

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

After recording return to:
City of Beaverton, City Recorder:
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL OF)	ORDER NO. 2717
A DESIGN REVIEW THREE APPLICATION (KIRKLAND)	DR2018-0157 ORDER APPROVING KIRKLAND
PLACE). TIMBERLAND HOTEL GROUP, LLC.,)	PLACE, DESIGN REVIEW THREE
APPLICANT.)	

The matter came before the Planning Commission on July 10, 2019, on a request for approval of a Design Review Three application for the construction of three commercial buildings; one hotel, two mixed commercial buildings, and associated site improvements within the Town Center – Mixed Use (TC-MU) zoning district. The subject site is located north of SW Barnes Road, east of NW 118th Avenue, west of NW 117th Loop and south of NW Cedar Falls Drive. The project site is also identified as Tax Lots 6300, 6400 and 6500 on Washington County Assessor’s Map 1N134CD. The subject site is located within the Tuefel Nursery / Timberland Planned Unit Development (CU2004-0015 and CU2004-0016).

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.

During the hearing, the Planning Commission identified typographical errors in the recommended conditions of approval. The recommended conditions of approval referenced a Tree Plan application case file number TP2018-0011, which had been withdrawn from the proposal. Staff confirmed that any reference of TP2018-0011 should be removed from the conditions of approval. The Planning Commission also expressed concern about the lack of vegetation used along the retaining walls. Therefore, the applicant agreed to the condition requiring that a revised landscaping plan be submitted prior to site development permit issuance, showing the planting of tall, native buffer growing species along the retaining walls.

During the public testimony portion of the public hearing, concerns were raised by an adjacent property owner about the proximity of the development's parking lot to the adjacent residential home. In an effort to mitigation some of the potential impacts, the applicant agreed to a condition requiring the applicant to install a solid fence along the shared property line. In response to additional public testimony heard at the hearing from residents in the neighborhood, the applicant agreed to a condition requiring the use of step-down lighting onsite, intended to limit light emittance during certain hours. Lastly, the Planning Commission heard a request from one of the members of the public, asking that a "Left-Turn Only" sign be installed at the NW 117th Loop driveway to deter vehicles leaving the subject site from driving down NW 117th Loop, a street used primarily for access to the residential development. The applicant agreed to the condition of approval to install the "Left-Turn Only" sign.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated July 3, 2019, Supplemental

Memorandum dated July 3, 2019, Supplemental Memorandum dated July 10, 2019 and Supplemental Memorandum # 2 dated July 10, 2019 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 **DR2018-0157** is **APPROVED** based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated July 3, 2019, Supplemental Memorandum dated July 3, 2019, Supplemental Memorandum dated July 10, 2019 and Supplemental Memorandum # 2 dated July 10, 2019, and this Land Use Order, subject to the conditions of approval as follows:

A. General Conditions, the Applicant shall:

1. Ensure the associated land use applications CU2018-0020, LD2018-0038, and PD2018-0005 have been approved. (Planning / ES)

B. Prior to any site work commencing and issuance of the site development permit, the applicant shall:

2. 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)
3. Submit an application for a Tree Plan One for Major Pruning on the subject site. Approval of the Tree Plan One application shall be granted prior to Site Development permit issuance (Planning / ES)
4. Submit a 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)
5. 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./NP)
6. Contract with 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./NP)

