features within 200 feet of the subject site.

Water service is provided to the site through a 12-inch diameter water main in the SW Canyon Road right-of-way. The applicant proposes to extend a 12-inch water line to the site in a water line easement within the drive aisle. Adequate capacity exists to serve the proposed development.

Sanitary sewer service is available through an 8-inch sewer main in the SW Canyon Road right-of-way. Adequate capacity exists to serve the subject site.

Storm water drainage service to the site is provided through a manhole connection to a line on the west side of the MetLife property, south of the Olive Garden Restaurant. The applicant has submitted a preliminary drainage report, included in the application materials.

The Committee finds the report and associated utility plans are adequate in addressing the on-site surface water management. To ensure appropriate design and construction of critical facilities including but not limited to utility connections, access to manholes and structures, maintenance requirements, and associated construction and utility phasing plans, the Committee recommends conditions of approval through the Land Division and Design Review applications.

Fire protection is provided to the site by Tualatin Valley Fire and Rescue Department. Tualatin Valley Fire & Rescue has received a copy of the submittal and has stated that they endorse the proposal, subject to conditions of approval.

The site is located along the south side of Canyon Road, west of Highway 217. The City's Comprehensive Plan classified SW Canyon Road as an Arterial and Highway 217 as a Freeway. The application included a Traffic Impact Assessment (TIA), dated March 2, 2015, which was prepared by Mackenzie, and supplemented with a memo dated September 2, 2015 that examined the potential traffic impacts of the ClickList facilities. City Transportation staff has reviewed the TIA and have provided the following responses:

The proposed fueling station will have 14 vehicle fueling positions and an attendant's kiosk beneath the gas station canopy. The site will also have a new two-story building with approximately 6,448 square feet of retail and 6,330 square feet of office space. In addition, the applicant proposes to make some minor site modifications to accommodate a ClickList service, where customers can order online and schedule an appointment to have their purchases loaded directly into their vehicles while they wait.

According to the applicant's March TIA, the development is estimated to generate a total of approximately 3,065 vehicle trips per day, including approximately 255 new trips to the surrounding transportation system during the weekday PM peak hour and 305 new Saturday midday peak hour trips. To mitigate the effects of the added trips, the TIA recommends that the applicant modify the landscape median of SW Canyon Rd, east of the SW 115<sup>th</sup> Ave intersection to increase the storage area for westbound vehicles turning left into the site. Staff has added this as a Condition of Approval. The TIA shows that the additional trips due to this proposal will exacerbate the queues at all of the nearby intersections, but indicates that no mitigation is recommended.

**Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

**B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.**

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant’s plans and materials were forwarded to the City Transportation staff and Tualatin Valley Fire and Rescue. As noted above, Tualatin Valley Fire and Rescue supports the proposal subject to conditions of approval.

Tri-Met provides bus service along Canyon Road, east of the intersection with 115<sup>th</sup> Avenue, which is approximately 300 feet west of the subject site. East-bound bus service is on the south side of Canyon Road and west-bound service is on the north side of Canyon Road. The proposed improvements to the site will provide pedestrian access to Canyon Road and, thus, access to transit service. No additional transit location or capacity improvements are recommended.

Bicycle lanes are currently provided along SW Canyon Road. Public sidewalks provide connections to the site from SW Canyon Road, the sidewalk is proposed to be widened to meet the City standard of ten (10) feet.

Police protection to the site will be provided by the Beaverton Police Department. The Police Department did not provide comments or recommendations to the Facilities Review Committee.

The Committee has reviewed the proposal and has found that the essential facilities and services to serve the site are adequate to accommodate the proposal as conditioned.

**Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

**C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).**

Staff cites the Code Conformance Analysis chart at the end of the Facilities Review Report, which evaluates the project as it relates to applicable code requirements of Chapter 20 for the Regional Center-East (RC-E) zone, as applicable to the aforementioned criterion.

**Therefore, staff finds that the proposal meets the criterion for approval.**



***D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.***

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, as applicable to the above mentioned criteria. Staff will provide findings for the applicable Design Review Standards (Code Section 60.05) within the Design Review section of the staff report.

In review of Section 60.55 Transportation Facilities:

Traffic

Please see the findings provided in criterion A.

Street, Bicycle and Pedestrian Connections.

The proposal shows a pedestrian connection to the on-site pedestrian circulation system, which connects to Canyon Road. The proposal shows widening of the sidewalk along the Canyon frontage to a consistent ten (10) feet wide to meet the Development Code standards. Existing bike lanes are located on Canyon Road along the project frontage. No new street or bicycle connections are proposed or required.

Street Width.

The right-of-way width along the Canyon Road frontage meets ODOT's planned arterial design. No right-of-way dedication is proposed or required.

On-site circulation

The proposal improves the on-site circulation by adding additional pedestrian walkways along the drive aisle south of SW Canyon Rd. and reducing the number of potential conflict points.

Access

The proposal will maintain the existing access points to the site, including a right in only access adjacent to the commercial site and the signalized access on SW 115<sup>th</sup> Avenue. All access to the fuel and new commercial building (Fred Meyer) site are through the MetLife property and they are proposed to share internal site access and circulation, it is recommended that the applicant submit the required joint-use and maintenance agreement documentation as identified in EDM 210.13.K and 210.13.L.

Parking

According to the applicant, the proposed development will require a total of 954 parking stalls for the MetLife and Fred Meyer sites. The MetLife site requires 911 parking spaces and the proposed Fred Meyer site requires 43 parking spaces. The applicant proposes a total of 957 parking spaces across the two lots. A Parking Determination for Shared Parking has been requested to provide 14 parking spaces for the Fred Meyer site on the MetLife

property. Bicycle parking sufficient to meet the minimum requirements is shown on the applicant's plans.

#### Utility Undergrounding

To meet the requirements of Section 60.65 (Utility Undergrounding), staff recommends a standard condition of approval requiring that all new utility lines are placed underground. Above ground powerlines and poles exist along street frontage of the subject property. These powerlines and poles are to be placed underground if shown to obstruct vision clearance or require relocation.

**Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

***E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.***

The proposal includes a number of features that will require continued maintenance, including paving and landscaping. The applicant states that means for periodic maintenance include private maintenance of the fuel center according to the Kroger company standard operating procedures. The property owner(s) will be responsible for maintaining the proposed facilities and associated improvements. According to the applicant, the owner will provide continued periodic maintenance and normal replacement of private common facilities. Staff concurs that the property can be maintained by the property owner in accordance with the requirements of the City of Beaverton.

**Therefore, staff finds that the proposal meets the criterion for approval.**

***F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.***

The applicant states that the project will include measures to improve vehicular and pedestrian circulation throughout the site. These improvements include widening and/or realignment of key circulation routing within the site for reduced congestion and improved visibility and pedestrian safety. The project will provide direct connections to the existing pedestrian walkway in the Fred Meyer Parking lot and the existing sidewalk along SW Canyon Road. Crossings will be clearly delineated with striping, warning signs and stop controls at key locations. The applicant proposes to connect the internal walkway system from Canyon Road to the proposed commercial building, fueling center, Fred Meyer store, as well as along the SW 115<sup>th</sup> Avenue connection, as shown on the site plan. The applicant proposes concrete paving where pedestrian walkways cross drive aisles. The applicant proposes an interconnected system of pedestrian connections in a safe and efficient manner. The applicant has proposed to straighten the drive aisle perpendicular to SW 115<sup>th</sup> Avenue in order to provide for greater visibility and provide a safer intersection. Staff

concur that the applicant's proposal provides safe and efficient vehicular and pedestrian connections.

In review of the plan, staff finds that the site will have safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development. Additionally staff cites the findings for criteria A, B, and D.

**Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

***G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.***

The applicant proposes to retain the existing entry drives to the site, including the right-in only access adjacent to the proposed commercial building. The intersection of SW 115<sup>th</sup> Avenue with the first perpendicular drive aisle will be improved by straightening the drive aisle for increased visibility and safety.

Pedestrian connections are provided from the site to the existing sidewalk system at all entries to the site as well as connections through the site. Pedestrian areas through drive aisles have differentiated paving to provide additional safety and guidance to cars and pedestrians.

The development connects to the surrounding vehicular and pedestrian circulation systems in conformance with Development Code Section 60.55.25. Additionally staff cites the findings for criteria A, B, and D.

**Therefore, staff finds that the proposal meets the criterion for approval.**

***H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.***

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Tualatin Valley Fire & Rescue reviewed the proposal and has provided conditions of approval. The proposal will need to show compliance to the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards. The fuel station canopy is required to have a ten (10) foot clear space around the exterior of the canopy in order to meet building code requirements, which includes an area of the MetLife property which must have a no-build easement to guarantee that the area remain free of structures.

**Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

***I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection***

***from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.***

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development.

**Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

***J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

The applicant states that the site will be graded to efficiently collect stormwater onsite and provide water quality treatment prior to discharge into the public stormwater system. The City Engineer has reviewed the proposed grading and Storm Report, and has identified recommended standard conditions of approval necessary to ensure the proposed site work will be in compliance with adopted Codes and standards and to ensure the proposal will not have an adverse impact to surrounding properties.

**Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

***K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.***

The applicant will be required to meet all applicable accessibility standards of the Uniform Building Code, the Uniform Fire Code, and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, it appears that the general site layout can meet accessibility requirements. Accessibility is thoroughly evaluated through the site development and building permitting reviews. As a condition of approval, the site shall be in conformance with all ADA requirements. This requirement is in conformance with the Development Code.

**Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

***L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.***

The application was submitted on April 8, 2015. The application was deemed complete on September 30, 2015. In the review of the materials during the application review, the

Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**Code Conformance Analysis  
Chapter 20 Use and Site Development Requirements  
Regional Center-East (RC-E) District**

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 20.20.20 (Regional Center-East)</b>			
Use- Permitted	Minor Automotive-Fuel Sales	The applicant proposes a 14 station fueling facility which is a minor automotive use.	Yes
Use-Permitted	Office	The applicant proposes office space as part of a multi-tenant commercial building.	Yes
Use-Permitted	Retail	The applicant proposes retail space as part of a multi-tenant commercial building.	Yes
Use-Conditional	Drive-Thru	The applicant proposes a ClickList drive-thru facility to delivery pre-ordered groceries to customer's vehicles.	Yes-w/ CU approval
<b>Development Code Section 20.20.15 (Regional Center-East)</b>			
Minimum Lot Area	None	MetLife Parcel (Existing Fred Meyer Store): 903,561 sq. ft.  Fred Meyer Parcel: 43,452 sq. ft. Parcel 1: 15,760 sq. ft. Parcel 2: 11,309 sq. ft. Tract A: 16,383 sq. ft.	Yes
Floor Area Ratio	0.30	Parcel Area: 43, 452 Floor Area: 13,219 FAR: 0.304	Yes
Minimum Lot Dimensions	None	Fred Meyer Parent Parcel: Width: 142 ft. Depth: 252 – 319 ft.	N/A
Minimum Yard Setbacks Front Side Rear	0 ft. 0 ft. 0 ft.	All setbacks will meet the 0 foot setback minimum.	Yes

Maximum Front Yard Setback	Governed by Design Review	Front yard setbacks are regulated by Design Review as the site is adjacent to a Major Pedestrian Route.	See DR Findings
Maximum Building Height	80'	Maximum building height is 38 feet.	Yes

### Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?		
<b>Development Code Section 60.05</b>					
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Construction of a new commercial building and fueling station.	Refer to DR findings		
<b>Development Code Section 60.25</b>					
Off-Street Loading	Off-street loading requirements.	The applicant has applied for a Loading Determination application in order to not provide loading berths.	See LO findings		
<b>Development Code Section 60.30</b>					
Off-street motor vehicle parking	MetLife Parcel: Minimum: 911  Fred Meyer (Fuel & New Commercial) Parcel: Minimum: 43  Total: 954	The applicant has applied for a Parking Determination to provide shared parking. A total of 957 parking spaces are proposed.	Yes-See PD findings		
Required Bicycle Parking Short Term Long Term	<u>Commercial</u> 2 2	<u>Fuel Center</u> 2 2	<u>Commercial</u> 2 2	<u>Fuel Center</u> 2 2	Yes
<b>Development Code Section 60.40</b>					
Sign Regulations	Requirements pertaining to the size and location of signs	Signs are not approved through the Design Review process. Sign permits will be needed prior to installation.	N/A		
<b>Development Code Section 60.55</b>					
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Proposed facilities are in conformance.	Yes – with COA		

<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	Removal of landscape trees.	See DR Findings
<b>Development Code Section 60.65</b>			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	All utilities are required to be placed underground in accordance with standards identified in Section 60.65. Applicant's plan shows overhead utilities to remain.	Yes-with COA

**CU2015-0007  
ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL**

**Section 40.15.15.3.C New Conditional Use Approval Criteria:**

*In order to approve a New Conditional Use 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 Conditional Use application.***

The applicant proposes a drive-thru facility for its ClickList service in which customers can pre-order grocery online and come to the site and have the groceries delivered to their car. Drive-thru facilities are a conditional use in the RC-E zoning district.

**Therefore, staff finds the proposal meets the criterion for approval.**

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

The applicant paid the required fee associated with a New Conditional Use application.

**Therefore, staff finds the proposal meets the criterion for approval.**

**3. *The proposal will comply with the applicable policies of the Comprehensive Plan.***

The applicant's response to Criterion No. 3 states that the proposal will comply with the applicable policies of the Comprehensive Plan. The applicant has responded to the applicable sections of the Comprehensive Plan.

Staff cites the following Comprehensive Plan policies and associated findings as applicable to this criterion:

**Chapter 3 (Land Use Element)**

**3.6.1 Goal: Regional Centers that develop in accordance with Community Vision and consistent with the 2040 Regional Growth Concept Map.**

- a. Regulate new development in Regional Centers to ensure compact urban development and to maximize the public infrastructure investment in light rail.*

The proposed development would repurpose a portion of an existing surface parking area to provide a pick-up service to customers, most of whom currently drive to the site in order to buy groceries or other goods. The subject site is not located in close proximity to a light rail station and is located in the RC-E zoning district. The RC-E zoning district is intended for less intense uses which are inappropriate in the RC-TO or RC-OT zoning districts.



## **Chapter 5 (Public Facilities)**

Public facilities are addressed in the Facilities Review portion of the staff report. Staff cites the Facilities Review Report, Attachment A, in response to this Comprehensive Plan section.

## **Chapter 6 (Transportation)**

Transportation facilities are addressed in the Facilities Review portion of the staff report. Staff cites the Facilities Review Report, Attachment A, in response to this Comprehensive Plan section.

## **Chapter 8 (Environmental Quality and Safety)**

### **8.4.1 Goal: Create a protective and healthy acoustical environment within the City.**

The applicant states that the proposed ClickList service will replace a portion of an existing surface parking area with a small drive-thru/drive-up area which will have small speakers oriented towards the driver's window to communicate with the main store. The speakers are intended to operate at low volumes and communicate with customers in one car, not over a large area. The ClickList area is located more than 150 feet from all property lines and inwardly oriented to the site.

**Therefore, staff finds that by meeting the conditions of approval, the criterion is met.**

#### **4. *The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.***

In response to Criterion No. 4, the applicant states that the application package shows that it is possible to design the project to fit the site. Staff concurs that the design of the site is reasonable to accommodate the proposed use. As shown in the code conformance analysis in the Facilities Review Report and in the Design Review section of this report, the site can accommodate the proposed development. Staff finds that the site can accommodate the proposed drive-thru facility.

**Therefore, staff finds the proposal meets the criterion for approval.**

#### **5. *The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.***

In response to Criterion No. 5, the applicant states the site is currently used for a Fred Meyer store and associated site improvements. The proposed three dedicated ClickList delivery aisles will be internal to the site, will be sheltered on two sides by the existing building, and therefore have minimal impact on surrounding properties. Specifically the applicant describes the call boxes used to communicate with cars that arrive to pick up groceries as having a short range of three (3) to five (5) feet, rather than broadcast over large distances. Given the central location of the ClickList area the noise is not expected to impact adjacent properties

or impact existing uses. The applicant has provided a traffic impact analysis and addendum that take into account the ClickList use. The TIA and supplemental memo show that the site can accommodate the proposed use without additional adverse impacts. The design of the ClickList canopy will be reviewed through Design Review and is generally not visible from adjacent public streets.

Staff finds that the size, location and functional characteristics of the proposal are reasonably compatible with and have minimal impact on surrounding uses.

**Therefore, staff finds the proposal meets the criterion for approval.**

**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 submitted the application for a Conditional Use on September 4, 2015 and was deemed complete on September 30, 2015. Design Review Three, Replat Two, Preliminary Fee Ownership Partition, Loading Determination, and Parking Determination, applications are being processed concurrently with the subject request for a New Conditional Use. The Conditional Use application is dependent upon approval of the Design Review Three application. Staff recommends a condition of approval which states that approval of the Conditional Use application is subject to approval of the Design Review application.

**Therefore, staff finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.**

**Recommendation**

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2015-0007 (Fred Meyer Fueling Facility & Commercial Building)**. Should the Planning Commission find that the application meets the approval criteria, staff has recommended conditions of approval in Attachment H.

## Drive-Up Window Facilities

60.07.10 Drive-Up Window Facilities Standards	Applicants Response	Met Criteria
1. Access and egress shall not be directly to a public street.	The location of the drive-up facility is central to the site and enters from and exists onto internal drive aisles.	Yes
2. Restaurants have sufficient parking.	The proposal does not include a restaurant.	N/A
3. Restaurants shall have excess wait time parking spaces.	The proposal does not include a restaurant.	N/A
4. Walk-up window service is required when internal walk-in service is not provided.	Fred Meyer stores allow walk-in service.	N/A
5. Stacking areas shall allow vehicles to leave for emergency purposes.	A bypass lane is provided. Additionally a customer can always pull either forward or back up to exit the space.	Yes
6. Parking shall be provided for walk-in customers	Parking is provided in accordance with the requirements of the Development Code.	Yes
7. Sufficient stacking areas shall be provided.	The applicant has provided a stacking analysis by McKenzie which shows that stacking is adequate and in extreme cases if stacking were to back up main drive aisles would not be impacted and could be quickly cleared.	Yes
8. Sound systems shall not exceed a measurement of 55 decibels at the adjoining property line.	The ClickList location is located 150 feet from property lines and in areas of high levels of ambient noise from customers in parking lots. ClickList noise should not impact adjacent properties.	Yes

**DR2015-0042**  
**ANALYSIS AND FINDINGS FOR**  
**DESIGN REVIEW THREE APPROVAL**

**Planning Commission Standards for Approval:**

Section 40.20.15.3.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Applications. The Commission will determine whether the application as presented, meets the Design Review Three approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type 3 Design Review.

