

Memorandum

Date: July 7, 2022
To: Hearings Officer Joe Turner
From: Sandy Freund, AICP, Senior Planner
RE: Casefile L2200066-SU/D/PLA/PLA

At the close of Open Record Period 1 (June 17 to June 30, 2022, 4:00pm), staff had received 35 additional public comments. Of those 35, one (1) was from the applicant, represented by Garrett Stephenson of Schwabe Williamson & Wyatt (Exhibit 4uu) and the second from ODOT (Exhibit 4vv of Open Record Period 1). Staff had sent to you via email on July 1, 2022, the aforementioned 35 public comments received and an attached Exhibits List referencing all exhibits thereto.

This Memo reflects staff's response to key concerns expressed as well as response to the applicant's letters received June 15, 2022 (submitted to Hearing's Officer at time of the public hearing of June 16, 2022, as Exhibit PH5a) and June 28, 2022 (as Exhibit 4uu). Staff also addresses comments received from the City of Beaverton, letter received June 14, 2022 (submitted to Hearing's Officer at time of public hearing of June 16, 2022, as Exhibit PH-2a); and letter received from the Oregon Department of Transportation (ODOT) on June 30, 2022 (Exhibit 4vv of Open Record Period 1).

The key concerns expressed in the letters did not address new information but rather concerns already heard by the Hearing's Officer at the public hearing of June 16, 2022. There was however one (1) letter in support of the proposed project from Derek Becker, Exhibit 4u. In summary, the main concerns expressed by the public were related to:

- Traffic impacts/circulation – on the street network and nearby neighborhoods
- Traffic flow on and off the subject site
- Traffic data
- Pedestrian safety
- Vehicular queuing – on-site
- Project site location
- Drive-thru volume
- Congestion SW Beaverton-Hillsdale Highway

Staff: The applicant has provided the necessary information in the application materials, including the narrative, for staff to make all required *Findings of Fact* based on the information provided, as well as mitigated through the implementation of Conditions of Approval (Attachment-B) in order to support the recommendation to the Hearing's Officer.

With that said however, staff would like to address the applicant's letters of June 15 and June 28, 2022, as well as ODOT's letter of June 30, 2022.

Applicant's letters: The applicant's traffic engineer, Julia Kuhn of Kittleson & Associates provides additional clarification regarding project trip generation and how the Transportation Management Plan (TMP) will be crafted. Ms. Kuhn has recommended the TMP also include analysis of SW Western Avenue between SW Beaverton-Hillsdale Highway and SW 5th Avenue, and SW 102nd Avenue/SW 103rd Avenue between SW Beaverton-Hillsdale Highway and SW Canyon Road (OR-8). Staff proposes amending the conditions of approval to reflect the addition of these roadways (*coverage area*) to the TMP, specifically *Conditions II.F.8.a-e*, adding *f and g*. (Attachment B) The memo also provides further clarification on what is meant by the "Opening versus Stabilized" conditions for the restaurant, as well as trip estimates, and TMP performance metrics. Details of these topics can be found in the Kittleson Memo dated June 28, 2022, and provided as Exhibit 4uu. Also, the applicant's traffic engineer further defines how the trip generation data was derived for the proposed project. Details are provided in the applicant's Memo from Kittleson, dated June 28, 2022.

Lastly, the Kittleson Memo, dated June 28, 2022, includes a graphical attachment that addresses questions concerning the Office Commercial (OC) zoning district and how it relates to the drive-thru functions of the propose fast-foot restaurant. The graphic identifies where the OC zoning district is on the subject site in relation to the drive-thru of the restaurant. Staff concurs that the drive-thru functions occur strictly in the Community Business District (CBD) only and not in the OC zoning district.

The following is staff's response to the applicant's letter received on June 15, 2022 (Exhibit PH5a) and submitted to the Hearing's Officer for the June 16, 2022, public hearing. Staff supports ODOT's conditions of approval (conditions II.3.F. 1-15) and recommend maintaining all conditions as written in the staff report of June 16, 2022, except as otherwise amended as noted above to add the additional roadways to the TMP *coverage area* of condition II.F.8.a-e. (See Revised Recommended Conditions of Approval, Attachment B). Additionally, staff is not in support of the suggested changes to the *Timing of Performance of Conditions* as outlined in the applicant's letter.

