

**BEFORE THE CITY COUNCIL OF  
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF AN APPEAL OF THE PLANNING )	ORDER NO. 2720
COMMISSION'S DECISION TO APPROVE DR2018- )	APP2019-0002 APPEAL OF LIFE TIME FITNESS
0128 LIFE TIME FITNESS BEAVERTON ON TAX LOT )	BEAVERTON ON TAX LOT 1700 ON WASHINGTON
1700 ON WASHINGTON COUNTY ASSESSOR'S MAP )	COUNTY ASSESSOR'S MAP 1S103A (DR2018-0128)
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The matter came before the City Council on July 16, 2019 on appeal of the June 14, 2019 Planning Commission decision to approve the applicant's Design Review Three application (DR2018-0128). The appellant asked the Council to reverse the Planning Commission's decision and deny DR2018-0128 Life Time Fitness Beaverton. The specific proposal is presented in Exhibits to Agenda Bill 19199, dated July 2, 2019. The applicant proposes construction of a 140,000 square foot athletic facility, 45,000 square foot office, outdoor pool area, structured and surface parking, and associated site improvements.

The subject site is located north of Highway 26, west of SW Cedar Hills Boulevard, and south of SW Barnes Road. It comprises Tax Lot 1700 on Washington County Assessor's Map 1S103A. Limited street and utility work are proposed off-site on 165 SW Cedar Hills Boulevard (Washington County Assessor's Map 1S103AB, Tax Lot 200) and 1525 SW Choban Lan (Washington County Assessor's Map 1S103BA, Tax Lots 1300, 1400 and 2300). The primary

site is zoned Corridor Commercial (CC) and is located within the Sunset Station and Barnes Road Planned Unit Development (PUD) (CU2013-0003).

Pursuant to Ordinance 2050 (Development Code) Sections 50.70 and 50.85 through 50.88, the City Council conducted a public hearing and considered testimony and exhibits on the subject proposal. The appeal hearing was “de novo,” meaning that the Council could consider evidence and arguments not already raised at the Planning Commission Hearing.

The appeal made seven assertions of error. The first six assertions of error concern the Planning Commission’s decision on the following Design Review Approval Criteria and Design Guidelines: BDC 40.03.1.A and B (Critical and essential facilities and services related to proposed development); BDC 20.10.40 (Other CC zoning requirements); BDC 20.10.15.6 (Maximum building height in CC zoning district); BDC 60.05.35.6 (Building location and orientation in Commercial and Multiple Use zones); BDC 60.05.53.1.D (Building articulation and variety) and 60.05.35.7 (Building scale along Major Pedestrian Routes); and BDC 60.35.15.1 (Open space for a Planned Unit Development). The above-listed Approval Criteria and Design Guidelines were found by the Planning Commission to be met by the proposal. In addition to the Design Review Approval Criteria, the appellant’s seventh assertion of error concerns the Planning Commission’s decision to approve the applicant’s Tree Plan Two (TP2018-0009). The appellant did not appeal the Tree Plan Two, and the appellant’s discussion of the Tree Plan Two is not applicable to the appeal of the Design Review Three application. Nonetheless, in an abundance of caution, the

Council made findings in the alternative on the Planning Commission's approval of the Tree Plan Two.

For all approval criteria, we adopt as our own findings the Revised Staff Report dated June 7, 2019, and Staff's memoranda dated July 3, 2019, July 9, 2019, July 15, 2019, and July 16, 2019. In addition, with respect to the issues that were discussed at the public hearing, the Council adopts the following supplemental findings in support of the final action.

**Appellant's First Assertion: Traffic Impact Analysis (TIA)**

The appellant in its written and oral testimony contended that the applicant's TIA is inadequate and underestimates traffic impacts and required transportation mitigation measures. The Council finds that the applicant's TIA meets all applicable standards and that the applicant satisfied the conditions of approval of the Sunset Station and Barnes Road PUD by providing a supplemental TIA and identifying transportation improvements that are required to mitigate the traffic impacts of the proposed development.

BDC 40.03.1 requires an applicant for development to demonstrate that "[a]ll critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion," BDC 40.03.1.A, and that "[e]ssential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to occupancy," BDC 40.03.1.B. Chapter 90 of the Development Code defines "critical facilities" to include transportation and defines "essential facilities" to include on-site pedestrian and bicycle facilities in the public right-of-way. The Sunset Station and Barnes Road PUD identifies the

full scope of transportation improvements required for development of the PUD. The Sunset Station and Barnes Road PUD further requires an applicant for development within the PUD to provide a supplemental TIA to determine which transportation improvements are required for the proposed development.

The Council considered all oral and written testimony submitted by the appellant concerning the TIA and required transportation improvements, including memoranda from Kittelson & Associates, Inc. (Kittelson) dated May 14, 2019 and June 5, 2019. As well, the Council considered all oral and written testimony submitted by the applicant concerning the TIA and required transportation improvements, including: the TIA prepared by David Evans and Associates, Inc. (DEA); Addenda 1 through 6 to the TIA; and memoranda from DEA dated May 29, 2019 and July 8, 2019. The Council also considered public testimony concerning traffic conditions in the area of and resulting from the development. Finally, the Council considered written testimony from the Oregon Department of Transportation (ODOT) and oral and written testimony from the City Transportation Engineer, Jabra Khasho.

The Council adopts and incorporates by reference the findings in pages 1 through 3 of Staff's memorandum dated July 9, 2019 concerning appellant's first assertion. In addition, the Council adopts the following supplemental findings concerning the TIA and required transportation improvements.

