



Washington County  
Department of Land Use and Transportation  
Current Planning Services  
155 N First Ave, Suite 350  
Hillsboro, OR 97124

## RECOMMENDATION & STAFF REPORT

PROCEDURE TYPE III

CPO: 3

**COMMUNITY PLAN:**

Raleigh Hills - Garden Home

**LAND USE DISTRICT:**

Community Business District (CBD)  
Office Commercial District (OC)

**PROPERTY DESCRIPTION:**

**ASSESSOR MAP#:** 1S1 14BC

**LOT#S:** 02000, 02100, 02400 & 02401

**SITE SIZE:** 2.24 acres

**ADDRESS:** 10535 & 10565 SW Beaverton  
Hillsdale Highway, Beaverton, OR 97005

**CASEFILE:** L2200066-SU/D/PLA/PLA

**APPLICANT:**

In-N-Out Burger

Attn: Cassie Ruiz

13502 Hamburger Lane

Baldwin Park, CA 97106

**APPLICANT'S REPRESENTATIVE:**

Oregon Architecture, Inc.

Attn: Patrick McKechnie

132 West Main Street, #101

Medford, OR 97501

**OWNER:**

Angel, Lynne Irene

1815 SW High Street

Portland, OR 97201

**LOCATION:** On the north side of SW Beaverton  
Hillsdale Highway, and the south side of SW  
Laurel Street, approximately 250 feet east of their  
intersections with SW 107<sup>th</sup> Avenue.

**PROPOSED DEVELOPMENT ACTION:** Special Use and Development Review for an approximate  
3,885 square foot eating and drinking establishment (fast food restaurant) with drive-thru and outdoor  
seating; and two Property Line Adjustments.

**HEARING DATE:** **June 16, 2022**

**RECOMMENDATION:**

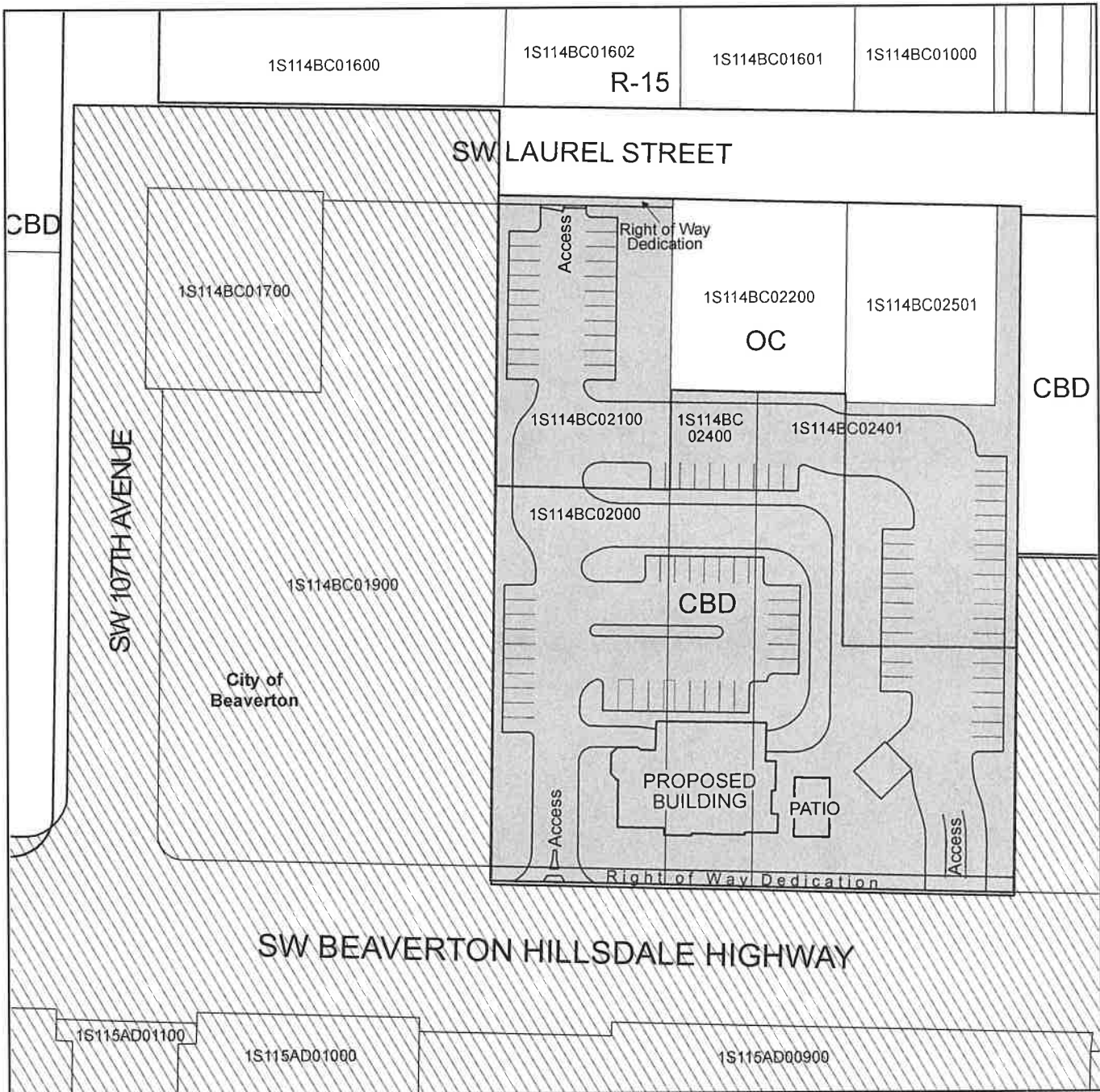
The required findings have been made for the applicable Code sections. When implemented in accordance with the Recommended Conditions of Approval and the approved final plans, staff believes the project will be in compliance with the Washington County Community Development Code (CDC) and the Transportation System Plan (TSP).

Staff recommends the Hearing's Officer approve the applicant's request, subject to the Recommended Conditions of Approval set forth in Attachment "B" of this report.

**Staff Planner:** Sandy Freund, AICP, 503-846-3872

**Attachments**

- A. -- Vicinity Map
- B. -- RECOMMENDED CONDITIONS OF APPROVAL**
- C. -- Staff Report
- D. -- Transportation Report and ODOT comments (Attachment D-1)
- E. -- Street Trees



↑ NORTH

■ AREA OF CONSIDERATION

NOT TO SCALE

**SITE & SURROUNDING LAND USE DISTRICTS:**

- Community Business District (CBD)
- Office Commercial District (OC)
- R-15 District (Residential 15 units/acre)
- City of Beaverton

**REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN**

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
  - ARTICLE I, Introduction & General Provisions
  - ARTICLE II, Procedures
  - ARTICLE III, Land Use Districts
  - ARTICLE IV, Development Standards
  - ARTICLE V, Public Facilities and Services
  - ARTICLE VI, Land Divisions & Lot Line Adjustments
  - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

**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](mailto: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.*

**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](mailto: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](mailto: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](mailto: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 102<sup>nd</sup> Avenue.
  - c. SW 107<sup>th</sup> Avenue between SW Canyon (OR-8) and SW Beaverton-Hillsdale Highway,
  - d. SW Laurel Street between SW 107<sup>th</sup> Avenue and SW 103<sup>rd</sup> Avenue (to include potential traffic calming measures); and,
  - e. OR 217 from Walker SW Walker Road to SW Allen Boulevard.
  
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 107<sup>th</sup> Avenue to SW 103<sup>rd</sup> 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 102<sup>nd</sup> Avenue, SW 107<sup>th</sup> Avenue between SW Canyon Road and SW Beaverton-Hillsdale Highway, SW Laurel Street between SW 107<sup>th</sup> Avenue and SW 103<sup>rd</sup> 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 110<sup>th</sup> Avenue.
2. Additionally, the TMP shall consider traffic calming mitigation measures, if necessary, on SW Laurel Street from 107<sup>th</sup> Avenue to 103<sup>rd</sup> Avenue and 103<sup>rd</sup> 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](mailto: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.**

# Attachment C STAFF REPORT

## I. APPLICABLE STANDARDS

- A. Washington County Comprehensive Plan
- B. Raleigh Hills-Garden Home Community Plan
- C. Washington County Community Development Code:
  - 1. Article II, Procedures:
    - Section 202-2 Type II Procedure
    - Section 202-3 Type III Procedure
    - Section 207-5 Conditions of Approval
  - 2. Article III, Land Use Districts:
    - Section 312 Office Commercial District (OC)
    - Section 313 Community Business District (CBD)
    - Section 313-3.6 Eating and Drinking Establishments
  - 3. Article IV, Development Standards:
    - Section 404 Master Planning
    - Section 406 Building Siting and Architectural Design
    - Section 407 Landscape Design
    - Section 408 Neighborhood Circulation
    - Section 410 Grading and Drainage
    - Section 411 Screening and Buffering
    - Section 413 Parking and Loading
    - Section 414 Signs
    - Section 415 Lighting
    - Section 416 Utilities
    - Section 417 Irrigation
    - Section 418 Setbacks
    - Section 419 Height
    - Section 426 Erosion Control
    - Section 429 Bicycle Parking
    - Section 430 Special Uses
    - Section 430-41 Drive-in or Drive-up Establishments
  - 4. Article V, Public Facilities and Services:
    - Section 501 Public Facility and Service Requirements
    - Section 502 Sidewalk Standards
  - 5. Article VI, Land Divisions and Property Line Adjustments Inside a UGB:
    - Section 605-1 Property Line Adjustment (Property Line Relocation)
- D. Ordinance No. 768-A, 783-A, 799-A – Washington County Transportation System Plan.
- E. Ordinance No. 793-A - Washington County Transportation Development Tax Ordinance.
- F. Ordinance No. 738- Road Design and Construction Standards Uniform Road Improvement Standards.
- G. Resolution & Order 86-95 - Determining Traffic Safety Improvements.
- H. Resolution and Order No. 19-5 - Erosion Control, Water Quality and Water Quantity.

## II. AFFECTED JURISDICTIONS

State Highways: Oregon Department of Transportation  
Sewer: Clean Water Services/City of Beaverton

Streets:	Washington County Dept. of Land Use and Transportation
Drainage:	Washington County Dept. of Land Use and Transportation
Water Quality and Quantity:	Clean Water Services
Erosion Control:	Clean Water Services
Water:	West Slope Water District
Fire Protection:	Tualatin Valley Fire & Rescue
Police Protection:	Washington County Sheriff
Transit:	Tri-Met
Parks:	Tualatin Hills Park & Recreation District

### III. FINDINGS

#### Background Information:

1. This is a request for Special Use and Development Review to construct a ±3,885 square eating and drinking establishment with drive-thru and outdoor seating. The subject site is approximately 2.24 acres in size, in the Commercial Business District (CBD) and Office Commercial (OC) zoning districts, within the Raleigh Hills-Garden Home Community Plan. The restaurant and associated drive-thru lanes are located solely in the CBD District.  
  
