

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

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2884
OF A DESIGN REVIEW THREE FOR SCHOLLS) DR2021-0163 ORDER APPROVING
HEIGHTS APARTMENTS, HOLLAND PARTNER) SCHOLLS HEIGHTS APARTMENTS,
GROUP, APPLICANT.) DESIGN REVIEW THREE.

The matter came before the Planning Commission on April 27, 2022, on a request for Design Review Three approval for the construction of 216 apartment units in eight buildings and associated parking, circulation, common spaces, and non-habitable buildings. The site is located at 18865 SW Scholls Ferry Road at the northeast corner of SW Scholls Ferry Road and SW Tile Flat Road, Tax Lot 4200 on Washington County Tax Assessor's Map 2S20100.

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.

Exterior Lighting. Commissioner Lawler questioned if exterior lights will be installed on building facades facing the natural area on the eastern side of the site. Commissioner Lawler noted that the Photometric Plan does not demonstrate lighting in these areas. The applicant replied that lighting will be installed on patios and under breezeways of apartment buildings and confirmed that exterior patio lighting was not included on the Photometric Plan. The applicant specified that the east-facing elevations of two apartment buildings are oriented towards the natural area are intended to include

lighting of patios and breezeways. The Commissioners determined that applicable Lighting Design Standards of Section 60.05.30 and Table 60.05-1 Technical Lighting Standards of the Development Code have been met by the project as proposed.

Public Testimony. One individual testified in opposition to this application. The testimony noted concerns about traffic impacts to SW Tile Flat Road, flooding due to grading activity during construction of adjacent phases of the development, and inadequate buffers between unincorporated Washington County properties and the subject site. The applicant explained during rebuttal that traffic and buffers were considered by the Scholls Heights PUD approval in 2017 and are not being considered for this application. Staff noted during final comments that residents with concerns about construction activity are encouraged to contact the Site Development Division which inspects developments throughout the site construction process.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated April 20, 2022, and the Supplemental Memoranda dated April 26, 2022, 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 **DR2021-0163** 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 20, 2022, the

Supplemental Memoranda dated April 26, 2022, and the findings contained therein, subject to the conditions of approval as follows:

A. General Conditions, the Applicant shall:

1. Ensure that the Tree Plan Two (TP2021-0012) application has been approved and is consistent with the submitted plans. (Planning / BG).

B. Prior to issuance of the site development permit, 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. Have the applicant for the subject property 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 any required easements, executed and ready for recording, to the City. City will require approval of legal description and form prior to execution. (Site Development Div. / SAS)

7. Submit a geotechnical report with the site development permit application for review and approval. It shall be prepared by a professional engineer or registered geologist. (Site Development Div. / SAS)
8. 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)
9. 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)
10. 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)
11. 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)
12. 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)
13. Grading must meet provisions of Beaverton City Code 9.05.110 and 9.05.115 at all exterior property boundaries of the proposed project. No grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This condition does not apply to grading activity that is approved through a Design Review process. (Site Development Div. / SAS)
14. 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. Any proprietary storm filter treatment facility with contributing impervious area greater the 1.5 acres will require a high-flow bypass system. (Site Development Div. / SAS)

15. 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)
16. 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)
17. 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 (2640 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 tracts. (Site Development Div. / SAS)
18. Submit plans showing a non-potable water system design for stormwater management facilities and any public plantings. Non-potable water plans must meet City Engineering Design Manual Section 710 requirements. (Site Development Div. / SAS)
19. Provide plans for the placement of underground utility lines within the site to the proposed new buildings. 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)
20. Submit plans that show access for a maintenance vehicle within 9-foot from the front, or within 19-foot from the side of a vehicle to all stormwater management facility control structures unless

otherwise specifically approved by the City Engineer. (Site Development Div. / SAS)