Memorandum from Kittelson dated July 16, 2019

At the Council hearing, the appellant introduced a memorandum from Kittelson, dated July 16, 2019, which contained traffic data collected at the VillaSport facility located at the northeast corner of SW Murray Boulevard and

SW Jenkins Road. The memorandum reported traffic counts collected on Thursday, July 11, 2019, between the hours of 7:00-9:00 AM and 4:00-6:00 PM. Based on those counts, the memorandum concluded that VillaSport exhibited peak hour trip generation rates of 3.47 (AM) and 4.87 (PM) on July 11, 2019. The memorandum concluded that the applicant inappropriately relied on a 2007 traffic study prepared by TRC Engineers, Inc., titled *Life Time Fitness Centers: Traffic & Parking Design Characteristics*, based on the following reasons: (1) the data collected at VillaSport on July 11, 2019 shows higher trip generation rates than the rates in the 2007 traffic study; (2) the Institute of Transportation Engineers (ITE) *Trip Generation Handbook* and the Development Code require the applicant to complete a new traffic study; and (3) potential errors in the 2007 traffic study and the size of the proposed development require the applicant to complete a new traffic study. The appellant in its oral testimony argued that the July 16, 2019 memorandum and data cited therein are additional evidence that the applicant's TIA is inadequate and that the applicant should be required to prepare a new traffic study. The appellant further testified that the applicant's TIA underestimates traffic impacts from the proposed development and, as a result improperly distributes required transportation improvements to subsequent developments within the Sunset Station and Barnes Road PUD. At the public hearing, the Council considered the memorandum and oral testimony from the appellant, testimony from the applicant, and testimony from the City Transportation Engineer regarding the Kittelson memorandum dated July 16, 2019.

The Council finds that the Kittelson memorandum dated July 16, 2019 and the appellant's testimony at the hearing concerning that memorandum do not demonstrate that the applicant's use of the 2007 traffic study was inappropriate or that the City Transportation Engineer and Planning Commission erred in determining that use of the 2007 traffic study was justified. BDC 60.55.20.4.D.3.a provides: "Trip generation estimates shall be based on ITE's Trip Generation (latest published edition). The City Engineer may approve different trip generation rates when trip generation rates are not available in ITE's Trip Generation or different rates are justified." Stated another way, BDC 60.55.20.4.D.3.a requires the use of ITE trip generation rates unless the City Engineer, in his or her discretion, approves different trip generation rates. The City Engineer may approve the use of non-ITE trip generation rates if ITE trip generation rates are not available or if "different rates are justified." The City Engineer includes the "City Engineer of the City of Beaverton or the City Engineer's designee." BDC Ch. 90.

The City Transportation Engineer determined that use of the trip generation rates from the 2007 traffic study are justified because the 2007 traffic study is based on evaluation of multiple, comparable facilities owned by the applicant, and because the trip generation rates from the 2007 traffic study are higher (and therefore more conservative) than ITE trip generation rates for Health/Fitness Clubs.

The Council finds that the traffic data collected at VillaSport on July 11, 2019 does not cause the City Transportation Engineer's determination that the applicant's use of trip generation rates from the 2007 traffic study are justified to

be in error. The City Transportation Engineer testified that ITE trip generation rates are based on averages of traffic data collected over time. The 2007 traffic study is likewise based on data collected at five different facilities over multiple days, all of which is averaged to determine a trip generation rate. Although the trip generation rates determined by Kittelson for VillaSport on July 11, 2019 are higher than the rates from the 2007 traffic study, the Kittelson rates are based on data collected at a single location on a single day. As a result, it is possible that the trip generation rates determined by Kittelson do not represent average traffic conditions at the VillaSport location. Because the VillaSport data represents only one day of traffic at one location, it does not demonstrate that the 2007 traffic study is unreliable or that the 2007 traffic study underrepresents trip generation from the proposed development.

The Council also finds that neither the Development Code nor the *ITE Trip Generation Handbook* require the applicant to complete a new traffic study. The appellant argues that Chapter 9 of the *ITE Trip Generation Handbook*, which provides guidance for collecting and using local trip generation data, requires the applicant to collect current, local trip generation data. In support of this argument, the appellant cites BDC 60.55.20.4.D, which states that a TIA “report shall include complete documentation of trip generation calculations including Institute of Transportation Engineers (ITE) Trip Generation (latest published edition) use code(s) or an alternative basis of trip generation and the rationale for using the alternative.” The ITE assigns trip generation rates to land use categories, which are identified by codes. For example, the land use category Health/Fitness Club is assigned the code 492. Thus, BDC 60.55.20.4.D requires

an applicant to calculate trip generation for a specific use using either (1) ITE rates assigned by land use code or (2) “an alternative basis of trip generation.” Pursuant to BDC 60.55.20.4.D.3.a, the City Engineer may approve use of an alternative basis of trip generation only if the ITE trip generation rates are not available or if “different rates are justified.” The Development Code does not specify an acceptable form or source for “an alternative basis of trip generation,” and, contrary to the appellant’s arguments, the Development Code does not require that an alternative basis of trip generation be based on contemporaneous traffic data. Neither does the Development Code state that the only acceptable alternative basis of trip generation is traffic data collected in accordance with Chapter 9 of the ITE *Trip Generation Handbook*. Instead, the Development Code requires that an alternative basis of trip generation be approved by the City Engineer and that the TIA provide “the rationale for using the alternative.” BDC 60.55.20.4.D. Here, the applicant used an alternative basis of trip generation, the 2007 traffic study, to determine trip generation rates for the athletic facility portion of the proposed development. The City Transportation Engineer determined that the use of the 2007 traffic study was justified. The TIA and Addendum 2 to the TIA provide the applicant’s rationale for use of the 2007 traffic study. Although not required by the Development Code, Addendum 6 to the TIA also provides the applicant’s rationale for use of the ITE rates to calculate trip generation for the office portion of the development. The approval of the City Transportation Engineer and the rationale provided by the applicant satisfy the requirements in the Development Code for use of an alternative basis of trip generation.



The Council also finds that the size of the facilities in the 2007 traffic study do not cause the applicant's use of the 2007 traffic study to be inappropriate. The athletic facilities evaluated in the 2007 traffic study range in size from 101,000 to 115,000 square feet. By contrast, the proposed athletic facility is 140,000 square feet. The difference in size between the facilities in the 2007 traffic study and the proposed athletic facility does not cause the 2007 traffic study to underestimate trip generation for the proposed athletic facility because estimated trip generation is calculated based on a ratio that applies per 1,000 square feet of a facility's size. Therefore, estimated trip generation is proportional to a facility's square footage. In addition, the applicant presented evidence that facility memberships are not necessarily proportional to facility size because Diamond-level facilities, such as the development proposed in Beaverton, are intended to have a smaller number of memberships at a higher price point. For those reasons, the difference in size between the proposed facility and the facilities in the 2007 traffic study does not cause applicant's use of the 2007 traffic study to be inappropriate or unjustified.