Oregon Department of Transportation (ODOT) letter:

The ODOT letter of June 30, 2002 (Exhibit 4vv) provides responses to the applicant's request to modify the conditions of approval provided by ODOT (*Conditions II.F*), in particular those related to the Traffic Management Plan (TMP) *Conditions II.F.9 and II.F.11*. ODOT reiterates that the TMP has not been submitted to date by the applicant for review and approval; nor have the traffic control measures and how they will be implemented. Additionally, the definition of "opening period" and "normal period" of restaurant operations are based on the submitted TIA by Kittleson & Associates, in particular the data in Table-8 of said TIA. *Condition II.F.9* has been written in order to establish a baseline as to when the TMP will no longer be needed, thus providing assurances to the public that the development will comply with the Community Development Code criteria (including but not limited to R&O 86-95) of providing safe and adequate transportation facilities. ODOT also strongly supports *Condition II.F.11* relating to highway access during the 'opening period' as recommended. Site access to SW Beaverton-Hillsdale Highway is regulated by ODOT through Oregon Administrative Rules (OAR) 735.51, and the conditions of approval language establishes the measures ODOT will take to ensure access to the highway operates safely by limiting impediment of highway operations to ensure safer access to neighboring businesses.

ODOT also addresses several questions raised by the Hearing's Officer at the June 16, 2022, public hearing. 1) Off-site employee parking, 2) SW Beaverton-Hillsdale Highway western access, and 3) Access to Laurel Street.

1) It is ODOT's understanding that the applicant will provide off site employee parking during the "opening period" which is to be included in the Traffic Management Plan (TMP).

2) ODOT has since changed their position from their April 22, 2022, letter related to the western access onto SW Beaverton-Hillsdale Highway, from right-out only during the “opening period” and right-in/right out during “normal period” to now allowing right-in/right-out during both the ‘opening’ and ‘normal’ periods. Staff had already captured the correct language in *Condition II.F.10* as published for the June 16, 2022 public hearing.

3) ODOT has requested the County Engineer reconsider access onto SW Laurel Street, as this access point has been identified by ODOT as a high priority for reducing queuing pressures onto SW Beaverton-Hillsdale Highway.

City of Beaverton Memorandum, dated June 14, 2022 (Exhibit PH-2a):

This Memorandum was submitted to the Hearing’s Officer for the June 16, 2022 public hearing as Exhibit PH-2a. Staff is providing the following summary and response to said Memo.

The City of Beaverton Planning Division supports staff’s recommendation and conditions of approval. However, because the development will require annexation into the City of Beaverton for sanitary sewer services, Beaverton staff have requested the re-positioning and amendment of the annexation condition of approval language within Attachment B *Conditions of Approval*.

Beaverton requests the annexation condition to be re-positioned from *Condition II.G.8* to Section I “Prior to commencing any on-site improvements, including grading, excavation and/or fill activities the applicant shall”. The conditions listed in this section are essentially prior to the issuance of Facilities Permits. The City of Beaverton suggested language will be reflected in new *Condition I.C.* of the Revised Recommended Conditions of Approval in Attachment B below.

See Attachment B Revised RECOMMENDED CONDITIONS OF APPROVAL: **I.C; II.F.8.f and g.**

Attachment B

CONDITIONS OF APPROVAL

I. PRIOR TO COMMENCING ANY ON-SITE IMPROVEMENTS, INCLUDING GRADING, EXCAVATION AND/OR FILL ACTIVITIES THE APPLICANT SHALL:

A. Submit to Building Services Division (503-846-3470) for review and approval:

1. A Grading Permit application. The application shall include detailed plans as required under CDC Section 410-1.2, as well as submittal requirements noted under CDC Section 410-2.1 and 410-2.2 of the Community Development Code.
2. A site utility permit may be required for all private work.
3. Site specific geotechnical engineering report with recommendations for development of the site. The report should be stamped and signed *(electronic signature accepted) by and Oregon registered engineer.
4. Provide private road/driveway/parking lot structural details on the plans per site specific geotechnical engineering recommendations.
5. A demolition permit is required prior to issuance of a grading permit to remove existing structures from County tax records.
6. Provide a drainage analysis report stamped by a civil engineer that shows the additional impervious areas resulting from the proposed project site work will not impact the surrounding properties negatively per WCC 14.12.310.
7. The applicant shall submit to the City of Beaverton for review and approval utility permits for any connection to or alteration of utilities provided by the City of Beaverton. (City of Beaverton/Khoi Le – kle@beavertonoregon.gov)