21. 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)
22. Submit a design for the retaining walls surrounding, adjacent, and within the site designed by a civil engineer or structural engineer. Proposed walls within easements shall not be over 30 inches and have tie-backs. (Site Development Div. / SAS)
23. Submit plans demonstrating that masonry walls, including retaining walls, are a minimum of six inches thick and that all other walls are a minimum of three inches thick in compliance with BDC 60.05.25.9.C. (Planning / BG)
24. Provide plans showing a City standard commercial driveway apron (or a design otherwise approved through a Design Exception Request to the Engineering Design Manual) at the intersection of any private parking lot drive aisles to a public street. (BDC 40.03.1 and 60.55.35, EDM Section 210.21 and Standard Drawing 210) (Transportation / KM)
25. Obtain a Design Exception Request to the Engineering Design Manual for modifications to the City standard local street design speed and curb radii of eyebrow corners of Street O. Alternatively, provide plans showing a City standard local street design speed and eyebrow geometry for Street O. (BDC 40.03.1 and 60.55.30, EDM Section 210.5 and 210.12) (Transportation / KM)
26. Provide certification from a registered professional engineer that adequate sight distance exists in both directions (or can be obtained pursuant to specific improvements) at all driveway intersections. (BDC 40.03.1 and 60.55.35, EDM Section 210.18) (Transportation / KM)
27. Demonstrate that pedestrian walkways are provided along the street frontage of SW Scholls Ferry every 300 feet as required in BDC 60.55.25, and that all walkways maintain a continuous 5-foot width. (BDC 40.03.01 and 60.55.25) (Transportation / KM)
28. Demonstrate that the vision clearance triangle where the proposed driveways meet Street O are free of encroachments and meet the standards within the Engineering Design Manual Section 210.18.1.

(BDC 40.03.1, 60.55.35, and EDM Section 210.18) (Transportation / KM)

29. Demonstrate in submitted site plans that “No Parking” signage will be installed along the site’s frontage to public Street O to ensure safe circulation for all vehicles, as well as to provide adequate truck and emergency access. (BDC 40.03.1, 60.55.25, and EDM 210.16) (Transportation / KM)
30. Record and submit documentation of a cross-access easement that would allow for the construction and the subject site’s use of the proposed driveway and a pedestrian walkway providing access to future public Street O. (BDC 40.031.1, 60.55.35, and EDM 210.21) (Transportation / KM)
31. Obtain a Washington County Right-of Way Permit(s) from the Operations Division (503.846.7623) via the Public Permitting and Services Portal (WashCoORACA.com) for temporary construction access, if proposed directly to County-maintained road sections. Include the following items with the application submittal (Washington County / NV)
 - a. Preliminary/Final Sight Distance Certification
 - b. Traffic Control/Circulation Plan
 - c. Trip Generation estimate

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

32. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / SAS)
33. 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/occupancy of any building permit, the applicant shall:

34. 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)
35. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / SAS)
36. 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)

37. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / SAS)
38. 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 / BG)
39. 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 / BG)
40. 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 / BG)
41. Complete frontage improvements along public Street O to the adopted L2 Local Street standards which include: 6.5 wide planter strip, 5 sidewalks, street trees, and street lighting. (BDC 40.03.1, 60.55.10, and 60.55.30, and EDM Standard Drawing 200-4) (Transportation / KM)
42. Install No Parking signs along the site's frontage to public Street O. (BDC 40.03.1, 60.55.35, and EDM Section 210.18) (Transportation / KM)

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

43. 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)
44. Submit any required easements, executed and ready for recording, to the City. 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)
45. 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 storm water 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)

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, vegetated corridor, and the wetland mitigation areas, 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)
47. A 2-year Maintenance Security will be required at 25 percent of the cost to construct City-owned and maintained public improvements, grading, storm water 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, Glenewinkel, Lawler, Nye, Saldanha, Teater,
Winter
NAYS: None.
ABSTAIN: None.
ABSENT: None.

Dated this 27 day of April, 2022.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2884 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 14, 2022.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

BRITTANY GADA
Associate Planner

JENNIFER NYE
Chair

JANA FOX
Current Planning Manager