Finally, the potential calculation errors in the 2007 traffic study identified in the Kittelson memorandum dated July 16, 2019 do not cause the applicant's use of the trip generation rates from the 2007 traffic study to be inappropriate. The applicant's traffic consultant responded to the asserted calculation errors in memoranda from DEA dated May 29, 2019 and July 8, 2019. The City Transportation Engineer reviewed the comments from Kittelson and the responses from DEA. Having reviewed both the comments and responses, the City Transportation Engineer endorsed the applicant's use of the 2007 traffic

study. Likewise, on June 28, 2019, ODOT submitted written testimony stating that the methodology and data in the TIA meets applicable State standards and is consistent with standard industry practices. The Council finds that the applicant's use of the 2007 traffic study was justified and appropriate.

The appellant also contended in written and oral testimony that the applicant did not mitigate for the full traffic impacts from the proposed development. The applicant is proposing, and is required, to construct a large number of traffic mitigation measures to increase capacity and safety in the area and provide relief to existing congested traffic systems. The applicant has conducted a TIA in accordance with the City of Beaverton, Washington County, and ODOT standards and has proposed traffic mitigation measures accordingly. To the extent that the appellant argues that further mitigations are required, such mitigations are not proportional to the traffic impacts of the applicant's development.

Memorandum from DEA dated July 16, 2019

Prior to the Council hearing, the applicant submitted a memorandum from DEA dated July 16, 2019 concerning signal timing modification at the intersection of US 26/Highway 217/SW Barnes Road. The memorandum included as an attachment an email from ODOT stating that the signal timing modification proposed in the applicant's TIA can mitigate anticipated traffic impacts from the applicant's development without exceeding ODOT's target v/c ratio. ODOT intends to evaluate the need for signal timing modification at the US 26/Highway 217/SW Barnes Road intersection after the completion of the proposed development and to initiate signal timing modification if so required. It is

therefore feasible to mitigate anticipated traffic impacts of the development at the intersection of US 26/Highway 217/SW Barnes Road through signal timing modification and, if required, such modification will be initiated by ODOT.

**Appellant's Second Assertion: BDC 20.10.40**

The appellant in its written and oral testimony contended that outdoor swimming pools are prohibited by BDC 20.10.40. The Council finds that BDC 20.10.40 does not prohibit the applicant's outdoor pools.

The Council adopts and incorporates by reference the findings in pages 3 through 6 of Staff's memorandum dated July 9, 2019 concerning appellant's second assertion. In addition, the Council adopts the following supplemental findings concerning the application and interpretation of BDC 20.10.40.

A potential conflict exists between BDC 20.10.40, which requires that activities in the CC zoning district be "wholly within an enclosed structure," and BDC 20.10.20(23), which allows Recreational Facilities, including outdoor uses such as golf course and outdoor swimming pools, in the CC zoning district. The definition of "Recreational Facilities" includes some uses that may be conducted indoors or outdoors. For certain indoor/outdoor uses, the definition of "Recreational Facilities" specifies that the use is limited to indoors or outdoors (e.g., "indoor soccer fields"). For other indoor/outdoor uses, the definition does *not* specify whether use is limited to indoors or outdoors (e.g., "swimming clubs or pools"). Where the definition of "Recreational Facilities" includes a use that may be conducted indoors or outdoors, and the definition does not specify whether the use is limited to either indoors or outdoors, then the definition includes *both* the indoor and outdoor use.

Because it is unclear how BDC 20.10.40 applies to outdoor Recreational Facilities that are allowed in the CC zoning district, the Council considered the intent of BDC 20.10.40. The Council agrees with Staff that the intent and purpose of the “enclosed structure” requirement is to restrict outdoor storage and sales activities, and that the requirement does not apply to outdoor uses that are allowed in the CC zoning district. Evidence of the purpose of BDC 20.10.40 is found in the legislative history of the “enclosed structure” requirement and in other provisions of the Development Code. Likewise, Planning Commissioner Overhage, who was on the Planning Commission at the time the “enclosed structure” requirement was applied to the CC zoning district, agreed with Staff at the Planning Commission’s public hearing on June 12, 2019 that the intent of the requirement was to prohibit outdoor sales and storage.

Further, even if BDC 20.10.40 applied to outdoor Recreational Facilities, such as outdoor swimming pools, the applicant’s outdoor swimming pools would be permitted under BDC 20.10.40, because they are “wholly within an enclosed structure.” The Development Code provides two definitions of “structure.” The appellant argued that the definition of “structure” that should be applied to BDC 20.10.40 is: “[a] walled and roofed building including a gas or liquid storage tank that is principally above ground.” The applicant argued that the definition of “structure” that should be applied to BDC 20.10.40 is: “[a]nything which is constructed, erected or built and located on or under the ground, or attached to something fixed to the ground.” The Council agrees with Staff and the applicant that the definition of “structure” that applies to BDC 20.10.40 is “[a]nything which is constructed, erected or built and located on or under the ground, or attached to

something fixed to the ground,” because this was the only definition of “structure” that was defined in the Development Code at the time of adoption of the “enclosed structure” requirement. The definition of “structure” recommended by the appellant had not been adopted into the Development Code at the time the “enclosed structure” provision was adopted. Based on the definition of “structure” recommended by the applicant and by Staff, the applicant’s outdoor swimming pools are “wholly within an enclosed structure.”

**Appellant’s Third Assertion: BDC 20.10.15, footnote 6**

The appellant in its written and oral testimony contended that the 35-foot height limit set forth in BDC 20.10.15, footnote 6 applies to the applicant’s parking structure/office building. The Council finds that the 35-foot height limit does not apply to the applicant’s parking structure/office building, because the phrase “residentially zoned property” in BDC 20.10.15, footnote 6 does not include public right-of-way, and the applicant’s parking structure is greater than 100 feet from the nearest residentially zoned property.

