



## Staff Report

HEARING DATE: July 27, 2016

STAFF REPORT DATE: July 20, 2016

TO: Planning Commission

FROM: Steve Regner, Associate Planner <sup>SR</sup>

PROPOSAL: **Dutch Bros. Coffee at SW Scholls Ferry and SW Barrows  
CU2016-0005 / DR2016-0059 / SDM2016-0005**

LOCATION: The site is southeast of SW Scholls Ferry Road and southwest of SW Barrows Road.  
Tax Lots 7800 on Washington County Tax Assessor's Map 2S105BC.

SUMMARY: The applicant, Dutch Bros. Coffee Inc., requests approval for Design Review Two, Conditional Use to allow Hours of Operation from 5:00am to 10:00pm Sunday through Thursday, and 5:00am to 11:00pm Friday and Saturday, and Sidewalk Design Modification, for the construction of a new drive-through coffee kiosk. The applicant proposes one building, totaling approximately 530 square feet, and associated landscaping, surface parking and vehicle circulation areas.

APPLICANT: Dutch Bros. Coffee, Inc.  
Ryan Hawkins  
P.O. Box 1929  
Grants Pass, Oregon 97528

APPLICANT'S REPRESENTATIVE: AKS Engineering & Forestry, LLC  
Chuck Gregory, PE  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062

PROPERTY OWNERS: Pepperwood Development, LLC  
2835 82<sup>nd</sup> Ave SE Suite SI  
Mercer Island, WA 98040

RECOMMENDATION: **APPROVAL of CU2016-0005 / DR2016-0059 / SDM2016-0005  
(Dutch Bros. Coffee at SW Scholls Ferry and SW Barrows)**

## BACKGROUND FACTS

The applicant proposes constructing a 530 square foot drive through coffee shop with associated parking, landscaping, and circulation. The coffee shop customers will be served by two drive up windows and one walk up window. The applicant requests to operate from 5:00am to 10:00pm Sunday through Thursday, and 5:00am to 11:00pm Friday and Saturday. Operating before 7:00am or after 10pm requires a New Conditional Use Permit approval. The site is currently undeveloped, and contains approximately 11,000 square feet of Clean Water Services (CWS) vegetated corridor associated with a drainage way to the south. The proposal includes enhancements to the vegetated corridor consistent with CWS regulations.

Due to grading required to improve the intersection of SW Barrows Road and SW Scholls Ferry Road, a variable width slope easement was recorded across a majority of the site. The applicant proposes to construct retaining walls to grade the site for development, and revise the slope easement to affect only a small portion of the site. The applicant will work with Washington County to revise the easement.

### Key Application Dates

Application	Submittal Date	Application Deemed Complete	Final Written Decision Date	240-Day*
CU2016-0005	May 5, 2016	June 3, 2016	September 30, 2016	February 3, 2017
DR2016-0059	May 5, 2016	June 3, 2016	September 30, 2016	February 3, 2017
SDM2016-0005	May 5, 2016	June 3, 2016	September 30, 2016	February 3, 2017

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

### Existing Conditions Table

<b>Zoning</b>	Neighborhood Service (NS)	
<b>Current Development</b>	Undeveloped	
<b>Site Size &amp; Location</b>	The site is bounded by SW Scholls Ferry Road to the northwest, SW Barrows Road to the northeast, and unnamed right-of-way to the south. The site is approximately 0.82 acres.	
<b>NAC</b>	Neighbors Southwest	
<b>Surrounding Uses</b>	<b>Zoning:</b> <u>North:</u> R5  <u>South:</u> R-15 (Washington County) R-4.5 (City of Tigard)  <u>East:</u> NS <u>West:</u> R4	<b>Uses:</b> <u>North:</u> Undeveloped (Storm drainage easement) <u>South:</u> Single Family Residential  <u>East:</u> Commercial <u>West:</u> Undeveloped (Utility and conservation easement)

## DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

### Attachments:

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<u>Attachment A:</u> Facilities Review Committee Technical Review and Recommendation Report	FR1 – FR11
<u>Attachment B:</u> CU2016-0005 <i>Conditional Use-Hours of Operation</i>	CU1-CU3
<u>Attachment C:</u> DR2016-0059 <i>Design Review Two</i>	DR1-DR9
<u>Attachment D:</u> DR2016-0005 <i>Sidewalk Design Modification</i>	SDM1-SDM3
<u>Attachment E:</u> <i>Conditions of Approval</i>	COA1-COA6

