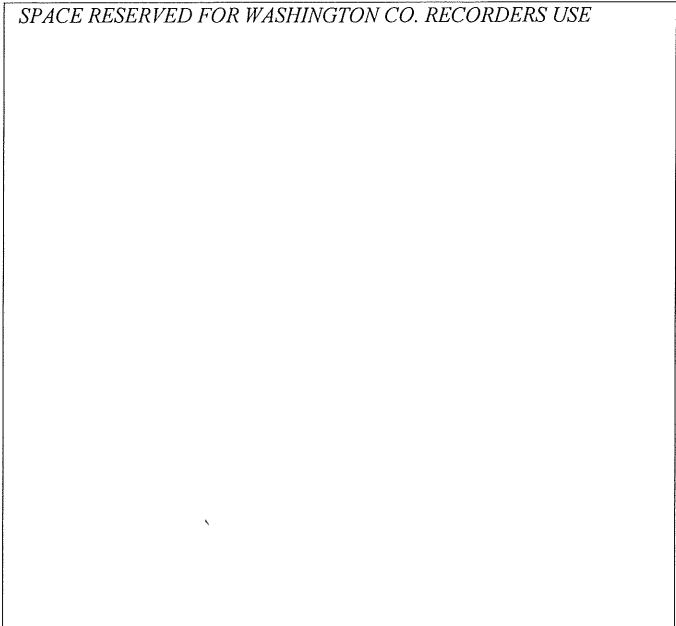


**BEFORE THE PLANNING  
COMMISSION FOR  
THE CITY OF BEAVERTON,  
OREGON**

**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. 2722  
Of A DESIGN REVIEW THREE FOR A NEW HOTEL) DR2019-0041 ORDER APPROVING  
(CITY PARK FOUNTAIN). CITY OF BEAVERTON, ) CITY PARK FOUNTAIN, DESIGN REVIEW THREE  
APPLICANT. )

The matter came before the Planning Commission on October 2, 2019, on a request for Design Review Three for a mechanical and pump building for the City Park Fountain and associated improvements. The subject site is located at the northeast corner of SW Watson Boulevard and SW Fifth Street, Tax Lot 9100 on Washington County Tax Assessor’s Map 1S116AD and Tax Lot 9200 on Washington County Tax Assessor’s Map 1S115BC.

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 Planning Commission noted an error in the Staff Report, dated September 25, 2019. Responses to Facilities Review state that the application can only meet the applicable transportation related approvable criteria in Section 60.55 with additional conditions of approval. Staff confirmed that this

was an error, and no additional conditions of approval were required to satisfy Section 60.55. The Planning Commission recommended amending the staff report to acknowledge the proposal satisfies applicable criteria of Section 60.55 without additional conditions of approval.

During the hearing, public testimony raised concerns about the lack of available bathrooms at the park. The Planning Commission clarified that there is a permanent restroom facility on the west edge of the park adjacent to SW Watson Boulevard.

During the hearing, public testimony raised concerns about the specific location of the mechanical and pump building, noting the building would block views into the park, and the relocated swing set takes up valuable open space that is currently used by the public for parties. The applicant stated that many locations were considered for the location of the building, and the proposed location was the most practical for servicing the fountain and the programmatic elements of the park. The Planning Commission found that building siting decision was outside of the Commission's purview, and that proposed location of the building met the applicable Design Guidelines.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated September 25, 2019, as amended during the hearing, and the findings contained therein, and the staff memo dated October 2, 2019, 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 **DR2019-0041** 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 September 25, 2019, as amended during the hearing, and the findings contained therein, and the staff memo dated October 2, 2019, subject to the conditions of approval as follows:.

**A. Prior to construction and/or issuance of building permit, the applicant shall:**

1. Demonstrate compliance with CWS Resolution and Order 2017-05 and 2019 City of Beaverton Engineering Design Manual Chapter 5 requirements for detention, and storm water quality treatment. All measures shall be constructed per jurisdictional standard drawings or as approved by City Engineer. (Site Development Div./CR)
2. Demonstrate this project meets best management practices per Clean Water Services Standard Drawing #945. Make provisions for installation of all mandated erosion control measures prior to site disturbance of 500 square feet or more. These shall be maintained and replaced as necessary during the duration of the project to prevent sediment laden run-off from leaving the site. (Site Development Div./CR)
3. Ensure that all existing and proposed site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be constructed to the requirements of the City Engineer. (Site Development Div./CR)
4. Install temporary tree fencing for all Significant Grove trees adjacent to construction, consistent with Section 60.60.20 of the Beaverton Development Code. (Planning/SR)

**B. During construction, the applicant shall:**

5. Continually comply with all tree protection rules included the memo prepared by City Arborist Jered Lane, dated March 11, 2019. (Planning/SR)

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

6. 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/SR)
7. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit B", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/SR)
8. 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 Div./SR)
9. All mechanical units, roof or ground mounted, must be screened from view of public streets and adjacent properties. (Planning Div./SR).

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

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

Dated this 14<sup>th</sup> day of OCTOBER, 2019.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2722 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

OCTOBER 24, 2019.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

  
\_\_\_\_\_  
STEVE REGNER  
Senior Planner

  
\_\_\_\_\_  
JENNIFER NYE  
Chair

  
\_\_\_\_\_  
ANNA SLATINSKY  
Planning Division Manager