***NOTE:** Any retaining wall over four feet in height requires a building permit. No retaining wall shall exceed seven feet in height in any required yard. Tiered retaining wall structures shall not exceed seven feet in height in any required yard.*

B. A Clean Water Services (CWS) Site Development Permit must be obtained. Application for CWS Site Development Permit must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22 (CWS Standards), or prior standards as meeting the implementation policy of R&O 18-28, and is to include:

1. Compliance with all provisions of CWS Standards.
2. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance; project will require a 1200-CN Erosion Control Permit.
3. A drainage report including a downstream drainage analysis meeting the requirements of R&O 19-5 Section 2.04.2m will be required. If downstream storm conveyance does not have the capacity to convey the volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow as provided in the above name design standards.

4. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.
5. Plan showing storm service requirements to each lot. If private lot LIDA systems proposed, must comply with the current CWS Standards and Washington County Plumbing Standards.
6. Any offsite sanitary or storm sewer improvements identified as part of this development may require additional offsite street improvements/restorations. All transportation-related infrastructure, (including but not limited to roadway surfaces and base material) influenced by sanitary or storm sewer improvements, shall be restored to original or better condition.
7. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 19-5 Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.
8. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to Clean Water Services, and City of Beaverton as applicable.
9. Application may require additional permitting and plan review from CWS Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
10. Any proposed offsite construction activities will require an update to the current Service Provider Letter for this project.
11. Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 22-000888, dated March 21, 2022.

NOTE: *The above noted improvements must be completed to the District's satisfaction prior to the issuance of a sewer connection permit. The as-constructed drawings (as-builts), or a bond guaranteeing the as-builts, shall be submitted and accepted by the District.*

C. [The applicant shall either have submitted to the City of Beaverton a petition for annexation of the subject site or have entered into an annexation agreement with the City of Beaverton. \(City of Beaverton / Jana Fox\)](#)

II. PRIOR TO FINAL APPROVAL THE APPLICANT SHALL (WITHIN FOUR YEARS OF OBTAINING PRELIMINARY APPROVAL):

- A. Record the property line survey and deed reflecting the approved property lot line adjustments as shown on the preliminary site plans in the Casefile to complete the approved property line adjustments:**
1. A common property line that is relocated through a property line adjustment shall be surveyed and monumented unless the parcels are greater than (10) acres. It is the property owner's responsibility to have this completed. (Section 602-11.1A.)
 2. If any easement(s) exist along the property lines, they are to be adjusted and shall be vacated and rededicated along the new property lines. It is the property owner's responsibility to have this completed. (Section 605-1.2 B.)

3. All property line adjustments shall be executed by deed and must comply with ORS Chapter 92. It is the property owner's responsibility to have this completed. (Section 602-1.1)
4. New deeds reflecting the property line adjustment must be recorded within FOUR (4) years of the approval date shown on this document or a request for an extension must be filed prior to the expiration date, or the approval will expire. It is the property owner's responsibility to complete the deed recordation or the request for an extension. (Section 201-4.1)

B. Record the following documents (Contact John Kidd, Survey Division, 503-846-7932):

1. Dedication of five (5) feet additional right-of-way to provide 30 feet from legal centerline of the SW Laurel Street frontage.
2. Vehicular access restriction along SW Beaverton-Hillsdale Highway, except at the approved locations.

C. Submit to Current Planning Services, Public Assurance Staff (503-846-3843; assurances@co.washington.or.us):

1. Completed "Design Option" form.
2. \$21,000.00 Administration Deposit.

NOTE: *The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. **PLEASE NOTE:** Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. Once items (1) and (2) above have been received and processed, you will receive an invitation to our Electronic Plan Review (EPR) system, ProjectDox. Please follow the instructions in the e-mail regarding uploading plans and documents properly. In short: (a) Upload plans into the "Plans" folder, and (b) Upload documents into the "Document" folder; reference Washington County Road Engineering Plan Submittal Checklist, preliminary completeness verification matrix, for a complete list of required documents.

