

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

IN THE MATTER OF A REQUEST FOR APPROVAL OF) ORDER NO. 2903
DESIGN REVIEW THREE FOR CEDAR HILLS) DR2022-0030 ORDER APPROVING CEDAR HILLS
APARTMENTS. HIGH STREET RESIDENTIAL,) APARTMENTS, DESIGN REVIEW THREE.
APPLICANT.)

The matter came before the Planning Commission on September 7, 2022, on a request for Design Review Three for a mixed-use development consisting of 4,700 square feet of ground floor commercial space and 400 attached dwelling units. The subject site is located at 10180 SW Park Way, specifically identified as Tax Lot 02900 on Washington County Tax Assessor's Map 1S102CC.

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 August 31, 2022, and Staff Memoranda dated September 6, 2022, and September 7, 2022, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03.1 and 40.20.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DR2022-0030** 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 August 31, 2022, and Staff Memoranda dated September 6, 2022, and September 7, 2022, and this Land Use Order, subject to the conditions of approval as follows:

A. General Conditions:

1. The applicant shall ensure that the Replat One (LD2022-0015) application

has been approved and is consistent with the submitted plans. (Planning / LR)

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

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. / SAS)
3. Retain 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)
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. / SAS)
5. Guarantee all City-owned and maintained public improvements, grading, storm water management facilities, and 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)
6. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within and/or construction access to the County right of way. (Site Development Div. / SAS)
7. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for work within and/or construction access to ODOT right of way. (Site Development Div. / SAS)
8. Submit a geotechnical and, if needed, environmental report with the site development permit application for review and approval. (Site Development Div. / SAS)

9. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District (TVWD) for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div. / SAS)
10. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. These submittals will go to City for processing to Clean Water Services. (Site Development Div. / SAS)
11. 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. / SAS)
12. 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)
13. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. The analysis shall also delineate all areas for this project that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. (Site Development Div. / SAS)
14. 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. (Site Development Div. / SAS)
15. Meet provisions of Beaverton Code 9.05.110 and 9.05.115 for any changes to approved grading. 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)
16. Provide plans showing a proprietary stormwater treatment 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 proprietary stormwater treatment system vaults or manholes. Plans shall also show a high flow bypass system to bypass surface water runoff high flows. (Site Development Div. / SAS)

17. Pay any required stormwater system development charges (stormwater quality, quantity, hydromodification, and overall system conveyance) for the new impervious area proposed. (Site Development Div. / SAS)
18. 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)
19. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. Any home demolition is credited at one equivalent surface unit (2,640 square feet). The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. 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 and individual lots/tracts. (Site Development Div. / SAS)
20. Provide plans for the placement of underground utility lines for services to the proposed new building sites. 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)
21. 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. (Site Development Div. / SAS)
22. When 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 are 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)

23. Submit ODOT ADA curb ramp design checklist and standard detail DET1720 and DET1721 showing level of design detail for every public sidewalk ramp proposed with this development. Maximum designed ramp slope shall be 7.5%, and 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)
24. Record with Washington County dedication of an additional 12 feet of right of way to meet 40 feet from the centerline of SW Wilshire Street in order to accommodate both Washington County's and THPRD's required cross-section and frontage improvements completely within the right of way. (Transportation / KM and Washington County / NV)
25. Submit to Washington County a request for a Facility Permit for all public improvements on SW Wilshire Street, per the instructions in the County's August 31, 2022, letter, and provide plans demonstrating that the required 12-foot right of way dedication and required frontage improvements along the site's frontage of SW Wilshire Street can be accommodated on the site. (Transportation / KM and Washington County / NV)
 - a. The following frontage improvements are required to be constructed: 14-foot combined trail and sidewalk with four-foot tree wells for street trees, street signage, curb/gutter, eight-foot parking spaces, six-foot bike lane, and one travel lane in each direction. Street lighting shall be installed to City standards. Note: Use County root barrier detail for tree installation and show the limits of ODOT right of way.
 - b. Provide truck turning templates for the largest truck accessing the site and include preliminary sight distance certification for the private access on SW Wilshire Street. Gated access requires County Engineer's approval.
 - c. Close all accesses on SW Wilshire Street that are not approved with this development application.
 - d. Show any street furniture or other improvements proposed within the SW Wilshire Street right of way.
 - e. Show any LIDA facilities proposed within the SW Wilshire Street right of way with 10-foot sidewalk where required.