**Section 40.20.15.3.C Approval Criteria:**

In order to approve a Design Review Three 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 Design Review Three application.***

The applicant proposes a new fueling facility as well as a new approximately 13,000 square foot commercial building with associated site changes. Additionally a ClickList, drive thru shopping use is proposed that will involve parking lot changes and a new canopy. The applicant meets the threshold for a Design Review Two but does not meet all the applicable Design Standards and therefore meets threshold 8 for a Design Review Three application.

**8. *A project meeting the Design Review Two thresholds which does not meet an applicable design standard.***

**Therefore, staff finds that the criterion is met.**

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

The applicant paid the required fees for a Design Review Three application.

**Therefore, staff finds that the criterion is met.**

**3. *For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).***

The application meets threshold 8, therefore this criterion is not applicable.

**Therefore, staff finds the criterion is not applicable.**

4. ***For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:***
- a. ***A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or***
  - b. ***The location of existing structural improvements prevent the full implementation of the applicable guideline; or***
  - c. ***The location of the existing structure to be modified is more than 300 feet from a public street.***

The proposal is a new commercial building, new fueling station, new ClickList drive-thru as well as associated site improvements. While the MetLife property currently contains existing structures none of them are being expanded as part of this proposal. The applicant proposes to meet the Design Guidelines for the proposed development, therefore this criterion does not apply.

**Therefore, staff finds the criterion is not applicable.**

5. ***For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.***

The applicant does not propose a DRBCP.

**Therefore, staff finds the criterion is not applicable.**

6. ***For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s).***

The applicant has chosen to address Design Guidelines only.

**Therefore, staff finds the criterion is not applicable.**

7. ***For proposals meeting Design Review Three application Threshold numbers 7 and 8, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).***

Staff cites the Design Guidelines Analysis at the end of this Design Review section, which evaluates the project as it relates the applicable Design Review Guidelines found in Section 60.05 of the Development Code. Staff reviews each Guideline with respect to the applicability of the Guideline to the project, the applicant's response, and illustrative representation of the proposal. Staff provides an evaluation of the proposal in relation to the Guideline and a statement as to whether the Guideline is met below.

**Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.**

8. ***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 has submitted all documents related to this request for Design Review Three approval. New Conditional Use, Replat Two, Fee Ownership Partition, Loading Determination, and Parking Determination applications are being processed concurrently with the subject request for a Design Review Three. The Design Review Three application is dependent upon approval of the Conditional Use, Replat Two, Loading Determination and Parking Determination applications. Staff recommend a condition of approval which states that approval of the Design Review Three application is subject to Conditional Use, Replat Two, Loading Determination and Parking Determination applications.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

## DESIGN REVIEW GUIDELINES ANALYSIS

In the following analysis, staff have only identified the Design Guidelines which are relevant to the subject development proposal. Non-relevant Guidelines have been omitted.

**60.05.35 *Building Design and Orientation Guidelines.*** *Unless otherwise noted, all guidelines apply in all zoning districts.*

### **1. *Building Elevation Design Through Articulation and Variety***

B. *Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided.* (Standard 60.05.15.1.A and B)

#### *Mixed Use Building*

The applicant states that the mixed use commercial building extends along virtually the entire SW Canyon Road frontage of the Fred Meyer site, within ten feet of the right-of-way. The building's appearance has been divided horizontally with a retail base using solid brick and storefront systems at grade and a translucent upper floor office clad in predominately glass. The applicant states that large storefront windows and doors provide "eyes on the street" for the ground floor retail uses. The upper story is slightly set back creating a differentiated plane. Staff concurs that the applicant utilizes a variety of architectural elements to provide visual interest to the building.

#### *Fuel Center*

The applicant states that the fuel center is situated on the opposite site of the mixed use commercial building from the pedestrian sidewalk along the Canyon Road frontage, minimizing visibility and proximity to pedestrians. The fuel center proposal consists of a freestanding canopy and small kiosk. The canopy is a flat roofed structure designed to provide weather protection and lighting for the fueling area below. The applicant states that the form of the canopy follows function in that the structure does not require oversized columns or artificial roof forms to achieve the desired purpose. The canopy columns will be wrapped in CMU block to match the exterior of the kiosk. The finish colors of the kiosk will be consistent with the colors of the Fred Meyer store. The Kiosk is constructed of CMU as well as windows and a door. Staff concurs that the applicant provides adequate architectural treatment to the kiosk and station canopy.

#### *ClickList*

The applicant states that the ClickList canopy is designed to create visual interest with vertical columns and sloping roof supports of white steel with glass roof panels. These materials are intended to stand out in contrast to the masonry of the Fred Meyer building behind the canopy making customer identification easy. Staff concurs that the applicant provides adequate architectural treatment of the ClickList canopy.

**Therefore, staff finds the Guideline is met.**

C. *To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)*

*Mixed Use Building*

The applicant states that the commercial building has materials and wall planes alternating both vertically and horizontally around the building to reflect various interior uses and breaking up horizontal features. Staff concurs that vertical features are adequately emphasized.

*Fuel Center*

This Guideline is not applicable to the fuel center canopy and kiosk as there are no long building elevations or entries.

*ClickList*

This Guideline is not applicable to the ClickList canopy as there are no long building elevations or entries.

**Therefore, staff finds the Guideline is met.**

D. *Buildings should promote and enhance a comfortable pedestrian scale and orientation. This guideline does not apply to buildings in industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.1.B) [ORD 4531; March 2010]*

*Mixed Use Building*

The applicant states that the mixed use commercial building ground floor storefront openings are oriented towards SW Canyon Road as well as to parking areas to the south of the building, providing visual communication at the pedestrian level. Entrances with metal awnings provide shelter from the elements and reduce the solar heat load on the building. The applicant provides a distinct lobby entrance facing the parking areas, however the lobby entrance along SW Canyon Road contains only a door and small window off to the side. There is a staircase behind the blank wall area, however this creates an unbalanced entrance that appears less welcoming to pedestrians than the parking lot fronting entrance. Staff recommends a condition of approval that the entrance to the lobby area along SW Canyon Road be required to add additional architectural features to enhance the lobby entrance, along the public street. Staff concurs that the building promotes a comfortable pedestrian scale, subject to meeting the conditions of approval.

*Fuel Center*

The applicant states that this Guideline is not applicable to the fuel center canopy and kiosk as the fuel center provides auto oriented fueling and does not provide walk-up services. Walkways are provided between the commercial building and store adjacent to



the fueling area. Staff concur that the fuel center is not intended for pedestrian use.

#### *ClickList*

The applicant states that the ClickList's canopy is primarily intended to provide weather protection to employees delivering merchandise to customer's vehicles and is located near the Fred Meyer building with pedestrian walkways. Staff concur that the ClickList provides a comfortable pedestrian scale.

**Therefore, staff finds that by meeting the conditions of approval the Guideline is met.**

*E. Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided. (Standards 60.05.15.1.B, C, and D) [ORD 4542; May 2010]*

#### *Mixed Use Building*

The applicant states that the rectangular design of the mixed use building employs a variety of materials and massing along the long walls facing the public streets and parking areas, the massing changes reflect the intended occupancies within the building, reflecting its structure elements. Staff concurs that structural features are adequately emphasized.

#### *Fuel Center*

This Guideline is not applicable to the fuel center canopy and kiosk as there are no long building elevations or entries.

#### *ClickList*

This Guideline is not applicable to the ClickList canopy as there are no long building elevations or entries.

**Therefore, staff finds the Guideline is met.**

## **2. Roof Forms as Unifying Elements**

*A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be highlighted. (Standards 60.05.15.2.A and B)*

#### *Mixed Use Building*

The applicant states that the mixed use building has a low pitched shed roof with significant roof overhangs to provide an architectural hat on the building mass, consistent with the contemporary style of the structure. Staff concurs that the roof structure is

complimentary to the style of the proposed building.

*Fuel Center*

The applicant states that the fuel canopy is a lightweight flat roof structure designed to provide weather protection and customers and views of the canopy are mostly obscured by the commercial building from the public street. Staff concurs that the proposed canopy is appropriate for the proposed use.

*ClickList*

The applicant states that the ClickList canopy's distinctive sloping glass roof has a significant pitch. Staff concurs that the ClickList canopy has a distinctive pitch, providing visual interest.

**Therefore, staff finds the Guideline is met.**

B. *Flat roofs should include distinctive cornice treatments.* (Standard 60.05.15.2.C)

*Mixed Use Building*

The applicant states that the commercial building roof overhangs provide a distinguishing contrast to the vertical planes of the walls and promote energy efficiency as solar shading for the upper floor glazing. Staff concurs that while cornice treatments are not provided they are not appropriate for the style of the roof system.

*Fuel Center*

The applicant states that a decorative cornice is provided along the roofline of the canopy.

*ClickList*

This Guideline is not applicable to the ClickList canopy as there is no flat roof.

**Therefore, staff finds the Guideline is met.**

**3. *Primary building entrances***

A. The design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.3)

*Mixed Use Building*

The applicant states that all entrances for the mixed use building are designed with metal awnings that both provide shelter from the elements and reduce the solar heat load on the building. Staff concur that primary entrances contain pedestrian cover.

### *Fuel Center*

The applicant states that the fuel canopy is intended to provide weather protection to customers fueling their vehicles and employees. Staff concur that the fuel canopy provides adequate pedestrian cover.

### *ClickList*

The applicant states that the ClickList canopy is intended to provide weather protection to employees delivering groceries to customer's vehicles. Staff concur that the fuel canopy provides adequate pedestrian cover.

