

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

**After recording return to:**  
City of Beaverton, City Recorder:  
12725 SW Millikan Way  
P.O. Box 4755  
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL ) ORDER NO. 2805  
OF A DESIGN REVIEW THREE (BEAVERTON ) DR2020-0037 ORDER APPROVING  
TOWN SQUARE) BEAVERTON TOWN SQUARE, ) BEAVERTON TOWN SQUARE – BUILDING 1,  
LLC BY MCGILL COMMERCIAL, LLC , ) DESIGN REVIEW THREE  
APPLICANT. )

The matter came before the Planning Commission on April 21, 2021, on a request for Design Review Three for the construction of a new commercial building, approximately 17,100 square feet in size, located within an existing shopping center site, known as Beaverton Town Square, and for parking lot and landscaping improvements associated with the new building. The proposal also included a request that the 0.30 minimum floor area ratio (FAR) be accomplished over time and provided a Design Review Build-out Concept Plan, demonstrating the feasibility of additional floor area on the site. The subject site is located at 11875 SW Beaverton-Hillsdale Highway, Beaverton Oregon, 97005. The property is identified on Washington County Assessor’s Map 1S115BA as Tax Lot 2000.

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

The Commission discussed the location of the trash enclosure which appeared to be located over two parking spaces. Staff confirmed that these two parking spaces were not included in the required minimum parking calculation. The Commission requested that the remnant spaces be converted to landscaping, therefore a condition of approval was added which requires the applicant submit a plan showing the extension of a curb and landscape area to the southwest of the trash enclosure to cover the extent of the two existing parking spaces impacted by the trash enclosure, prior to Site Development permit issuance. The Commission also discussed the landscape tree mitigation, specifically whether or not the site could accommodate additional landscape trees. Staff explained that in review of the capacity of the site, consideration was given to the potential future build-out of the site since the current proposal does not reach the minimum FAR. Future intensification of the site would require that the trees be removed to accommodate additional development. Staff also submitted a Supplemental Memorandum, dated April 21, 2021 for the record to clarify that the development is proposed on only one lot (1S115BA02000) and not the two other properties (1S115BA01401 and 1S115AB01300) identified in the April 14, 2021 Staff Report.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated April 14, 2021, and

Supplemental Memorandum dated April 21, 2021, and the findings contained therein, 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 **DR2020-0037** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report dated April 14, 2021, and Supplemental Memorandum dated April 21, 2021, and the findings contained therein, subject to the conditions of approval as follows:

**A. Prior to issuance of Site Development permit, the applicant shall:**

1. Provide a plan showing the extension of a curb and landscape area to the southwest of the trash enclosure to cover the extent of the two existing parking spaces impacted by the trash enclosure (Planning / SP)
2. Provided a plan showing the location, dimensions and details for the required long-term bicycle parking spaces. (Planning / SP)
3. Provide a plan showing the proposed loading berth striped as a no parking loading zone. (Planning /SP)
4. Submit a revised landscaping plan, with a species of landscape trees approved by the City Arborist. (Planning / SP)
5. Provide revised plans for a new ADA curb ramp and sidewalk at the west corner of the eastern driveway on SW Beaverton Hillsdale Highway, demonstrating compliance with the Engineering Design Manual standards or as approved by the City Engineer. Revisions to the frontage improvements may require additional land use review. (Planning / SP)
6. Provide a sidewalk design plan for SW Beaverton-Hillsdale Highway showing a minimum five (5) foot clear walkway is provided. (Planning / SP)

7. Provide a street tree plan to be approved by the City Arborist as to the species and placement of trees, as showing the proposed plans or provide street trees as required by Section 60.55.30.3 of the Beaverton Development Code. (Planning / SP)
8. Submit a revised street lighting plan, showing all the lot's frontage on SW Beaverton Hillsdale Highway with the correct highway name. (Planning / SP)
9. 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. / SAS)
10. 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. / SAS)
11. 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. / SAS)
12. Have the applicant for the subject property guarantee all public improvements, site grading, storm water management facilities, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div. / SAS)
13. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div. / SAS)