Upload documents into the "Document" folder; reference Washington County Road Engineering Plan Submittal Checklist, preliminary completeness verification matrix, for a complete list of required documents.

Upon final compliance review you will receive an e-mail with final instructions; i.e. download, print and sign the engineers seal for final plan approval.

The engineering plans will need to address the following public improvements:

a. SW Laurel Street:

- i. Dedication of Right of Way shall be 30-feet from the legal centerline of 17 feet of paved width.
- ii. Construct half-street improvements to Washington County Local Street designation. Improvements shall include but not be limited to paving, sidewalk, planter strip, curb and gutter, street trees, signing, illumination, utility re-location and drainage.
- iii. Pay Fee-in Lieu for narrow flagpole that abuts SW Laurel Street (east of the access).
- iv. Commercial driveway (#1040) access onto SW Laurel Street shall be restricted to emergency access only with a gate and locked with a Knox-box, accessible by emergency services/public safety personnel only, on a permanent basis, per the County Engineer.

NOTE: These improvements shall be constructed in accordance with the requirements of the Washington County Uniform Road Improvement Design Standards and Roadway Illumination Standards.

Direct technical questions concerning street lighting or the current Roadway Illumination Standards to the Traffic Engineering Division at 503-846-7950.

These improvements shall be completed and accepted by the County prior to final building inspection approval or occupancy, unless otherwise specified in the Public Improvement Contract.

4. Provide a Pavement Report prepared by a Professional Engineer. The report will include recommendations for new full depth pavement and/or pavement repair for existing roadway sections affected by the project. The report shall include but not be limited to the following recommendations: Existing pavement condition analysis, Grind and Inlay/Overlay, pavement repair, "Wet Weather" pavement construction, ESAL calculations, AASHTO pavement design calculations, soil classification, modulus and laboratory test results. Please contact Rob Saxton at Rob_Saxton@co.washington.or.us prior to field investigation.
5. Relocate utilities that are in conflict with public improvements.
6. Provide updated construction cost estimate when plans are approved for the above improvements.
7. Engineer's construction cost estimate (to be submitted with final set of approved plans for public facility improvements).

D. Obtain Departmental approval, provide financial assurance and obtain a Facility Permit for construction of the public improvements listed in Conditions II.C.3.

NOTE: *The Assurances staff of Administrative Services will send the required forms to the applicant's representative after submittal and approval of the public improvement plans.*

E. If applicable, ensure maintenance and power costs of street light facilities through the petition for service and formation of a Service District for Lighting

(SDL) assessment area or other funding method approved by the County. This requirement must be satisfied prior to acceptance of the public improvements.

NOTE: Contact Stacia Sheelar, 503-846-3679. The formation process takes approximately 3 to 4 weeks. You must also establish a job with PGE by contacting 503-323-6700.

- F. **Obtain an Oregon Department of Transportation (ODOT) Miscellaneous Permit for the following on SW Beaverton Hillsdale Highway right-of-way. Contact ODOT District 2B Permits at d2bup@odot.oregon.gov to request an Access Coordinator be assigned to the project.**

SW Beaverton-Hillsdale Highway Frontage Improvements and Right-of-Way:

1. Six (6) foot bike lane and ten (10) foot sidewalk, which shall be constructed as necessary to be consistent with local, ODOT and Americans with Disabilities Act (ADA standards along SW Beaverton-Hillsdale Highway.
2. Access lighting at each of the new accesses (R&O 86-95).
3. Right-of-Way donation to ODOT to provide fifty-one (51) feet from legal centerline to accommodate the planned cross section, shall be provided by the applicant. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT will provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department. (*Note:* It may take up to **3-months** to transfer ownership of property to ODOT)

Access to State Highway:

4. State Highway Approach Road Permits from ODOT is required for access to the state highway. Truck turning templates shall be provided as needed to ensure vehicles can enter and exit the approach safely. Site access to the state highway is regulated by OAR 734.51.
 - a. For application information go to:
<http://www.oregon.gov/ODOT/HWY/ACCESSMGT/Pages/Application-Forms.aspx>. (*Note:* it may take **2 to 3 months** to process a State Highway Approach Road Permit)

Permits and Agreements to Work in State Right-of-Way:

5. 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. (*Note:* If a CIA is required, it may take up to **6 months** to process)

6. Illumination within the ODOT right-of-way must be in accordance with AASHTO illumination standards and the ODOT Lighting Policy and Guidelines, which states that local jurisdictions must enter into an Intergovernmental Agreement (IGA) with ODOT wherein the local jurisdiction is responsible for installation, maintenance, operation, and energy costs.