### Exhibits

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

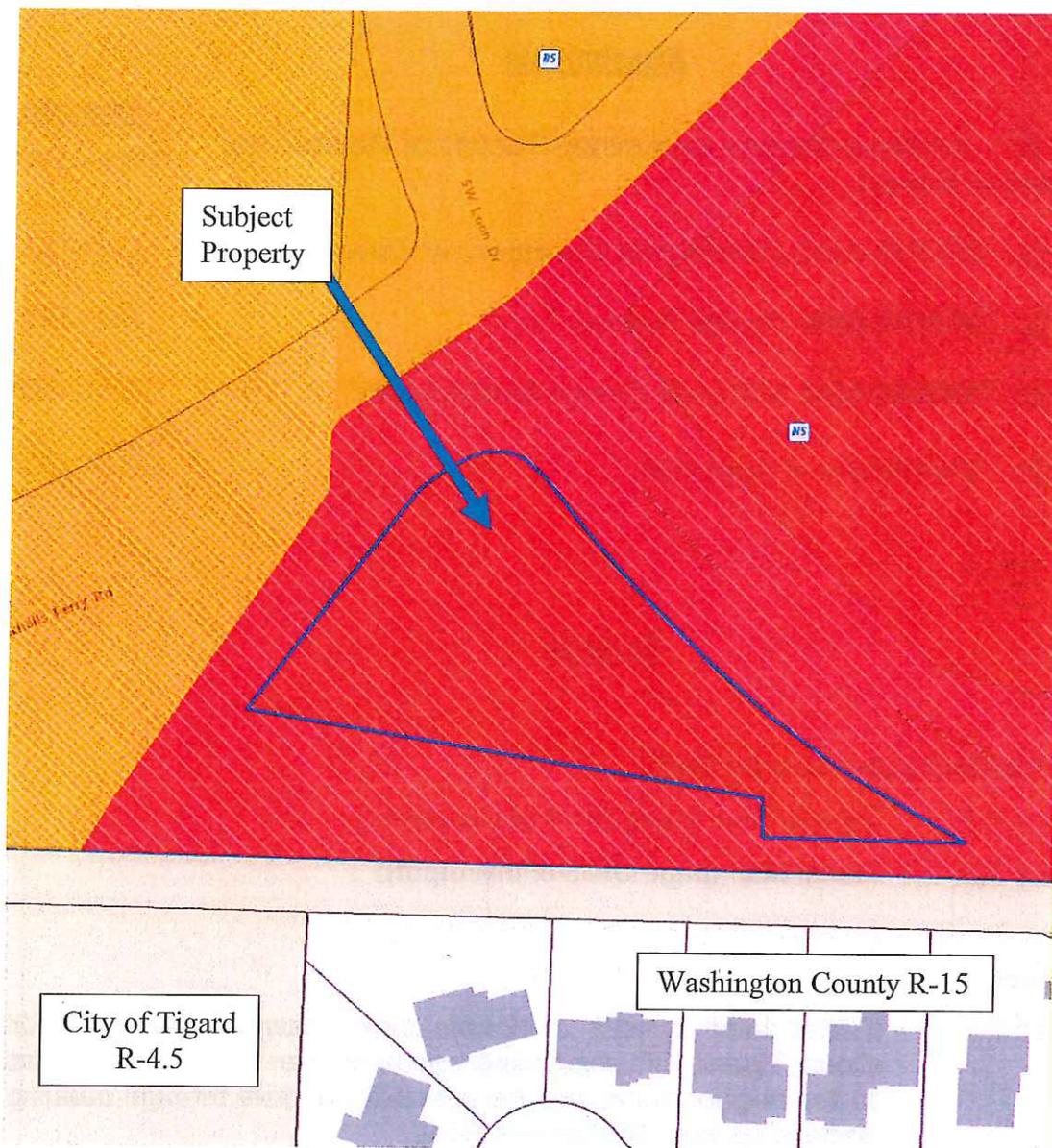
- Exhibit 1.1 Vicinity Map (page SR-4 of this report)
- Exhibit 1.2 Aerial Map (page SR-5 of this report)

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

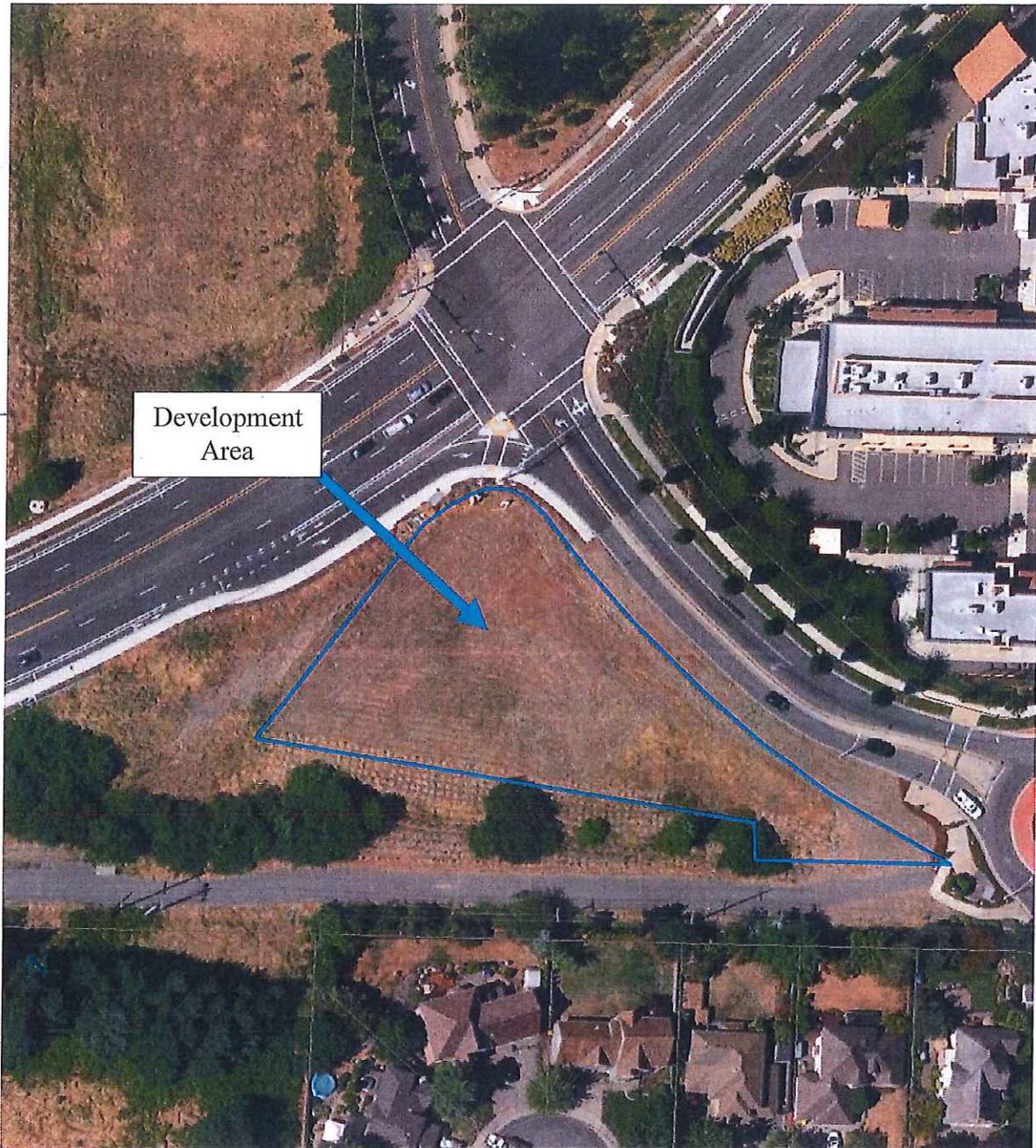
- Exhibit 2.1 E-Mail dated June 20, 2016 from Janice Newman, 16256 SW O'Neill Court, Tigard, OR, expressing concerns over additional traffic added to the neighborhood, and the possibility of drive through queuing backing up into SW Barrows Road.
- Exhibit 2.2 E-Mail dated June 23, 2016 from Guy Haynes, 16269 SW O'Neill Court, Tigard, OR, expressing concerns over additional traffic added to the neighborhood, and the ability for the traffic circle east of the site to handle the added traffic.