Other project elements include two Property Line Adjustments to remove lot lines from Tax Lots 2000, 2400 and 2401 of Assessor's Map 1S1 14 BC. The property line adjustments will result in the consolidation of the three tax lots for the project site. SW Beaverton-Hillsdale Highway is a County Arterial but under Oregon Department of Transportation (ODOT) jurisdiction. Therefore, a county Access Management Plan was not required. The applicant will be required to submit a Traffic Management Plan, to be approved by ODOT in coordination with Washington County.
2. The applicant held two neighborhood meetings with the second meeting held May 20, 2021 (Exhibit-T of application materials), via Zoom virtual meeting platform due to the Corona Virus-19 Pandemic. The second neighborhood meeting was initiated by the applicant to address issues and concerns raised at the first neighborhood meeting, in particular the size of the originally proposed 1.12-acre site, as well as traffic concerns raised. The applicant added a second, adjacent site (to the east existing restaurant with dine-in) to the proposed development resulting in a larger site of 2.24 gross acres.
3. The original application was submitted to the Washington County Department of Land Use & Transportation on September 3, 2021, and deemed incomplete by staff on October 1, 2021, and returned to applicant for further review of missing items. Oregon Revised Statutes (ORS) 215.427(4) provides that an application is deemed void unless made complete within 180 days after submittal. The applicant submitted all incomplete/missing application materials on March 2, 2022 (the 180<sup>th</sup> day) to the County, and thus deemed themselves complete. Exhibit 1 of the application materials addresses the incomplete items for the project application. Exhibit 1 is intended to supplement the July 8, 2021, original Application narrative that was included with the original submittal of September 3, 2021.
4. The subject site is located at 10505 and 10565 SW Beaverton-Hillsdale Highway comprised of four tax lots within two land use districts (Tax Lots: 1S114BC02000, 1S114BC02400, 1S114BC02401, 1S114BC02100 SW Laurel Street

(unaddressed)). The project site is the location of two existing restaurants, one with a drive-thru (Hawaiian Time), the other with dine-in, Azteca, which is permanently closed. Previous casefiles associated with the site include Development Review 77-00122, 78-00043, 78-00062, 78-00078, 83-00209, 86-00041, 88-00619T, 90-00387, 91-00252.

5. Access to the site will be from SW Beaverton-Hillsdale Highway (OR-10) using two of three existing driveways - western, middle, and eastern access. These driveways serviced the two restaurants mentioned above. The middle driveway will be closed as required. The western and eastern driveways will be re-designed as part of the proposed project, in accordance with the Oregon Department of Transportation (ODOT) standards.

**SW Beaverton-Hillsdale Highway (OR-10):**

The existing western access will be limited to right-in/right-out movements only from and onto SW Beaverton-Hillsdale Highway (OR-10). The driveway access will be redesigned to include a "pork-chop" island designed to restrict vehicular left turning movements.

The existing eastern access is proposed to operate as a "full access" (right-in/right-out/left-in/left-out) under "normalized" operating conditions. The eastern access will be restricted to right-in only, during the "opening period" of the fast-food restaurant.

**SW Laurel Street:**

Existing access from SW Laurel Street will be restricted to emergency access only because it is classified as a county Local road. This access will be gated and locked with a Knox-box. Applicable access standards are described in Attachment D, Transportation Report.

6. Proposed hours of operation are Sunday through Thursday, 10:30am to 1:00am, and Friday and Saturday, 10:30am to 1:30am. Hours of operation are not limited in the Community Business District (Section 430-41).
7. The applicant is in discussion with the City of Beaverton to execute a Deferred Annexation Agreement into the city. The agreement will be placed in the Casefile upon receipt.
8. Emails and letters of comment received as of publication date of staff report:
  - Mr. Eric Christenson on May 25, 2022 – concerns regarding vehicular trip generation.
  - Mr. Ed Trotter, Ed Trotter, 4145 SW 102<sup>nd</sup> Avenue, Beaverton, OR 97005.Emails received asking to testify at public hearing, with no comments provided:
  - Mr. James T. (no address provided)
  - Mr. Mike Hale, 4384 SW 103<sup>rd</sup> Avenue, Beaverton, OR 97005.
  - Mr. Timothy Harrison, 10380-10382 SW Kennedy Street, Beaverton, OR 97005.
  - Ms. Lisa Chow – no address provided

**STAFF:** Concerns raised were focused on traffic generation, traffic safety, the Traffic Impact Study data as submitted by the applicant, and the proposed location of the fast-food establishment with drive-thru. Staff has provided extensive review within the staff report related to the proposed project, its location and traffic trip generation. Specifics associated with the traffic concerns have been addressed in coordination with the Oregon Department of Transportation (ODOT) and Washington County staff, as well as City of Beaverton. ODOT has provided conditions of approval to mitigate traffic impacts resulting from the proposed project, in particular the requirement for submittal and approval of a Traffic Management Plan (TMP). Said TMP will be continuously monitored by all involved agencies for short and long-term compliance with all conditions of approval related to traffic impacts. The Traffic Impact Statement and Traffic Study, conducted by Kittleson & Associates can be found in the project casefile (Exhibit-I and Exhibit-J), as well as online at the following link:

<https://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/frequentlydiscussedprojects.cfm>.

9. Letters were received from Oregon Department of Transportation (ODOT), Tualatin Valley Fire & Rescue (TVF&R), Clean Water Services (CWS), West Slope Water District, the Washington County Building Division, the Washington County Engineering Division, Washington County Health and Human Services, the Tualatin Valley Water District (TVWD), and the City of Beaverton (see Casefile). Where appropriate, the recommendations proposed in these letters are included as Conditions of Approval in Attachment B of this report.

**A. Washington County Comprehensive Framework Plan:**

There are no specific Plan policies or goals that affect this request that are not implemented by the Code or the Community Plan. The Framework Plan requires development applications to be in compliance with the Community Development Code and the applicable Community Plan. By demonstrating in this report that the request complies with the standards of the Code and the Community Plan, this Plan requirement will be satisfied.

**B. Raleigh Hills-Garden Home:**

- The site is located in an Area of Special Concern – Subarea 2, Design Element 4 as related to Area of Special Concern (ASC) H, and General Design Element #11.
- The site is not designated as a Significant Natural Resource nor does it contain any flood plain or drainage hazard areas.
- The site does not contain a Historic Resource.

The following General Design Elements are considered relevant to this proposal:

11. *Proposed new commercial uses and expansion of existing uses along either Canyon Road Beaverton-Hillsdale Highway shall be evaluated against the community plan goal to discourage strip commercial development. Designs shall include features such as shared access, orientation, parking, signage and landscaping, as required by the Community Development Code, which mitigate the detrimental effects of commercial strip development.*



**STAFF:** The proposed project is considered a new commercial development not a strip commercial development. The proposed restaurant is a single use permitted within the land use district. The proposal will reduce the number of existing driveways from three to two on SW Beaverton-Hillsdale Highway; all proposed signage and landscaping will meet the Code requirements as applicable.

13. *Where the impact of noise and lighting associated with commercial or industrial uses adjacent to residential areas does not meet the standards in the Community Development Code, the commercial development shall be subject to limited hours of operation.*

**STAFF:** The proposed project, as conditioned, will meet all applicable standards of the Code. Existing uses on the subject site are and have been commercial uses since the 1970s, therefore anticipated impacts associated with the commercial use will be similar if not less in nature. One result is the replacement of 2 restaurants with 1 restaurant. All on-site lighting will be mitigated consistent with Code Section 415. Section 430-41.4 of the Code limits hours of operation of drive-in facilities in the Office Commercial (OC) zoning district, but not the Community Business District (CBD). The proposed drive-in facilities (drive-thru lanes) associated with the restaurant are not located within the OC district, but rather only in the CBD district. The restaurant building is also located entirely within the CBD District. Noise standards are enforced by the Health and Human Services Department as stated in County Code of Ordinances Chapter 8.24, "Noise."

14. *New development shall dedicate, when determined to be appropriate through the development review process, rights-of-way for road extensions and alignments as indicated in the Washington County's Transportation System Plan and the Raleigh Hills-Garden Home Community Plan. However, improved traffic flow should be achieved by redesign when feasible, rather than by widening roads or building new ones. New development shall also be subject to conditions set forth in the County's growth management policies and public facility standards during the development review process.*

**STAFF:** The applicant will be required to dedicate additional right-of-way along SW Beaverton-Hillsdale Highway (OR-10) as conditioned by the Oregon Department of Transportation (ODOT), as well as dedicate right-of-way along SW Laurel Street as conditioned by the Washington County Engineer. The applicant will also be required to develop, submit, and have approved a Traffic Management Plan (TMP), in accordance with conditions of approval provided by ODOT, in coordination with the Department of Land Use & Transportation and the City of Beaverton.

15. *New access onto Arterials and Collectors shall be limited as detailed in the Community Development Code provisions on Circulation and Access. Shared or consolidated access shall be required prior to issuance of a development permit for land divisions or structures located adjacent to these facilities, unless demonstrated to be unfeasible.*

**STAFF:** The applicant does not propose new access onto SW Beaverton-Hillsdale Highway (OR-10), but rather will be closing one of the three existing access driveways. Access on to state highways are subject to ODOT approval. ODOT has provided conditions of approval related to all access to and from SW Beaverton-Hillsdale Highway (OR-10).

The applicant states shared access is infeasible due to existing development on adjacent sites as well as different ownership of adjacent sites.

### **Community Plan Subarea 2: Specific Design Elements**

4. *Land designated for commercial uses adjacent to Canyon Road and Beaverton-Hillsdale Highway comprises **Area of Special Concern H**. In order to promote the elimination of those strip commercial features which are vehicle and pedestrian traffic safety hazards and the addition of features which will enhance the business advantage of overall appearance of the subarea, the following standards shall apply to development of structures, land division and significant remodeling of existing structures within this area.*

**STAFF:** The proposed project will comply with all design elements of Area of Special Concern H in accordance with Washington County and ODOT requirements for work in the right-of-way; as well as vehicular and pedestrian circulation within the site, and along the project frontage of SW Beaverton-Hillsdale Highway (OR-10) and SW Laurel Street. The applicant proposes a new 10-foot-wide sidewalk along OR-10, as well as 6-foot-wide bike lane to match that of adjoining uses to the west (Chick Fil-A). The proposed site plan (Exhibit-A) shows sidewalk connections to each of the adjacent uses on the east, north and west. The nearest transit stop is at the intersection of SW 107<sup>th</sup> Avenue and OR-10. No new curb cuts are proposed, two of three existing access points from OR-10 will remain and be redesigned for the proposed project. Proposed landscaping will comply with Development Code and Community Plan requirements accordingly. Landscaping and landscape buffer are proposed in accordance with Type I screening and buffering standards in Code Section 411-6.1. No screening or buffering is required adjacent to the OC zoned parcel to the north, per Code Section 411-5. Exhibit-Q of the application materials shows all proposed on-site landscaping. Said landscaping meets the minimum requirements of the Development Code.