The Council adopts and incorporates by reference the findings in pages 6 through 7 of Staff’s memorandum dated July 9, 2019 concerning appellant’s third assertion. In addition, the Council adopts the following supplemental findings concerning the application of BDC 20.10.15, footnote 6.

BDC 20.10.15, footnote 6 is intended to prevent buildings that are out of scale with nearby residential properties. This is accomplished by establishing a 100-foot buffer around residentially-zoned properties in which buildings may not exceed 35 feet in height. Because BDC 20.10.15, footnote 6 is focused on protecting residentially-zoned properties, the size of the required buffer does not

change due to the presence or width of a public right-of-way. Thus, the 100-foot buffer should be measured from the residential property line.

The appellant argues that the Planning Commission's application of the 100-foot buffer in BDC 20.10.15, footnote 6 is incorrect, because Staff's application renders BDC 10.35.1 meaningless. BDC 10.35.1 states: "When bordering a public right-of-way, all zoning district boundaries shall extend to the centerline of the right-of-way . . . ." BDC 10.35.1 applies to "zoning district boundaries," whereas BDC 20.10.15, footnote 6 applies to "residentially zoned properties." The purpose of BDC 10.35.1 is administrative and is to avoid the creation of gaps or holes in the zoning map.

**Appellant's Fourth Assertion: BDC 60.05.35.6**

The appellant in its written and oral testimony contended that the development proposal is inconsistent with the pedestrian orientation Design Guidelines in BDC 60.05.35.6. The Council finds that the development complies with the Design Guidelines in BDC 60.05.35.6.

The Council adopts and incorporates by reference the findings in pages 7 through 8 of Staff's memorandum dated July 9, 2019 concerning appellant's fourth assertion, and the findings in pages DR-9 through DR-10 of the Revised Staff Report dated June 7, 2019 in response to BDC 60.05.35.6. In addition, the Council adopts the following supplemental findings concerning the pedestrian orientation Design Guidelines in BDC 60.05.35.6.

The development satisfies the pedestrian-oriented Design Guidelines by locating a primary entrance at the intersection of SW Cedar Hills Boulevard and SW Barnes Road and by emphasizing that entrance with architectural details and

a large pedestrian plaza. In addition, the development satisfies the Design Guidelines by locating both buildings close to public streets and intersections, and by making the entrance to the athletic facility building easily accessible from SW Cedar Hills Boulevard and SW Barnes Road via multiple pedestrian connections, including a pedestrian promenade with overhead lighting.

The appellant contends that the Planning Commission erred by granting an exception to the pedestrian orientation Design Guidelines to accommodate the placement of the applicant's outdoor pools. The Design Guidelines state that "property size, shape and topographical conditions should also be considered" when determining the appropriate orientation and location of buildings and entrances. BDC 60.05.35.6.A and B. The Planning Commission properly considered the triangular shape of the subject site and the fact that the site is bordered by a high-speed on-ramp to Highway 26 when applying the Design Guidelines. No exception to the pedestrian orientation Design Guidelines is required or was granted.

**Appellant's Fifth Assertion: BDC 60.05.35.1.D and 60.05.35.7**

The appellant in its written and oral testimony contended that the proposed development is too large and that the size and scale of the development cause the development to be inconsistent with the Design Guidelines in BDC 60.05.35.1.D and 60.05.35.7. The Council finds that the development meets all applicable size standards and complies with the Design Guidelines in BDC 60.05.35.1.D and 60.05.35.7.

The Council adopts and incorporates by reference the findings in page 8 of Staff's memorandum dated July 9, 2019 concerning appellant's fifth assertion,

and the findings beginning on page DR-5 of the Revised Staff Report dated June 7, 2019 in response to BDC 60.05.35.1.D and 60.05.35.7. In addition, the Council adopts the following supplemental findings concerning the Design Guidelines in BDC 60.05.35.1.D and 60.05.35.7.

BDC 60.05.35.1 is directed at “Building articulation and variety.” BDC 60.05.35.1.D provides, in relevant part, “Buildings should promote and enhance a comfortable pedestrian scale and orientation.” The applicant’s buildings satisfy BDC 60.05.35.1.D by providing visual interest through the use of glazing, different materials, and accented architectural features. As well, the applicant provides a comfortable pedestrian scale by providing canopies, trellises, and clear and direct pedestrian connections.

BDC 60.05.35.7 is directed at “Building scale along Major Pedestrian Routes.” BDC 60.05.35.7.A discourages low-height, single-story buildings along Major Pedestrian Routes. The applicant’s buildings are not single-story, and therefore are consistent with BDC 60.05.35.7.A. BDC 60.05.035.7.B states that building heights at street edge should be no higher than 60 feet and “should help form a sense of enclosure, but should not create an undifferentiated high wall out of scale with pedestrians.” The heights of the applicant’s buildings do not exceed 60 feet. The office and parking garage building is located at the public street, thereby creating a sense of enclosure. Neither of the buildings have undifferentiated high walls; instead, the building walls are differentiated by glazing, architectural details, and use of different materials. In addition, amenities such trellises, canopies, planter benches, water features and other frontage improvements maintain pedestrian scale.



### **Appellant's Sixth Assertion: Open Space**

The appellant in its written and oral testimony contended that the applicant is required to contribute toward the 20 percent open space requirement under the Sunset Station and Barnes Road PUD. The Council finds, first, that the applicant is not required to contribute to the open space requirement because the development is not a residential use, and, second, that it is feasible for the open space requirement to be met by the remaining undeveloped properties in the PUD.

The Council adopts and incorporates by reference the findings in page 9 of Staff's memorandum dated July 9, 2019 concerning appellant's sixth assertion. In addition, the Council adopts the following supplemental findings concerning the open space requirement.

BDC 60.35.15 requires a PUD to provide open space of an area equal to at least 20 percent of the subject site. The open space requirement applies to the whole PUD, rather than to individual parcels. This allows flexibility to cluster development to create open space and protect natural resources. The Sunset Station and Barnes Road PUD requires that open space be provided at the time of development of residential uses. Requiring open space to be provided at the time of residential development allows open space to be created on individual lots where residential development is located or in a centrally located area accessible to community residents. The applicant's development proposal is not residential, and therefore the applicant is not required to provide open space.