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

- Exhibit 3.1 Submittal Package, dated July 8, 2016



**Dutch Bros. Coffee at SW Scholls Ferry and SW Barrows  
CU2016-0005 / DR2016-0059 / SDM2016-0005  
Vicinity & Zoning Map**



**Dutch Bros. Coffee at SW Scholls Ferry and SW Barrows  
CU2016-0005 / DR2016-0059 / SDM2016-0005  
Aerial Map**

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
DUTCH BROS. COFFEE AT SW SCHOLLS FERRY AND SW BARROWS  
CU2016-0005 / DR2016-0059 / SDM2016-0005**

**Section 40.03 Facilities Review Committee:**

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

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

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

- **All twelve (12) criteria are applicable to the submitted Conditional Use and Design Review Two applications as submitted.**
  - **Facilities Review criteria do not apply to the Sidewalk Design Modification application.**
- A. *All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

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

The Committee finds that the proposal includes necessary on-site and off-site connections and improvements to public water and public sanitary sewer facilities. The applicant has provided a Service Provider Letter (SPL) from Clean Water Services which shows compliance with stormwater requirements.

**Public Water:**

Water Service will be provided to the site by the City of Beaverton. The development proposes to connect to a 16 inch waterline in the right-of-way of SW Barrows Road. Adequate water service capacity exists to serve the site.

### Sanitary Sewer:

Sanitary sewer service is provided by the City of Beaverton. The development proposes to connect to the existing 24 inch sanitary sewer line, which is located in the public right-of-way immediately south of the subject site. Adequate capacity exists to serve the proposed development.

### Stormwater Drainage

Proposed stormwater drainage has been identified and described in the applicant's narrative and plans, including the storm drainage report prepared by AKS. The applicant proposes to use a Contech Stormfilter in the catch basin at the southern corner of the parking lot. The catch basin connects to a 3 foot diameter by 130 foot long pipe to function as underground detention. The applicant has provided a Clean Water Services Service Provider Letter (SPL) to show compliance with CWS standards. As such the applicant has shown that adequate stormwater facilities exist to serve the site.

### Transportation

The affected critical transportation facilities are the surrounding streets of SW Scholls Ferry Road and SW Barrows Road. SW Scholls Ferry Road is an Arterial Street under the operational and maintenance jurisdiction of Washington County. SW Barrows Road is a Collector Street under the operational and maintenance jurisdiction of the City of Beaverton.

In order to meet the applicable design standards for these streets, the applicant is responsible for the half-street improvements along the subject property's frontage. Washington County recently completed a project to complete the necessary improvements along the SW Scholls Ferry Road frontage. The applicant has proposed to install a 6-foot-wide sidewalk to fill in the missing gap on the SW Barrows Road frontage. However, as noted in the staff Pre-Application notes, because adding a bike lane is not appropriate heading into the roundabout east of the subject property, the applicant should construct an 8-foot-wide multi-use path instead of the proposed sidewalk along SW Barrows Road. Therefore, as a Condition of Approval, the applicant shall submit plans that show the multi-use path in place of the proposed sidewalk along SW Barrows Road.

The applicant has submitted a Traffic Impact Analysis (TIA) that indicates the proposed coffee drive-through is expected to generate 954 trips on an average weekday, including 161 during the morning peak hour. However, because so many of the expected trips will come from drivers already on the surrounding road system, (83% pass-by trips in the AM, 89% in the PM), the number of net new trips to and from the site is expected to be 134 per weekday, including 28 in the AM peak hour. The overall level of expected increase in users to the surrounding transportation system is within the planning parameters of the City and County Transportation System Plans. Therefore, the surrounding street system has adequate capacity to serve the proposed development.

Public comment provided by two neighbors expressed concern over additional trips added to the local transportation system. Staff acknowledges the additional trips likely to be created by this development. However, as a large majority of the trips are projected to be pass by trips, as noted above, staff finds transportation network has adequate capacity.

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Comments and conditions of approval have been received from TVF&R. Conditions of approval submitted by TVF&R are included herein. Staff also cites the findings for Criterion H hereto regarding fire prevention.

To ensure appropriate design and construction of the critical facilities including but not limited to utility connections, access to manholes and structures, maintenance requirements, and associated construction and utility phasing plans, the Committee recommends standard conditions of approval.

The Committee finds that the applicant has provided sufficient evidence that critical facilities exist or can be made to exist to serve the site. Therefore, the committee finds that the proposal meets the criterion.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

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

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant's plans and materials were forwarded to City Transportation staff

The site will be served by the Tualatin Hills Park and Recreation (THPRD) and will be required to pay any assessed SDC fees for parks with building permit issuance. Nearby parks include Cedar Hill Park and Center Street Park.

The City of Beaverton Police currently serve the area and will continue to serve the proposed development.

The essential transportation facilities for this project are pedestrian and bicycle facilities. The applicant's plans identifies the location of bicycle parking on site, accessible from the parking lot and drive through travel lanes. Sidewalks along SW Barrows Road are proposed to complete the current gap that exists between the intersection of SW Scholls Ferry Road and SW Barrows Road and the intersection of SW Barrows Road and SW Roshak Road.

This site is not currently served by public transit, as TriMet has not extended any lines this far southwest. With the adoption of South Cooper Mountain Community Plan in 2014, staff anticipates that TriMet will extend service to the subject site and further west with the development of the South Cooper Mountain Area.

**Therefore, the Committee finds that the proposal meets the criterion.**

- C. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject proposal.**

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Neighborhood Service (NS) zone as applicable to the above mentioned criteria.

Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

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

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria.

#### SECTION 60.05.20 CIRCULATION AND PARKING DESIGN STANDARDS

Section 60.05.20.3 requires reasonably direct pedestrian walkways into the site, at a spacing of at least one for every 300 feet of site frontage. The site has approximately 408 feet of street frontage and one pedestrian walkway into the site. However, the current design forces pedestrians to cross the vehicle drive aisle three separate times in order to access the building. Therefore, as a condition of approval, the applicant shall construct a second pedestrian walkway connecting the northernmost walkway near the building walk-up window to the SW Barrows Road sidewalk. If the existing and proposed grade prevents ADA-compliant access at this second location, a step or steps may be installed as needed to make this second connection.

#### SECTION 60.25 OFF-STREET LOADING

The size of the proposed building does not meet the threshold for requiring a loading berth; as such, no loading berth is proposed with this development. The applicant identifies the southernmost portion of the site as the loading zone for this project. The applicant states that this is the only feasible location when considering the topography, site, and shape of property.