26. Provide revised site plans demonstrating how the proposed cross-section along the subject site's frontage of SW Wilshire Street transitions to the existing cross-section to the west of the site, with the required street improvements in a manner that meets Washington County's standards. (BDC 60.55.10) (Transportation / KM)
27. Record with Washington County dedication of an additional 17.5 feet of right of way to meet 42.5 feet from the centerline of SW Park Way. (Transportation / KM and Washington County / NV)
28. Submit to Washington County a request for a Facility Permit for all public improvements on SW Park Way, per the instructions in the County's August 13, 2022, letter, and provide plans demonstrating that the required 17.5-foot right of way dedication and required frontage improvements along the site's frontage of SW Park Way can be accommodated on the site. (Transportation / KM and Washington County / NV)
 - a. The following frontage improvements are required to be constructed: 10-foot curb-tight sidewalk with four-foot tree wells for street trees, street signage, street lighting, curb/gutter, eight-foot parking spaces (south side only), seven-foot bike lane (five feet plus two-foot buffer), and one travel lane in each direction with a continuous center turn lane. Striping for a three-lane Collector to the intersection of SW Park Way and SW Marlow Avenue, including a five-foot bike lane on the north side as shown on Sheet C105 of the applicant's plans, is required. Note: Use County root barrier detail for tree installation and show the limits of ODOT right of way.
 - b. Obtain approval by the County Engineer for the private access on SW Park Way. Provide truck turning templates for the largest truck accessing the site and include preliminary sight distance certification.
 - c. Install wayfinding signage from the site to and from SW Park Way and Tri-Met's Sylvan Bridge to County standards.
 - d. Restripe the intersection of SW Park Way and SW Marlow Avenue per the County Engineer.
 - e. Close all accesses on SW Park Way that are not approved with this development application.
 - f. Show bus stops, street furniture, and any other improvements proposed within the SW Park Way right of way.

- g. Show any LIDA facilities proposed within the SW Park Way right of way with six-foot sidewalk where required.

- 29. Provide revised site plans demonstrating how the proposed frontage improvements along the subject site's frontage of SW Park Way transition to the existing frontage improvements to the west of the site, with the required street improvements in a manner that meets Washington County's standards. (BDC 60.55.10) (Transportation / KM)

- 30. Deed approximately 8.5 feet to 11.5 feet of right of way to the Oregon Department of Transportation (ODOT) along the site's frontage to SW Frontage Road as necessary to accommodate the planned 50-foot cross-section. The deeded right of way shall be sufficient for the required one-foot buffer back of sidewalk, 12-foot shared bike and pedestrian sidewalk, five-foot landscape strip without trees, six-inch curb, one-foot shy, and 12-foot travel lane plus the existing 12-foot northbound travel lane and one-foot shy, existing six-inch curb, and existing five-foot sidewalk. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT shall provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department. Note: it may take up to three months to transfer ownership of property to ODOT (Transportation / KM and ODOT / MD)

- 31. Submit plans demonstrating that the required right of way donation of approximately 8.5 feet to 11.5 feet and required frontage improvements along the site's frontage of SW Frontage Road can be accommodated on the site. The following frontage improvements are required to be consistent with the Oregon Department of Transportation's Highway Design Manual: one-foot buffer back of sidewalk, 12-foot shared bike and pedestrian sidewalk, five-foot landscape strip without trees, six-inch curb, one-foot shy, and 12-foot travel lane. (Transportation/KM and ODOT/MD)

- 32. Demonstrate compliance with the following Tualatin Hills Park and Recreation District (THPRD) conditions for the Combined Trail and Sidewalk along SW Wilshire Street. (Transportation / KM)
 - a. Include contextual information on the plan set and a brief narrative that clearly identifies the proposed community trail route (identified community trail) along the development frontage. Portions of the development frontage that are not part of the trail route are not subject to THPRD standards.