The project has been reviewed for conformance with the applicable Community Plan General Design Elements. The Community Plan is implemented by the Community Development Code. When built in conformance with the Conditions of Approval, the project will be in compliance with the Community Plan.

### **C. Washington County Community Development Code:**

#### **1. Article II, Procedures:**

##### **202-2 Type II Procedures**

*202-2.1 Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.*

**STAFF:** The applicant has chosen to elevate this application to the Type III (public hearing) procedure as outlined below.

### **202-3 Type III Procedures**

202-3.1 *Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgment when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.*

**STAFF:** The proposed development for a fast-food restaurant with drive-thru and outdoor seating is a *Permitted* use within the land use districts under the Type II Procedure (no public hearing) as stated in CDC Sections 313-3.6, *Eating and Drinking Establishments*. The applicant has chosen however, to have the application reviewed as a Type III Procedure (public hearing), in coordination with the Director, per Community Development Code Section 202-5.4.

### **207-5 Conditions of Approval**

207-5.1 *The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.*

207-5.2 *In addition to conditions imposed pursuant to Section 207-5.1, a condition is valid and enforceable when the applicant has:*

- A. *Requested the condition;*
- B. *Consented to the condition in writing or on the record; or*
- C. *Established or commenced the development or use (other than a valid nonconforming use) prior to approval; or*
- D. *Submitted graphics or other application materials that were reviewed and approved by the Review Authority; the application must substantially comply with the application materials except as modified by the Review Authority.*

**STAFF:** Conditions of approval are recommended to ensure compliance with the standards of the Code and other County regulations and to mitigate certain adverse development-related impacts to the surrounding area. Conditions of Approval, listed in Attachment B, have been imposed to ensure the project is in conformance with applicable code standards and comments from other departments and agencies.

## **2. Article III, Land Use Districts:**

### **Section 312 Office Commercial District (OC)**

**STAFF:** The OC portion of the site is limited to the drive aisle and off-street parking, both of which are associated with the proposed eating and drinking establishment with drive-thru located solely on the portion of the site designated CBD. The proposed off-street parking and drive aisles located in the OC District constitute replacement of

established parking and drive aisles that serve the two existing restaurants. No part of the new restaurant or drive-thru lanes are located in the OC District. Therefore, no development standards, other than parking space and drive aisle dimensions and site landscaping, are affected by the proposed development involving the OC lands. See Section 313 for further discussion.

### **Section 313 Community Business District (CBD)**

#### **313-3 Uses Permitted Through a Type II Procedure**

*The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.*

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313-3.6 *Eating and Drinking Establishments - Those with a drive-in or drive up windows shall address Section 430-41.*

**STAFF:** The applicant proposes a 3,885 square foot eating and drinking establishment with drive-thru and outdoor seating, a permitted use in the Community Business District (CBD). See Section 430 of the Staff Report.

#### **313-6 Dimensional Requirements**

313-6.1 *Lot Area:*

*The minimum lot area shall be eight thousand five hundred (8500) square feet.*

**STAFF:** The development site is approximately 2.24 acres (97,574 square feet) with about 1.5 acres designated CBD, the remaining 0.74 acres designated OC. All dimensional requirements have been satisfied as proposed in accordance with minimum Code requirements.

313-6.2 *Yard Requirements:*

*The minimum yard requirements shall be as follows:*

A. *Twenty (20) foot front yard;*

B. *Side Yards:*

(1) *Abutting a Residential or Office Commercial District, the side and rear yard shall be no less than that required by the abutting district;*

(2) *Except on corner lots and as in one (1) above, there are no required side or rear yards;*

(3) *On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet; and*

C. *Twenty (20) foot rear yard; and*

**STAFF:** The subject property fronts SW Beaverton-Hillsdale Highway (OR-10), with access at the rear of the site to SW Laurel Street. The SW Laurel Street access will be a gated access accessible only by emergency services. The proposed restaurant and

accessory structures, outdoor seating, and trash enclosure, meet minimum setbacks of 20-feet from OR-10. There are no proposed structures at the rear of the site near SW Laurel Street. All structures will comply with all applicable minimum setbacks.

*D. Additional setbacks may be required as specified in Sections 411 and 418.*

**STAFF:** All on site screening and buffering is proposed to be in compliance with the applicable Sections of 411. The applicant has proposed all structures to be setback from future right-of-way as required per Section 418.

*313-6.3 Height:*

*A. The maximum height for structures shall be 100 feet except as modified by other Sections of this Code.*

**STAFF:** The proposed height of the restaurant structure is 23-feet, the trash enclosure proposed to be up to 12 feet. The proposed outdoor seating covering structure is 698 square feet. All proposed structures are in compliance with the standard.

**3. Article IV, Development Standards:**

**Section 404 Master Planning**

**STAFF:** The applicant has submitted materials showing on-site and off-site topography and tax lot lines, as well as roadways in proximity to the site. This information adequately represents the Master Planning requirements of CDC Section 404.

**Section 406 Building, Siting and Architectural Design**

**406-1 Review Standards**

*The Review Authority shall evaluate all building and site plans, including detached dwelling units, for conformance to the following standards:*

*406-1.1 The development is permitted within the primary district;*

*406-1.2 The development is sited to maintain all minimum setback and lot coverage requirements; and*

*406-1.3 The development meets the maximum height requirements of the primary district.*

**STAFF:** Compliance with these requirements is addressed in Section 313 above.

**406-2 Additional Requirements for Type II and Type III Development**

*In addition to the requirements of Section 406-1, all Type II and Type III structures and site plans shall:*

*406-2.1 When required by the Uniform Building Code, provide facilities for the disabled pursuant to the Uniform Building Code, edition in effect at this time;*

**STAFF:** This development's compliance with the Americans with Disabilities Act will be evaluated by the Building Services Section's review of development permits for the site.

*406-2.4 Arrange structures and use areas for compatibility with adjacent developments and surrounding land uses, using the following design and siting techniques:*

- A. Locate and design structures and uses not to obscure or degrade identified scenic views or vistas from adjacent properties and public thoroughfares, considering setbacks, building height, bulk and landscaping;*
- B. Orient major service activity areas (e.g., loading and delivery areas) of the proposed development away from existing dwellings;*
- C. "Street furniture" such as bus shelters, streetlights, drinking fountains, benches and mailboxes shall be similar in design and materials to the buildings of the development.*

**STAFF:** There are two existing structures on the development site. Both structures will be demolished and replaced with one 3,885 square foot structure for the restaurant and associated 698 square foot outdoor patio seating area as well as trash enclosure of 547 square feet. All proposed structures meet dimensional standards within the CBD District. The drive-thru portion of the proposed restaurant will be within the interior of the CBD designation part of the subject site, out of view from SW Beaverton-Hillsdale Highway (OR-10) behind the building and approximately 165 feet away from SW Laurel Street to the north.

The restaurant structure, outdoor seating area and trash enclosure will be set back no less than 20-feet from the future edge of right-of-way of SW Beaverton-Hillsdale Highway (OR-10), with the main customer entrance facing directly onto the public right-of-way to create ease of access. The applicant proposes additional right-of-way on OR-10 to match the frontage improvements completed to the west by Chick Fil-A. Improvements include extension of the bicycle lane and pedestrian sidewalk along the frontage of the site, approximately 300 feet in length. See Attachment D.

All right-of-way improvements will be required to meet the standards of the Oregon Department of Transportation (ODOT) and Washington County as applicable.

All proposed structures have been designed to match architecturally in materials and colors throughout the site. The proposed restaurant is compatible with existing and surrounding properties. Surrounding land uses are comprised of a mix of retail and commercial; a neighborhood shopping center to the west and south; specialty grocery store and restaurants across OR-10 to the south; small retail uses to the east, small offices adjacent to the site to the north, and residential uses to the north across SW Laurel Street. Deliveries will be to the interior of the site and away from existing residential uses on the north side of SW Laurel Street.

There are no identified scenic views or vistas from adjacent properties to the subject site.

### **406-3 Energy Conservation Guidelines**

*Type II and Type III Developments:*

*406-3.1 Where possible, lay out streets and building lots for multi-family, commercial, industrial, and institutional developments to allow buildings maximum solar access, using techniques such as:*

- A. *East-west street direction so that principal building facades will face south;*
- B. *Make configuration of lots to allow orientation of the front or rear of buildings within twenty (20) degrees of true south in order to maximize potential solar access.*

**STAFF:** The applicant indicates the proposed building will face east-west with the main customer entrance facing south. Additionally, the proposed development includes a dining area designed to maximize natural daylight to include placement of windows and automatic lighting that adjusts to natural daylight.

#### **406-6 Mixed Solid Waste and Recyclables Storage Facilities**

**STAFF:** The trash enclosure is located to the east of the restaurant adjacent to the drive-aisle, approximately 45-feet to the north of OR-10 (Exhibit A, Plan Sheet C.30.0). The enclosure will be approximately 547 square feet (Plan Sheet C30.0). Per Section 406-6.1 B.(2), retail uses call for the enclosure to be 10 square feet plus 10 square feet per 1,000 square feet of gross floor area. The proposed restaurant will be 3,885 square feet, therefore requiring the trash enclosure to be 398.50 square feet with a minimum gate access of 12-feet in width. The enclosure will be fully enclosed with three walls, a roof, lighted, and have two swing gates that are lockable. The enclosure will match in building materials and color to the overall development and be buffered with landscaping to the south, east and west to mitigate any visual impacts.

The applicant has provided a Service Provider Letter from Washington County Health and Human Services / Solid Waste and Recycling program. The letter indicates the facilities will adequately serve the proposed development, however, has been conditioned by HHS to require the applicant to roll out the trash bin(s) to facilitate access for the waste hauler due to the design of the access gates. The applicant shall work with HHS if access design changes in the future, per the Service Provider Letter, signed by HHS on February 11, 2022.

#### **Section 407 Landscape Design**

##### **407-1 Minimum Landscape Standards**

###### **407-1.4 Commercial, Industrial and Institutional Districts:**

- A. *For new development, the minimum area required for landscaping shall be fifteen (15) percent of the land area.*

**STAFF:** The project site totals approximately 93,045 square feet. Per Section 407-1.4, 15% required landscaping (of buildable land area) is approximately 5,583 square feet.

The applicant has proposed to landscape 23,326 square feet (25.1%) of the total net project area, exceeding the minimum requirements. (Plan Sheet page LPP.1 of application materials). Staff finds this requirement has been satisfied.