#### SECTION 60.30 OFF-STREET PARKING

The applicant's statement proposes to install 2 short-term bicycle parking spaces and 2 long-term bicycle parking spaces to comply with the required minimums. However, the site plan only identifies the location for the long-term bicycle spaces. The committee recommends a condition of approval requiring that all four required spaces are shown on the site plan.

For vehicles, the Development Code requires a minimum of 5 parking spaces and a maximum of 7 parking spaces. The applicant proposes to construct 6 parking spaces.

#### SECTION 60.55.10 GENERAL PROVISIONS

All transportation facilities related to the proposal have been designed in accordance with the Engineering Design Manual and Standard Drawings, except for the segment of sidewalk along SW Barrows Road proposed to be built narrower than the required ten foot wide sidewalk. This deviation will be reviewed through a Sidewalk Design Modification application, which was submitted in conjunction with the Design Review and Conditional Use Permit.

No right of way dedication is required with this development proposal.

#### SECTION 60.55.20 TRAFFIC IMPACT ANALYSIS

The applicant has submitted a Traffic Impact Analysis (TIA), which shows that the surrounding street system can accommodate the vehicle traffic expected to be generated by this proposal. However, the TIA shows that during the peak hour, the proposed building could see as many as 80 customer vehicles during the peak hour. With two service windows, this customer volume will mean that, on average, 40 customer vehicles will need to be served at each window during the peak hour. This is equivalent to one vehicle per window every 90 seconds. The applicant should demonstrate how this volume can be served by the proposed building and queuing space without backing up into the SW Barrows Road right-of-way. In addition, the applicant should show how the customers will be directed into the queue on the southwest side of the building, which provides storage space for more waiting vehicles.

Overall, the proposed site design provides space to store a large number of waiting customer vehicles. Nevertheless, the applicant should indicate what operational strategies and directional signage will ensure that the queue of waiting customers does not extend into and block SW Barrows Road.

#### SECTION 60.55.25 STREET AND BICYCLE AND PEDESTRIAN CONNECTION REQUIREMENTS

Please see the response to criterion D Section 60.05.20 above which finds that adequate pedestrian connections are not provided. A condition of approval to provide a second pedestrian connection is recommended by staff.

#### SECTIONS 60.55.30 AND .35 MINIMUM STREET WIDTH AND ACCESS STANDARDS

Please see the response to criteria A and B above.

#### 60.65 UTILITY UNDERGROUNDING

To meet the requirements of Section 60.65, staff recommends a standard condition of approval requiring that utility lines are placed underground.

**Therefore, the Committee finds that the proposal meets the criterion.**

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas,***

***screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to maintenance by the City or other public agency.***

The applicant's narrative states that routine periodic maintenance and normal replacement of landscaping, structures, and other private facilities on-site will be conducted by the applicant. Staff finds that the proposal as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

**Therefore, the Committee finds that the proposal meets the criterion.**

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

As noted above, the pedestrian circulation system, as originally proposed, is not safe and efficient. However, by meeting the associated Condition of Approval, this deficiency can be remedied.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal will meet the approval criterion.**

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

Provided that the queue of customer vehicles can be contained within the boundaries of the site, the on-site circulation systems connect to the surrounding public systems in a safe and efficient manner.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

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

Fire protection will be provided to the site by Tualatin Valley Fire & Rescue Department. Tualatin Valley Fire & Rescue reviewed the proposal and have provided conditions of approval which are incorporated herein. The proposal will need to show compliance to the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards.

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

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

**from hazardous conditions due to inadequate, substandard or ill-designed development.**

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development. The proposed sidewalks and walkways will be adequately lighted to meet the minimum applicable Design Standards, as a Condition of Approval. The walkways and drive aisles have been designed to meet the applicable Engineering Design Standards.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

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

The applicant states that the site will be graded to convey all surface drainage into catch basins and one Contech StormFilter. A new three-inch underground detention pipe will be installed to address water quantity. The applicant's stormwater analysis indicates that post-development runoff will mimic pre-development runoff characteristics of the site. Grading plans consistent with City standards have been provided.

As most of the site is sloped, significant grading is proposed to level the site for safe and efficient vehicle and pedestrian circulation. A variable width slope easement was recorded across the majority of the site to support the reconstructed intersection of SW Barrows Road and SW Scholls Ferry Road. The applicant is proposing a retaining wall that ranges in height from one foot to eight feet tall to make up the grade lost with the grading of the subject site. The slope easement will be revised to reflect the improvements made to the site.

The applicant must show compliance with Site Development erosion control measures at the time of Site Development permit issuance.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

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

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, the street sidewalks and walkways internal to the development appear to meet applicable accessibility requirements and through the site development and building permitting reviews will be thoroughly evaluated. Therefore, the Committee finds that by

meeting the Conditions of Approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.65 and the criterion will be met.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion for approval.**

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

The applicant submitted the applications on May 5, 2016 and the application was deemed complete on June 3, 2016. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

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

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**Neighborhood Service (NS) Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.10.20 (Neighborhood Service)</b>			
Use- Permitted	Eating and Drinking Establishment	Drive-through Coffee Shop	Yes
Use-Conditional	Operating outside of 7 a.m.-10 p.m. requires a Conditional Use Permit	5 a.m.-10 p.m. Sun-Thurs 5 a.m.-11 p.m. Fri-Sat	See CU Findings
<b>Development Code Section 20.10.15 (Neighborhood Service)</b>			
Minimum Lot Area	7,000 square feet	35,720 square feet	Yes
Minimum Corner Lot Dimensions Width Depth	70' 100'	<i>Triangle Shaped Property</i> 102' at midpoint 385' average	Yes
Minimum Yard Setbacks Front Side Rear	20' 20' (corner lot) 20'	70' 30' 140'	Yes
Maximum Building Height	35'	23'	Yes
<b>Development Code Section 20.25.05 – Floor Area Ratio</b>			
Floor Area Ratio	N/A	N/A	N/A

