

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

**After recording return to:**  
City of Beaverton, City Recorder:  
P.O. Box 4755  
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL OF A DESIGN )	ORDER NO. 2433
REVIEW THREE APPLICATION FOR A FUELING FACILITY, )	DR2015-0042 ORDER APPROVING
COMMERCIAL BUILDING AND DRIVE-THRU STRUCTURE (FRED )	FRED MEYER FUEL FACILITY & COMMERCIAL BUILDING
MEYER FUEL FACILITY & COMMERCIAL BUILDING). FRED )	
MEYER STORES & EDGE DEVELOPMENT, APPLICANTS. )	

The matter came before the Planning Commission on November 18, 2015, on a request for approval of a Design Review Three application for the construction of a new fueling facility, new approximately 13,000 square foot building, along with implementation of the Click-list drive-up grocery program and all associated necessary site improvements. The subject site is located at the southwest corner of SW Canyon Road and the Highway 217 access road. Tax Lots 500 and 1100 on Washington County Tax Assessor’s Map 1S115AB.

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

The Commission discussed the applicant’s internal vehicle circulation system. The Commission was concerned that vehicular conflicts could occur in the area of the ClickList use where drivers exit the ClickList stalls and merge into standard drive aisles. The

applicant provided a diagram during their presentation that included a stop line adjacent to the ClickList area. The Commission concurred with the applicant's proposal and as a condition of approval required the stop bar north of the ClickList drive-thru area, as illustrated in the applicant's presentation to provide additional safety for vehicles. The Commission also discussed the westerly vehicular access to the commercial building and potential conflicts from vehicles attempting to turn right where only left turns are permitted. The Commission required a stop line adjacent to the westerly exit of the commercial building parking area to reduce potential vehicle conflicts. Additionally the Commission discussed the proposed RV signage for the fueling center and found that as proposed not enough direction was provided for RV customers, as such, the Commission required additional signage at the eastern end of the drive aisle south of the fuel canopy, directing RV customers to turn left to reach the fueling queue, in addition to revising language for the proposed RV sign.

The Commission discussed pedestrian safety and the applicant's proposal to use concrete pedestrian crossings in some locations and painted pedestrian crossings in other areas, and found that concrete was more appropriate for all pedestrian crossings of drive aisles in order to provide increased differentiation and greater awareness than painted crossings. As such, the Commission required that all pedestrian crossings through drive aisles be made of concrete.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated November 10, 2015, with corrections, as identified in the Supplemental Memoranda dated November 17, 2015 and November

18, 2015, as applicable to the approval criteria contained in Sections 40.03 and 40.20.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED THAT DR2015-0042 is APPROVED** based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated November 10, 2015, with corrections, as identified in the Supplemental Memoranda dated November 17, 2015 and November 18, 2015, and this Land Use Order, and subject to the conditions of approval as follows:

1. In accordance with Section 50.90.1 of the Development Code, Design Review Three approval shall expire 2 years after the date of approval unless, prior to that time, a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension has been filed, pursuant to Section 50.93 of the Development Code. In the case of phased development, each phase must be commenced within 2 years of completion of the prior phase, in accordance with Section 50.90.3.B of the Development Code. (Planning/JF)
  2. Ensure that all associated applications, including Conditional Use, Replat Two, Fee Ownership Partition, Loading Determination and Parking Determination applications have been approved and are consistent with the submitted plans. (Planning Division/JF)
- A. Prior to issuance of a site development permit for either phase or the combined full project, the applicant shall:**
3. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
  4. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)

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

13. Provide a detailed drainage analysis of the subject site and all tributary areas and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. (Site Development Div./JJD)
14. Provide plans that show any drain inlets under the covered fueling and service facilities are piped to the sanitary sewer system via an API or CPS-type oil/water separator as approved by the City Building Official. The flow from the roof (canopy cover) of the fueling and service facility shall be piped to the approved storm water system. To prevent spills from entering the sanitary sewer system, an automatic or manual shut-off valve shall be installed in the fueling/service area discharge line prior to the connection with the public sanitary sewer. The areas immediately adjacent to the fueling/service area where precipitation may fall, track, or be blown under the cover shall be reverse-graded, trench drained, or bermed from other portions of the facility to minimize the amount of stormwater being transported beneath the cover. The cover must have a minimum overhang of 5 feet on each side. The cover overhang is to be measured relative to a berm, trench drain, or pavement grade break that separates the vehicle fueling/service area outside the covered area from that under the covered area. (Site Development Div./JJD)
15. Provide construction plans that show how each affected lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)
16. Provide final construction plans and a final drainage report demonstrating compliance with CWS Resolution and Order 2007-020 in regard to redevelopment water quality treatment (see Table 4-1), through installation of Contech Inc., Stormfilter catch basin systems. Treatment shall be provided at a minimum equivalent of 3.0 cartridges per tributary impervious acre as generally outlined in the preliminary drainage report dated April 17, 2013. (Site Development Div./JJD)
17. Submit owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreements, one for each applicable parcel, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD)

18. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total on the site. Specific types of impervious area totals, in square feet, shall be given for buildings, parking lots/driveways, sidewalk/pedestrian areas, storage areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area. (Site Development Div./JJD)
19. Pay a storm water system development charges (overall system conveyance and quantity) for any net new impervious area proposed. (Site Development Div./JJD)
20. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No utility service lines to the building, lot lighting, and structures shall remain overhead on site; all utilities must be provided underground. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
21. The applicant shall submit the required joint-use and maintenance agreement for common driveways documentation as identified in EDM 210.13.K and 210.13.L. (Transportation/KR)
22. COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW: The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined in accordance with residual pressure (OFC Table B105.2). The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.
  - i. Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:
  - ii. In areas where the water system is already developed, the maximum needed fire flow shall be either 3,000 GPM or the available flow in the system at 20 psi, whichever is greater.
  - iii. In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi.
  - iv. Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1 (TVF&R/JF)
23. FIRE FLOW WATER AVAILABILITY: Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B) Provide fire flow documentation. (TVF&R/JF)

24. FIRE HYDRANTS-COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1) Fire flow calculations will identify the number of required fire hydrants for this project. (TVF&R/JF)
25. 10ft curb, sidewalk and planter strip shall be constructed as necessary to be consistent with the local Transportation System Plan and ODOT/ADA standards. The sidewalk shall be reconstructed, the applicant will not be permitted to add on to the existing sidewalk. (ODOT/MD)
26. An ODOT Miscellaneous Permit must be obtained for extending the westbound left turn queue storage on Canyon Road to 275 ft within the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An intergovernmental agreement (IGA) is required for agreements involving local governments and a cooperative improvement agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements. (ODOT/MD)
27. Provide a plan showing a sight obscuring fence of masonry or wood along the parking spaces at the eastern edge of the parking area adjacent to the Highway 217 frontage road a minimum of 36 inches in height to screen the road from the glare of headlights. (Planning/JF)
28. Provide a lighting plan for the ClickList area, including fixture details which shows compliance with the Technical Lighting Standards. (Planning/JF)
29. The applicant shall provide a plan showing a stop line directly north of the ClickList drive-thru area, as illustrated in the applicant's presentation.
30. Provide a plan showing revised RV signage to provide direction to RV customers of the fueling station, to the satisfaction of the City Traffic Engineer.
31. All pedestrian crossings through drive aisles shall be made of concrete to provide differentiation.
32. Provide a plan showing a stop line at the westerly exit of the commercial building.

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

33. Modify the SW Canyon Rd./ SW 115<sup>th</sup> Ave. intersection to remove a portion of the landscape median east of the intersection to increase the available westbound left- and U-turn lane queuing length from 140 feet to 275 feet, as recommended by the applicant's March 2, 2015 TIA. (Transportation / KR)
34. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
35. 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)
36. A separate plumbing permit is required for installation of private on-site utilities (i.e., sanitary sewer, storm sewer, water service, catch basins, etc. If the applicant desires to install those types of private utilities during the same period as the "Site Development" work, a separate plumbing application must be submitted to the Building Services Division for approval. (Building/BR)
37. An accessible route shall be provided to persons with disabilities throughout the site. (Section 1104, OSSC) (Building/BR)
38. An accessible route shall be provided to persons with disabilities from the building to a public way. (Section 1104, OSSC) (Building/BR)
39. Provide a plan showing architectural features on the blank wall area adjacent to SW Canyon Road facing lobby entrance. (Planning/JF)

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

40. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
41. Submitted proof of recording of the single lot partition plat consolidating the affected areas with the Washington County Surveyor and land records. (Site Development Div./JJD)
42. 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)

43. 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)
44. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
45. 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)
46. Have trimmed the existing landscaping shrubs east of the Fred Meyer access from SW Beaverton-Hillsdale Hwy. to improve sight distance, as recommended in the March 2, 2015 TIA prepared by the applicant. (Transportation / KR)
47. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning / JF)
48. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning / JF)
49. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit C", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning / JF)
50. Ensure all landscaping approved by the decision making authority is installed. (Planning / JF)
51. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning / JF)
52. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Trees shall have a minimum caliper of 1-1/2 inches. Each tree is to be adequately staked. (Planning / JF)
53. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (Planning / JF)

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

54. 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)
  
55. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations and a pre-paid service contract for a two year period from the date of performance acceptance for the proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. (Site Development Div./JJD)

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

**AYES:** Wilson, Overhage, Doukas, Kroger, and Winter.  
**NAYS:** Maks.  
**ABSTAIN:** None.  
**ABSENT:** Nye.

Dated this 2<sup>nd</sup> day of December, 2015.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2433 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community Development Department's office by no later than 4:00 p.m. on December 14 2015.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

  
\_\_\_\_\_  
JANA FOX  
Associate Planner

  
\_\_\_\_\_  
SANDRA MONSALVE, AICP  
Planning Manager

APPROVED:

  
\_\_\_\_\_  
MIMI DOUKAS  
Chair