Although the applicant is not required to provide open space, the applicant demonstrated that it is feasible for the open space requirement to be met by the

remaining properties in the Sunset Station and Barnes Road PUD, all of which are zoned Residential or Multiple Use.

Finally, the applicant's pedestrian plaza and the pedestrian areas to the north and east of the applicant's buildings provide pedestrian open space benefits.

**Appellant's Seventh Assertion: Tree Plan Two**

The appellant in its written and oral testimony contended that the Planning Commission erred in concluding that the applicant satisfied the tree removal criteria and that the applicant adequately justified the removal of trees on the subject site and adjacent properties. The Council finds that the appellant did not appeal the Planning Commission's approval of the Tree Plan Two application (TP2018-0009) and, therefore, the approval of the Tree Plan Two is final. In the alternative, even if the appellant had appealed the Tree Plan Two, the Council finds that the applicant properly filed a Tree Plan Two and demonstrated compliance with the criteria in BDC 40.90.15.2.C.4.

June 24, 2019 was the deadline to appeal the Planning Commission's Land Use Orders approving the applicant's five applications (DR2018-0128 / LD2019-0008 / LO2018-0005 / SDM 2018-0007 / TP2018-0009). On June 24, 2019, the appellant submitted a single appeal form listing all five application numbers and submitted a single appeal fee. Following the appellant's submission, on the same day, Staff left a voicemail for and sent an email to the appellant seeking clarification regarding which application was intended to be appealed and allowing the appellant an additional day to submit additional form(s) and fee(s) if the appellant desired to appeal more than one application.

The same evening, on June 24, 2019, the appellant sent an email to Staff which stated that “the main decision we are appealing is the Design Review” but that the appellant listed all applications on a single appeal form because the appellant understood the applications to be consolidated. The following morning, on June 25, 2019, Staff sent an email to the appellant restating that a separate appeal form and fee was required for each application. Staff reiterated that the appellant may submit an additional form(s) and fee(s) if the appellant desired to appeal other application(s) in addition to the Design Review Three application (DR2018-0128). The appellant did not submit any additional appeal form or fee.

The Council adopts and incorporates by reference the findings in pages 1 through 4 of Staff’s memorandum dated July 15, 2019 concerning the scope of the appellant’s appeal and finds that the appellant filed an appeal of the applicant’s Design Review Three application (DR2018-0128) and did not appeal the applicant’s Tree Plan Two application (TP2018-0009). Therefore, the City Council does not have review authority with respect to the Tree Plan Two decision by the Planning Commission.

Finally, and in the alternative, the Council finds that the applicant met the threshold requirements for filing a Tree Plan Two and demonstrated compliance the criteria in BDC 40.90.15.2.C.4, and therefore the Planning Commission did not err in approving the applicant’s Tree Plan Two application. The Council adopts and incorporates by reference the updated findings in pages 4 through 5 of Staff’s memorandum dated July 15, 2019 concerning approval criteria of the Tree Plan Two application. In addition, the Council adopts the following supplemental findings regarding the applicant’s Tree Plan Two.

The appellant contended that the applicant failed to demonstrate that the trees proposed to be removed constitute not more than 75 percent of the total diameter at breast height (DBH) of non-exempt surveyed trees found on the project site within significant natural resource areas (SNRA). The applicant proposes to remove five (five) trees from the SNRA on Tax Lot 200 on Washington County Assessor's Map 1S103AB. The memorandum from DEA dated July 12, 2019, and Exhibit A to that memorandum, show that the removal of five (5) trees represents less than three (3) percent of the total DBH within the SNRA on Tax Lot 200, which is less than the 75 percent threshold. Therefore, the applicant's tree removal proposal meets the threshold requirements for a Tree Plan Two.

The appellant also contended that the applicant did not satisfy BDC 40.90.15.2.C.4, which requires an applicant to demonstrate that, "[i]f applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists." The applicant proposes to remove trees to accommodate the physical development of the primary property, which includes the parking garage and athletic facility buildings, outdoor pool area, stormwater area, surface parking and other frontage improvements. In addition, the applicant proposes to remove trees from adjacent parcels to facilitate utility provision and right-of-way improvements, which are necessary to serve the proposed development, as well as future development. Due to the scope of the development proposal and the applicant's effort to preserve large native trees on the property, no reasonable alternative exists to avoid removal of the trees.

#### **Other Issues**

Certain public comments stated that notice was inadequate. The Council finds that notice was properly given and that public participation before the Planning Commission and before the Council was robust. As such, no prejudice to substantial rights occurred.

Certain public comments were not directed at approval criteria. Issues raised in public comment and not addressed in findings are irrelevant to approval criteria.

The Council, after holding the public hearing and considering all oral and written testimony, affirms the Planning Commission approval on appeal and approves DR2018-0128, Life Time Fitness Beaverton. The Council adopts by reference the Agenda Bill (number 19199) and Exhibits of July 2, 2019, Supplemental Memoranda from staff dated July 9, July 15, 2019, and July 16, 2019 with associated exhibits, testimony submitted orally and in writing at the public hearing on July 16, 2019, and the supplemental findings contained therein as evidence and findings demonstrating that the applicant meets the approval criteria for Design Review Three (DR2018-0128) approval.