**Therefore, staff finds the Guideline is met.**

- B. *Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3.B)*

### *Mixed Use Building*

The applicant states that the commercial building is divided into three primary use components, two retail spaces on the ground floor and commercial space on the upper floor, served by a central lobby. The ground floor retail offers multiple entry points and the upper floors are accessed through the central lobby entrances. The lobby entrances are accentuated with metal awning roofs and change in materials and color. Staff concur that primary entrances are adequately emphasized.

### *Fuel Center*

The applicant states that the fuel canopy is not a building with primary entrances. The kiosk provides a door which has glazing features, denoting the entrance.

### *ClickList*

The applicant states that the ClickList canopy is not a building with a primary entrance, therefore the criterion is not applicable.

**Therefore, staff finds the Guideline is met.**

## **4. Exterior Building Materials**

- A. *Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standard 60.05.15.4.A)*

### *Mixed Use Building*

The applicant states that the proposed building materials for the commercial building have been selected to convey permanence and durability. Materials include full brick units, stone veneer, storefront glazing and metal panels. Staff concur that the proposed materials convey a sense of permanence and provide views into the interior of the building.

### *Fuel Center*

The applicant states that the fuel canopy constructed of steel with columns wrapped in masonry convey an impression of permanence. Staff concur that the proposed materials convey a sense of permanence.

### *ClickList*

The applicant states that the ClickList canopy's steel structure is designed to convey permanence and durability, but also a futuristic technologically advanced appearance. Staff concur that the proposed materials convey a sense of permanence.

**Therefore, staff finds the Guideline is met.**

- B. *Where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered, especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete. This guideline does not apply to developments in Industrial zones, where masonry is used for exterior finishes. (Standards 60.05.15.4.B and C)*

### *Mixed Use Building*

The applicant states that the commercial building will have a horizontal running pattern in the main field with a standing soldier pattern at the wall base and parapet cap. Stone veneer is proposed for the commercial office entrance. Staff concur that the proposed materials and patterns provide adequate variety.

### *Fuel Center*

The applicant states that the fuel canopy will have columns wrapped in CMU and the base of the kiosk will include stone veneer. Staff concur that the proposed materials and patterns provide adequate variety.

### *ClickList*

The applicant states that the ClickList canopy does not contain masonry.

**Therefore, staff finds the Guideline is met.**

5. **Screening of Equipment.** *All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means. (Standards 60.05.15.5.A through C)*

*Mixed Use Building*

The applicant states that the commercial building will have built-in mechanical screens located on each side of the roof stair and elevator penthouse to screen mechanical equipment. Staff concur that the mechanical equipment can be adequately screened.

*Fuel Center*

The applicant states that the fuel kiosk will screen rooftop equipment with flat paneling. The canopy does not contain equipment that would project above the roofline. Staff concur that the mechanical equipment can be adequately screened.

*ClickList*

The applicant states that the ClickList canopy will not contain mechanical equipment, except small call boxes.

**Therefore, staff finds the Guideline is met.**

6. **Building Location and Orientation in Commercial and Multiple Use Zones.**

- A. *Buildings should be oriented toward and located within close proximity to public streets and public street intersections. The overall impression, particularly on Class 1 Major Pedestrian Routes, should be that architecture is the predominant design element over parking areas and landscaping. Property size, shape and topographical conditions should also be considered, together with existing and proposed uses of the building and site, when determining the appropriate location and orientation of buildings. (Standard 60.05.15.6.A and B)*

*Mixed Use Building*

The applicant states that the commercial building is located immediately southwest of the intersection of SW Canyon Road and the Highway 217 frontage road. The length of the building occupies most of the frontage of the development site along SW Canyon Road, ensuring architecture is the predominant design feature. Staff concurs that the building is provided in close proximity to the public street.

*Fuel Center*

The applicant states that the fuel center is located away from SW Canyon Road in order to screen the auto intensive use from the street and let the commercial building be the primary feature of the site from SW Canyon Road. Staff concur that the location of the fuel canopy allows the commercial building to be the primary feature of the site.

*ClickList*

The applicant states that the ClickList canopy is set back significantly from the street, within the existing Fred Meyer development area.

**Therefore, staff finds the Guideline is met.**

**7. *Building Scale Along Major Pedestrian Routes.***

A. *Architecture helps define the character and quality of a street. Along Major Pedestrian Routes, low height, single story buildings located at the right-of-way edge are discouraged except where detached single family dwellings are permitted. (Standard 60.05.15.7.A and B)*

*Mixed Use Building*

The applicant states that the commercial building consists of two stories positioned to define the character of SW Canyon Road, a Class 2 Major Pedestrian Route. Staff concur that the building is not a low height single story structure.

*Fuel Center*

The fuel center is set back from the Major Pedestrian Route, allowing the commercial building to define the pedestrian space along SW Canyon Road.

*ClickList*

The applicant states that the ClickList canopy is set back within the existing site, not along a Major Pedestrian Route.

**Therefore, staff finds the Guideline is met.**

B. *Building heights at or near the street should help form a sense of enclosure, but should not create an undifferentiated high wall out of scale with pedestrians. Building heights at the street edge should be no higher than sixty (60) feet without the upper portions of the building being set back from the vertical building line of the lower building stores. (Standards 60.05.15.7.A)*

*Mixed Use Building*

The applicant states that the commercial building consists of two stories and will not exceed 38 feet at its highest point. Staff concur that proposed height meets the guideline.

*Fuel Center*

The fuel center is set back from the Major Pedestrian Route, allowing the commercial building to define the pedestrian space along SW Canyon Road.

### *ClickList*

The applicant states that the ClickList canopy is set back within the existing site, not along a Major Pedestrian Route.

**Therefore, staff finds the Guideline is met.**

## **8. Ground Floor Elevations on Commercial and Multiple Use Buildings.**

A. *Excluding residential only development, ground floor building elevations should be pedestrian oriented and treated with windows, display areas or glass doorway openings to the extent possible and where appropriate to the design and use of the building. This guideline particularly applies to ground floor building elevations situated along Major Pedestrian Routes. (Standard 60.05.15.8.A)*

### *Mixed Use Building*

The applicant states that the ground floor storefront openings are oriented towards SW Canyon Road and the parking area to the south of the building, providing visual cues to pedestrians. The metal awnings will provide shelter from the elements for pedestrians and help with visual orientation. The applicant provides a distinct lobby entrance facing the parking areas, however the lobby entrance along SW Canyon Road contains only a door and small window off to the side. There is a staircase behind the blank wall area, however this creates an unbalanced entrance that appears less welcoming to pedestrians. Staff recommends a condition of approval that the entrance to the lobby area along SW Canyon Road be required to add additional architectural features to enhance the lobby entrance, along the public street. Staff concurs that the ground floor elevations are pedestrian oriented, subject to meeting the conditions of approval.

### *Fuel Center*

The fuel center is an open air structure and does not contain primary entrances or ground floor elevations.

### *ClickList*

The applicant states that the ClickList canopy is an open air structure and does not contain entrances or ground floor elevations.

**Therefore, staff finds the Guideline is met.**

B. *Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk should provide weather protection for pedestrians on building elevations. (Standards 60.05.15.8.B)*

### *Mixed Use Building*

The applicant states metal awnings will provide shelter from the elements for pedestrians and help with visual orientation. Awnings are provided along the majority of the SW Canyon Road and parking lot elevations, providing weather protection. Staff concurs that adequate weather protection is provided.

### *Fuel Center*

The applicant states that the fuel center is not a structure intended for pedestrian uses, however weather protection will be provided to employees and customers while fueling their vehicles.

### *ClickList*

The applicant states that the ClickList canopy provides weather protection to employees delivering groceries. Other pedestrian activity in this area is not intended.

**Therefore, staff finds the Guideline is met.**

## **60.05.40. *Circulation and Parking Design Guidelines.* Unless otherwise noted, all guidelines apply in all zoning districts.**

- 1. *Connections to public street system.* The on-site circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets. (Standard 60.05.40.1)**

The vehicular connections to the public street system are not proposed to be modified with this application. Existing accesses to the subject site are proposed to remain and a public access easement between the MetLife and Fred Meyer lots will be required with the plat as all access to the Fred Meyer site is proposed through the MetLife parcel. Additional pedestrian connections are provided to the building and internal walkway systems from SW Canyon Road in a safe and efficient manner. The proposal can be found to adequately connect to the public transportation system.

**Therefore, staff finds the Guideline is met.**

- 2. *Loading area, solid waste facilities, and similar improvements.***

**A. *On-site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street.* (Standard 60.05.20.2)**

The applicant states that service, storage and similar activities are screened and conducted away from abutting streets. The project does not include any full sized loading berths. The primary loading areas of the site are set back from the street as well as around the back of the building, away from public view. Trash areas are located within trash enclosures. Staff concurs that the loading area and trash areas are appropriately located and adequately screened from public view.

**Therefore, staff finds the Guideline is met.**



- B. *Except in Industrial districts, loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2)*

The applicant states that loading for the commercial building will be from parking spaces screened from public view from the commercial building. Fuel center loading will take place at the side property line above the underground storage tanks, set substantially back from public view and near areas of loading for the Fred Meyer store. Loading facilities are not required or provided for the ClickList service which will involve small deliveries to vehicles by employees walking from the store to customer's vehicles. The location of the proposed loading areas, set back from the street and adjacent properties will be sufficiently screened.

