

**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. 2704
OF A DESIGN REVIEW THREE FOR CEDAR) DR2019-0057 ORDER APPROVING
GROVE MULTIFAMILY. COMMUNITY PARTNERS) CEDAR GROVE MULTIFAMILY, DESIGN REVIEW
FOR AFFORDABLE HOUSING, APPLICANT.) THREE.

The matter came before the Planning Commission on May 29, 2019, on a request for a Design Review Three for the construction of a new multifamily residential building within the Town-Center – Multiple Use (TC-MU) zoning district, reviewed against a combination of Design Standards and Design Guidelines. The subject site is located at 822 and 812 NW Murray Boulevard. Tax Lots 3400 and 3500 on Washington County Tax Assessor’s Map 1N133DB.

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

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated May 22, 2019, Staff Supplemental Memorandum dated May 22, 2019, Staff Supplemental Memorandum dated May 28, 2019, Staff Supplemental Memorandum dated

May 29, 2019 and the findings contained therein, as applicable to the approval criteria contained in Section 40.20.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DR2019-0057** 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 May 22, 2019, Staff Supplemental Memorandum dated May 22, 2019, Staff Supplemental Memorandum dated May 28, 2019, Staff Supplemental Memorandum dated May 29, 2019, subject to the condition of approval as follows:

A. General Conditions, the Applicant shall:

1. Ensure the associated land use applications ADJ2019-0009, ADJ2019-0010 and LD2019-0010 have been approved. (Planning / ES)

B. Prior to issuance of the site development permit, the applicant shall:

1. Submit plans showing temporary tree fencing for all adjacent off-site trees possibly impacted by site improvements, consistent with Section 60.60.20 Tree Protection Standards during Development. (Planning/ES)
2. Provide a revised photometric lighting plan, architectural elevations and a site plan showing compliance with all applicable lighting levels, as outlined in Section 60.05.30 and Table 60.05-1 Technical Lighting Standards of the Development Code, including the location and placement of lighting fixtures. (Planning/ES)
3. Overhead catenary lights shall have a minimum overhead clearance of eight feet from finished grade but shall not exceed 15 feet above finished grade. (Planning/ES)
4. The sidewalk along the site's NW Murray Boulevard frontage shall have a minimum unobstructed hard surfaced width of five (5) feet. Replace sidewalk panels as needed to meet the five (5) foot minimum unobstructed width in compliance with ADA standards. (Planning/ES and Wash. Co./NV)

5. Existing healthy street trees are encouraged to remain. If the impacts of the sidewalk construction improvements are detrimental to the existing street trees, as determined by the City of Beaverton's City Arborist, the street trees shall be replaced with a species of tree approved by the City Arborist. If the sidewalk improvements require the cutting of street tree roots in excess of one caliper inch, the City Arborist's approval shall be secured prior to tree root cutting. (Planning/ES and Public Works/JL)
6. All on-site pedestrian walkways shall have a minimum unobstructed width of five (5) feet, consistent with Section 60.05.20.3.F unless otherwise approved by the decision making authority. (Planning/ES)
7. Ensure transformers, utility vaults and similar improvements on the site are fully screened from view from public streets, as required by Section 60.05.20.2. Screening shall be a minimum of one-foot above the feature to be screened and shall be accomplished through one or more of the methods outlined in Section 60.05.20.2.C. (Planning / ES)
8. Provide plans that show the three (3) foot right-of-way dedication along NW Joy Avenue to accommodate a sidewalk with a minimum width of 10 feet and a five (5) foot unobstructed path. (Planning / ES)
9. Submit plans showing signage on either side of the ingress of the parking lot stating truck access is prohibited. (Transportation /JK)
10. Submit plans showing signage on either side of the egress of the parking lot that read "Do Not Enter". (Transportation /JK)
11. 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) (TVFR/JF)
12. KNOX BOX: A Knox Box for building access is required for this structure. See Appendix B for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1) (TVFR/JF)
13. FIRE PROTECTION EQUIPMENT 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) (TVFR/JF)

14. 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./TDM)
15. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in the City 2019 Engineering Design Manual and Standard Drawings (City EDM), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (April 2017, Resolution and Ordinance 2017-05), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./TDM)
16. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and the City EDM; 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./TDM)
17. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality) facilities, all site work in the emergency vehicle access 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./TDM)
18. As part of the Site Development Permit submittal, submit any 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./TDM)
19. Submit a geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. The report shall include an assessment of the soil and any toxic contaminants, ground/surface water issues, any needed clean-up action, remediation methods, Oregon Department of Environmental Quality requirements, disposal regulations, and construction worker safety measures. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules

of the Oregon Department of Environmental Quality (DEQ). (Site Development Div./JJD)