##### **407-6 Parking Area Landscaping**

- 407-6.1 *The landscaping located within and adjacent to access roads and parking areas shall consist of a mixture of ground cover, shrubs and trees.*

- 407-6.2 *Landscaped areas shall be located to provide shade for parking lots and to create small clusters of parking.*
- 407-6.3 *In addition to pedestrian ways, parking areas and access roads shall be separated from the exterior wall of a structure with landscaping except where loading and access ways exist.*
- 407-6.4 *A minimum five (5) foot landscape strip shall be created along any parking lot boundary, including access roads, except where the use of joint parking or a zero (0) setback is approved.*
- 407-6.5 *Landscape "islands" located within parking areas shall maintain a minimum width and length dimension of five (5) feet (see Section 407-1.6).*
- 407-6.6 *Entryways into parking lots shall be bordered by a minimum five (5) foot wide landscape strip.*
- 407-6.7 *Landscape plans that do not meet the minimum area standard through requirements intended to provide landscaping around buildings and in parking and loading areas, and screening and buffering as required under Section 411, are required to focus landscaping along pedestrian walkways linking on-site building(s) to the street in order to meet the minimum area standard.*

**STAFF:** The applicant's site plan (Exhibit-Q, Plan Sheet LPP1.0) demonstrates compliance with the requirements of Sections 407-6. The site will be redeveloped in its entirety; therefore, parking area landscaping consistent with 407-6.5 as well as other applicable landscaping requirements is required.

#### **407-7 Urban Street Tree Standards**

*Inside an urban growth boundary, all new structures or land divisions fronting on public or private roadways or access drives, except the construction of a detached dwelling unit on an existing lot, shall be required to plant street trees in accordance with the following standards:*

- 407-7.1 *The species of street trees to be planted shall be chosen from the approved list of street trees unless approval of another species is given by the Director through a Type I procedure. Trees shall be selected and appropriately spaced to maximize canopy coverage and provide canopy overlap for shade. Trees shall be installed at an average of one tree per thirty-five (35) feet of lineal road frontage unless the selected species has a wide canopy. In those instances, the spacing of trees may be greater than thirty-five (35) feet provided the spacing will result in canopy overlap.*
- 407-7.2 *Exemption from the street tree requirements may be granted by the Director if existing trees can be used as a substitute. This exemption may be granted through a Type I procedure;*
- 407-7.3 *Street trees shall be installed on public or private property no more than five (5) feet from the designated right-of-way; and*
- 407-7.4 *Street trees shall be a minimum of one and one-half (1 1/2) inches in diameter.*



**STAFF:** The development is required to provide street trees meeting the standards of this section. Street trees are proposed (Exhibit-Q, Site Plan Sheet LPP.1) along the street frontage of SW Beaverton-Hillsdale Highway (OR-10) and SW Laurel Street as part of the half-street improvements.

**407-8 Installation and Maintenance**

**STAFF:** Maintenance of landscaping shall be in conformance with the standards of this section.

**Section 408 Neighborhood Circulation**

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**408-10 Internal Pedestrian Circulation**

**408-10.1 Number of Pedestrian Connections**

- A. *All developments that generate fourteen (14) or more additional ADT shall provide a pedestrian connection between the street and the main entrance of the primary structure on the lot. For lots with more than one street frontage, a connection shall be provided to each street. As an alternate for new development on lots with multiple buildings, a pedestrian connection shall be provided between the street and the center of the internal pedestrian network. The requirements do not apply to single family or duplex residential development.*
- B. *All developments that generate five hundred (500) or more ADT shall provide:*
  - (1) *A connection from the main entrance of the primary structure to within twenty (20) feet of any transit stop located along the frontage of the subject property;*
  - (2) *A connection to within twenty (20) feet of any mid-block pedestrian crossing; and*
  - (3) *A connection for every two hundred (200) feet of street frontage including connections provided per (1) and (2) above. Connections shall be generally spaced to ensure direct access to buildings on the lot for pedestrians accessing the lot from any direction.*
- C. *As an alternative to 408-10.1 A. and B. (1-3) above, pedestrian connections shall be provided for new development as part of campus development which connect each building within the campus area and directly connect the building complex to the most appropriate street(s) or pedestrian route(s). More than one (1) pedestrian connection may be required to a particular street or pedestrian route in order to decrease out of direction travel.*

**STAFF:** The applicant proposes a five (5) foot-wide internal pedestrian pathway connecting the parking areas to the restaurant. Main restaurant access will be provided from SW Beaverton-Hillsdale Highway. The applicant proposes the continuation of the 10-foot-wide sidewalk along the property street frontage of SW Beaverton-Hillsdale Highway as part of the right-of-way improvements required by the Oregon Department of Transportation (ODOT). Project street frontage is approximately 300 linear feet. The

proposed sidewalk will provide uninterrupted pedestrian connections to the east and west of the site, as well as provide access on the west side (Chick Fil-A) to Tri-Met bus stop #54, located east of SW 107<sup>th</sup> Avenue on SW Beaverton-Hillsdale Highway. The applicant also proposes a five (5) foot-wide internal pedestrian pathway connecting the restaurant to the sidewalks to be constructed on SW Laurel Street. As a result, the proposed development provides pedestrian connection between both street frontages. Staff finds that the proposed connection(s) are adequate and meet the standards.

**Section 410 Grading and Drainage**

**STAFF:** The applicant proposes grading the site as it relates to redeveloping the site to remove existing structures and construct the new restaurant and related uses; i.e., parking, landscaping, internal pedestrian walkways, outdoor seating area, trash enclosure, etc. The applicant has provided a grading plan (Plan Sheet C33) which provides information for all cut and fill amounts for the proposed on-site earthwork. A Grading Permit meeting the requirements of Section 410 shall be obtained prior to any on-site work and shall comply with the Conditions of Approval of this Casefile. The applicant has provided a Drainage Analysis site plan (Plan Sheet C35) as well as a complete Drainage Analysis prepared by MSL Engineering, Inc. The report concludes the proposed project has been designed in accordance all CWS guidelines.

Pursuant to Resolution and Order No. 19-5, Clean Water Services (the District) has the responsibility for review and approval of storm drainage plans as well as erosion control plans. The District has provided service provider letters affirming that storm sewer service is available to the site. The applicant will be required to obtain approval from the District for the proposed drainage plan prior to any on-site work.

**Section 413 Parking and Loading**

**413-3 Off-Street Parking Lot Design**

**STAFF:** There are 94 striped parking spaces proposed: 18 compact spaces, 72 standard spaces and 4 handicapped accessible spaces, including 1 van accessible. All required parking spaces will be angled at 90° and striped according to the dimensional standards of this section.

**413-6 Minimum Off-Street Parking Requirements**

**STAFF:** The minimum and maximum amount of required parking is based on the following:

	<b>USE</b>	<b>MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE</b>
<b>413-6.1</b>	<b>C. Business and Commercial:</b>	<i>Minimum number of spaces:</i>
	(6) <i>Drive-in restaurant or similar drive-in used for the sale of beverages, food or refreshments for consumption off the premises</i>	<i>5 per one (1,000) thousand square feet of gross floor area</i>
<b>413-6.3</b>	<b>B. Maximum Off-Street Parking Ratios in Zone A:</b>	

<b>USE</b>		<b>MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE</b>
<b>Zone A.</b>	<i>Drive-in restaurant or similar drive-in used for the sale of beverages, food or refreshments for consumption off the premises</i>	<i>12.4 per one (1,000) thousand square feet of gross floor area</i>

Per the requirements above, the minimum parking spaces for the proposed 3,885 square foot restaurant with drive-thru is 19 spaces, and the maximum number is 48 spaces. The applicant has proposed a total of 94 on-site parking spaces in anticipation of the site needing additional overflow parking spaces for several reasons: 1) In response to requests made by community members for the desire to have as many parking spaces as possible, and 2) the popularity of the restaurant and its recognition along the West Coast region of the country resulting in increased parking demand.

*413-6.6 In either Zone A or B, the Review Authority may approve through a Type II procedure off-street parking in excess of the maximum parking standards based on findings that:*

- A. The nature of the development will result in a higher off-street parking demand relative to similar uses in the same parking zone; and,*
- B. To the greatest degree practicable, the development includes the implementation of opportunities for shared parking, parking structures, utilization of public parking spaces and other appropriate demand management programs. Demand management programs may include, but are not limited to, subsidized transit passes, shuttle service, and carpool programs.*

**STAFF:** The applicant has submitted a site plan (Exhibit K-Plan Sheet C30.1) entitled Traffic Management Plan. This site plan shows the on-site parking spaces, and drive-thru queuing lanes, which are proposed to be two lanes accommodating up to 24-vehicles, that ultimately merge into one lane. Additional queuing is provided on-site to the south and west parallel to the drive-aisles. The applicant shall be required, as conditioned by ODOT, to submit a *Performance Based Traffic Management Plan (TMP)*, as well as updated site plans reflective of all on-site queuing. Additionally, to resolve the requested additional parking spaces over the maximum parking spaces permitted in Zone-A, the applicant shall submit for review and approval a Type II Development Review (Misc.) application demonstrating compliance with Community Development Code Section 413-6.6. Approval shall be obtained prior to issuance of Final Approval for the current application. If applicant decides to forego the additional parking spaces, then a revised site plan shall be submitted showing the required 48 parking spaces, with no excess on-site parking.

**Section 414 Signs**

**STAFF:** The applicant proposes a 35 square foot sign monument sign at the western edge of the site along SW Beaverton-Hillsdale Highway (OR-10) with a ground clearance of 23 feet, and overall height of 28 feet. All proposed signage will be reviewed, processed and approved under a separate signage permit(s).

### **Section 415 Lighting**

**STAFF:** The proposed development is commercial, and lighting is not required per Sections 413 or 415. The applicant has proposed on-site lighting (Plan Sheet C30.1 of Exhibit-K and Exhibit-R). All proposed lighting shall meet the requirements of Section 415-4. The applicant shall provide a detailed illumination site plan with lighting fixture schedule for lighting specifications. Illumination plan shall show proposed on-site and off-site lighting locations, elevations and lumines (foot candle). Access lighting along SW Beaverton-Hillsdale Highway (OR-10) shall be reviewed and approved by ODOT. As conditioned, this standard has been met.

### **Section 417 Irrigation**

**STAFF:** The minimum required landscape area for the site exceeds 1,000 square feet. Irrigation is required (and provided) for the site in compliance with Section 417.

### **Section 416 Utility Design**

**STAFF:** Consistent with CDC Section 416, new utilities must be located underground and associated utility easements provided. Further, in accordance with 416-1.4, disturbance of soil shall be kept to a minimum when installing any new utilities.

### **Section 418 Setbacks**

**STAFF:** Section 313 establishes setback requirements for the CBD District, and Section 312 for the OC District. The proposed restaurant and related appurtenances, as proposed, demonstrate compliance with these sections of the Code.

### **Section 419 Height**

**STAFF:** Section 313 establishes height requirements for the CBD District, and Section 312 for the OC District. The proposed restaurant and related appurtenances, fences, retaining wall(s), projections into setbacks, clear vision at driveways shall demonstrate compliance with these sections of the Code.

### **Section 426 Erosion Control**

**STAFF:** Section 426 requires erosion control measures in the Tualatin River and Oswego Lake sub-basins during construction to control and limit soil erosion. Section 426-5.2 allows the erosion control plan submission and review to be deferred until the time of any on-site work or construction. Therefore, the applicant shall be required to submit an erosion control plan consistent with the requirements of Section 426 prior to any physical change or construction on the site.

