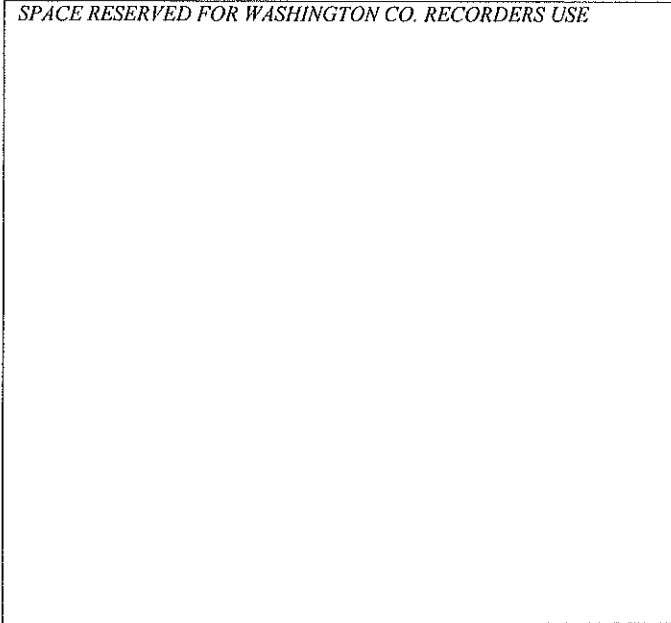


**BEFORE THE PLANNING
COMMISSION FOR
THE CITY OF BEAVERTON,
OREGON**

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. 2521
OF A DESIGN REVIEW THREE APPLICATION) DR2016-0071 ORDER APPROVING
(MORNINGSTAR SENIOR LIVING OF) MORNINGSTAR SENIOR LIVING OF
BEAVERTON). CONFLUENT DEVELOPMENT,) BEAVERTON, DESIGN REVIEW THREE
APPLICANT.)

The matter came before the Planning Commission on January 4, 2017, on a request for a Design Review Three for the development of a 122 bed senior living facility with associated site improvements. The site is located at 14475 SW Barrows Road, west of SW Murray Boulevard. Tax Lots 7150, 7200, and 7300, on Washington County Tax Assessor's Map 2S104BB.

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 December 7, 2016, Supplemental Memorandum dated December 16, 2016 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 **DR2016-0071** 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 December 7, 2016, Supplemental Memorandum dated December 16, 2016 and the findings contained therein, subject to the conditions of approval as follows:

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

1. 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)
2. 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 Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
3. 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 4417; 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)
4. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management facilities, utility undergrounding, Clean Water Services Sensitive Area mitigation and vegetative corridor plantings, and fire access 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./JJD)

5. 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./JJD)
6. 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)
7. 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./JJD)
8. Obtain the City Building Official's review approval of the proposed site utility plan if the installation is defined as a "complex structure" by plumbing rules OAR 918-780-004, for private plumbing needed to serve the private water, backflow prevention, storm and sanitary sewer systems outside the proposed building pad(s). (Site Development Div./JJD)
9. 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./JJD)
10. 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 2006 plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (For more information and to access the new format, see: <http://www.cleanwaterservices.org/PermitCenter/PermittingProcess/ErosionControl.aspx>) (Site Development Div./JJD)
11. Provide a detailed drainage analysis of the subject site and prepare a report 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 in addition to any mapped FEMA flood plains and flood ways. The site plans shall clearly show the 100-year flood limits on each plan that contains elevation information. (Site Development Div./JJD)

12. Provide final construction plans and a final drainage report, as generally outlined in the submitted preliminary drainage report (June 6, 2016), demonstrating compliance with City storm detention (per Section 330, of City Ordinance 4417) and SLOPES V requirements, and with CWS Resolution and Order 2007-020 in regard to water quality treatment. (Site Development Div./JJD)
13. Provide plans showing a CWS approved proprietary treatment system (for treatment of the site's piped surface water runoff) or for a publicly maintained filter for the street frontage, a Contech Stormfilter system with a minimum of 3.0 cartridges per tributary impervious acre. Plans shall also show a trash capture water quality pre-treatment unit (ex: sumped, lynch-type catch basin, sedimentation structure, or other City of Beaverton approved equivalent as determined by City Engineer) located in front any Stormfilter vaults or ahead of piped detention systems. For any impervious area determined to not be practical to be piped to a Stormfilter, a fee in lieu of stormwater quality provision will be assessed. (Site Development Div./JJD)
14. 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)
15. Submit to the City a certified impervious surface determination of the entire site 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. In addition, changes in 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 surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site and individual lots. (Site Development Div./JJD)
16. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed for the entire project. (Site Development Div./JJD)