Traffic Management Plan – Six (6) months prior to issuance of Certificate of Occupancy:

7. The applicant shall develop and submit a performance-based Traffic Management Plan (TMP) to ODOT, Washington County Sheriff, Washington County Department of Land Use & Transportation, and City of Beaverton Planning/Transportation Department addressing the following key elements:
 - a. Traffic control;
 - b. Emergency vehicle access routes;
 - c. Communication protocols between all applicable agencies (including but limited to Washington County Sheriff, Beaverton Police Department, ODOT District 2B, and Tualatin Valley Fire & Rescue) and the applicant's on-site staff;
 - d. Coordination with all public safety emergency responders;
 - e. Necessary street and access permits;
 - f. Metrics to determine when a different *tier* of strategies from the TMP should be implemented; and,
 - g. All other elements necessary to address safety of adjacent and nearby public roadways.
8. The TMP shall monitor and address traffic operations along the following roadways (*coverage area*):
 - a. SW Beaverton-Hillsdale Highway (OR-10) between OR 217 and SW Jamison Road.
 - b. SW Canyon Road (OR-8) between OR 217 and SW 102nd Avenue.
 - c. SW 107th Avenue between SW Canyon (OR-8) and SW Beaverton-Hillsdale Highway,
 - d. SW Laurel Street between SW 107th Avenue and SW 103rd Avenue (to include potential traffic calming measures); and,
 - e. OR 217 from Walker SW Walker Road to SW Allen Boulevard.
 - f. SW Western Avenue between SW Beaverton-Hillsdale Highway (OR-10) and SW 5th Avenue.
 - e-g. The SW 102nd Avenue/SW 103rd Avenue corridor (including the segment of SW Kennedy Street) between SW Beaverton-Hillsdale Highway and SW Canyon Road.

9. The TMP shall reflect **Performance Based Measures** for the “opening period” and “normal period” *scenarios* of traffic flow for the restaurant operations. The applicant shall provide documentation to ODOT, Washington County Sheriff, Washington County Department of Land Use & Transportation, and Beaverton Planning/Transportation Department showing that average traffic volumes and queue lengths under both scenarios resemble those stated in Table 8 (pg. 21) of the *Access Alternative Memorandum* of the Traffic Study, prepared by Kittleson and Associates, dated January 26, 2022 (Exhibit J of application materials). The average traffic volumes and queue lengths shall resemble Table-8 for five (5) consecutive weeks. At that time, if all applicant-provided metrics are consistent with Table-8, ODOT will consider the “opening period” as complete and provide written notice to the applicant that the TMP’s second phase can be implemented.
10. Western site access shall be limited to right-in/right-out only movements onto SW Beaverton-Hillsdale Highway (OR-10). Access shall include a raised “porkchop” at driveway approach.
11. Eastern site access shall be restricted to right-in entry only during the “opening period”. Until “normalized” operating conditions occur (per Table-8 of submitted Traffic Study/Memorandum dated January 26, 2022), ODOT will restrict full turning movements onto SW Beaverton-Hillsdale Highway (OR-10) with the installation of temporary traffic implements, to be placed within the middle lane(s) of SW Beaverton-Hillsdale Highway (OR-10). Said traffic implements shall extend eastward from SW 107th Avenue to SW 103rd Avenue as necessary to maintain safe traffic flow. A portion of the traffic implements will be removed when the restaurant reaches “normalized” operating conditions and ODOT considers the “opening period” complete.