### **Section 429 Bicycle Parking**

#### ***429-6 Number of Bicycle Parking Spaces Required***

*The minimum number of bicycle parking spaces required for long-term use is specified by land use category and shall be in accordance with Table A. The minimum number of bicycle parking spaces required for short-term use is specified by land use category and shall be in accordance with Table B.*

**STAFF:** The applicant has proposed six (6) bicycle parking spaces in total. Table A for long-term bicycle parking, Section 429-6.3. B, requires two (2) spaces or one (1) space for

each fifty (50) employees. The applicant proposes 10-15 employees per shift; three shifts per day.

Table B for short-term parking Section 429-6.8. D (eating establishment) requires two (2) spaces or one (1) space per five thousand (5,000) square feet of gross floor space.

The applicant has proposed: 2 long term spaces and 4 short term spaces, six (6) spaces for the project. All bicycle parking spaces are proposed near the patio and customer front entrances with direct access to SW Beaverton-Hillsdale Highway (OR-10). The proposed bicycle parking satisfies the requirements of Section 429.

### **Section 430 Special Uses**

#### **430-41 Drive-in or Drive-Up Establishment**

*Any establishment or portion of an establishment designed and operated to serve a patron while seated in an automobile (not including drive-in theaters).*

##### **430-41.1 Entrances and Exits:**

- A. Access shall be determined based upon a site inspection which considers the following:
  - (1) Site size;
  - (2) Road Classification;
  - (3) Sight distance and allowed m.p.h.;
  - (4) Adjacent development.*
- B. Consolidation of access with adjoining uses shall be encouraged; and,*
- C. Driveway entrances and exits shall be clearly marked.*

**STAFF:** The development site fronts SW Beaverton-Hillsdale Highway (OR-10), classified as a "Principal Arterial". Currently there are three (3) access driveways from the project site onto OR-10, a transportation facility owned and maintained by the Oregon Department of Transportation (ODOT). The applicant proposes closing the middle access, limiting access driveways to the existing west and east access locations. Sight distance is adequate along OR-10, per the traffic study Memo (May 2021), page 4, prepared by Kittleson & Associates (Exhibit J). The applicant does not propose consolidation of access with adjacent developments.

All driveways' entrances and exits shall be clearly marked as required by Code. R&O 86-95 requires that accesses to Collectors and Arterials, such as SW Beaverton-Hillsdale Highway, be illuminated. The western access driveway is proposed as right-in/right-out with a "pork-chop" island in order to restrict vehicle turning movements to the left, and the eastern access is proposed to be a full-turning movement access, i.e., right-in/right-out, left-in/left-out. SW Beaverton-Hillsdale Highway (OR-10) is controlled and maintained by ODOT. As a result, ODOT has provided conditions of approval to mitigate traffic and access to the site. (See *Attachments B and D*).

ODOT has indicated the eastern access will be restricted to right-in only, during the "opening-period" of the proposed restaurant, and not opened to full-movement access

until such time that the traffic impacts lessen and the restaurant enters a period of "normal" operations regarding overall volume of vehicles entering and exiting the site, as well as surrounding roadways. In other words, during this opening period, the eastern access will be limited to right-in only. As conditioned, the applicant will be required to develop, submit, and have approved, a Traffic Management Plan (TMP) that demonstrates how traffic impacts will be mitigated during the "opening period" and subsequently during "normal" business operations. The TMP shall provide coordination between the applicant, ODOT, Washington County and City of Beaverton for continuous monitoring of the traffic for said project. ODOT will install a temporary traffic separator (i.e., lane restrictor) in the middle lane of SW Beaverton-Hillsdale Highway (OR-10) between SW 107<sup>th</sup> and SW 103<sup>rd</sup> Avenue to temporarily restrict the eastern access to right-in only during "opening period" to ensure safe traffic flow along OR-10.

No access will be permitted from SW Laurel Street per the County Engineer. The access will be fully gated and locked with a Knox-box and restricted for emergency vehicles only.

*430-41.2 Drive-in facilities located in the parking lot or part of a larger commercial center shall not have separate access points to the street and shall utilize the center's access points;*

**STAFF:** The proposed development is not part of a larger commercial center. The project site has been developed with two eating and drinking establishments, one with drive-thru, the other as dine-in continuously for several decades. The proposed Drive-in establishment will use two of three existing access points to SW Beaverton-Hillsdale Highway (OR-10). The middle driveway will be closed.

*430-41.3 Lighting, sign illumination and height, and hours of operation may be restricted through the development review process to insure compatibility within the Office Commercial District; and,*

*430-41.4 In an Office Commercial District, hours of operation shall be limited to normal hours of operation in the Office Commercial District. Normal hours of operation are 7:00 a.m. to 6:00 p.m.*

**STAFF:** The site encompasses two land use districts: Commercial Business District (CBD) and Office Commercial (OC). The proposed eating and drinking establishment with drive-thru will be constructed within the CBD district portion of the project site, with additional overflow parking in the OC designated portions of the project site. The restaurant structure as well as the drive-thru lanes are proposed only in the CBD portion of the site. Therefore, this standard is not applicable.

**4. Article V, Public Facilities and Services:**

**Section 501 Public Facility and Service Requirements**

**501-2 Application of the Public Facility and Service Standards Inside a UGB**

*Application of the Public Facility and Service Standards (Section 501-1 through 501-12) shall apply to the Urban Unincorporated Area as follows:*

*501-2.2 To all new construction of structures or expansion of an existing structure, except for construction of a single (one [1] only) detached*

*dwelling unit or duplex on an approved duplex lot (Section 430-13.3), or other structures which meet all of the following:*

- A. Contains two thousand (2000) square feet or less;*
- B. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report;*
- C. Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and*
- D. Does not pose any unique public health or safety issues.*

**STAFF:** Article V is applicable to the proposed development per Section 501-2.2 in that it includes more than 2,000 square feet of floor area and generates more than 14 ADT. See Attachment D.

***501-3 Application of the Public Facility and Service Standards for Multiple Actions***

**STAFF:** There are no future or phased development actions for this site that would make it appropriate to delay application of Article V. As such, all requirements of Article V for this site are being evaluated with this development application.

***501-4 Deferral of Public Facility and Service Standards***

**STAFF:** The applicant has not proposed and staff does not find any reason to defer the public facility and service standards that are applicable to this proposal.

***501-5 Exemptions from Public Facility and Service Standards of Section 501-2***

**STAFF:** The proposed commercial development is not exempt from Section 501-2. Therefore, the provisions of this section are not applicable. See also Attachment D.

***501-6 Exceptions for Critical and Essential Services***

**STAFF:** The applicant has not requested any exception to Critical or Essential Services for this development.

***501-7 Levels of Public Facilities and Services***

**STAFF:** The applicant has provided documentation and service provider letters consistent with the definitions and procedures listed in this section.

***501-8 Standards for Development***

***501-8.1 Critical Services***

- A. An applicant for development shall provide documentation from the appropriate non-County service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.*

**STAFF:** The applicant has provided service provider letters from Clean Water Services, West Slope Water District, Tualatin Valley Water District, and Tualatin Valley Fire & Rescue, all of which were dated within 90 days of the date the application was submitted.

*B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:*

**STAFF:** Findings for the requirements under this Section are in Attachment D, Transportation Report.

*C. No development shall be approved without adequate drainage as prescribed by the County Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for stormwater, surface water and water quality management as required by the Clean Water Services' "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.*

**STAFF:** The applicant has provided documentation from Clean Water Services. As noted in Attachment B, Conditions of Approval, the development will be reviewed by Clean Water Services for compliance with Resolution & Order 19-5 - Erosion Control, Water Quality, and Water Quantity.

*D. No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District. The subject property shall be annexed into this district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.*

**STAFF:** As noted in Attachment D, Transportation Report, the subject site is in the Urban Road Maintenance District.

*E. For development in a Transit Oriented District, or development outside a Transit Oriented District but adjacent to a designated Special Area street, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Neighborhood Route or Special Area Commercial street. A ten (10) foot pedestrian/utility easement shall be recorded adjacent to a Special Area Local street. If the required sidewalk width is greater than the sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.*

**STAFF:** The site is not in a Transit Oriented District or adjacent to a Special Area street. The standards of this section are not applicable.

*501-8.2 Essential Services*

*A. Service Provider Documentation*

**STAFF:** The applicant has provided service provider letters from districts and agencies that provide services defined as Essential in Article V. All the services provider letters indicate that the identified services can be provided for the development.

*B. Adequate Level of Arterial and Collector Roads*

**STAFF:** Findings for the requirements under this Section are in Attachment D, Transportation Report.



C. *Street Lighting*

*For all new Local, Neighborhood Route, Collector and Arterial streets, and half-street improvements an applicant shall provide street lighting consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.*

**STAFF:** Street lighting does not exist along SW Beaverton-Hillsdale Highway (OR-10) or along SW Laurel Street. Access and improvements to OR-10 shall be reviewed by ODOT; improvements to SW Laurel Street, including half-street improvements at property frontage and street lighting, if applicable, will be reviewed by Washington County. Further, in accordance with R&O 86-95 access lighting shall be provided at each of the new accesses on SW Beaverton-Hillsdale Highway. See Findings in Attachment D, Transportation Report for required street improvements.

*D. Applicants shall be required to dedicate or reserve appropriate right-of-way for the planned transit corridor if it is determined in the development review process that the County has the funds available to pay for the land to be acquired or the applicant chooses to receive the density bonus provided in Section 375-13.2.*

**STAFF:** The subject site is not in a Transit Oriented district and no right-of-way for a transit corridor is needed.

*F. Future alignments of Collectors or Arterials as designated on the Transportation Plan or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with the Washington County Transportation Plan and Road Design and Construction Standards.*

*G. A half-street improvement shall be constructed along the site's frontage of existing Collector and Arterial roads which abut the site and are not improved in accordance with the Washington County Transportation Plan and Road Design and Construction Standards.*

**STAFF:** SW Beaverton-Hillsdale Highway (OR-10) is an Arterial Street adjacent to the site. Requirements regarding half-street improvements are described in Attachment D, Transportation Report and ODOT comments dated April 22, 2022.

*H. For development in a Transit Oriented District, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Collector street. If the required sidewalk width is greater than this sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.*

**STAFF:** The subject site is not in a Transit Oriented District.

*I. Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities*

*accommodating convenient pedestrian and bicycle travel, including bicycle ways along Arterials and Collectors. The level of pedestrian and bicycle improvement shall be determined by the Review Authority, based upon the impact of the proposed development.*

**STAFF:** Findings for the requirements under this Section are in Attachment D, Transportation Report.

*J. When a development site includes frontage on a roadway that is identified as a 'Boulevard' or 'Street' on the Regional Street Design Overlay Map in the Transportation Plan, the Director shall determine if additional right-of-way, setbacks, easements or right-of-way reservations are required so that implementation of Regional Street Design Guidelines will not be precluded.*

**STAFF:** The subject site does not have frontage on a roadway with either of these designations on the Regional Street Design Overlay Map in the Transportation Plan.