14. If needed, submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation Rail Division for work within 500 feet of the rail crossing area. (Site Development Div. / SAS)
15. Submit a geotechnical 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 ground/surface water issues. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer. (Site Development Div. / SAS)
16. If determined to be needed by the City Building Official, submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. This analysis shall be supplemented by an actual flow test and evaluation by a professional engineer meeting the standards set by the City Engineer as specified in the Engineering Design Manual Chapter 6, 610.2. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div. / SAS)
17. 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. / SAS)
18. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div. / SAS)
19. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / SAS)
20. Provide a drainage analysis of the subject site 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. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. In addition, the analysis shall delineate any mapped FEMA floodplains and flood ways. The site plans shall clearly show the 100-year flood limits on each plan that contains elevation information. (Site Development Div. / SAS)
21. Provide an engineering analysis of the grading and construction work proposed within the 100-year floodplain as necessary to allow for a public notice to be published in a local newspaper by the City Engineer for the proposed floodplain modifications. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Design & Construction standards as they refer to the 100-year floodplain, prior to this notice being sent. The public notice and a 10-day appeal period shall occur after final approval of the site development permit plans by the City Engineer and Planning Director. (Site Development Div./JY)
  22. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Pad elevation shall be at least one foot higher and FFE shall be at least three feet higher than the 100 year/emergency overflow of the storm water management facility. Any changes to approved grading must meet 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. (Site Development Div. / SAS)
  23. Provide plans showing a Stormfilter system for treatment of the site's piped surface water runoff. Plans shall also show a trash capture water quality pre-treatment unit located directly upstream from any Stormfilter vaults or manholes. Plans shall also show a high flow bypass system to bypass surface water runoff high flows. (Site Development Div. / SAS)
  24. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed. (Site Development Div. / SAS)
  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. / SAS)

26. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas 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 as a total for the common areas. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian 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 on the entire site. (Site Development Div. / SAS)
27. Provide plans for the placement of underground utility lines within the site and for services to the proposed new building. No overhead services shall remain on the site. 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. / SAS)
28. Submit plans that show access for a maintenance vehicle within 9-feet from the front, or within 19-feet from the side of a vehicle to all control structures unless otherwise specifically approved by the City Engineer. A direct worker access route to the structures in the pond area shall be provided no steeper than 4 (horizontal) to 1 (vertical) slope. This direct route shall be a minimum of 6-feet wide and have a surface consisting of the equivalent of 3-inches of  $\frac{3}{4}$ "-minus crush rock to allow walking access in winter and vegetation shall allow easy access. This direct access route shall be delineated on the plans. (Site Development Div. / SAS)
29. If required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. If private sewer systems crossing lot lines and within a private easement is proposed, please submit plumbing permit application to the Building Division. Drainage within covered areas shall be piped as approved by the City Building Division. (Site Development Div. / SAS)
30. Submit ODOT standard detail DET1720 showing level of design detail for every public sidewalk ramp proposed with this development. Maximum designed ramp slope shall be 7.5%, maximum designed cross slope, flat landing or turning space shall be 1.5%. Two directional ADA ramps shall be provided at all corners of all intersections, regardless of curb type. See ODOT standard drawings RD754, RD155, RD756, RD757, RD758 and RD759 for ramp details. (Site Development Div. / SAS)

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

31. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / SAS)
32. 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. / SAS)
33. Have a professional architect, engineer, or surveyor submit plans and specifications to the City Engineer and City Building Official verifying that all at-risk elements of the new construction (in particular gate controllers, mechanisms, and electrical system) are either elevated or floodproofed as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05, and as determined by the City Engineer and City Building Official to at least (184.3 feet NAVD-88; 180.8 feet NGVD-29.) one foot above the base flood elevation (183.3 feet NAVD-88; 179.8 feet NGVD-29). (Site Development Div./JY)

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

34. Ensure all site and building improvements are completed in accordance with plans marked "Exhibit A", except as modified and approved by the decision-making authority. (On file at City Hall). (Planning/SP)
35. 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/SP)
36. 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. / SAS)
37. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / SAS)
38. 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. / SAS)

39. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / SAS)
40. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div. / SAS)
41. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form, to the City Building Official, verifying that the lowest finished floor is at least one foot above (elevation 179.8 feet, NGVD-29 and higher) or flood-proofed to one foot above the base flood elevation (elevation 180.8 feet, NGVD-29). (Site Development Div./JY)

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

42. 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. / SAS)
43. Submit any required on-site easements not already recorded by document, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div. / SAS)
44. Provide a post-construction cleaning, system maintenance, and any StormFilter recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary storm water treatment systems by a qualified maintenance provider as determined by the City Engineer. (Site Development Div. / SAS)
45. Additional service report will be required per maintenance schedule and until the maintenance and planting period is complete. (Site Development Div. / SAS)

46. 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 Public Works Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record 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. / SAS)

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

**AYES:** Overhage, McCann, Lawler, Saldanha, Nye  
**NAYS:** Teater.  
**ABSTAIN:** None.  
**ABSENT:** Winter.

Dated this 30th day of April, 2021.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2805 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on \_\_\_\_\_ May 10, 2021.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

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ELENA SASIN  
Associate Planner

*Jerry Lawler*  
\_\_\_\_\_  
TERRY LAWLER  
Chair

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JANA FOX  
Current Planning Manager