17. Provide plans for LED street lights along the site's public street frontages (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No overhead utility lines or services shall remain on the site. If existing utility poles along the public street frontage 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./JJD)
18. Provide plans showing a City standard commercial driveway apron at the intersection of any private, common driveway and a public street. (Site Development Div./JJD)
19. Submit plans that show dedication of right-of-way along the SW Barrows Rd. frontage sufficient to meet the City's 3-lane Collector Street standards, or as modified by the City Engineer through the Engineering Design Modification process, and show construction of street improvements to provide three 12-foot lanes and two 5-foot bike lanes, as well as a 10-foot curb-tight sidewalk (measured from the back of the curb) with street trees in grated tree wells along the entire SW Barrows Rd. frontage of the property. (Transportation/KR)
20. Submit plans that show that pedestrian circulation areas will be lighted to at least the City's minimum standard of 0.5 foot-candles. (Transportation/KR)
21. Submit plans that show the installation of 3 bike racks that are at least 30 inches wide by 36 inches tall, each centered within a paved or concrete area of at least 6 feet deep by 4 feet wide. (Transportation/KR)
22. Submit plans that show reconfiguration of the curb at the intersection of SW Murray Boulevard and SW Barrows Road to provide for a 5-foot bike lane that extends to the intersection to the satisfaction of the City Engineer. (Transportation/KR)
23. Provide a pedestrian connection from the building to the SW Barrows Road sidewalk, east of the entrance. (Planning/JF)

24. **ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL HEIGHT:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. (D104.1) This condition is waived with the applicant providing a 30 foot wide driveway entrance and one fire rated exit enclosure that is continuous to the roof and provides firefighter access to the rooftop. (TVF&R/JF)
25. **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) Specify the location of the proposed aerial fire department access. (TVF&R/JF)
26. **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 Marshal. 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) Specify the location of the proposed aerial fire department access. (TVF&R/JF)
27. **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 Marshal), measured in a straight line between accesses. (OFC D104.3) Only one access is currently shown. Provide second access or provide a complying alternative. (TVF&R/JF)
28. **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) Painted curbing will be required to delineate the fire lanes around the building. (TVF&R/JF)

29. **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) All fire lanes must meet these loading requirements. (TVF&R/JF)
30. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3 (TVF&R/JF)
31. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%. Alternate methods and materials may be available at the discretion of the Fire Marshal (for grade exceeding 15%). (TVF&R/JF)
32. **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%. Specify the location of the proposed aerial fire department access.
- a) 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.
 - b) 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).
 - c) Show the locations of the FDC's on the fire service plan sheet. (TVF&R/JF)
33. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3)
- Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:
- a) The maximum needed fire flow shall be 3,000 GPM, measured at 20 psi residual pressure.
 - b) Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1 (TVF&R/JF)

34. 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) Provide fire flow documentation at site development review time. (TVF&R/JF)
35. 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) Provide documentation that fire hydrants meet the minimum number and spacing requirements of the OFC. It appears that the SW corner may be deficient. (TVF&R/JF)
36. 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 Marshal. (OFC C102.1) (TVF&R/JF)
37. FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS: FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13)
- a) 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.
 - b) FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants. (TVF&R/JF)
38. 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) Emergency

responder radio system testing and/or system installation is required for this building. If the alternate method is preferred, it must be requested from TVF&R prior to issuance of building permit. (TVF&R/JF)

39. Provide a plan showing 4 ft. by 6 ft. kira style tree wells for street trees. (Operations/PH)

B. Prior to Building Permit issuance, the applicant shall:

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

41. 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)

42. 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 as a total. 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 surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site and individual lots as applicable. (Site Development Div./JJD)

C. Prior to Occupancy of any Building Permit, the applicant shall:

43. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)

44. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD)

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./JJD)

46. Have placed underground all 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)

47. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
48. Have obtained a Source Control Permit (AKA Industrial Sewage Permit) from the Clean Water Services District and submitted a copy to the City Building Official if such a permit is required, as determined by CWS. (Site Development Div./JJD)
49. 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 the Conditions of Approval. (On file at City Hall). (Planning/JF)
50. 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 the Conditions of Approval. (On file at City Hall). (Planning/JF)
51. 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 the Conditions of Approval. (On file at City Hall). (Planning/JF)
52. Ensure all landscaping approved by the decision making authority is installed. (Planning/JF)
53. 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/JF)
54. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Trees shall have a minimum caliper of 1-1/2 inches and be adequately staked. (Planning/JF)
55. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line, including Tract A, as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (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)
57. Submit any required on-site easements, 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./JJD)
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 within the wetland mitigation and CWS vegetative corridor, 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 or landscape architect 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)
59. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations for the project's proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)

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

AYES: Nye, Lawler, Matar, Overhage, Winter.
NAYS: None.
ABSTAIN: None.
ABSENT: Kroger, North.

Dated this 17th day of January, 2017.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2521 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 January 27, 2017.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



JANA FOX
Associate Planner



KIMBERLY OVERHAGE
Chair



SANDRA FREUND, AICP
Current Planning Manager