*K. Law Enforcement Services*

*No development shall be approved on property that is located outside of the Washington County Enhanced Sheriff's Patrol District. The subject property shall be annexed into the district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.*

**STAFF:** The subject site is in the Washington County Enhanced Sheriff's Patrol District.

*501-8.3 Desirable Services*

*A. Pedestrian walkways, off-street trails and pathways and bicycle facilities.*

**STAFF:** The applicant has provided pedestrian walkways internally to the subject site, as well as pedestrian accesses to SW Laurel Street and SW Beaverton-Hillsdale Highway (OR-10). The applicant, in coordination with ODOT, will construct the continuation of the 10-foot-wide sidewalk from west to east, as well as a 6-foot-wide bicycle lane (per ODOT requirements and specifications), as part of the future right-of-way dedication and half-street improvements associated with the proposed development.

*B. Park and recreation facilities*

**STAFF:** The subject site is currently within the Tualatin Hills Parks & Recreation District.

*501-8.4 Dedication of Right-of-Way*

*501-8.5 Access to County and Public Roads*

**STAFF:** Findings for the requirements under these Sections are in Attachment D, Transportation Report.

*501-8.6 Methods to Assure Facilities and Services*

**STAFF:** Findings for the requirements under these Sections are in Attachment D, Transportation Report.

**Section 502 Sidewalk Standards**

**502-1 Intent, Purpose, Application, Authority, Requirement**

502-1.4 Sidewalks shall be required to be constructed prior to occupancy for the following development in the unincorporated areas of Washington County within an urban growth boundary:

A. All development that is subject to the Public Facility and Service Standards as required by Section 501-2, except for:

(1) Private streets for four (4) or fewer dwelling units pursuant to Section 409-3.3 A. (1), (2), and (4 - 7); and

(2) Residential development that meets the exemption criteria in Section 502-14; or

**STAFF:** The proposal is subject to Section 501, per the applicability standard in Section 501-2. Sidewalks are required and will be constructed along all abutting street frontages, as applicable. See Attachment D, Transportation Report, and in ODOT comments for the specific sidewalk requirements for this proposal.

**5. Article VI, Land Division and Property Line Adjustments Inside a UGB:**

**Section 605 Land Divisions and Property Line Adjustments inside the UGB**

**605-1** A property line adjustment is the relocation or consolidation of a common boundary line between two or more abutting properties where an additional lot or parcel is not created.

605-1.1:

A. General Limitations: property line adjustments are limited as follows:

(2) For property line adjustments on lots or parcels with two or more land use districts, the minimum lot size shall be based on the predominant land use district of the parcel.

**STAFF:** The proposed property line adjustment involves four lots in two land use districts, Commercial Business District (CBD) and Office Commercial (OC). The predominant land used district for the project is the CBD and the minimum lot size is 8,500 square feet. The resultant lots from the property line adjustment will result in consolidation of 3 lots into 1 lot; said lots will not be less than 8,500 square feet. The smaller lot that fronts SW Laurel Street is designated OC; while the other larger lot will be designated predominantly CBD with a small northeastern portion designated OC. The applicant shall comply with applicable provisions of the Community Development Code as set forth in Sections 501-8.5 and 605.

**D. Ordinance No. 768-A, 783-A, 799-A – Washington County Transportation System Plan:**

**STAFF:** The findings and recommendations for transportation standards are found in Attachment D, Transportation Report, and are incorporated as findings herein.

**E. Ordinance No. 793-A; Washington County Transportation Development Tax Ordinance:**

**STAFF:** The Transportation Development Tax (TDT) is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to major collectors and arterial streets needed for development. This fee is based on the number of daily trips a site generates and is due at issuance of a building permit.

**F. Ordinance No. 738 - Road Design and Construction Standards:**

**STAFF:** The findings and recommendations for transportation standards are found in the Attachment D, Transportation Report, and are incorporated as findings herein.

**G. Resolution and Order No. 86-95 – Determining Traffic Safety Improvements**

**STAFF:** The findings and recommendations for transportation standards are found in the Transportation Report, Attachment D and in Attachment D-1 (ODOT comments). They are hereby incorporated as findings. Traffic Engineering have not identified any off-site improvements necessary to satisfy R&O 86-95. The new accesses to SW Beaverton-Hillsdale Highway shall be illuminated pursuant to R&O 86-95. Additionally, Attachment B includes Conditions of Approval recommended by ODOT requiring a Traffic Impact Plan (TMP). The TMP will provide actionable mitigation measures for all off-site traffic related impacts generated as a result of the proposed eating and drinking establishment with drive thru.

**G. R & O No. 19-5 regarding Erosion Control, Water Quality and Water Quantity:**

**STAFF:** Resolution and Order 19-5 contains adopted standards and regulations for Clean Water Service's (The District) review and approval of erosion control measures.

**IV. SUMMARY AND CONCLUSION:**

The required findings have been made for all applicable Community Development Code sections. When implemented in accordance with the Conditions of Approval and the approved final plans, the project will be in compliance with the Community Development Code and the Transportation Plan. Further, in coordination with the Oregon Department of Transportation (ODOT), the applicant's *Performance Based Traffic Impact Plan (TMP)* will be required to address and provide actionable mitigation measures for all off-site traffic related impacts generated as a result of the proposed eating and drinking establishment with drive thru. The ongoing review and management of said TMP by Washington County, ODOT, and City of Beaverton shall continue until the proposed restaurant reaches "normal" operating conditions (as defined by the applicant) demonstrating that increased traffic becomes manageable over time.

Therefore, staff recommends that the Hearing's Officer approve the request for an eating and drinking establishment with drive-thru and the Property Line Adjustments consolidating Tax Lots 2000, 2400 and 2401 of Assessor's Map 1S1 14 BC into a single tax lot subject to the Recommended Conditions of Approval set forth in Attachment "B" of this report.

**Attachment D  
TRANSPORTATION  
REPORT**

Staff reviewed this request for adequacy of transportation facilities and services and submits the following findings. Conditions of Approval, in Attachment B, are provided to implement the applicable provisions of the Washington County Community Development Code (CDC), Transportation Plan, Road Design and Construction Standards (WCRDCS), and Resolution and Order (R&O) 86-95 “Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance–Process Documentation.”

**FINDINGS:**

**I. PROJECT PROPOSAL AND TRIP GENERATION:**

Use	Trip Generation Rate (ITE Code)	Units/Square Feet	Trips
<b><i>Proposed Uses</i></b>			
<i>Fast Food Restaurant with Drive-Thru</i>	470.95 ADT/ 1,000 sq ft GFA (ITE Code 934, 10 <sup>th</sup> Edition)	3,885 sq ft	1,832

- C. The Transportation Development Tax is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to Collectors and Arterial streets needed for development. This tax is based on the number of daily vehicle trips a site generates and is due at issuance of a building permit.

**II. TRANSPORTATION SYSTEM DESIGNATIONS AND REQUIREMENTS:**

**A. SW Beaverton-Hillsdale Highway (OR-10)**

- 1. SW Beaverton-Hillsdale Highway (OR-10) is designated as a 4-5 lane Washington County “Arterial” (A-2) road per the Washington County Transportation System Plan. As OR-10 is an Oregon Department of Transportation (ODOT) facility, right-of-way dedication will be required. SW Beaverton-Hillsdale Highway (OR-10) is also designated as an Enhanced Major Street Bikeway in the TSP, which requires 51 feet of right-of-way from centerline. Existing right-of-way is 40 feet from centerline. Right-of-way dedication shall be made to provide 51-feet from the legal centerline (noting that the process to assign right-of-way to ODOT is to donate the land to ODOT).

Section 501-8.2 G. requires the construction of street improvements (as defined in CDC 501-8.8 A.) to State (Oregon Department of Transportation) standard along the site’s frontage of SW Beaverton-Hillsdale Highway (OR-10). Washington County’s Road Designation for the site’s frontage is A-2, a 5 lane Arterial. Improvements required by ODOT to incorporate into the half-street Arterial design are set forth in their agency comments dated April 22, 2022 and included in the Casefile and attached to this report.

- 2. ODOT comments incorporated by reference herein also include a requirement that 6 months prior to issuance of Certificate of Occupancy that the applicant 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 7 key elements. Other conditions contained in the ODOT memo dated April 22, 2022 have been incorporated into the Recommended Conditions of Approval.

**B. SW Laurel Street**

1. SW Laurel Street is designated as a Washington County “Local” street per the Washington County Transportation System Plan. The right-of-way dedication shall be 30-feet from the legal centerline of 17 feet of paved width. Existing right-of-way is 25 feet and the applicant proposes to dedicate an additional 5 feet of right-of-way.
2. Section 501-8.1 B. (4) requires half-street improvements on an existing Local or Neighborhood Route when they are not improved. SW Laurel Street is not improved to current road standards. Therefore, the applicant shall construct half-street improvements in accordance with Washington County standards, per County Engineer Memo, dated May 24, 2022. Attached). The applicant proposes to complete half-street improvements to SW Laurel Street as required (noting that the improvements will be designed to match the half-street improvements completed by Chick-Fil-A to the west of the site).

- C. The Transportation Development Tax is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to Collectors and Arterial streets needed for development. This tax is based on the number of daily vehicle trips a site generates and is due at issuance of a building permit.

**III. ACCESS:**

- A. CDC Section 501 8.5 governs access to County and public roads and ODOT governs access to state facilities. SW Beaverton-Hillsdale Highway (OR-10) is designated as a county Arterial in the TSP but is under the jurisdiction of ODOT.
- B. Access to the site will be provided from two of three existing access driveways from SW Beaverton-Hillsdale Highway (OR-10). The third existing driveway will be closed by the applicant. The new western access will be limited to right-in and right-out; while the new eastern access will be designed as a full access. Noting that during the initial “opening period” (i.e., from opening day until “normal operations” are achieved, to be determined by the applicant in coordination with ODOT, based on standard trip generation, Table 8 of Kittleson Memo, dated May 21, 2021, Exhibit J of application materials) the eastern access will be temporarily restricted to right-in only, through the installation by ODOT of a lane restrictor (i.e., candlestick vehicle barriers), extending along the entire frontage of SW Beaverton-Hillsdale Highway (OR-10). The purpose of the lane restrictors is to ensure safe vehicular circulation and traffic flow along heavily traveled SW Beaverton-Hillsdale Highway (OR-10). The temporary lane restrictors are anticipated to extend from SW 107<sup>th</sup> Avenue east to about SW 103<sup>rd</sup> Avenue.<sup>1</sup>

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<sup>1</sup> ODOT Memo, dated April 22, 2022, defined “opening period” as the initial opening of the restaurant until traffic volumes and queue lengths normalize based on the TMP performance-based measures, as well as standard trip generation as provided for in Table 8 of the Traffic Study from Kittleson & Associates Memo, dated May 21, 2021.