20. Submit plans that show access for a maintenance vehicle within 6-feet from the front, or within 19-feet from the side of a vehicle to all water quality and flow control structures or otherwise as specifically approved by the City Engineer. (Site Development Div./TDM)
21. Submit a design for the retaining walls surrounding, adjacent, and within the storm water quality facility designed by a civil engineer or structural engineer for the expected hydrological conditions of the pond. These retaining walls shall be watertight for all areas of earthen fill or where deemed necessary by the City Engineer. Additionally, these walls shall be designed as poured-in-place, reinforced, 4000 PSI, portland cement concrete with cobblestone face texturing, or a City Engineer approved equivalent, and with minimum 18-inch stem wall thickness at the top of each wall. (Site Development Div./JJD)
22. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the NW Murray Boulevard, NW Cornell Road, and NW Joy Avenue right of way. (Site Development Div./TDM)
23. Submit plans that include details of the proposed bicycle parking spaces. Racks are to be at least 30 inches wide by 36 inches tall, centered within an area that is 6 feet by 4 feet, and at least 2 feet from any building. Inverter U-type and staple racks are the preferred option for bicycle parking. (Site Development Div./TDM)
24. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./TDM)
25. 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. If determined to be needed by the City Building Official, 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.L). 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./TDM)
26. 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./TDM)

27. If the disturbed area is greater than one acre, 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./TDM)
28. Provide final construction plans and a final drainage report per Section CWS 4.05.6.3 of the 2019 EDM and Section 4.05.5 of CWS Resolution & Order 17-05 (in regard to redevelopment water quality treatment). (Site Development Div./TDM)
29. 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 to another lot area shall not be considered a direct plumbing service. (Site Development Div./TDM)
30. Submit a revised grading plan showing the proposed building lowest finished floor elevation (and the elevation of any other proposed improvement subject to flood damage) is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facilities. Additionally, the minimum finished floor elevation shall be established and clearly documented on all building and site development plan sheets that include elevations and/or contours. This land-use approval shall provide for minor grade changes less than four vertical feet variance to comply with this condition without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./TDM)
31. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor (this can be with or shown on the submitted building plans). 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, 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./TDM)
32. Pay storm water system development charges (overall system conveyance and for storm quantity, water detention) for any net new

impervious area proposed for the entire project. (Site Development Div./TDM)

33. Provide plans for street lights (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director), an on-site lighting plan, and for the placement of underground utility lines along NW Murray Boulevard, NW Cornell Road, and NW Joy Avenue frontages, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./TDM)
34. Submit an owner-executed, notarized, City standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./TDM)
35.
 - A. The following shall be noted on the plat and recorded with Washington County Survey Division (Survey Division 503.846.8723) (Wash. Co. / NV):
 - a. Provision of a non-access restriction for the site's frontage on NW Murray Boulevard and NW Cornell Road.
 - b. Complete a County Encroachment Permit for a metal canopy that will be located two (2) feet into the existing right-of-way on NW Cornell Road.
 - B. Submit to **Washington County** Public Assurance Staff, 503-846-3843:
 1. Completed Washington County "Design Option" form, Geotech/Pavement report and Plan Submittal/Review Checklist (Appendix 'E' of the County's Road Standards).
 2. **\$10,000.00** Administration Deposit.

NOTE: The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will

be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.

3. A copy of the City's Land Use Approval with Conditions, signed and dated.
4. Preliminary certification of adequate sight distance at the site's access on NW Joy Street in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
 - a. A detailed list of improvements necessary to produce adequate intersection sight distance (refer to the following link for sight distance certification submittal requirements).

<http://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/development-application-forms.cfm>

5. Engineering plans for construction of the following public improvements to County standards, including a Geotech/Pavement report to support roadway section(s):
 - a. Half-street improvement to a County local standard. The half-street improvement shall include a 10 foot sidewalk with tree wells and street illumination. Note: utility poles and other infrastructure may be required to be relocated to permit the construction of the public improvements.
 - b. Improvements within the right-of-way as necessary to provide adequate intersection sight distance at the access on NW Joy Road.
 - c. Access to NW Joy Street to County standards. The accesses shall have signage and pavement markings to show which driveway will serve as the entrance and exit.
 - d. All existing access to NW Murray Boulevard and NW Cornell shall be closed.
 - e. Any damaged sidewalk panels or curb on NW Murray Boulevard and NW Cornell Road shall be replaced.
 - f. Pedestrian connections to NW Murray Boulevard and NW Cornell Road.
 - g. Sidewalk along the site's NW Murray Boulevard frontage shall have a minimum unobstructed width of five (5) feet. Replace sidewalk panels as needed

to meet the five (5) foot minimum unobstructed width in compliance with ADA standards.