If, as a result of the applicant’s proposed fast-food restaurant with drive-thru, traffic patterns within its functional area deteriorate, which may include, but not be limited to, blocking through access west and eastbound on SW Beaverton-Hillsdale Highway (OR-10), it is likely that ODOT will require additional permanent approach turn movement restrictions to the project site onto OR-10.
12. Employees of the fast-food restaurant with drive-thru commuting by personal vehicle shall park their private vehicles at a pre-arranged off-site location identified by the applicant and be shuttled to the restaurant site accordingly.
13. Off-site traffic control shall be provided by a licensed traffic management firm to be retained and paid for by the applicant, in coordination with the Washington County Sheriff’s Office.
 - a. The applicant shall provide documentation of contract(s) executed with a traffic control contractor to implement the TMP to Washington County Department of Land Use & Transportation.
 - b. The applicant shall be responsible for costs to implement and maintain the TMP.
14. All promotional events shall have time ranges of *weeks* and *months*, rather than *hours* and *days*. This will allow for traffic volume stratification over longer periods of time.
15. All alterations within the State highway right-of-way are subject to the ODOT Highway Design manual (HDM) standards. Alterations along the State highway

but outside of ODOT right-of-way may also be subject to ODOT review pending its potential impact to safe operation of the highway. If proposed alterations deviate from ODOT standards, a Design Exception Request must be prepared by a licensed engineer for review by ODOT Technical Services. Preparation of a Design Exception request does not guarantee its ultimate approval. Until more detailed plans have been reviewed, ODOT cannot make a determination whether design elements will require a Design Exception. (*Note: Design Exception Requests may take up to 3 months to process*)

Note: All ODOT permits and approvals must reach **100%** plans before the District Contact will sign-off on a local jurisdiction building permit, or other necessary requirement prior to construction.

G. Submit to Current Planning Services, Project Planner (Sandy Freund, 503-846-3872):

1. Final Approval form (Type I procedure).

NOTE: *The Final Approval application shall contain complete evidence that all Conditions of Approval to occur prior to final approval have been met.*

2. Final Approval fee.

3. A draft *Performance-Based Traffic Management Plan (TMP)* to Washington County Department of Land Use & Transportation. The TMP shall define performance metrics, management actions, and corresponding triggers related to on-site and access operations. In addition, the TMP shall outline a tiered traffic management system that addresses a range of vehicular traffic demands, including "opening" conditions. The TMP performance metrics shall be refined through coordination with Washington County, ODOT and City of Beaverton staff to provide an objective evaluation of ways to monitor and minimize the potential for motor vehicles queuing, entering and exiting the site onto SW Beaverton-Hillsdale Highway (OR-10). The TMP shall consist of traffic control, emergency vehicle access routes, communication protocols between the agencies and the fast food restaurant on-site staff, coordination with emergency responders, the needed street and access permits, the frequency of the traffic observations during peak hours of restaurant operations, metrics to determine when a different *tier* of strategies from the TMP should be implemented, and other elements that may be needed to address the safety of the adjacent and nearby public roadways. The TMP shall address operations along SW Beaverton-Hillsdale Highway (OR-10) between OR 217 and SW Jamison Road, SW Canyon Road (OR-8) between OR 217 and SW 102nd Avenue, SW 107th Avenue between SW Canyon Road and SW Beaverton-Hillsdale Highway, SW Laurel Street between SW 107th Avenue and SW 103rd Avenue, and OR 217 from SW Walker Road to SW Allen Boulevard. The applicant's compliance with the performance based TMP will be monitored and approved by the Washington County Department of Land Use & Transportation in coordination with ODOT, Washington County Sheriff, and City of Beaverton.

4. Applicant shall revise the maximum parking to no more than 48 parking spaces, or submit for review and approval, a Type II Development Review (Misc.) application for the proposed 94 on-site parking spaces, demonstrating compliance with Community Development Code Section 413-6.6, to exceed maximum parking

standards in Zone-A. NOTE: Approval shall be issued prior to issuance of Final Approval.