- C. 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.
- D. CDC Section 501 8.5. F. and WCRDCS Section 210.7 require adequate intersection sight distance at a site's access to a County or public road and at all intersections of County or public roads, in accordance with the standards of CDC 501 8.5. F.
- E. R&O 86-95: The accesses to SW Beaverton-Hillsdale Highway (OR-10) shall be illuminated pursuant to R&O 86-95. Street lighting does not currently exist along the project site frontage on SW Beaverton-Hillsdale Highway (OR-10), or on the SW Laurel Street project frontage. Access and improvements to OR-10 shall be reviewed by ODOT; improvements to SW Laurel Street, including half-street improvements at property frontage and street lighting, if applicable, will be reviewed by Washington County. The applicant can direct technical questions concerning this condition or the current roadway illumination standards to Traffic Engineering at (503) 846-7950.
- F. Commercial driveway (#1040) for access with SW Laurel Street (to be used for emergency access only) and SW Beaverton-Hillsdale Highway (OR-10).
- G. Per CDC Section 501-8.5 G., record a vehicular access restriction along the entire frontage of SW Beaverton-Hillsdale Highway (10), except at the approved accesses.

#### **IV. DRAINAGE:**

- A. Section 501-8.1.C requires the site to have adequate roadway drainage. The applicant has submitted a Drainage analysis; all site drainage shall be in compliance with the county Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for stormwater, surface water and water quality management as required by the Clean Water Services' "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.
- B. Drainage will be provided along each street as part of the half-street improvements.

#### **V. SIDEWALKS:**

- A. Section 502-6 of the CDC requires a sidewalk to be constructed along a site's road frontage when one does not exist. 5-foot-wide sidewalks exist along SW Beaverton-Hillsdale Highway (OR-10). To the west of the site the new curb tight sidewalk constructed by Chick-Fil-A is 10-feet wide, and to the east of the site, the existing curb tight sidewalks are 5-feet wide. The applicant proposes additional right-of-way on OR-10 to match the frontage improvements completed to the west by Chick-Fil-A. Said improvements include extension of the bicycle lane and pedestrian sidewalk (10-feet in width) along the frontage of the site, approximately 300 feet in length.
- B. Sidewalks will be constructed on SW Laurel Street as required and separated from the curb by the required landscape strip. The sidewalks will connect to the new sidewalk constructed by Chick-Fil-A and measure 5-feet wide.

## **VI. MAINTENANCE PROVISIONS:**

- A. Annexation into Urban Road Maintenance District (URMD). CDC Section 501 8.1 D. requires properties to be annexed into URMD prior to approval of development or redevelopment. The subject property is currently within the URMD.

## **VII. TRAFFIC SAFETY REVIEW:**

- A. Resolution and Order (R&O) 86 95 sets forth criteria for determining necessary traffic safety improvements due to development proposals that impact County and public roads. The Traffic Management Plan (TMP) required by ODOT addresses traffic safety as it pertains to SW Beaverton-Hillsdale Highway (OR-10), a county Arterial that is also a state highway.
- B. As required by R&O 86 95, the accesses to SW Beaverton-Hillsdale Highway (OR-10) shall be illuminated (R&O 86-95 requires access lighting for accesses to Collectors and Arterials).
- C. Per CDC 501-8.2 C., the applicant shall assure the maintenance and power costs of all required illumination on public roads through the annexation and petition for service to an existing County service district for lighting (SDL) or other means of assurance approved by the Operations Division.

## **VIII. ODOT REQUIREMENTS:**

- A. The Oregon Department of Transportation (ODOT), has reviewed this development proposal. The key relevant site design elements include limiting the western access to SW Beaverton-Hillsdale Highway (OR-10) permanent right-in and right-out (with a “pork-chop” island to prevent left turns) and to temporarily limit the eastern access to SW Beaverton-Hillsdale Highway (OR-10) to right-in only, during the “opening period”. ODOT comments are included as an attachment to this report.

## **IX. SIGHT DISTANCE:**

- A. CDC Section 501 8.5. F. and WCRDCS Section 210.7 require adequate intersection sight distance at a site's access to a County or public road and at all intersections of County or public roads, in accordance with the standards of CDC 501 8.5. F.
- B. SW Beaverton-Hillsdale Highway (OR-10): The required sight distance is 350 feet based upon the posted speed limit of 35 m.p.h. Provision of and certification of adequate sight distance is imperative to the safety of the proposed accesses as required by Article V. of the Code. Therefore, the applicant shall provide Final Certification of Sight Distance to confirm that adequate sight distance can be achieved at the accesses to SW Beaverton-Hillsdale Highway (OR-10) prior to issuance of the occupancy permit.
- C. SW Laurel Street: The required sight distance at SW Laurel Street is 250 feet based upon the posted speed limit of 25 m.p.h. Adequate sight distance will be provided to Washington County upon completion of the half street improvements. Final Certification of Sight Distance to confirm that adequate sight distance has been achieved and shall be provided prior to issuance of the occupancy permit.
- D. Periodic trimming of vegetation may be required to maintain adequate sight distance at all intersections.



**X. PERMITS REQUIRED:**

- A. A Facility Permit will be required from the Assurances section of the Current Planning division for any construction of required public improvements for SW Laurel Street.
- B. ODOT permits will be required for the construction of improvements for SW Beaverton-Hillsdale Highway.

**CONDITIONS OF APPROVAL: See Attachment B**



# Oregon

Kate Brown, Governor

## Department of Transportation

Region 1 Headquarters  
123 NW Flanders Street  
Portland, Oregon 97209  
(503) 731.8200  
FAX (503) 731.8259

4/22/22:

ODOT #11755

## ODOT Response

<b>Project Name:</b> In-N-Out Burger with Drive Through BH Hwy	<b>Applicant:</b> Cassie Ruiz
<b>Jurisdiction:</b> Washington County	<b>Jurisdiction Case #:</b> 20-0113
<b>Site Address:</b> 10565 SW Beaverton-Hillsdale Highway	<b>Legal Description:</b> 01S 01W 14BC <b>Tax Lot(s):</b> 02000
<b>State Highway:</b> Beaverton-Hillsdale Highway (OR 10)	

### Proposed Development

The applicant proposes to construct a 3,885SF In-N-Out Burger Restaurant and associated drive thru, parking and seating area on Tax Lots 2000, 2100, 2400 and 2401 all of which are east of Chick Fil A between SW Laurel St and Beaverton-Hillsdale Hwy. Current plans include demolition of an existing drive thru restaurant (Hawaiian Time) and a sit-down restaurant (Vagabundos Cosina Mexican). A dual drive thru is proposed for the In-N-Out Burger with 24 car stacking capacity.

Three accesses are proposed for the development. The Laurel Street access is to be restricted to emergency use only. Two accesses to Beaverton-Hillsdale Highway (OR 10) are proposed and one highway access will be closed. The western access to OR-10 will be right-in-right-out only with a constructed island "porkchop" within the approach's centerline and the eastern access will allow all vehicle turning movements into and out of the development.

The applicant has previously submitted an Access Alternative Memorandum prepared by Kittleson & Associates (Kittleson) dated January 26, 2022 to analyze traffic impacts of the proposed development. The average queue lengths and traffic volumes shown in Table 8 of the memo are considered mature traffic operations.

The proposed In N Out restaurant is new to the Portland area market and is anticipated to generate more traffic during the "opening period". To address this concern, the applicant has also drafted a Traffic Management Plan framework with conditions of approval which ODOT has reviewed and will further discuss below.

### ODOT Highway Facilities, Safe Operation and Jurisdiction

The site of this proposed land use action is adjacent to Beaverton-Hillsdale Hwy (OR-10). ODOT has permitting authority for access to this facility and all work within the ODOT right of way. Additional ODOT facilities (OR 217 and Canyon Rd) are likely to be used by vehicles heading to this new destination.

The proposed development is within the immediate influence area of the Beaverton-Hillsdale Hwy/107<sup>th</sup> Ave intersection. Due to the surrounding commercial and fast food land uses, this intersection experiences high traffic volumes, and queuing. The site also lies between two 95% Safety Priority Index System (SPIS) locations. Traffic volumes and turning movements on the highway are anticipated to increase significantly with this development during the "opening period" before traffic generation matures. These increases may escalate the potential for safety problems, crashes and crash severity.

ODOT has an interest in working with Washington County and the developer to ensure that this proposed land use is compatible with the safe and efficient operation of State highway facilities for all modes of travel as part of the TMP during the "opening period" and when traffic operations mature.

### COMMENTS

#### Access

*Beaverton-Hillsdale Highway*

Based on current conditions, four existing accesses are in use for the four tax lots (one to SW Laurel Street and three to OR-10). All appear to allow full ingress and egress, however, some temporary signage has been used recently to limit ingress to the western existing access to OR-10 for Tax Lot 2000. ODOT supports removal of one access to the proposed restaurant from OR-10 and the proposed right-in/right-out construction of the western access and the full turning movement access of the eastern access during “normalized” traffic operations. ODOT supports restricting the eastern highway access to right-in only and recommends the western access to OR-10 become right-out only turning movements during the “opening period”. Access to the highway is regulated by OAR 734.51 and State Highway Approach Road Permits are required.

At this time, ODOT is planning to construct traffic implements within the middle turn lane to further enforce the right-in right-out only on the OR-10 western access. This will also reduce left turn crash probabilities from this development’s and others’ affected accesses. If, as a result of the applicant’s proposed development, traffic patterns within its functional area deteriorate, which may include, but is not limited to, blocking through access west and eastbound on OR-10, it is likely that ODOT will require permanent approach turn movement restrictions to this development onto OR-10.

#### *Laurel Street*

ODOT recommends that access to Laurel Street remain open to full movement for regular vehicle traffic. Full access to Laurel Street will distribute traffic throughout the transportation network limiting congestion to the heavily traveled highway facility. Access to Laurel Street is critical to ensuring safe and efficient traffic mobility and circulation across the transportation system with the proposed development.

#### **Proposed Traffic Management Plan Condition of Approval (Kittelson April 2022)**

ODOT recommends the land use decision include a condition of approval requiring a finalized Traffic Management Plan prior to issuance of the Building Permit. ODOT has highlighted key elements of the provided framework below as well as recommends additional language shown *in italics* defining the “opening period” and performance objectives when traffic operations are considered mature, as discussed in Kittelson’s Memorandum dated January 26, 2022. ODOT recommends this language be included in the land use decision as it is critical to ensure the objectives of the TMP are met. Though the comments and recommendations shown below may relate to the draft framework for the TMP provided, ODOT will review and provide further comments when the TMP is finalized.

#### **TMP Plan Elements and ODOT Recommended Condition Language**

**Objective:** To provide ways to monitor and minimize the potential for motor vehicles queuing entering and existing the site onto SW Beaverton Hillsdale Highway.

**Components:** The TMP shall consist of traffic control, emergency vehicle access routes, communication protocols between the agencies and In-N-Out (INO) 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.

**Coverage Area:** The TMP shall *monitor and* address operations along SW Beaverton-Hillsdale Highway (OR 10) between OR 217 and SW Jamieson Rd, SW Canyon Rd (OR 8) between OR 2117 and SW 102<sup>nd</sup> Ave, SW 107<sup>th</sup> Ave between SW Canyon Rd and SW Beaverton Hillsdale-Highway, and OR 217 from Walker Rd to SW Allen Blvd.