7. 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./NP)
8. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management facilities, private streets, 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./NP)
9. Submit any required easements under the City of Beaverton's authority, 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. Submit copies of other recorded easements for the project as needed from property owners within the City of Beaverton (Site Development Div./NP)
10. 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./NP)
11. If required, submit water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. (Site Development Div./NP)
12. If required, submit flow test and evaluation by a professional engineer meeting the standards set by the City Engineer as specified in the Engineering Design Manual. (Site Development Div./NP)
13. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction. (Site Development Div./NP)
14. 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./NP)
15. 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./NP)
16. Obtain the City Building Official's courtesy review of the proposed site utility plan by plumbing rules per OAR 918-780-004 for private plumbing.
(Site Development Div./NP)
 17. Provide construction plans that show each lot will be independently served by utility systems as required by the City Engineer and City Building Official. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Engineer, shall be eligible for system development charge credits to be assigned to lots. (Site Development Div./NP)
 18. Submit a design for the structural retaining walls designed by a civil engineer or structural engineer. (Site Development Div./NP)
 19. Submit a grading plan showing that each lot has a minimum building pad elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facilities. Additionally, a minimum finished floor elevation that is at least three feet higher than the maximum possible high water elevation shall be established for each new building lot and documented on the plans.
(Site Development Div./NP)
 20. 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 on the site
(Site Development Div./NP)
 21. Pay storm water quantity development charges for new impervious areas determined per the certified impervious surface worksheet. Provide final construction plans and drainage report demonstrating compliance with City surface water management requirements per Section 530, of City Resolution 4542 and with CWS Resolution and Order 2017-05. The drainage report must verify that either the existing off-site pond can accommodate the development for current storm water detention standards or the development will need to construct the detention system that meets City and CWS design standards. (Site Development Div./NP)
 22. Pay storm water quality development charges for new impervious areas. The storm water quality development charge (\$1 per square foot of untreated new impervious area, per CWS rates and charges) will be determined per the certified impervious surface worksheet. (Site Development Div./NP)
 23. Pay storm water system conveyance development charges for the net new impervious area proposed determined per the certified impervious surface worksheet. (Site Development Div./NP)
 24. Submit an owner-executed, notarized, City/CWS standard private storm water facilities maintenance agreement, with maintenance plan and all

standard exhibits, ready for recording in County Records. (Site Development Div./NP)

25. Provide plans for street lights (Option C unless otherwise approved by the City Public Works Director) along street frontages. All utilities along street frontages, within the site, and to the proposed new development must be underground. 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./NP)
26. Provide plans showing a City standard commercial driveway apron at the intersection of any private, common driveway and a public street. (Site Development Div./NP)
27. Provide plans showing that any encroachments in the public right of way or public easements shall be non-structural attachment or in other words not integral (removable without damage) to the building structure. If a revocable right of way encroachment permit is desired by the owner or required by a financial institution or insurance company, the City Attorney will need to be consulted to prepare a specific document for this situation. (Site Development Div./NP)
28. Submit plans demonstrating compliance with all applicable bicycle parking standards identified in Section 60.30 Off -Street Parking of the Beaverton Development Code and the Bicycle Parking Standards outlined in Section 340 of the Engineering Design Manual. Provide a dimensioned short-term and long-term bicycle parking space design detail, consistent with standards outlined in outlined in Section 340 of the Engineering Design Manual. A minimum of four (4) short-term bicycle spaces shall be provided on site and a minimum of 6 long-term spaces shall be provided on site. Each parcel shall have sufficient bike parking to accommodate the proposed uses on the parcel. (Planning / ES)
29. Provide plans showing the adequate right-of-way dedication along the NW 117th Loop frontage, as needed to accommodate a ten (10) foot wide sidewalk with a minimum unobstructed path of five (5) feet, as required by Section 60.05.20.7.A of the Beaverton Development Code. The design and construction of the sidewalk shall be consistent with Drawing No. 241 of the Engineering Design Manual. (Planning / ES)
30. Provide plans that show the improvement of that section of the sidewalk located east of the site's driveway along NW Cedar Falls Drive. The sidewalk shall be design and constructed to comply with applicable standards identified in Section 60.05.20.7.A of the Beaverton Development Code and with Drawing No. 241 of the Engineering Design Manual. (Planning / ES)
31. Provide certification of adequate sight distance at the site's access on NW Cedar Falls Drive and NW 117th Loop, in accordance with City of

Beaverton's Engineering Design Manual, prepared and stamped by a registered professional engineer. (Transportation / JK)