Therefore, **IT IS HEREBY ORDERED** that **APP2019-0002** is **DENIED** and the Planning Commission's **APPROVAL** of **DR2018-0128** is **AFFIRMED**, based on the testimony and evidence presented during the public hearing and the supplemental materials provided prior to the hearing and the findings contained herein. DR2018-0128 is subject to the following conditions of approval:

- A. Prior to Issuance of Site Development Permits, the applicant shall:**
1. Ensure that the Replat One (LD2019-0008), Loading Determination (LO2018-0005), Sidewalk Design Modification (SDM2018-0007), and

Tree Plan Two (TP2018-0009) applications have been approved and are consistent with the submitted plans. (Planning / JF)

2. 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/NP)
3. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD/NP)
4. 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 utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; 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/NP)
5. Provide assurances that the ownership of the subject project will guarantee improvements and work per the detailed cost estimate format and breakdown in the site development permit application. 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/NP)
6. Submit any required easements under the City of Beaverton's authority, 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. Submit copies of other recorded easements for the project as needed from property ownerships within the City of Beaverton (Site Development Div./JJD/NP)
7. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to areas within County-permitting authority. (Site Development Div./JJD/NP)
8. Submit to the City a copy of issued permits or other approvals needed from ODOT for work within, and/or construction access to areas within ODOT-permitting authority, except, however, if the applicant elects to construct the improvements described in condition 54.c.ii the permits or

other approvals needed from ODOT for that work may be issued following issuance of the Site Development Permit. (Site Development Div./JJD/NP)

9. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction. (Site Development Div./JJD/NP)
10. Submit a completed 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the standard plan format per requirements for sites 5 acres or larger adopted by DEQ and Clean Water Services. (Site Development Div./JJD/NP)
11. Submit a copy of Service Provider Letter Amendment from CWS for the off-site storm sewer improvements as shown on site plans. (Site Development Div./JJD/NP)
12. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers for work within or affecting a jurisdictional wetland. (Site Development Div./JJD/NP)
13. Obtain 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/NP)
14. Obtain the Clean Water Services District Stormwater Connection Permit as a part of the City's plan review process. (Site Development Div./JJD/NP)
15. Provide final construction plans and a final drainage report demonstrating compliance with City surface water management requirements and maintenance access per Section 530, of City Resolution 4542 and with CWS Resolution and Order 2017-05. This also includes design of the off-site storm sewer. (Site Development Div./JJD/NP)
16. The applicant shall provide an arborist's evaluation of the proposed work near the protected trees. The evaluation shall examine any anticipated impacts to the trees as a result of the proposed construction and finished condition, including but not limited to hydrologic changes, compaction effects, and root disturbance. Any recommended mitigation measures or construction methods to reduce or eliminate adverse effects on the trees shall be incorporated into the construction documents and shown on the approved site development permit plans. In lieu of such an arborist's evaluation, written documentation that a licensed landscape architect is satisfied with the proposed work must be submitted to the

City prior to issuance of the site development permit. (Site Development Div./JJD/NP)

17. Provide plans that delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed storm water management facilities. On all plan sheets that show grading and elevations, the 100 year inundation level shall be identified. (Site Development Div./JJD/NP)
18. Provide plans showing that encroachments in the public right of way or public easements shall be a non-structural attachment or in other words not integral (removable without damage) to the building structure. If a revocable right of way encroachment permit is desired by the owner or required by a financial institution or insurance company, the City Attorney will need to be consulted to prepare a specific document for this situation. (Site Development Div./JJD/NP)
19. Obtain the City Building Official's courtesy review of the proposed private site utility plans per OAR 918-780-0040. (Site Development Div./JJD/NP)
20. Provide construction plans that show how each lot will be independently served by public utility systems as required by the City Engineer and City Building Official. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to lots. 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/NP)
21. Submit a design for all retaining walls greater than four feet in height, designed by a civil engineer or structural engineer for the expected soil and ground water conditions. (Site Development Div./JJD/NP)
22. Submit a grading plan that meets provisions of Beaverton Code 9.05.110 and 9.05.115. No grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This applies to all exterior property boundaries of the proposed project. The proposed grading plan shall also have a minimum building pad elevation that is at least one foot higher than the maximum possible high-water elevation (emergency overflow) of the SWM facility. Additionally, a minimum finish floor elevation that is at least three feet higher than the maximum possible high-water elevation shall be established for each new building lot and documented on the plans. (Site Development Div./JJD/NP)



23. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces on the site. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, equipment pads, parking lots and driveways, sidewalk and pedestrian areas, and any gravel or pervious pavement surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, modified existing impervious, the new impervious surface area created, and total final impervious surface area on the entire site after completion. (Site Development Div./JJD/NP)
24. Pay storm water system development charges for overall system conveyance for the net new private impervious area proposed. (Site Development Div./JJD/NP)
25. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD/NP)
26. Provide plans for street lights Option C unless otherwise approved by the City Operations and Maintenance Director. (Site Development Div./JJD/NP)
27. Provide plans for the placement of underground utility lines along street frontages, and for affected services to existing lots. 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 must be paid per Section 60.65 of the Development Code. (Site Development Div./JJD/NP)
28. Provide plans showing a City standard commercial driveway apron at the intersection of any private or common driveway and a City public street. (Site Development Div./JJD/NP)
29. Provide a plan showing the necessary transportation mitigation improvements identified in the Traffic Impact Analysis dated February 2019, prepared by David Evans and Associates, Inc., including:
  - a. Construction of an off-street bi-directional multi-use bike/pedestrian pathway along the site frontage between SW Barnes Road and the future undercrossing of the Highway 26 westbound on-ramp, consistent with sheet C100. Minimum clear width of the trail shall be 10 feet.

- b. Construction of half street improvements along the site frontage on Cedar Hills Boulevard to a minimum of five lane arterial standards including sidewalks, but not including a bike lane, consistent with sheet C400.
- c. Construction of a traffic signal at the intersection of SW Barnes Road and SW 116th Avenue, including interconnection with the traffic signal at Cedar Hills Boulevard and Barnes Road.
- d. For the eastbound approach to the intersection of SW Barnes Road and SW 116th Avenue, widen Barnes Road between 117th Avenue and 116th Avenue to provide a through lane, a through/right-turn lane, and a left turn lane with a minimum storage of 75 feet. Construction of a bike lane and a sidewalk, subject to available right-of-way. Construction of left-turn lane does not include striping.
- e. For the westbound approach to the intersection of SW Barnes Road and SW 116th Avenue, widen Barnes Road to provide a through lane, a through/right turn-lane, two left-turn lanes with a minimum storage length of 200 feet and a bike lane. Extend a continuous westbound side-by-side left turn lane from 116th Avenue to 117th Avenue. Extend a second westbound receiving lane. Construct a bike lane and sidewalk from 116th Avenue to 117th Avenue, subject to available right-of-way. Construction of second left turn lane does not include striping or a signal head.
- f. For the northbound approach to the intersection of SW Barnes Road and SW 116th Avenue, construct a through/left-turn lane and a right turn-lane with a minimum storage length of 175 feet. Design traffic signal with a northbound right turn overlap signal phase.
- g. Construction of half street improvements along the site frontage on Barnes Road to five lane arterial standards with bike lanes and sidewalks.
- h. For the southbound approach to the intersection of SW Cedar Hills Boulevard and SW Barnes Road, widen Cedar Hills Boulevard to provide a through lane, a through/right-turn lane with a storage length of between 180 and 200 feet, and a sidewalk extending the length of the through/right-turn lane.
- i. For the eastbound approach to the intersection of SW Cedar Hills Boulevard and SW Barnes Road, widen Barnes Road to provide two right-turn lanes with a minimum storage length of 350 feet, two through lanes, a left-turn lane with a minimum storage length of 185 feet, a bike lane, and a sidewalk.