- h. All private walls and other infrastructure, with the exception of the metal canopy on NW Cornell Road, shall be located outside of the public rights-of-way.
- i. One "No Parking Loading Zone" space along the site's frontage of NW Joy Street to County standards.

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

- 1. Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in conditions I.B.5.

NOTE: The Public Assurance staff (503-846-3843) will send the required forms to the applicant's representative after submittal and approval of items listed under I.B.

The Facility Permit allows construction work within County rights-of-way and permits site access only after the developer first submits plans and obtains Washington County Engineering approval, obtains required grading and erosion control permits, and satisfies various other requirements of Washington County's Assurances Section including but not limited to execution of financial and contractual agreements. This process ensures that the developer accepts responsibility for construction of public improvements, and that improvements are closely monitored, inspected, and built to standard in a timely manner. Access will only be permitted under the required Washington County Facility Permit, and only following submittal and County acceptance of all materials required under the facility permit process.

C. Prior to building permit issuance, the applicant shall:

- 1. Submit plans demonstrating compliance with Section 340 of the Engineering Design Manual, Bicycle Parking Standards, specifically the bike rack install dimensions and bicycle facility design. (Planning/ES)

2. Obtain the City Building Official's review approval of the proposed private fire service mains (fire line), vault, backflow prevention and Fire Department Connection (FDC). (Site Development Div./TDM)
3. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./TDM)
4. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to grading activities. (Site Development Div./TDM)
5. Submit line-of-sight drawings demonstrating compliance with Section 60.05.15.5 Roof-mounted equipment screening. (Planning / ES)

D. Prior to final inspection and occupancy permit issuance of any building permit, the applicant shall:

1. Have installed street trees along all frontages. (Planning/ES)
2. 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/ES)
3. 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/ES)
4. 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/ES)
5. Ensure all landscaping approved by the decision making authority is installed. (Planning/ES)
6. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning/ES)

7. Have recorded the final one-lot partition plat in County records and submitted a recorded copy to the City. The one-lot partition plat shall combine all of the parcels into one parcel. (Site Development Div./TDM)
8. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./TDM)
9. 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./TDM)
10. Have installed or replaced, to City specifications, all sidewalks, curb ramps and driveway aprons which are damaged during the construction of the site. (Site Development Div./TDM)
11. 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./TDM)
12. 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./TDM)
13. Submit any required on-site easements, not already granted 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.
14. Obtain a Finaled Washington County **Facility Permit**, contingent upon the following:
 - a. The road improvements required in condition I.B.5. above shall be completed and accepted by Washington County.
 - b. Upon completion of necessary improvements, submit **final** certification of adequate sight distance in accordance with County Code, prepared and stamped by a registered professional engineer.

Note: The property owner shall continuously maintain adequate sight distance. This may require the property owner to periodically remove obstructing vegetation from the road right-of-way (and on site).

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

1. 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./TDM)
2. Provide a post-construction cleaning, system maintenance, and filter recharge/replacement inspection report from a manufacturer-qualified maintenance provider for the site's proprietary storm water treatment system. Additionally, another servicing report from the manufacturer-qualified maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./TDM)
3. Provide an additional maintenance (warranty) security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation within the storm water facilities, as determined by the Public Works Director. If the plants are not well established or the facility not properly functioning (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./TDM)

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

AYES: Lawler, Uba, Matar, Nye, Winter.
NAYS: None.
ABSTAIN: None.
ABSENT: Brucker, Overhage.

Dated this 6 day of June, 2019.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2704 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

June 20, 2019.

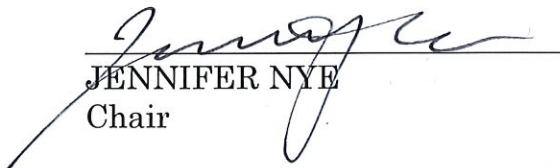
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



ELENA SASIN
Associate Planner



JENNIFER NYE
Chair



JANA FOX
Current Planning Manager