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Construction of new commercial buildings and a parking structure with associated site improvements.	Refer to DR findings
<b>Development Code Section 60.07</b>			
Drive-Up Window Facilities	Requirements for drive-up, drive-through and drive-in facilities.	Proposal meets all access, capacity, and noise standards.	Yes
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a Floodplain.	N/A
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits requested.	N/A
<b>Development Code Section 60.30</b>			
Off-street motor vehicle parking	Minimum: 5 Maximum: 7	The applicant proposes to provide 6 parking spaces, more than the minimum and less than the maximum.	Yes
Required Bicycle Parking Short Term Long Term	2 Short Term Spaces 2 Long Term Spaces	The applicant's materials show two covered long term spaces, but no short term spaces. Staff recommends a condition of approval to ensure adequate bike parking.	Yes w/ COA
<b>Development Code Section 60.55</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Proposed facilities are not in conformance. Walkways do not provide reasonably direct pedestrian access that minimizes crossings where vehicles operate. Staff recommends an additional pedestrian connection.	Yes w/ COA

<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	Limited trees on site. No trees are proposed to be removed.	See DR Findings
<b>Development Code Section 60.65</b>			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	All utilities are required to be placed underground in accordance with standards identified in Section 60.65. Applicant's plan shows all new utilities placed underground.	Yes-with COA

**CU2016-0005  
ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL**

**Section 40.03.1 Facilities Review Approval Criteria:**

*The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:*

**Facilities Review Approval Criteria Section 40.03.1.A-L**

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

**Therefore, the Committee finds that the proposal meets the criteria.**

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

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

**1. *The proposal satisfies the threshold requirements for a Conditional Use application.***

The applicant proposes a drive through coffee shop in the Neighborhood Service (NS) zone that would operate before 7:00 am and/or after 10:00 pm. The proposed development site is within 500 feet of a residential use in a residential zone to the south and to the east. Extended hours of operation in the NS zone in this proximity to residential uses requires a Conditional Use permit. The drive through coffee shop is proposed to operate from 5:00am to 10:00pm Sunday to Thursday, and 5:00am to 11:00pm Friday and Saturday. The applicant anticipates that employees would be on-site 10-15 minutes before opening, and 10-15 minutes after closing.

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

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

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

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

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

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

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

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

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

*a. Noise impacts shall be considered during development review processes.*

The proposal is to extend the hours of operation for a new drive through coffee shop in a commercial development approximately 75 feet from residential development to the south, separated by a wide strip of undeveloped right of way, and approximately 200 feet from residential uses to the east, separated by SW Barrows Road. The applicant states that no speakers are proposed to be used on site, all ordering will be done face to face, either at the drive-up window, or during busy times, employees will walk out to the vehicles in line to take their order. Staff also finds that the proposed row of arborvitae planted along the southern edge of the parking lot at 36" on center will contribute to noise mitigation for residential neighbors to the south.

Staff finds that the operational practices of the coffee shop, landscaping, and distance from adjacent residential uses, is sufficient to ensure that noise impacts to the surrounding neighborhood are minimal during the proposed drive-thru and walk-up hours of operation from 5:00am to 10:00pm Sunday to Thursday, and 5:00am to 11:00pm Friday and Saturday. Staff recommends a condition of approval limiting the hours of operation to those previously stated.

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

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

In response to Criterion No. 4, the applicant states that the shape of the site, its location at the intersection of a high-volume arterial, existing grades, and proximity to a natural resource site make the property difficult to develop. Through the use of retaining walls, a small building footprint, and dual vehicle queueing, the proposal makes the most of the constrained site. A permanent vegetated corridor planting will provide mitigation to natural resource impacts and landscaping along the southern edge of development will provide noise and light mitigation for the residential properties to the south. Staff concurs that the design of the site is reasonable to accommodate the proposed use. As shown in the code conformance analysis in the Facilities Review Report and in the Design Review section of this report, the site can accommodate the proposed development. Staff finds that the site can accommodate the requested extended hours of operation.

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

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

In response to Criterion No. 5, the applicant states eating and drinking establishments and drive through uses are permitted in the NS zone, and therefore, noise, traffic and to other impacts are anticipated in the Development code for operation between 7:00am and 10:00pm. The applicant is proposing landscaping to mitigate noise and light glare for operation of the drive through coffee shop between 5:00am and 7:00am, as well as 10:00pm and 11:00pm on Friday and Saturday. The lack of speakers for ordering will also minimize noise impacts on the neighborhood compared to other possible drive through uses.

The applicant also notes that another coffee shop exists across the street in the commercial development. This coffee shop also has a conditional use permit for extended hours of operation (CU2009-0007 Village on Scholls Ferry Extended Hours of Operation).

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

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

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

The applicant submitted the application for a Conditional Use on May 5, 2016 and was deemed complete on June 3, 2016. Design Review Two and Sidewalk Design Modification applications are being processed concurrently with the subject request for a New Conditional Use. The Conditional Use application is dependent upon approval of the Design Review Two application. Staff recommends a condition of approval which states that approval of the Conditional Use application is subject to approval of the Design Review application.

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

### **Recommendation**

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2016-0005 (Dutch Bros. Coffee at SW Scholls Ferry and SW Barrows)**, subject to the conditions of approval in Attachment E.

**DR2016-0059  
ANALYSIS AND FINDINGS FOR  
DESIGN REVIEW TWO APPROVAL**

**Planning Commission Standards for Approval:**

Section 40.20.15.2.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Applications. The Commission will determine whether the application as presented, meets the Design Review Two approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type Two Design Review.

**Section 40.03.1 Facilities Review Approval Criteria:**

*The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met:*

**Facilities Review Approval Criteria Section 40.03.1.A-L**

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

**Therefore, the Committee finds that the proposal meets the criteria.**

**Section 40.20.15.2.C Approval Criteria:**

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

**1. *The proposal satisfies the threshold requirements for a Design Review Two application.***

The applicant proposes constructing a new 530 square foot drive through coffee shop. The proposal also includes surface parking, landscaping, and vehicle circulation areas. The proposal is surrounded on all sides by right-of way, therefore meeting threshold 1 for a Design Review Two application.

**1. *New construction of up to and including 50,000 gross square feet of non-residential floor area where the development does not abut any Residential District.***

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

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

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

Therefore, staff finds that the criterion is met.

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

The applicant has submitted all application completeness items identified in Section 50.25.1.

Therefore, staff finds the criterion is met.

4. ***The proposal is consistent with all applicable provisions of Sections 60.05.15. through 60.05.30. (Design Standards).***

The Design Standards are addressed in the tables, found on pages DR-4 through DR-9. As noted in the tables, the proposal with limited conditions does satisfy all of the applicable provisions of Sections 60.05.15 through 60.05.30.