- b. Ensure the identified community trail has continuous, unobstructed 10-foot clear width along the community trail route with two feet of horizontal clearance from all buildings and 10 feet of vertical clearance per the Combined Trail and Sidewalk design standards found within Trails Functional Plan (TFP) Table 4B. No planters, LIDA facilities, tree wells, utilities, handrails, steps, or other obstructions may be allowed within the 10-foot-wide designated trail corridor.
 - c. Provide a public right of way dedication as needed to include the entire 10-foot width of the identified community trail.
 - d. Ensure the identified community trail meets Americans with Disabilities Act (ADA) and Americans with Disabilities Act Accessibility Guidelines (ADAAG) for trails and outdoor recreational access routes per TFP Section 4.4.
 - e. Consider applicable Manual of Uniform Traffic Control Devices (MUTCD) and utility local and maintenance standards per TFP Sections 4.5.3 and 4.5.4.
 - f. Ensure the identified community trail complies with trail surfacing standards found in TFP Section 4.6.
 - g. Consider incorporating wayfinding signage along the identified community trail per TFP Section 4.7.3.
 - h. Ensure the identified community trail incorporates adequate sight distances per TFP Section 4.10.3.
 - i. Consider THPRD maintenance operations standards per TFP Section 4.11 in addition to ensuring design of the identified community trail complies with City of Beaverton right of way maintenance standards.
33. Provide revised site plans showing the locations and designs for curb ramps at all intersections adjacent to the subject site. All curb ramps shall be compliant with the Americans with Disabilities Act. (BDC 60.55.10 and 25) (Transportation / KM)
34. Provide written comments from Tri-Met demonstrating that the relocated bus stop facilities along the site's frontage of SW Park Way meet the agency's standards. (BDC 60.55.10 and 40) (Transportation / KM)
35. Submit detailed plans for the relocated bus stop along the site's frontage of

SW Park Way demonstrating that the standards within BDC 60.55.40 Transit Facilities are met. (BDC 40.03.1 and 60.55.40) (Transportation / KM)

36. Submit site plans demonstrating that the proposed landscape plantings within the vision clearance triangle meet the requirements as described in Engineering Design Manual Section 210.18. (BDC 40.03.1 and 60.55.30) (Transportation / KM)
37. Provide plans demonstrating that signage will be installed that indicates that the parking spaces that serve the commercial uses located under Building D are not for resident parking. (Planning / LR)
38. Submit plans demonstrating compliance with the City's minimum standards for short-term bicycle parking (BDC 60.30.2.B and EDM Section 340). (Planning / LR)
39. Submit plans demonstrating compliance with the City's minimum standards for long-term bicycle parking (BDC 60.30.2.B and EDM Section 340). (Planning / LR)
40. Submit landscape plans demonstrating that enough replacement Landscape Trees will be planted to mitigate for the 122 linear inches DBH of existing Landscape Trees that is proposed to be removed from the site. (Planning / LR)
41. Submit landscape plans demonstrating that one tree having a minimum mature height of 20 feet is provided for every 300 square feet of pedestrian plaza square footage for those plazas that are being counted towards meeting the minimum landscaping requirement. (Planning / LR)
42. Submit a photometric plan demonstrating that the City's Technical Lighting Standards are met, unless modified by this approval, and that the photometric plan is consistent with the site plan. (Planning / LR)

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

43. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / SAS)
44. 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)

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

45. 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)
46. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / SAS)
47. 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)
48. Install or replace, to City specifications, all sidewalks that are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / SAS)
49. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div. / SAS)
50. Submit to the City a copy of Washington County's acceptance of the constructed roadway improvements required in County's August 31, 2022, letter, including final sight distance certification and dedication of right of way. (Transportation / KM)
51. Install signage indicating that the parking spaces that serve the commercial uses located under Building D are not for resident parking. (Planning / LR)

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

52. Have completed the site development improvements and verify that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. 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)
53. Submit any required easements, executed and ready for recording, to the

City. The City will require approval of legal description and form prior to execution. 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)

54. Provide a post-construction cleaning, system maintenance, and any proprietary stormwater treatment system recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary stormwater treatment systems by a qualified maintenance provider as determined by the City Engineer. Additional service report will be required per maintenance schedule and until the maintenance and planting period is complete. (Site Development Div. / SAS)
55. 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 stormwater management facility as determined by the City Engineer. If the plants are not well established (as determined by the City) 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 prior to release of the security. (Site Development Div. / SAS)
56. Provide a 2-year Maintenance Security at 25 percent of the cost to construct City-owned and maintained public improvements, grading, stormwater management facilities, and driveway paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It will run concurrently with the performance security of the plant establishment and is released 2 years after project acceptance following the correction of any identified defects. (Site Development Div. / SAS)

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

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

Dated this 15th day of September, 2022.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2903, 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
_____, September 26 _____, 2022.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

LAUREN RUSSELL, AICP
Associate Planner


JENNIFER NYE
Chair

JANA FOX
Current Planning Manager