**Therefore, staff finds the Guideline is met.**

**3. *Pedestrian circulation.***

- A. *Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)*

The applicant states that the project includes walkways between the proposed uses on site as well as between the Fred Meyer store and SW Canyon Road. The applicant provides connections on the east and west sides of the proposed building as well as along both sides of the existing right-in entry point directly west of the proposed commercial building. These connections continue to the Fred Meyer store entrances with connection to the existing walkway system. Additionally the applicant extends the public walkway connection along SW 115<sup>th</sup> Avenue to the Fred Meyer walkway system around the store. Pedestrian connections are proposed to be of differentiated materials providing visual cues to pedestrians and drivers. The pedestrian connections through the development and to adjacent streets are sufficient.

**Therefore, staff finds the Guideline is met.**

- B. *Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)*

As described above, the applicant provides multiple direct connections to SW Canyon Road, as well as connections between on-site structures and uses. Staff concurs with the applicant that sufficient pedestrian connections to adjacent streets and pedestrian facilities are provided.

**Therefore, staff finds the Guideline is met.**

C. *Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)*

The applicant provides a direct pedestrian connection from street to the new commercial building entrance with a paved pathway, as well as to the existing Fred Meyer store. Staff concurs that pedestrian connections are provided to adjacent public streets.

**Therefore, staff finds the Guideline is met.**

D. *Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Standard 60.05.20.3.C through E)*

The applicant provides pedestrian walkways through modified parking areas which are generally raised or separated where practicable and provide visual differentiation where they cross drive aisles. Staff concurs that adequate pedestrian connections are provided.

**Therefore, staff finds the Guideline is met.**

E. *Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.3.A through H)*

The applicant proposes ten foot wide sidewalks with trees in tree wells along SW Canyon Road to meet the City sidewalk standards. Concrete walkways are provided around the commercial building, allowing access to all entrances of the building. Staff concurs that adequate pedestrian facilities are provided along SW Canyon Road.

**Therefore, staff finds the Guideline is met.**

F. *Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)*

Pedestrian ways are designed for safe movement and constructed with concrete. Staff concurs that the applicant has proposed hard, durable differentiated surfaces for pedestrian connections.

**Therefore, staff finds the Guideline is met.**

**4. *Street frontages and parking areas.* Landscape or other screening should be provided when surface parking areas are located along public streets. (Standard 60.05.20.4)**

The applicant states that the proposed parking is screened from SW Canyon Road by the building, and that the parking stalls adjacent to the Highway 217 frontage road are

screened by existing vegetation in the right-of-way. Staff has visited the site and confirms that the right-of-way along the Highway 217 frontage road does not contain landscaping. An existing wire and post fence separates the subject site and the right-of-way. The applicant has proposed a walkway to provide safe walking space from the parking in this area to the new commercial building, however no landscaping is provided. Staff recommends a condition of approval that the applicant provide a minimum 48 inch high site obscuring fence or wall to keep headlight glare from drivers along the Highway 217 frontage road, in lieu of a landscaping screen hedge. Staff finds that by providing a site obscuring fence along the Highway 217 frontage road the parking area will be adequately screened from public streets.

**Therefore, staff finds that by meeting the conditions of approval the Guideline is met.**

5. ***Parking area landscaping.*** *Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standard 60.05.20.5.A through D)*

The applicant proposes landscape islands containing trees and ground cover. The longest parking row without landscape islands, within the area of work, is 12.

**Therefore, staff finds the Guideline is met.**

6. ***Off-Street parking frontages in Multiple Use zones.***

- A. *Surface parking areas should occur to the side or rear of buildings and should not occur at the corner of two Major Pedestrian Routes. (Standard 60.05.20.6)*

The proposed parking areas are to the back of the commercial building. The building is the predominant design element along SW Canyon Road.

**Therefore, staff finds the Guideline is met.**

- B. *Surface parking areas should not be the predominant design element along Major Pedestrian Routes and should be located on the site to safely and conveniently serve the intended users of the development, without precluding future site intensifications. (Standard 60.05.20.6)*

The proposed parking areas are to the back of the commercial building. The building is the predominant design element along SW Canyon Road.

**Therefore, staff finds the Guideline is met.**

**7. Sidewalks along streets and primary building elevations in Commercial and Multiple Use zones.**

- A. *Pedestrians connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.7.A)*

The applicant proposes to provide the required ten foot wide sidewalk with trees in tree wells along SW Canyon Road adjacent to the proposed commercial building. Multiple pedestrian connections are provided from this public sidewalk into the site, and to on-site destinations. Staff finds that the sidewalk is designed for high levels of pedestrian activity.

**Therefore, staff finds the Guideline is met.**

- B. *Pedestrian connections should be provided along primary building elevations having building and tenant entrances. (Standard 60.05.20.7.B)*

The proposed pedestrian connections are from the street to the main building entry as well as between buildings on site.

**Therefore, staff finds the Guideline is met.**

**8. Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Commercial and Multiple Use zones.**

- A. *On-site vehicle circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks, and landscaping compared to parking lot aisles. (Standard 60.05.20.8)*

The applicant states that the site plan includes designs for onsite vehicle circulation that includes curbs, sidewalks, landscaping and signage to define safe driving movements and directions of travel. The applicant has provided a plan for straightening out the east-west drive aisle between the two SW Canyon Road connections providing additional safety and visibility for drivers. Staff concurs that the parking lot circulations system provides a high level of improvement and circulations patterns are easily identifiable.

**Therefore, staff finds the Guideline is met.**

- B. *Long, continuous parking aisles should be avoided if possible, and landscaped as necessary to minimize the visual impact. (Standard 60.05.20.8)*

The applicant's plan shows reducing long aisles of parking and provides adequate landscape islands with trees and vegetation to reduce visual impact. Long rows of parking spaces are avoided within the project area.

**Therefore, staff finds the Guideline is met.**

**60.05.45. Landscape, Open Space and Natural Areas Design Guidelines.** *Unless otherwise noted, all guidelines apply in all zoning districts.*

**3. Minimum landscaping for conditional uses in Residential districts and for developments in Multiple Use, Commercial, and Industrial Districts.**

A. *Landscaping should soften the edges of buildings and parking areas, add aesthetic interest and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.5.A, B, and D)*

The applicant's landscape plan shows significant landscape materials between SW Canyon Road and the proposed commercial building, as well as along modified drive aisles and within landscape islands. Landscape materials are also provided in parking areas to provide interest.

**Therefore, staff finds the Guideline is met.**

B. *Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete. (Standard 60.05.25.5.C)*

The applicant's landscape plan shows a pedestrian plaza which contains planters and landscape features as well as benches. Decorative paving is provided within the plaza area.

**Therefore, staff finds the Guideline is met.**

C. *Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standard 60.05.25.5.A and B)*

The applicant states that plant materials for the site will be native when appropriate for the local climatic conditions. The proposed Western White Pine and Beach Strawberry are native species, all other species are designed to adapt to the regional climate conditions.

**Therefore, staff finds the Guideline is met.**

D. *Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standard 60.05.25.5.A and B)*

The applicant states that the existing street trees along SW Canyon Road will be retained. There are a few trees located on the subject site which will be removed to accommodate development.

**Therefore, staff finds the Guideline is met.**

- E. *A diversity of tree and shrub species should be provided in required landscaped areas.*  
(Standard 60.05.25.5)

The applicant states that the landscaping plan demonstrates a diversity of tree and shrub species.

**Therefore, staff finds the Guideline is met.**

**60.05.50. Lighting Design Guidelines.** *Unless otherwise noted, all guidelines apply in all zoning districts.* (Standard 60.05.30.1 and 2)

1. *Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaries.*

The applicant states that a photometric plan has been prepared to maximize on-site safety while limiting off-site impacts created by the proposed lighting in accordance with the City's Technical Lighting Standards. Pole mounted, wall mounted and under canopy lighting are utilized. The lighting plan shows compliance with the Technical Lighting Standards.

**Therefore, staff finds that the Guideline is met.**

2. *Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building.*

The pedestrian areas are adequately lit in conformance with the Technical Lighting Standards. The majority of lights are pole-mounted in this development. Wall-mounted lights are proposed at building entrances. Light fixtures on the commercial building are decorative to be consistent with the design of the building. Pole mounted lights are consistent with standard parking lot pole lights.

**Therefore, staff finds the Guideline is met.**

3. *Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens-shields, shades or other measures to screen the view of light sources from residences and streets.*

The applicant states that on-site and wall mounted lighting will be shielded to prevent glare on adjacent properties. Lighting fixtures in the fuel center canopy will be fully recessed. The applicant states that lighting at the ClickList area is designed to highlight the structure and use and will not cast glare on adjacent properties. The applicant has not provided lighting details or photometric plans for the ClickList area. Staff recommends a

condition of approval that prior to Site Development Permit issuance the applicant provide photometric plans and lighting details for the ClickList area. Staff believes that the ClickList area can meet the Technical Lighting Standards.

**Therefore, staff finds that by meeting the conditions of approval the Guideline is met.**

*4. On-Site lighting should comply with the City's Technical Lighting Standards.*

The applicant provides a photometric plan which shows compliance with the City's Technical Lighting Standards, with the exception of the ClickList area which is omitted from the photometric plan. As noted above staff recommends a condition of approval that the applicant provide a photometric plan showing compliance with the City's Technical Lighting Standards.

**Therefore, staff finds the Guideline is met.**

**Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **DR2015-0042 (Fred Meyer Fuel Facility & Commercial Building)**, subject to the applicable conditions identified in Attachment H.