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

5. ***For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the proposed additions or modifications are moving towards compliance with specific Design Standards if any of the following conditions exist:***

- a. ***A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable standard; or***
- b. ***The location of existing structural improvements prevent the full implementation of the applicable standard; or***
- c. ***The location of the existing structure to be modified is more than 300 feet from a public street.***

The applicant proposes new construction on undeveloped land.

Therefore, staff finds the criterion is not applicable.

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

The applicant submitted the application for a Design Review Two on May 5, 2016 and was deemed complete on June 3, 2016. New Conditional Use and Sidewalk Design Modification applications are being processed concurrently with the subject request for Design Review Two approval.

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

## DESIGN REVIEW STANDARDS ANALYSIS

### Section 60.05.15 Building Design and Orientation

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Building Articulation and Variety</b>		
<b>60.05.15.1.A</b> Max length of attached residential buildings	Commercial Building Proposed	N/A
<b>60.05.15.1.B.2</b> Min 50% articulation where glazing is under 35%	Glazing along street elevations are under 35%. Greater than 50% articulation is provided through windows, material changes in the form of brick accent, and offset walls in the form of drive aisle canopies for the street facing elevations.	YES
<b>60.05.15.1.C</b> Max 40' between architectural features	Architectural features, including windows, doors do not exceed 40' in spacing	YES
<b>60.05.15.1.D</b> Max 150 sq. ft. undifferentiated blank walls facing streets	Doors, windows, and trim will ensure elevations will not have more than 150 square feet of undifferentiated blank walls facing a street.	YES
<b>Roof Forms</b>		
<b>60.05.15.2.A</b> Min roof pitch = 4:12	Proposed sloped roofs have 12/12 pitch.	YES
<b>60.05.15.2.B</b> Min roof eave = 12"	All proposed roofs have eaves of greater than 12".	YES
<b>60.05.15.2.C</b> Flat roofs need parapets	Portions of roof that is flat have parapet walls.	YES
<b>60.05.15.2.D</b> New structures in existing development be similar	This is proposed new development.	N/A
<b>60.05.15.2.E</b> 4:12 roof standard is N/A to smaller feature roofs	No feature roofs are proposed.	N/A
<b>Primary Building Entrances</b>		
<b>60.05.15.3</b> Weather protection for primary entrance	The applicant states that this building does not have entrances for the public, therefore this criterion does not apply.	N/A
<b>Exterior Building Materials</b>		
<b>60.05.15.4.A</b> Residential double wall construction	Commercial Building Proposed	N/A
<b>60.05.15.4.B</b> Maximum 30% of primary elevation to be made of unfinished concrete block	No unfinished concrete, plywood, or pressboard is proposed. Stucco and brick veneer accents are proposed	YES

<b>DESIGN STANDARD</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD</b>
<b>60.05.15.4.C</b> Foundations	No smooth concrete or concrete block is proposed to be visible.	<b>YES</b>
<b>Roof-Mounted Equipment</b>		
<b>60.05.15.5.A through C</b> Equipment screening	Rooftop units will be screened by parapets	<b>YES w/ COA</b>
<b>Building Location and Orientation along Streets in MU and Com. Districts</b>		
<b>60.05.15.6.A through F</b> 50% Street Frontage on Class 1 MPR	The subject site does not abut a Major Pedestrian Route nor is it larger than 60,000 square feet	<b>N/A</b>
<b>Building Scale along Major Pedestrian Routes</b>		
<b>60.05.15.7.A through C</b> 22' Height Minimum 60' Height Maximum	The subject site does not abut a Major Pedestrian Route	<b>N/A</b>
<b>Ground Floor Elevation on Commercial and Multiple Use Buildings</b>		
<b>60.05.15.8.A-B</b> Glazing Requirements 35%	Proposal has 27%. However, less glazing can be provided with increased articulation pursuant to 60.05.15.1.B.2. As noted above, this increased articulation standard is satisfied.	<b>YES</b>
<b>Compact Detached Housing Design</b>		
<b>60.05.15.9.A-K</b>	Compact Detached Housing is not proposed.	<b>N/A</b>

**Section 60.05.20 Circulation and Parking Design**

<b>DESIGN STANDARD</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD</b>
<b>Connections to the public street system</b>		
<b>60.05.20.1</b> Connect on-site circulation to existing and planned street system	The development proposes one five foot pedestrian path connecting SW Barrows Road to the parking, seating, trash and walk up window. Staff recommends a condition of approval requiring a second pedestrian connection for safe and efficient pedestrian connections. Staff cites Facilities Review Criterion D for additional findings	<b>YES w/ COA</b>
<b>Loading Areas, solid waste facilities and similar improvements</b>		
<b>60.05.20.2.A</b> Screen from public view	The proposed waste storage area is central to the site and is screened by CMU blocks walls and a tube steel door.	<b>YES</b>
<b>60.05.20.2.B</b> Loading areas shall be screened	No loading areas are proposed or required.	<b>N/A</b>
<b>60.05.20.2.C</b> Screening with walls, hedge, wood	The proposed waste storage area is central to the site and is screened by CMU blocks walls and a tube steel door.	<b>YES</b>
<b>60.05.20.2.D</b> Chain-link screening prohibited	No chain link is proposed for screening.	<b>YES</b>
<b>60.05.20.2.E</b> Screening of loading waived in some zones.	No loading areas are proposed or required.	<b>N/A</b>
<b>Pedestrian Circulation</b>		
<b>60.05.20.3.A</b> Link to adjacent facilities	Grade and site layout make a pedestrian connection to SW Scholls Ferry Road challenging. With the second pedestrian connection recommended by staff, pedestrian circulation will be sufficiently provided to the adjacent facilities.	<b>YES w/ COA</b>
<b>60.05.20.3.B</b> Direct walkway connection	With the second pedestrian connection recommended by staff, the single building entrance for staff and the walk up window for customers will have reasonably direct walkway connection to streets and transit stops	<b>YES w/ COA</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.20.3.C Walkways every 300'	With the second pedestrian connection recommended by staff, the development will have two pedestrian connections along SW Barrows Road. Total street frontage of the site is approximately 380 feet. Including two pedestrian connections in this distance meets the maximum spacing standard. Therefore, there are sufficient connections.	YES w/ COA
60.05.20.3.D Physical separation	All pedestrian connections are separated from vehicle parking and traffic by curbs.	YES
60.05.20.3.E Distinct paving	Pedestrian pathways are concrete and distinct from the asphalt surface for vehicle parking and maneuvering.	YES
60.05.20.3.F 5' minimum width	All pedestrian walkways are a minimum 5 feet wide.	YES
<b>Street Frontages and Parking Areas</b>		
60.05.20.4.A Perimeter Landscaping	No surface parking abuts a public street	N/A
<b>Parking and Landscaping</b>		
60.05.20.5.A. 1 Landscape island per 8 spaces	Six parking spaces proposed, one landscape island proposed	YES
60.05.20.5.B 70 sq. ft.	All landscape islands are a minimum of 70 square feet and contain a tree and other vegetation.	YES
60.05.20.5.C Raised Sidewalks	Raised sidewalks are not proposed to be counted towards the number of landscape islands.	N/A
60.05.20.5.D Trees from Street Tree List	Applicant proposes a chanticleer pear in the landscape island	YES
<b>Off-Street Parking Frontages in Multiple-Use Districts</b>		
60.05.20.6.A 50% Max on MPR	Subject Site is in Commercial Zone	N/A
60.05.20.6.B Off-street parking frontages	Subject Site is in Commercial Zone	N/A
<b>Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts</b>		
60.05.20.7.A Required sidewalk widths	Applicant requests a Sidewalk Design Modification	N/A
60.05.20.7.B Internal Walkways	Walkway along south elevation with staff entrance is greater than ten feet	YES
60.05.20.7.C Residential Exemptions	Project is not residential	N/A
<b>Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts</b>		
60.05.20.8.A and B Drive aisles to be designed as public streets, if	No private streets are proposed	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
applicable		
<b>Ground Floor uses in parking structures</b>		
<b>60.05.20.9</b> Parking Structures	No parking structures are proposed.	N/A

### Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Minimum Landscaping</b>		
<b>60.05.25.5.A</b> Minimum Landscape Area (15%)	Approximately 51% of the site is landscaped, including vegetated corridor	YES
<b>60.05.25.5.B</b> Landscape Requirements	Landscaping includes 18 trees (not counting arborvitae) and 318 shrubs	YES
<b>60.05.25.5.C</b> Hardscaping	Hard surface pedestrian plazas are not used to count toward minimum landscaping	N/A
<b>60.05.25.5.D</b> Foundation Landscaping	All elevations surrounded pedestrian or vehicle access. Therefore no landscaping required.	YES
<b>60.05.25.6</b> Common Greens	No common greens proposed	N/A
<b>60.05.25.7</b> Shared Courts	No shared courts proposed	N/A
<b>Retaining Walls</b>		
<b>60.05.25.8</b> Retaining Walls	435 foot architecturally treated block retaining wall is proposed	YES
<b>Fences and Walls</b>		
<b>60.05.25.9</b> Fences and Walls	Four foot tall vinyl clad chain link fence with slats is proposed on the top the retaining wall	YES
<b>Minimize Significant Changes To Existing On-Site Surface Contours At Residential Property Lines</b>		
<b>60.05.25.10.A and B</b> Grading at property lines	Site does not abut residential or contain significant or historic trees	N/A
<b>Integrate water quality, quantity, or both facilities</b>		
<b>60.05.25.11</b> Water Quality Facilities	Water quality and quantity facilities are vaulted	N/A
<b>Natural Areas</b>		
<b>60.05.25.12</b> Natural Areas	1,550 square feet of vegetated corridor on site. All improvements consistent with city and Clean Water Services standards.	YES
<b>Landscape Buffering Requirements</b>		

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.25.13 Landscape Buffer	Landscaping meeting or exceeding the B1-Low screen buffer around entire development.	YES

### Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Adequate on-site lighting and minimize glare on adjoining properties</b>		
60.05.30.1.A Lighting complies with the City's Technical Lighting Standards	The applicant provides a lighting plan with photometric details. On-site lighting meets the minimum lighting requirements in most areas but there are portions of the vehicle maneuvering area and pedestrian paths that do not meet minimum lighting standards. As a condition of approval the internal vehicular parking area and pedestrian paths shall be lit to at least a minimum of 0.5 footcandles.	YES w/ COA
60.05.30.1.B Lighting provided for vehicle and pedestrian circulation	Vehicular and pedestrian circulation area lighted by wall, pole, and bollard luminaires. Additional lighting is needed for some vehicle maneuvering areas and pedestrian paths:	YES w/ COA
60.05.30.1.C Lighting of Ped Plazas	The applicant's lighting plan shows plazas lit to the minimum 0.5 footcandles	YES
60.05.30.1.D Lighting of building entrances	The applicant's lighting plan shows lighting at building entrances.	YES
60.05.30.1.E Canopy lighting recessed	Canopy lighting is proposed to be recessed.	YES
<b>Pedestrian-scale on-site lighting</b>		
60.05.30.2.A Pedestrian Lighting	Pole mounted fixtures in vehicle circulation areas are 20' in height	YES
60.05.30.2.B Non-Pole Mounted Lighting	Non-pole mounted luminaires are not proposed	N/A
60.05.30.2.C Lighted Bollards	Lighted bollards are not proposed	N/A

**Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **DR2016-0059 (Dutch Bros. Coffee at SW Scholls Ferry and SW Barrows)**, subject to the applicable conditions identified in Attachment E.



***wall that would prevent vehicular access to the adjoining property.***

***b. That there exist local physical conditions such as:***

***i. An existing structure prevents the construction of a standard sidewalk.***

***ii. An existing utility device prevents the construction of a standard sidewalk.***

***iii. Rock outcroppings prevent the construction of a standard sidewalk without blasting.***

***c. That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.***

***d. That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.***

The applicant states that more than 30% of the site (11,136 square feet) is occupied by a Clean Water Services vegetated corridor that is associated with a drainage channel that parallel's the south property line. To minimize impacts, the development has been moved as far north as possible, and reducing the sidewalk will allow for this development to be a far north as possible. The applicant also notes that the existing sidewalk east of the site and on Scholls Ferry Road is six feet wide.

Staff acknowledges the sensitive areas on site, but find that these conditions alone do not impact the ability to construct a 10 foot wide sidewalk consistent with the code standards. However, existing conditions on SW Barrows Road do restrict the full functionality of a full half street buildout. The subject site fronts on a segment of SW Barrows Road between the signal-controlled intersection at SW Scholls Ferry Road and a roundabout at SW Roshak. Additionally, a median strip exists in SW Barrows Road resulting in an 11 foot travel lane with no bike lane.