- j. Modification of the traffic signal at the intersection of SW Barnes Road and SW Cedar Hills Boulevard to accommodate the improvements described in Conditions 28(h) and 28(i).
30. Provide a conceptual plan (30% design level) showing the feasibility of a multi-use trail along SW Cedar Hills Boulevard extending from the proposed sidewalk improvements shown on C100 to the undercrossing with a minimum clear width of 10 feet. This is conditioned only if the full undercrossing is not being constructed by the applicant. (Planning / JF)
  31. Provide a signage and barrier plan for the multi-use trail along the SW Cedar Hills Boulevard site frontage until the Highway 26 westbound on-ramp undercrossing is completed. The plan shall be approved by the City Engineer and include provisions for the removal of the signage and barrier(s) when the pedestrian and bike connections are made to the south to SW Butner Road. (Planning / JF & Transportation / JK)
  32. Provide a plan showing that pedestrian access is maintained from SW Cedar Hills Boulevard into the site at a minimum paved width of five (5) feet. Vehicular access at the internal pedestrian access from SW Cedar Hills Boulevard shall be emergency vehicle only. (Planning / JF)
  33. Provide one additional pedestrian connection within the north surface parking lot connecting the northwest parking area to the internal pedestrian circulation system. (Planning / JF)
  34. Provide a lighting plan showing conformance with the City's Technical Lighting Standards. (Planning / JF)
  35. Provide a plan showing the construction of the ODOT sign bridge to accommodate the full future build-out of SW Cedar Hills Boulevard. (Planning / JF)
  36. The following shall be recorded with Washington County (Contact Survey Division: 503-846-7932): (Washington County / NV)
    - a. Dedication of additional right-of-way to meet a minimum of 51 feet from the centerline of SW Barnes Road from Sta. 45+36.22 to Sta. 46+67.29 along the site's frontage including additional right-of-way and easements that are required for a signal, turn lanes and associated equipment at the new public street (SW 116<sup>th</sup> Avenue) connection to SW Barnes Road.
    - b. Dedication of additional right-of-way to meet a minimum of 73 feet from the centerline of SW Barnes Road from Sta. 48+40.52 to Sta. 51+57.92 including adequate corner radius and easements needed for signal modifications at the intersection of SW Cedar Hills Boulevard.

37. Submit to Washington County Public Assurance Staff (503-846-3843): (Washington County/NV)
- a. Completed "Design Option" form, Geotech/Pavement Report, and Engineer's Checklist (Appendix "E" of the County Road Standards).
  - b. \$60,000.00 Administration Deposit.
  - c. A copy of the City's Notice of Decision and the County's Letter dated April 4, 2019.
  - d. Provide evidence that the documents under 36. a. and b. have been recorded.
  - e. Preliminary certification of adequate sight distance for the access point to SW Barnes Road, in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
    - i. A detailed list of improvements necessary to produce adequate intersection sight distance at the proposed new public street access.
  - f. Engineering plans to County standards for construction of the following public improvements:
    - i. Half-street improvement to County standards along the site's SW Barnes Road frontage. The half-street improvement shall include additional pavement to meet County minimum lane widths and required lane configuration (dual EB right-turn lanes and two through lanes at SW Cedar Hills Boulevard and a WB a left-turn lane at SW 116th Ave.), 7 foot buffered bike lanes, curb and gutter, 10 foot sidewalks with tree wells and continuous illumination to County standards.
    - ii. Signal modifications, (including signal interconnect conduit from SW Barnes Road/SW Cedar Hills Boulevard to the westbound US 26 ramp terminal intersection) for a shared southbound through /right-turn lane to SW Barnes Road /SW Cedar Hills Boulevard and a second eastbound right-turn lane at SW Barnes Road/SW Cedar Hills Boulevard to County standards.
    - iii. Construct a new traffic signal and associated equipment at the intersection of SW Barnes Road and SW 116<sup>th</sup> Avenue, including one (1) WB left-turn lane with a

minimum storage of 275 feet and a closed future WB left-turn lane with required minimum storage on SW Barnes Road. Signal interconnect conduit shall be installed along the site's SW Barnes Road frontage.

- iv. Construct a shared southbound through/right-turn lane with a minimum storage of 180 feet at the intersection of SW Cedar Hills Boulevard and SW Barnes Road.
- v. Construct a second eastbound right-turn lane at the intersection of SW Barnes Road and SW Cedar Hill Boulevard.
- vi. Construct curb, gutter, bike lane and additional pavement on the north side of SW Barnes Road from the intersection of SW Cedar Hills Boulevard to the new intersection of SW 116<sup>th</sup> Avenue. Grade and alignment shall be approved by the County Engineer.

38. Obtain a Washington County Facility Permit upon completion of the following:

- a. Engineering Division approval of plans and a financial assurance for the construction of the public improvements listed in conditions 37.f.