**Code Conformance Analysis  
Chapter 60.60 Trees and Vegetation**

<b>CODE SECTION</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEET STANDARD</b>
<b>60.60.15 Pruning, Removal, and Preservation Standards</b>			
60.60.15.1A-B	Pruning Standards	All pruning must comply with the City's adopted Tree Planting and Maintenance Policy.	<b>YES</b>
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	Only Landscape trees are proposed to be removed.	<b>YES</b>
60.60.15.2.B	Mitigation is required as set forth in 60.60.25	See findings for 60.60.25	<b>YES</b>
60.60.15.2.C	15% DBH of Groves in Multiple Use Zones must be preserved.	No protected trees are proposed to be removed, only Landscape Trees.	<b>N/A</b>
<b>60.60.20 Tree Protection Standards During Development</b>			
60.60.20.1	Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval.	No protected trees exist on site, only Landscape Trees	<b>N/A</b>
<b>60.60.25 Mitigation Requirements</b>			
60.60.25.9	Mitigation Standards: (60.60.25.9.C) For each inch of DBH removed one inch must be planted with mitigation trees, up to what the site can accommodate.	The applicant proposes to remove 314 inches of existing landscape trees (34 trees) and plant 201 inches of landscape trees (66 trees) as mitigation. The replacement trees will be planted in landscape areas taking into account their mature size and soil capacity to account for long term health, as such the applicant proposes to plant as much DBH as the site can reasonably accommodate.	<b>YES</b>



**LD2015-0007  
ANALYSIS AND FINDINGS FOR  
REPLAT TWO**

**Section 40.45.05 Land Division Applications; Purpose**

*The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.*

**Section 40.45.15.3.C Approval Criteria**

*In order to approve a Replat Two application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

**1. *The application satisfies the threshold requirements for a Replat Two.***

The applicant proposes to modify the boundary of two parcels which are part of different plats. The MetLife property, location of the current Fred Meyer Store, is platted on Partition Plat 1998-162 while the Fred Meyer property (proposed fuel station and commercial building) is platted as part of Steels Addition to Beaverton. The proposal reconfigures the parcels affecting more than one recorded plat, meeting threshold 3 for a Replat Two below.

3. *The reconfiguration of lots, parcels, or tracts affecting more than one (1) recorded plat, or where the perimeter boundary of a recorded plat would change as a result of the proposed reconfiguration.*

**Therefore, staff finds that the proposal meets the criterion for approval.**

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

The applicant has paid the required application fee for a Replat Two application.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**3. *The proposed Replat Two does not conflict with any existing City approval, except the City may modify prior approvals through the Replat process to comply with current Code standards and requirements.***

The MetLife site currently contains a Fred Meyer store and a number of other commercial businesses in pads near SW Canyon Road, the Fred Meyer parcel is currently vacant. The replat will adjust the boundaries of both parcels, making the MetLife property slightly smaller and the Fred Meyer parcel slightly larger, moving toward compliance with the minimum FAR requirement on the MetLife property. The proposed application will not affect or modify any current or previous land use approvals.

**Therefore, staff finds that the proposal meets the criterion for approval.**

4. ***Oversized lots or parcels (“oversized lots”) resulting from the Replat shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be provided to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

Oversized lots are defined by the Beaverton Development Code as lots which are greater than twice the minimum lot size allowed by the subject zoning district. There is no minimum or maximum lot area in the RC-E zoning district, therefore no oversized lots are possible.

**Therefore, staff finds that the criterion for approval is not applicable.**

5. ***Applications that apply the lot area averaging standards of Section 20.05.15.D shall demonstrate that the resulting land division facilitates the following:***
- a) ***Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***
  - b) ***Complies with minimum density requirements of [the Development] Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standards street cross section with sidewalks.***

The proposal does not apply to the lot area averaging standards.

**Therefore, staff finds that the criterion for approval does not apply.**

6. ***Applications that apply the lot area averaging standards of Section 20.05.15.D do not require further Adjustments or Variance for the Land Division.***

The proposal does not apply the lot area averaging standards.

**Therefore, staff finds that the criterion for approval does not apply.**

7. ***If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.***

The applicant does not propose to phase the development

**Therefore, staff finds that the criterion for approval does not apply.**

**8. *The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties.***

The applicant states that the proposal will maintain and improve pedestrian, utility and vehicle access. The proposal includes keeping all existing accesses to the site and providing additional accesses from the internal circulation system to the proposed fuel facility and commercial building areas. Joint access easements will be required between both parcels to provide for access to the Fred Meyer property. The existing sidewalk system will remain and internal walkways will be provided for pedestrians. Additionally, staff cites the Facilities Review findings in Attachment A as they relate to this criterion.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**9. *The proposal does not create a parcel which will have more than one (1) zoning designation.***

All the subject area is zoned Regional Center-East (RC-E). Both adjusted parcels will retain the RC-E zoning designation.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**10. *Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.***

The applicant submitted the application for a Replat Two on April 8, 2015 and was deemed complete on September 30, 2015. Conditional Use, Design Review Three, Preliminary Fee Ownership Partition, Loading Determination, and Parking Determination, applications are being processed concurrently with the subject request for a Replat Two. The Replat Two is not dependent on any of the associated applications.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2015-0007 (Fred Meyer Fuel Facility & Commercial Building)**, subject to the applicable conditions identified in Attachment H.

**LD2015-0015  
ANALYSIS AND FINDINGS FOR  
PRELIMINARY FEE OWNERSHIP PARTITION**

**Section 40.45.05 Land Division Applications; Purpose**

*The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.*

**Section 40.45.15.6.C Approval Criteria**

*In order to approve a Preliminary Fee Ownership Partition 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 application satisfies the threshold requirements for a Preliminary Fee Ownership Partition application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all the provisions of Section 40.47.15.1.C have been met.***

The applicant proposes to divide the reconfigured Fred Meyer lot (see Replat Two, above) into three parcels, one containing the proposed commercial building (parcel 2), one containing the fuel station canopy (parcel 1) and one containing the remainder of the are including parking and landscaping areas to be owned in common between the two other parcels (tract A). Parcel 1 and Tract A will not meet the Floor Area Ration (FAR) on their own after the partition, however the parent parcel will meet the minimum FAR requirement prior to partitioning, meeting threshold 1 for a Preliminary Fee Ownership Partition.

- 1. The creation of up to and including three (3) new parcels from at least one (1) lot of record in one (1) calendar year in a Commercial, Industrial or Multiple Use zone, where one or more of the proposed parcels does not meet one or more of the setback, lot coverage, floor area ration, and/or lot dimension standards of Chapter 20 (Land Uses), as applicable and where modification to the same standard(s) is not requested through another type of application.*

**Therefore, staff finds that the proposal meets the criterion for approval.**

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

The applicant has paid the required application fee for a Replat Two application.

**Therefore, staff finds that the proposal meets the criterion for approval.**

- 3. *The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through a Preliminary Fee Ownership Partition process to comply with current Code standards and requirements.***

The MetLife site currently contains a Fred Meyer store and a number of other commercial

businesses in pads near SW Canyon Road, the Fred Meyer parcel is currently vacant. The Preliminary Fee Ownership Partition will adjust the boundaries of both parcels, making the MetLife property slightly smaller and the Fred Meyer parcel slightly larger, moving toward compliance with the minimum FAR requirement on the MetLife property. The proposed application will not affect or modify any current or previous land use approvals.

**Therefore, staff finds that the proposal meets the criterion for approval.**

4. ***The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, Flexible Setback, or Zero Side Yard Setback for a proposed Non-Residential Land Division application which shall be considered concurrently with the subject proposal.***

The RC-E zoning district does not have any minimum setback requirements for properties not abutting residential zoning districts. The subject site does not abut any residentially zoned properties, therefore the parent parcel meets the minimum setback requirements.

**Therefore, staff finds that the proposal meets the criterion for approval.**

5. ***The proposal does not create a parcel which will have more than one (1) zoning designation.***

All the subject area is zoned Regional Center-East (RC-E). All created parcels will retain the RC-E zoning designation.

**Therefore, staff finds that the proposal meets the criterion for approval.**

6. ***Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.***

The applicant submitted the application for a Preliminary Fee Ownership Partition on June 29, 2015 and was deemed complete on September 30, 2015. Conditional Use, Design Review Three, Replat Two, Loading Determination, and Parking Determination, applications are being processed concurrently with the subject request for a Preliminary Fee Ownership Partition. The Preliminary Fee Ownership is dependent upon the Replat Two application. Staff recommends a condition of approval that the Preliminary Fee Ownership Partition is subject to approval of the Replat Two application.

**Therefore, staff finds that the proposal meets the criterion for approval.**

## **RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2015-0015 (Fred Meyer Fuel Facility & Commercial Building)**, subject to the applicable conditions identified in Attachment H.

## Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Grading Standards</b>			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is subject to the grading standards contained herein.	<b>Yes</b>
60.15.10.2.A-C Exemptions	Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way.	The finished grade is not below the elevation of the adjacent public right-of-way.	<b>N/A</b>
60.15.10.3.A 0-5 Feet From Property Line	Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property.	The subject site does not abut a residentially zoned property.	<b>N/A</b>
60.15.10.3.B 5-10 Feet From Property Line	Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property.	The subject site does not abut a residentially zoned property.	<b>N/A</b>
60.15.10.3.C 10-15 Feet From Property Line	Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property.	The subject site does not abut a residentially zoned property.	<b>N/A</b>
60.15.10.3.D 15-20 Feet From Property Line	Maximum eight (8) foot slope differential from the existing or finished slope of the abutting property.	The subject site does not abut a residentially zoned property.	<b>N/A</b>
60.15.10.3.E 20-25 Feet From Property Line	Maximum ten (10) foot slope differential from the existing or finished slope of the abutting property.	The subject site does not abut a residentially zoned property.	<b>N/A</b>
60.15.10.3.F Pre-development slope	Where a pre-development slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, the slope after grading shall not exceed the pre-development slope	The applicant does not propose to exceed the standards of 60.15.10.3.A-E.	<b>N/A</b>
<b>Significant Trees and Groves</b>			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	There are no significant trees or groves on site.	<b>N/A</b>

**LO2015-0003  
ANALYSIS AND FINDINGS FOR  
LOADING DETERMINATION APPROVAL**

**Section 40.50.05 Loading Determination Application; Purpose**

*The purpose of a Loading Determination is to establish mechanism to determine or modify the required number of off-street loading spaces or modify the off-street loading space dimensions in advance of, or concurrent with, applying for approval of an application, development, permit, or other action.*

**Section 40.50.15.1.C Loading Determination Approval Criteria:**

*In order to approve a Loading Determination 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 Loading Determination application.***

The applicant proposes to reduce the number of loading berths required for the proposed new Commercial Building. The approximately 13,000 square foot building requires one (1) Type B loading berth per Section 60.25 (Off-Street Loading) of the Development Code. The applicant proposes no loading berths for the proposed commercial building due to the small nature of the tenant spaces. No loading spaces are required for the Fueling Facility or ClickList. The applicant's request to reduce the number of required loading spaces from 1 to 0 meets Threshold 2 for a Loading Determination application:

*Threshold 2: A request to modify the total number of off-street loading spaces from the required number listed in Section 60.25 (Off-Street Loading) of this code.*

**Therefore, staff finds that the criterion is met.**

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

The applicant paid the required fee associated with a Loading Determination application.

**Therefore, staff finds that the criterion is met.**

**3. *The determination will not create adverse impacts, taking into account the total gross floor area and the hours of operation of the use.***

The applicant states that the spaces within the mixed-use building are designed to accommodate relatively small-scale tenants such as office uses, service

businesses and small retail operations that do not rely on large-scale deliveries of merchandise or materials. The proposed commercial building is separated into four distinct tenant spaces, separated by an open lobby space and two stories. Each tenant space is approximately 3,350 square feet, well below the 7,000 square feet minimum required for a loading berth. Deliveries to the tenant spaces would take place in smaller vehicles such as step vans. The applicant proposes that delivery vehicles use parking spaces while making deliveries to the site.

Staff concurs that given the unit makeup of the facility and size of the proposed loading spaces can adequately serve the proposed development without adverse impacts.

**Therefore, staff finds that the criterion is met.**

4. ***There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site and in connecting with the surrounding circulation system.***

Staff cite the Facilities Review approval Criteria F and G which respond to this criterion in detail. Staff finds that the application provides safe and efficient vehicular and pedestrian circulation patterns.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

5. ***The proposal will be able to reasonably accommodate the off-street loading needs of the structure.***

The applicant states that reasonable operation of the mixed-use building can be maintained via loading procedures conducted temporarily near the building or in surplus vehicle maneuvering areas not impeding circulation or alternative parking spaces. Therefore, traditional parking spaces meet the needs of the business for loading purposes. The parking spaces in front of the building provide for adequate loading and maneuvering for vehicles reasonably expected to make deliveries to the site.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

6. ***The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that the improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***



Staff cite the Facilities Review approval Criterion D which responds to this criterion in detail. Staff finds that the application complies with Chapter 60 or can be made to comply through conditions of approval which are roughly proportional to the identified impacts of the proposal.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

7. ***Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to periodic maintenance by the City or other public agency.***

The applicant states that the site will be maintained as required. Staff finds nothing in the design or layout of the common facilities that would preclude adequate maintenance of the site. Additionally, staff cites Facilities Review criterion E as applicable.

**Therefore, staff finds that the criterion is met.**

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

The applicant has submitted all documents related to this request for Loading Determination approval. The application was submitted on April 8, 2015 and deemed complete on September 30, 2015.

**Therefore, staff finds that the criterion is met.**

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

The applicant has submitted all documents related to this request for Loading Determination approval. New Conditional Use, Design Review Three, Replat Two, Fee Ownership Partition, and Parking Determination applications are being processed concurrently with the subject request for a Loading Determination. The Loading Determination application is dependent upon approval of the Design Review Three application. Staff recommend a condition of approval which states that approval of the Loading Determination application is subject to approval of the Design Review Three application.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

### **Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **LO2015-0003 (Fred Meyer Fueling Facility & Commercial Building)**, subject to the applicable conditions identified in Attachment H.

**PD2015-0004  
ANALYSIS AND FINDINGS FOR  
PARKING DETERMINATION**

**40.55.05 Parking Determination Purpose**

*The purpose of a Parking Determination is to establish required number of parking spaces for uses which do not have a parking ratio requirement listed in the Development Code. The Parking Determination application is established for determining the required number of off-street parking spaces in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.*

**Section 40.55.15.2.C. Approval Criteria**

*In order to approve a Shared Parking 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 Shared Parking application.***

Section 40.55.15.2.A of the Development Code lists the threshold for a Parking Determination-Shared Parking as one that requests that “the required off-street parking for two or more uses will share required parking spaces.” The applicant requests that 14 parking spaces on the MetLife property be shared between the sites to meet the minimum parking requirements for the fuel station and new commercial building site. Therefore, the proposal satisfies the threshold for a Parking Determination-Shared Parking application.

**Therefore, staff finds that the proposal meets the criterion for approval.**

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

The applicant submitted the required fee associated with the Parking Determination application.

**Therefore, staff finds that the proposal meets the criterion for approval.**

- 3. The location of the shared off-street parking is on an abutting property and is within 200 feet of the subject use in which the shared parking is intended to serve, except in Multiple Use zoning districts where the location may be at any distance.***

The subject site is located in the RC-E zoning district, a multiple use zoning district. The proposed shared parking is located on an adjacent lot within 200 feet of the new commercial building which is proposed to utilize the shared parking.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**4. *If multiple properties are involved, the ownership of the properties have each agreed to the shared parking by entering into a shared parking agreement.***

The applicant states that the proposal involves two subject properties owned by separate parties, MetLife and Fred Meyer. Both parties have agreed to the shared parking agreement for 14 parking spaces. The applicant has submitted a letter to the record from MetLife stating their willingness to enter into the shared parking agreement. Fred Meyer is the applicant for the proposal and therefore consents. Staff recommends a condition of approval that the language of the shared parking agreement be approved by the City Attorney and recorded against both properties.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**5. *The peak parking demand for the various uses located on the subject properties occur at different times of the day.***

The applicant states that the proposed shared parking stalls will be constructed in conjunction with the proposed new commercial development and fueling station and located in such a way that the primary users of the stalls will be from the new commercial building. The operating hours of the proposed and existing uses are likely to be similar in nature, however it is part of a larger shopping center with a number of different retail and restaurant uses. Staff notes that, while a shared parking agreement is being requested, the total number of required parking spaces (954) for both sites can be accommodated between the two parcels (957 spaces are provided) therefore even at peak demand the total number of required parking spaces would be available, and spread-out between the two sites.

Staff finds that an adequate amount of parking is provided in order to serve all uses of the site during peak parking demand.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**6. *Adequate parking will be available at all times when the various uses are in operation.***

The applicant states that the proposed shared parking stalls will be constructed in conjunction with the proposed new commercial development and fueling station and located in such a way that the primary users of the stalls will be from the new commercial building. The operating hours of the proposed and existing uses are likely to be similar in nature, however it is part of a larger shopping center with a number of different retail and restaurant uses. Staff notes that, while a shared parking agreement is being requested, the total number of required parking spaces (954) for both sites can be accommodated between the two parcels (957 spaces

are provided). Consequently, even at peak demand the total number of required parking spaces would be available, they would just be spread between the two sites.

Staff finds that an adequate amount of parking is provided in order to serve all uses of the site during peak parking demand.

**Therefore, staff finds that the proposal meets the criterion for approval.**

- 7. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

Staff cite the Facilities Review approval Criteria D which respond to this criterion in detail.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

- 8. *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.***

Staff cite the Facilities Review approval Criteria F and G which respond to this criterion in detail. Staff finds that the application provides safe and efficient vehicular and pedestrian circulation patterns.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

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

The applicant has submitted all documents related to this request for Loading Determination approval. The application was submitted on April 8, 2015 and deemed complete on September 30, 2015.

**Therefore, staff finds that the proposal meets the criterion for approval.**

***10. 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 has submitted all documents related to this request for Parking Determination-Shared Parking approval. New Conditional Use, Design Review Three, Replat Two, Fee Ownership Partition, and Loading Determination applications are being processed concurrently with the subject request for a Parking Determination. The Parking Determination application is dependent upon approval of the Design Review Three application. Staff recommends a condition of approval which states that approval of the Parking Determination application is subject to approval of the Design Review Three application.

**Therefore, staff finds that by meeting the conditions of approval the criterion is met.**

**Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **PD2015-0004 (Fred Meyer Fuel Facility & Commercial Building)** subject to the applicable conditions identified in Attachment H.