With the lack of an existing bike lane, and the challenges of navigating the roundabout on a bicycle, staff is recommending the construction of an 8 foot wide multi-use path and 5 foot wide landscape planter along the south side of SW Barrows Road to accommodate pedestrian and bicycle traffic between SW Scholls Ferry Road and SW Roshak Road.

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

**4. *The proposal complies with provisions of Section 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements) and 60.55.30 (Minimum Street Widths).***

The applicant states the proposed 6 foot wide sidewalk along SW Barrows Road will connect existing sidewalks at SW Scholls Ferry Road and SW Roshak Road,



**CONDITIONS OF APPROVAL**  
**Dutch Bros. Coffee at SW Scholls Ferry and SW Barrows**  
**CU2016-0005 / DR2016-0059 / SDM2016-0005**

**CU2016-0005 New Conditional Use Application:**

1. In accordance with Section 50.90.1 of the Development Code, Conditional Use approval shall expire 2 years after the date of approval unless, prior to that time, a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension has been filed, pursuant to Section 50.93 of the Development Code. (Planning/SR)
2. Ensure that the associated Design Review Two application (DR2016-0159) has been approved and is consistent with the submitted plans. (Planning/SR)
3. Hours of operation shall be no earlier than 5:00am and no later than 10:00pm Sunday to Thursday, and no earlier than 5:00am and no later than 11:00pm Friday and Saturday (Planning/SR)

**DR2016-0059 Design Review Two Application:**

**A. Prior to issuance of a site development permit, the applicant shall:**

1. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
3. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
4. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, and emergency vehicle access driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)

5. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
6. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the Scholls Ferry Road right of way. (Site Development Div./JJD)
7. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
8. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
9. Provide final construction plans and a final drainage report, as generally outlined in the submitted preliminary drainage report (May 4, 2016, by Chuck Gregory, P.E.) demonstrating compliance with City storm detention requirements (per Section 330, of City Ordinance 4417) and with CWS Resolution and Order 2007-020 in regard to water quality treatment. (Site Development Div./JJD)
10. When or as required, have obtained the City Building Official's courtesy review approval of the proposed site utility plan for private plumbing needed to serve the development including private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pads. (Site Development Div./JJD)
11. Submit a revised grading plan showing that each proposed building has a minimum finished floor elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facilities. This land-use approval shall provide for minor grade changes less than two vertical feet variance to comply with this condition without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)
12. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total on the site. Specific types of impervious area totals, in square feet, shall be given for buildings, parking lots/driveways, sidewalk/pedestrian areas, storage areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area. (Site Development Div./JJD)
13. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed. (Site Development Div./JJD) (Site Development Div./JJD)

14. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording in County Records. (Site Development Div./JJD)
15. Provide plans for LED Street lights (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director) for all impacted public streets and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
16. FIRE HYDRANTS – COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1) *A fire hydrant within 400 feet of the structure is required. Provide documentation of its location at site development review.* (TVF&R/JF)
17. Prior to approval of the Site Development Permit, the applicant shall submit plans that show a second pedestrian connection extending from the walk-up service window to SW Barrows Road. (Transportation/KR)
18. Provide plans that show that all walkways that cross vehicle drive aisles are to be constructed of scored concrete or modular paving materials. (Transportation/KR)
19. Provide plans that show directional signage and striping that will ensure that the on-site circulation system will function such that the queue of customer vehicles will not extend into the public right-of-way, to the satisfaction of the City Traffic Engineer. (Transportation/KR)
20. Provide a detail of the bike parking that shows that at least 2 short-term spaces and at least 2 long-term spaces will be provided that meet all applicable City standards. The bike racks shall be inverted U-type or staple-type racks that measure at least 30 inches wide by 36 inches tall, centered within parking areas of 6 feet by 4 feet. (Transportation / KR)
21. Provide plans that show the construction of a multi-use path that is a minimum of 8 feet wide, in lieu of a sidewalk along the SW Barrows Road frontage. (Transportation/KR)
22. Provide plans that show the construction of a landscape strip that is a minimum of 5 feet wide, located between the multi-use path and the existing curb along the SW Barrows Road frontage. (Planning/SR)

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

23. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
24. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
25. Provide proof of recording the necessary easement quit claim deeds documents with Washington County Records for existing easements that need extinguishment for a new building. (Site Development Div./JJD)
26. Any businesses related to food preparation are required to have a grease trap/interceptor. The type and size are determined by the State Plumbing Code. Please contact the Fats/Oil/Grease (FOG) specialist for maintenance requirements (503) 526-3701. (Building/ BR)
32. Disabled parking stalls shall be provided in accordance with ORS 447.233. (Building/ BR)
33. The proposed building(s) shall be accessible to persons with disabilities. (Chapter 11, OSSC) (Building/ BR)
34. An accessible route shall be provided to persons with disabilities throughout the site. (Section 1104, OSSC) (Building/ BR)
35. An accessible route shall be provided to persons with disabilities from the building to a public way. (Section 1104, OSSC) (Building/ BR)
36. The applicant should be aware that food service operations are required to be reviewed and approved by the Washington County Health Department for applicable health regulations. For more information, contact the Washington County Health Department at (503) 846-8722. (Building/ BR)
37. The applicant shall submit plans demonstrating that all rooftop mechanical units are screened from view from adjacent streets and properties by parapet wall or other screen material consistent with Section 60.05.15.5. (Building/ BR)

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

43. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
44. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)

45. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
46. Have obtained a Source Control Permit (AKA Industrial Sewage Permit) from the Clean Water Services District and submitted a copy to the City Building Official if such a permit is required, as determined by CWS. (Site Development Div./JJD)
47. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
48. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning / SR)
49. Ensure all landscaping approved by the decision making authority is installed. (Planning / SR)
50. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning / SR)
51. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Trees shall have a minimum caliper of 1-1/2 inches at the time of planting. Each tree is to be adequately staked. (Planning / SR)
52. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources, such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (Planning / SR)

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

53. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
54. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)

55. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations for the site's proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)
56. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation within the required the CWS vegetative corridor area and any impacted sensitive areas, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Public Works Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Public Works Director prior to release of the security. (Site Development Div./JJD)

**SDM2016-0005 Sidewalk Design Modification Application:**

1. Ensure that the Design Review Two (DR2016-0059) application has been approved and is consistent with the submitted plans. (Planning/SR)