39. Provide a revised landscaping plan showing that a minimum of 50% of the total number of species proposed to be planted on site are native species, cultivars of native species, and/or adapted plant species. The plan shall be stamped by a certified landscape architect. (Planning / JF)

40. Provide a plan showing: (TVF&R / DN)

- a. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)
- b. **DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (OFC 503.2.5 & D103.1)
- c. **ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. Buildings or facilities having a gross building area of more than 62,000 square

feet shall have at least two approved separate means of fire apparatus access. Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems. (OFC D104)

- d. **AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2)
- e. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)
- f. **MULTIPLE ACCESS ROADS SEPARATION:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Code Official), measured in a straight line between accesses. (OFC D104.3) Exception: Buildings equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
- g. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. The fire district will approve access roads of 12 feet for up to three dwelling units and accessory buildings. (OFC 503.2.1 & D103.1)
- h. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of

unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

- i. NO PARKING: Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
  - 1. 20-26 feet road width – no parking on either side of roadway (signage to indicate the no parking)
  - 2. 26-32 feet road width – parking is allowed on one side (signage to indicate the no parking side)
  - 3. Greater than 32 feet road width – parking is not restricted
- i. PAINTED CURBS: Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
- j. FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)
- k. SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)
- l. TURNING RADIUS: The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)
- m. ACCESS ROAD GRADE: Fire apparatus access roadway grades shall not exceed 12%. When fire sprinklers\* are installed, a maximum grade of 15% will be allowed.
  - i. 0-12% Allowed
  - ii. 12-15% Automatic fire sprinkler system\* required
  - iii. 15-18% Consideration on a case by case basis with submission of written Alternate Methods and Materials request and automatic fire sprinkler system.\*
  - iv. 18% and greater Not allowed

- n. ANGLE OF APPROACH/GRADE FOR TURNAROUNDS: Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
- o. ANGLE OF APPROACH/GRADE FOR INTERSECTIONS: Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
- p. AERIAL APPARATUS OPERATING GRADES: Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.
- q. ACCESS DURING CONSTRUCTION: Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)
- r. 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 Appendix B 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: Appendix B, Section B106, Limiting Fire-Flow is also enforced, save and except for the following:
    - 1. 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.
    - 2. In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi.
    - 3. Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
- s. 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)

- t. WATER SUPPLY DURING CONSTRUCTION: Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)
- u. 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)
- v. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
- w. The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.
- x. FIRE HYDRANT NUMBER AND DISTRIBUTION: The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in (OFC Table C105.1)
- y. FIRE HYDRANT(S) PLACEMENT: (OFC C104)
  - i. Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
  - ii. Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
  - iii. Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the fire code official.
  - iv. Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.

- z. FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD: Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the fire code official. (OFC C102.1)
- aa. FIRE DEPARTMENT CONNECTIONS: A fire hydrant shall be located within 100 feet of a fire department connection (FDC) or as approved. Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle. (OFC 912 & NFPA 13)
  - i. Fire department connections (FDCs) shall normally be located remotely and outside of the fall-line of the building when required. FDCs may be mounted on the building they serve, when approved.
  - ii. FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants (as diagramed below).

**B. Prior to Building Permit Issuance, the applicant shall:**

- 41. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD/NP)
- 42. 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/NP)
- 43. Have submitted the paper copies of the draft final plat needed for City review and to the County Surveyor to begin processing. (Site Development Div./JJD/NP)
- 44. Provide a plan showing the areas identified as having a pedestrian trellis over pedestrian walkways have provide a solid canopy to provide weather protection those areas. (Planning / JF)
- 45. Provide a plan showing: (TVF&R / DN)
  - a. KNOX BOX: A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1)
  - b. UTILITY IDENTIFICATION: Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4

inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1)

- c. EMERGENCY RESPONDER RADIO COVERAGE: In new buildings where the design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated Communications Agency shall be provided. (OSSC 915.1, OFC 510.1, and Appendix F)

**C. Prior to Final Occupancy, the applicant shall:**

- 46. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD/NP)
- 47. 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/NP)
- 48. 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/NP)
- 49. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD/NP)
- 50. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submit a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD/NP)
- 51. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD/NP)
- 52. 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)
- 53. 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)

54. 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)
55. Obtain a Final Washington County Facility Permit, subject to completion of the following: (Washington County/NV)
- a. The road improvements required in condition 37.f. above shall be completed and accepted by Washington County.
  - b. Submit a Final Sight Distance Certification for the public street connection to SW Barnes Road.
  - c. Pay to Washington County the pro rata share of the cost to mitigate the traffic impacts noted in Sunset Station & Barnes PUD (CU2013-0003) as required per the City's Notice of Decision. Including:
    - i. Pay Washington County \$553,595 as a contribution toward the future construction of a bike/pedestrian pathway undercrossing at the westbound on-ramp to Highway 26. In lieu of paying the contribution towards the improvements, applicant at their own discretion may choose to construct the improvements as directed by ODOT and the County Engineer, in which case the improvements directed by ODOT must be substantially complete and accepted prior to City issuance of the Final Occupancy Permit. Per Condition of Approval 33 of the Sunset Station and Barnes Road PUD the monetary contribution amount shall be adjusted on July 1<sup>st</sup> of each year. (Planning / JF & Transportation / JK)
    - ii. At ODOT's discretion, pay ODOT \$276,797.50 as a contribution towards a variable message sign/variable speed sign to be installed by ODOT on OR 217 northbound between SW Walker Rd and the Barnes Road off-ramp.
    - iii. Pay Washington County \$76,388 as an additional contribution for construction of the at grade multi-use path along SW Cedar Hills Boulevard between the internal pedestrian connection and the pedestrian undercrossing. The applicant may also elect to construct the improvement instead of paying the fee in lieu, in which case the improvements must be substantially completed and accepted by ODOT prior to City issuance of a Final Occupancy Permit. (Planning / JF)

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

56. 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/NP)
57. Submit any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. (Site Development Div./JJD/NP)
58. 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 as shown on the approved plan within the storm water management facility as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Operations Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) 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/NP)

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

**AYES:** San Soucie, Fagin, Arnold, Beaty, Mitchell.

**NAYS:** None.

**ABSTAIN:** None.


**ABSENT:** None.

Dated this 13th day of August, 2019.

CITY COUNCIL  
FOR BEAVERTON, OREGON

ATTEST

APPROVED:

  
CATHERINE JANSEN  
City Recorder

  
\_\_\_\_\_  
DENNY DOYLE  
Mayor