**CONDITIONS OF APPROVAL****Fred Meyer Fuel Facility & Commercial Building****CU2015-0007 / DR2015-0042 / LD2015-0007 / LD2015-0015 / LO2015-0003 / PD2015-0004****CU2015-0007 New Conditional Use Application:**

1. In accordance with Section 50.90.1 of the Development Code, Conditional Use approval shall expire 2 years after the date of approval unless, prior to that time, a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension has been filed, pursuant to Section 50.93 of the Development Code. In the case of phased development, each phase must be commenced within 2 years of completion of the prior phase, in accordance with Section 50.90.3.B of the Development Code. (Planning/JF)
2. Ensure that the associated Design Review Three application (DR2015-0042) has been approved and is consistent with the submitted plans. (Planning Division/JF)

**DR2015-0042 Design Review Three Application:**

1. In accordance with Section 50.90.1 of the Development Code, Design Review Three approval shall expire 2 years after the date of approval unless, prior to that time, a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension has been filed, pursuant to Section 50.93 of the Development Code. In the case of phased development, each phase must be commenced within 2 years of completion of the prior phase, in accordance with Section 50.90.3.B of the Development Code. (Planning/JF)
2. Ensure that all associated applications, including Conditional Use, Replat Two, Fee Ownership Partition, Loading Determination and Parking Determination applications have been approved and are consistent with the submitted plans. (Planning Division/JF)

**A. Prior to issuance of a site development permit for either phase or the combined full project, the applicant shall:**

3. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
4. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)

5. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; 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)
6. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality) facilities, private streets, and fire/emergency access paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
7. Submit a City standard easement for the proposed public storm sewer extension across Parcel 1 of Partition Plat 1998-162, owner-executed and ready for recording in Washington County land records, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
8. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for work within, and/or construction access to Highway 217 or Canyon Road as applicable. (Site Development Div./JJD)
9. Submit a final geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. The report shall include an assessment of the soil and any toxic contaminants, ground/surface water issues, any needed clean-up action, remediation methods, Oregon Department of Environmental Quality requirements, disposal regulations, and worker safety measures. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules of the Oregon Department of Environmental Quality (DEQ). (Site Development Div./JJD)
10. Submit a letter of “no further action” (NFA) or other documentation specifically recognizing the proposed construction activities from the Oregon DEQ (Case File #34-92-0180). (Site Development Div./JJD)
11. Have obtained 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)
12. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City’s plan review process. (Site Development Div./JJD)



13. Provide a detailed drainage analysis of the subject site and all tributary areas and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. (Site Development Div./JJD)
14. Provide plans that show any drain inlets under the covered fueling and service facilities are piped to the sanitary sewer system via an API or CPS-type oil/water separator as approved by the City Building Official. The flow from the roof (canopy cover) of the fueling and service facility shall be piped to the approved storm water system. To prevent spills from entering the sanitary sewer system, an automatic or manual shut-off valve shall be installed in the fueling/service area discharge line prior to the connection with the public sanitary sewer. The areas immediately adjacent to the fueling/service area where precipitation may fall, track, or be blown under the cover shall be reverse-graded, trench drained, or bermed from other portions of the facility to minimize the amount of stormwater being transported beneath the cover. The cover must have a minimum overhang of 5 feet on each side. The cover overhang is to be measured relative to a berm, trench drain, or pavement grade break that separates the vehicle fueling/service area outside the covered area from that under the covered area. (Site Development Div./JJD)
15. Provide construction plans that show how each affected lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. 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)
16. Provide final construction plans and a final drainage report demonstrating compliance with CWS Resolution and Order 2007-020 in regard to redevelopment water quality treatment (see Table 4-1), through installation of Contech Inc., Stormfilter catch basin systems. Treatment shall be provided at a minimum equivalent of 3.0 cartridges per tributary impervious acre as generally outlined in the preliminary drainage report dated April 17, 2013. (Site Development Div./JJD)
17. Submit owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreements, one for each applicable parcel, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD)
18. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total on the site. Specific types of impervious area totals, in square feet, shall be given for buildings, parking lots/driveways, sidewalk/pedestrian areas, storage areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area. (Site Development Div./JJD)

19. Pay a storm water system development charges (overall system conveyance and quantity) for any net new impervious area proposed. (Site Development Div./JJD)
20. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No utility service lines to the building, lot lighting, and structures shall remain overhead on site; all utilities must be provided underground. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
21. The applicant shall submit the required joint-use and maintenance agreement for common driveways documentation as identified in EDM 210.13.K and 210.13.L. (Transportation/KR)
22. **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 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: OFC B106, Limiting Fire-Flow is also enforced, except for the following:
  - ii. 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.
  - iii. In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi.
  - iv. Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1 (TVF&R/JF)
22. **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) Provide fire flow documentation. (TVF&R/JF)
23. **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) Fire flow calculations will identify the number of required fire hydrants for this project. (TVF&R/JF)
24. 10ft curb, sidewalk and planter strip shall be constructed as necessary to be consistent with the local Transportation System Plan and ODOT/ADA standards. The sidewalk shall

be reconstructed, the applicant will not be permitted to add on to the existing sidewalk. (ODOT/MD)

25. Right of way donation (dedication) as necessary to accommodate the planned cross section identified in the local Transportation System Plan shall be provided through deed to the Oregon Department of Transportation. The donation must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the donation. ODOT should provide verification to the local jurisdiction that the donation requirement has been fulfilled. The property owner must be the signatory for the donation and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department. (ODOT/MD)
26. An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An intergovernmental agreement (IGA) is required for agreements involving local governments and a cooperative improvement agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements. (ODOT/MD)
27. The applicant must obtain an ODOT permit to place trees in the state right of way. Tree spacing and design must be consistent with Highway Design Manual or ODOT must approve a design exception. (ODOT/MD)
28. Provide a plan showing a site obscuring fence of masonry or wood along the parking spaces at the western edge of the parking area adjacent to the Highway 217 frontage road a minimum of 36 inches in height to screen the road from the glare of headlights. (Planning/JF)
29. Provide a lighting plan for the ClickList area, including fixture details which shows compliance with the Technical Lighting Standards. (Planning/JF)

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

30. Modify the SW Canyon Rd./ SW 115<sup>th</sup> Ave. intersection to remove a portion of the landscape median east of the intersection to increase the available westbound left- and U-turn lane queuing length from 140 feet to 275 feet, as recommended by the applicant's March 2, 2015 TIA. (Transportation / KR)
31. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
32. 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)

33. A separate plumbing permit is required for installation of private on-site utilities (i.e., sanitary sewer, storm sewer, water service, catch basins, etc. If the applicant desires to install those types of private utilities during the same period as the "Site Development" work, a separate plumbing application must be submitted to the Building Services Division for approval. (Building/BR)
34. An accessible route shall be provided to persons with disabilities throughout the site. (Section 1104, OSSC) (Building/BR)
35. An accessible route shall be provided to persons with disabilities from the building to a public way. (Section 1104, OSSC) (Building/BR)
36. Provide a plan showing architectural features on the blank wall area adjacent to SW Canyon Road facing lobby entrance. (Planning/JF)

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

37. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
38. Submitted proof of recording of the single lot partition plat consolidating the affected areas with the Washington County Surveyor and land records. (Site Development Div./JJD)
39. 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)
40. 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)
41. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
42. Have obtained a Source Control Permit (AKA Industrial Sewage Permit) from the Clean Water Services District and submitted a copy to the City Building Official if such a permit is required, as determined by CWS. (Site Development Div./JJD)
43. Have trimmed the existing landscaping shrubs east of the Fred Meyer access from SW Beaverton-Hillsdale Hwy. to improve sight distance, as recommended in the March 2, 2015 TIA prepared by the applicant. (Transportation / KR)
44. 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)

45. 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)
46. 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)
47. Ensure all landscaping approved by the decision making authority is installed. (Planning / JF)
48. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning / JF)
49. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Trees shall have a minimum caliper of 1-1/2 inches. Each tree is to be adequately staked. (Planning / JF)
50. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (Planning / JF)

**D. Prior to release of performance security for each phase, the applicant shall:**

51. 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)
52. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations and a pre-paid service contract for a two year period from the date of performance acceptance for the proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. (Site Development Div./JJD)

### **LD2015-0007 Replat Two Application:**

1. To comply with State Building Code fire separation distance from the east, south and west property lines a 'no build easement' (in a form approved by the City) is required to guarantee a minimum of ten feet of fire separation from the edge of the canopy/kiosk to any other structure (existing or future) and must be shown on the plat. (Building/BR)
2. The final plat, for the Replat Two approved in LD2015-0007, must be recorded prior to or concurrently with the recordation of the Preliminary Fee Ownership Partition. (Planning/JF)
3. Have commenced construction of the site development improvements to provide minimum critical public services (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./JJD)
4. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./JJD)
5. Ensure that appropriate crossover access easements are provided for the shared drives. (Transportation / KR)

### **LD2015-0015 Preliminary Fee Ownership Partition Application:**

#### **A. Prior to Final Plat approval, the applicant shall:**

1. Show granting of any required on-site easements on the single lot partition plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing and proposed site improvements. (Site Development Div./JJD)
2. The Replat Two, LD2015-0007, must be approved and recorded prior to or concurrent with recordation of the Final Plat for the Preliminary Fee Ownership Partition (LD2015-0015). (Planning/JF)
3. Ensure that appropriate crossover access easements are provided for the shared drives. (Transportation / KR)

**LO2015-0003 Loading Determination Application:**

1. Ensure that the Design Review Three (DR2015-0042) application has been approved and is consistent with the submitted plans. (Planning Division/JF)

**PD2015-0004 Parking Determination-Shared Parking Application:**

1. Ensure that the Design Review Three (DR2015-0042) application has been approved and is consistent with the submitted plans. (Planning Division/JF)
2. Proposed Shared Parking Agreement shall be reviewed and approved by the City of Beaverton. The Shared Parking Agreement shall be recorded against both properties concurrently with the recordation of the Replat Two application. (Planning Division/JF)