32. The applicant shall provide plans and information demonstrating compliance with any and all conditions of approval provided by TVF&R. (Planning / ES)
33. Submit plans showing a minimum of 172 standard parking spaces are provided on the subject site, designed in accordance with applicable standards outlined in Section 60.30 Off-Street Parking, of the Beaverton Development Code, including minimum drive-aisle width throughout the on-site parking area. (Planning / ES)
34. Submit plans demonstrating that all required onsite parking spaces meet the minimum dimensional standards of Section 60.30.15 of the Beaverton Development Code. Required parking spaces designed for a 90-degree parking angle shall have a minimum width of 8.5 feet and a minimum stall depth of 18.5 feet, while maintaining compliance with all other applicable Off-Street Parking Lot Design standards outlined in Section 60.30.15 of the Beaverton Development Code. (Planning / ES)
35. Submit plans demonstrating compliance with tree protection provisions of Section 60.60.20 of the Development Code, unless modified in agreement with the City Arborist. Plans showing compliance with these standards, including placement of orange tree fencing, shall be provided prior to Site Development Permit issuance. The applicant shall be responsible for arranging a meeting on the subject site with the project arborist and City Arborist to establish a tree protection plan, prior to any work commencing on site. (Planning Division / ES)
36. Submit plans demonstrating compliance with tree protection provisions of Section 60.60.20 of the Development Code, unless modified in agreement with the City Arborist. Plans showing tree protected, including placement of orange tree fencing, shall be provided prior to Site Development Permit issuance. The applicant shall be responsible for arranging a meeting on the subject site with the project arborist and City Arborist to establish a tree protection plan, prior to any work commencing on site. In the event that any one of the trees (1392, 1393, 1395 and 1399) cannot be adequately protected, as determined by the City Arborist, the applicant shall submit an applicant for a Modification of a Decision, to modify the condition in the original Timberland (Teufel Nursery) Planned Unit Development (case file numbers CU2004-0015, CU2004-0016, LD204-0026, TP2004-0014 and DR2004-0079) approval prior to any work commencing on the subject site.
37. Dead trees within the Significant Grove, as identified in the Conditional Use approval of the Timberland (Teufel) Planned Unit Development Tree Plan application (TP2004-0014), should be fallen only for safety and left

at the resource site to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and must be removed from the area to protect the remaining trees or sufficient justification is provided by a biologist showing that the additional tree materials provide have no habitat benefit. (Planning / ES)

38. Submit revised plans showing a four (4) foot tall solid fence along the shared property line with the residential property (Lot 26) abutting the subject site to the east, beginning approximately 17 feet from the right-of-way line on NW 117th Loop. (Planning / ES)
39. Submit revised lighting plans that show the use of step-down lighting. (Planning / ES)
40. Submit plans showing the installation of a "Left-Turn Only" sign at the NW 117th Loop driveway. (Planning / ES)
41. Submit revised landscaping plans showing the planting of tall, native buffer growing species at the base of the retaining walls. (Planning / ES)

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

42. 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)
43. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./NP)
44. Prior to building permit issuance of any building permit which includes non-exempt roof-mounted equipment, the applicant shall demonstrate compliance with Section 60.05.15.5. (Planning / ES)

D. Prior to final occupancy permit issuance of each building permit, the applicant shall:

45. Have installed street trees along all frontages. (Planning/ES)
46. 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)
47. 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)
48. 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)

49. Ensure all landscaping approved by the decision making authority is installed. (Planning/ES)
50. 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)
51. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./NP)
52. Have substantially completed the site development improvements as determined by the City Engineer, including streetlights being fully functional. (Site Development Div./NP)
53. Have substantially completed the site development improvements as determined by the City Engineer, including franchise utility relocation. (Site Development Div./NP)
54. 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 site development permit issuance. (Site Development Div./NP)
55. 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./NP)
56. 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 on the site (Site Development Div./NP)
57. Have submitted the paper copies of the draft final plat needed for City review and to the County Surveyor to begin processing. (Site Development Div./NP)
58. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the site frontage. (Site Development Div./NP)
59. 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./NP)
60. 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./NP)

61. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./NP)
62. Protected trees numbered 1392, 1393, 1399 and 1395 proposed for retention, shall be placed within a tract recorded with a deed restriction with Washington County. (Planning / ES)

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

63. 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./NP)
64. Submit any required easements not already dedicated 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. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards. (Site Development Div./NP)
65. 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 for storm water facilities, sensitive area plantings and street trees 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 and landscape architect (or wetland biologist) 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./NP)
66. 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. The site shall be stable and secure for long-term erosion control issues. 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./NP)
67. Have substantially completed the site development improvements as determined by the City Engineer to provide minimum critical public services to each lot and to allow for verification that the location and width

of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./NP)

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

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

Dated this 17th day of July, 2019.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2717 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 July 29, 2019.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



ELENA SASIN
Associate Planner



JENNIFER NYE
Chair



JANA FOX
Current Planning Manager