5. Final plans in substantial conformance with the plans stamped "preliminary approval" in the casefile.
6. The applicant shall provide a detailed illumination plan with lighting fixture schedule for all on-site lighting specifications. Illumination plan shall show proposed on-site lighting locations, elevations and lumines (foot candle) as appropriate. Access lighting along SW Beaverton-Hillsdale Highway (OR-10) shall be reviewed and approved by ODOT as applicable.
7. Copy of ODOT approvals for the improvements listed in II.F above and verification from ODOT that a total of 51 feet of right-of-way from legal centerline has been donated to ODOT.
8. ~~A copy of the signed Petition for Annexation of the development site into the City of Beaverton or a signed copy of an executed Deferred Annexation Agreement with the City of Beaverton and written acceptance by city staff as to receipt of the document. The annexation agreement needs to ensure that the Notice of Decision, in particular the Conditions of Approval, will be enforced by the City of Beaverton, especially those conditions which the applicant needs to satisfy post-annexation.~~

III. PRIOR TO SUBMITTAL OF A BUILDING PERMIT APPLICATION:

- A. Shall obtain Final Approval, in accordance with Condition II.G.

IV. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT(S):

- A. Pay Transportation Development Tax, and other System Development Charges as applicable.

NOTE: Transportation Development Tax shall be required as determined by Ordinance #793-A.

- B. Submit with the building plans to Building Services (503-846-3470) plans showing the following:

1. Building plans in conformance with the Final Approval plans.
2. Compliance with Fire Marshal requirements from TVF&R Service Provider letter, dated February 15, 2022.

V. SIX (6) MONTHS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY: THE APPLICANT SHALL OBTAIN APPROVAL OF, AND SUBSEQUENTLY IMPLEMENT, THE COUNTY-APPROVED PERFORMANCE-BASED TRAFFIC MANAGEMENT PLAN (TMP). SAID TMP SHALL BE APPROVED BY THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT), IN COORDINATION WITH WASHINGTON COUNTY AND CITY OF BEAVERTON, AS APPLICABLE.

1. The TMP shall address City of Beaverton comments related to traffic flow on city streets, to include, but not limited to: SW Allen Boulevard, SW Western Avenue and SW 110th Avenue.

2. Additionally, the TMP shall consider traffic calming mitigation measures, if necessary, on SW Laurel Street from 107th Avenue to 103rd Avenue and 103rd Avenue to SW Beaverton-Hillsdale Highway (OR-10).

VI. PRIOR TO BUILDING OCCUPANCY AND/OR FINAL BUILDING INSPECTION APPROVAL:

- A. The public improvements as required by Conditions II.C.3. and as shown on the final approved plans shall be completed and accepted by the County.
- B. The public improvements as required by Conditions II.F. and as shown on the final approved plans shall be completed and accepted by ODOT.
- C. As applicable, facilities and improvements required by Clean Water Services shall be completed and approved by the District.
- D. The utility improvements reviewed and permitted by the City of Beaverton shall be completed and accepted.
(City of Beaverton/Khoi Le – kle@beavertonoregon.gov)
- E. Submit to project planner a copy of the approved Traffic Management Plan (TMP).
- F. Contact Sandy Freund (503-846-3872) to arrange on-site inspection of the following items per the Final Approval plans. Please allow (3) business days from contacting the planner for the inspection to occur.
 1. Completion of site landscaping, including street trees and planter strip as applicable.
 2. Installation of bicycle parking.

VII. ADDITIONAL CONDITIONS:

- A. Adequate sight distance shall be continuously maintained by the property owner(s) at any access to a public road serving the subject site. This may require the property owner(s) to periodically remove obstructing vegetation from the road right of way (and on site) as necessary.
- B. This development shall be constructed in accordance with the conditions of this decision, the approved final plans, and the standards of the Community Development Code (Section 207-5).
- C. All conditions of approval shall be binding upon all heirs, successors, and assigns (Section 207 5).
- D. Transferability of this Development Permit shall be in accordance with Section 201-8.
- E. This approval shall automatically expire four (4) years from the date of this approval, unless development has commenced, an application for an extension is filed, or this approval is revoked or invalidated (Section 201-4).

VIII. SPECIAL CONDITIONS:

- A. The applicant shall be required to review the conditions of approval with the Washington County Department of Land Use & Transportation, ODOT and the City of Beaverton two (2) years after issuance of the Certificate of Occupancy at the subject site. Applicable conditions of approval shall be adjusted to reflect real-time impacts within the first two (2) years and mitigated accordingly.**
- B. The applicant shall work with Washington County Health & Human Services (HHS) if trash enclosure access design changes in the future, per the HHS Service Provider Letter, signed by HHS on February 11, 2022.**