**“opening period”:** *The “opening period” for the TMP is defined as the time period where larger traffic volumes and longer queuing lengths than defined in Table 8 in the Access Alternative Memorandum dated January 26, 2022 are observed.*

**Performance Based Measures:** *The applicant shall provide documentation to Washington County and ODOT regarding average volumes and queue lengths. Once the applicant provides evidence that the average volumes*

and queueing lengths resemble those stated in Table 8 of the Access Alternative Memorandum dated January 26, 2022 for five consecutive weeks, ODOT will consider the “opening period” complete and give written notice.

**Table 8. In-N-Out Burger Drive-Through Queuing Data**

City	State	Size (sq ft)	Drive Through Capacity (Vehicles)	Weekday Mid-day Max (Vehicles)	Weekday Mid-day Ave (Vehicles)	Weekday PM Max (Vehicles)	Weekday PM Ave (Vehicles)	Saturday Mid-day Max (Vehicles)	Saturday Mid-day Ave (Vehicles)
Fort Worth	TX	3,750	21	14	12	17	13	15	13
Redwood City	CA	3,750	14	n/a	n/a	16	15	21	20
Rocklin	CA	3,750	13	n/a	n/a	12	8	14	12
Vacaville	CA	3,750	12	n/a	n/a	18	14	29	23
Fairfield	CA	3,750	14	n/a	n/a	17	12	23	17
Long Beach	CA	3,600	16	11	15	12	7	16	13
Los Angeles	CA	3,800	12	20	22	20	16	23	20
Corona	CA	Not Available	14	15	18	24	18	24	20
Highland	CA	Not Available	15	16	18	21	18	22	20
Average		3,736	15	15	17	17	13	21	18
Maximum		3,750	21	20	22	24	18	29	23

**Key Components of the TMP shall include:**

- Initial site access to Beaverton-Hillsdale Highway shall be limited to right-in drive through entry only use; and,
- West access limited to right-in/right-out only access (west access will be used for on-site parking for dine-in customers ingress/egress and drive-through egress).
- *SW Laurel Road to remain fully open to the public to disperse traffic generation across the surrounding street network providing an alternative route to Beaverton Hillsdale-Highway*
- In-N-Out employees commuting by personal vehicle shall park their private vehicles at a pre-arranged off-site location identified by In-N-Out and shuttled to the restaurant site.
- Off-site traffic control shall be provided by the Washington County Sheriff’s Office (paid for by In-N-Out) in conjunction with a designated licensed traffic management firm to be retained by In-N-Out.
  - In-N-Out shall be responsible for costs to implement and maintain the TMP
- *Promotional events to have time ranges of weeks and months rather than hours and days. This will allow for traffic volume stratification over longer periods of time.*
- The initial TMP opening plan stage shall remain in place until *the average volumes and queueing lengths resemble those stated in the Kittelson and Associates Memorandum dated January 26, 2022 in Table 8 for five consecutive weeks and the Washington County Sheriff’s Office, in conjunction with ODOT and Washington County Department of Land Use & Transportation, determine with written notice that the plan’s second phase can be implemented.*

### **Beaverton-Hillsdale Highway Frontage Improvements and Right of Way Donation**

The site plan shows a 6ft wide bike lane and 10ft sidewalk along the highway. This is a continuation of the frontage improvements in front of the Chick Fil A. As shown in the attached cross section for Chick Fil A frontage improvements, the City of Beaverton also required 8.5ft of right of way donation to ODOT for the improvements. ODOT supports these improvements and recommends that Washington County require the applicant to construct the frontage improvements as shown on the site plan and donate right of way to ODOT as necessary to construct these improvements.

### **Oregon Highway Design Manual**

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.

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.

## **ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL**

### **Frontage Improvements and Right of Way**

- 6ft bike lane and 10ft sidewalk shall be constructed as necessary to be consistent with local, ODOT and ADA standards along Beaverton-Hillsdale Highway.
- Right of way donated to ODOT as necessary to accommodate the planned cross section shall be provided. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT should 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 the State Highway**

- State Highway Approach Road Permits from ODOT for access to the state highway for the proposed use is required. 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. 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**

- 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.

- 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.

**Please direct the applicant to the District Contact indicated below to determine right of way donation and ODOT permit requirements and obtain application information.**

**Please send a copy of the Notice of Decision including conditions of approval to:**

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97209

[ODOT\\_R1\\_DevRev@odot.oregon.gov](mailto:ODOT_R1_DevRev@odot.oregon.gov)

Development Review Planner: Marah Danielson	503.731.8258 <a href="mailto:marah.b.danielson@odot.oregon.gov">marah.b.danielson@odot.oregon.gov</a>
Traffic Contact: Avi Tayar, P.E.	503.731.8221 <a href="mailto:Abraham.tayar@odot.oregon.gov">Abraham.tayar@odot.oregon.gov</a>
Region Access Management Engineer: Tony Rikli	503.731.8563 <a href="mailto:Anthony.RIKLI@odot.oregon.gov">Anthony.RIKLI@odot.oregon.gov</a>
District Contact: District 2B	<a href="mailto:D2bup@odot.oregon.gov">D2bup@odot.oregon.gov</a>



WASHINGTON COUNTY  
 Dept. of Land Use & Transportation  
 Development Services Division  
 Current Planning Section  
 155 N. 1<sup>st</sup> Avenue, #350-13  
 Hillsboro, OR 97124  
 Ph. (503) 846-8761 Fax (503) 846-2908  
<http://www.co.washington.or.us>

## Street Trees



### APPROVED STREET TREES

#### Ash

- *Fraxinus americana*—White Ash
- *Fraxinus excelsior*—Globe European Ash
- *Fraxinus ornus*—Flowering Ash
- *Fraxinus oxycarpa*—Golden Desert Ash, Flame Ash, Raywood
- *Fraxinus pennsylvanica*—Marshal Ash, Summit Ash

#### Beech

- *Fagus sylvatica*—European Tricolor

#### Blackgum

- *Nyssa sylvatica*—Blackgum

#### Crabapple

- *Malus*—Flowering Crabapple

#### Cherry, Flowering

- *Prunus sargentii*—Sargent Cherry
- *Prunus serrulata*—Oriental Cherry

#### Dogwood

- *Cornus florida*—Eastern Dogwood, Flowering Dogwood
- *Cornus kousa*—Kousa Dogwood, Japanese Dogwood
- *Cornus nuttallii*—Native Pacific Dogwood

#### Elm

- *Ulmus parvifolia*—Chinese Elm, Lacebark Elm

#### Ginkgo

- *Ginkgo biloba*—Autumn Gold, Fairmont, Princeton Sentry, Shangri-la

#### MALE TREES ONLY

#### Goldenrain Tree

- *Koelreuteria paniculata*—Goldenrain Tree

#### Goldenchain Tree

- *Laburnum watereri*—Goldenchain Tree

#### Hackberry

- *Celtis occidentalis*—Common Hackberry

#### Hawthorn

- *Crataegus lavalleyi*—Lavelley Hawthorn
- *Crataegus phaenopyrum*—Washington Hawthorn

#### Honey Locust

- *Gleditsia triacanthos*—Skyline

#### Hophornbeam

- *Ostrya virginiana*—American Hophornbeam

#### Hornbeam

- *Carpinus betulus*—European Hornbeam

#### Japanese Snowbell

- *Styrax japonicus*—Japanese Snowbell

#### Katsura

- *Cercidiphyllum japonicum*—Katsura Tree

#### Lilac

- *Syringa reticulata*—Japanese Tree Lilac

#### Linden

- *Tilia americana*—American Linden
- *Tilia cordata*—DeGroot Littleleaf, Glenleven Littleleaf, Greenspire Linden

#### Maple

- *Acer campestre*—Hedge Maple
- *Acer glabrum*—Amur Maple
- *Acer griseum*—Paperbark Maple
- *Acer nigrum*—Greencolumn Black Norway,
- *Acer platanoides*—Norway Maple, Crimson King Norway,
- *Acer rubrum*—Bowhall Maple, Red Sunset Maple
- *Acer saccharum*—Sugar Maple

#### Oak

- *Quercus acutissima*—Sawtooth Oak
- *Quercus coccinea*—Scarlet Oak
- *Quercus imbricaria*—Shingle Oak
- *Quercus palustris*—Pin Oak
- *Quercus robur*—English Oak
- *Quercus rubra*—Northern Red Oak
- *Quercus shumardii*—Shumard Oak

#### Pagoda Tree

- *Sophora japonica*—Japanese Regent

#### Pear, Flowering

- *Pyrus calleryana*—Aristocrat, Autumn Blaze Flowering

#### Redbud

- *Cercis canadensis*—Eastern Redbud

#### Tulip Tree

- *Liriodendron tulipifera*—Tulip tree

#### Zelkova

- *Zelkova serrata*—Village Green, Wireless Zelkova, Green Vase

### TREES NOT APPROVED OR PERMITTED AS STREET TREES:

Agricultural fruit bearing trees (apple, pear, plum, cherry, etc.)

Coniferous evergreen (Fir, Pine, Cedar, etc.)

*Acer, saccharinum* - Silver Maple

*Acer, negundo* - Boxelder

*Ailanthus, glandulosa* - Tree-of-Heaven

*Betula*; birches (common species and varieties)

*Ulmus*; elms (common species and varieties)

*Morus*; mulberry (common fruiting species and varieties)

*Salix*; willow (common species and varieties)

For further information regarding Street Trees, contact the Development Services Division of Washington County Land Use and Transportation at 503-846-8761.



**WASHINGTON COUNTY**  
 Dept. of Land Use & Transportation  
 Development Services Division  
 Current Planning Section  
 155 N. 1<sup>st</sup> Avenue, #350-13  
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## Street Trees



### 407-9 Street Trees

All new structures or land divisions fronting on public or private roadways or access drives, except the construction of a detached dwelling unit on an existing lot within the R-5, R-6, and Agricultural Districts, shall be required to plant street trees in accordance with the following standards:

- 407-7.1 The species of street trees to be planted shall be chosen from the approved list of street trees unless approval of another species is given by the Director through a Type I procedure;
- 407-7.2 Exemption from the street tree requirements may be granted by the Director if existing trees can be used as a substitute. This exemption may be granted through a Type I procedure;
- 407-7.3 Street trees shall be installed at an average of one tree per thirty-five (35) feet of lineal road frontage;
- 407-7.4 Street trees shall be installed on public or private property no more than five (5) feet from the designated right-of-way;
- 407-7.5 Street trees shall be a minimum of one and one-half (1-1/2) inches in diameter.

**Please Note:** CDC 418-3 states "Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three feet and ten feet in height as measured from street grade.....The sight triangle shall be measured from the street corner (apex), a distance of twenty feet along each street side....."

***For further information regarding Street Trees, contact the Development Services Division of Washington County Land Use and Transportation at 503-846-8761.***