

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

IN THE MATTER OF A REQUEST FOR APPROVAL ) ORDER NO. 3004  
OF A DESIGN REVIEW THREE, TUALATIN HILLS ) DR32023-00665 ORDER APPROVING  
PARK AND RECREATION DISTRICT, APPLICANT. ) LU32023-00667 POINTER ROAD PARK,  
 ) DESIGN REVIEW THREE.

The matter came before the Planning Commission at a hearing on July 10, 2024, which was continued to August 7, 2024, on a request for a Design Review Three approval for the development of a new public park and associated site improvements. The site is located at 7360 SW Pointer Road, specifically identified as Tax Lots 3301 and 4001 on Washington County Tax Assessor’s Map 1S101DC.

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.

*Shared Accessway Improvements.* During the hearings on July 10, 2024, and August 7, 2024, Commissioners Lawler, Nye, Adams, and McCann raised questions to the applicant about anticipated pedestrian and vehicular usage of the shared accessway, lighted bollard spacing and placement, and maintenance needs of the proposed thermoplastic striping. The applicant responded that five residences are served by the shared accessway and that they expect many pedestrians to access the park from SW Canyon Lane. The applicant explained that bollard spacing and placement was based on existing driveway access points, related easements, and existing encroachments into

the shared accessway which prevent applicable code standards from being met within the shared accessway. Regarding striping maintenance, the applicant explained that THPRD staff would inspect weekly and restripe as needed. The applicant stated that it would be more efficient from an operations perspective to maintain striping compared to the surfacing treatment options identified in staff's recommended conditions of approval. City Transportation Engineer, Jabra Khasho, replied that thermoplastic striping is slippery in cold and wet conditions and acknowledged that the use of two different materials is common in parking lots in Beaverton. The City Transportation Engineer stated that he is unaware of maintenance challenges related to staff's recommended surfacing treatments for the shared accessway noted in the conditions of approval. Commissioners found Staff's rationale regarding the shared accessway improvements persuasive and decided in favor of keeping Staff's recommended conditions of approval.

*Public Testimony.* During the July 10, 2024, hearing, one person testified in support of the applications, and one person testified in opposition. Testimony in support of the proposal addressed the need for a park in this location and voiced support for the park design stating that it balances the site's character and code requirements. Testimony in opposition voiced concerns about the individual's ongoing concerns that are being discussed with the applicant directly. There was no public testimony during the August 7, 2024, hearing.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated July 3, 2024, the Supplemental Memoranda dated July 10, 2024, and August 1, 2024, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.20.15.3 of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DR32023-00665** 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 July 3, 2024, the Supplemental Memoranda dated July 10, 2024, and August 1, 2024, and the findings contained therein, subject to the conditions of approval as follows:

**A. General Conditions, the applicant shall:**

1. Ensure that the New Conditional Use (CUN32023-00798) application has been approved and is consistent with the submitted plans. (Planning / BG)
2. Ensure that the Parking Determination (PD22023-00800) application has been approved and is consistent with the submitted plans. (Planning / BG)
3. Ensure that the Legal Lot Determination (LLD12023-00799) application has been approved and is consistent with the submitted plans. (Planning / BG)
4. Ensure that the Replat One (RP12024-00080) application has been approved and is consistent with the submitted plans. (Planning / BG)
5. Ensure that the Variance (VAR32024-00079) application has been approved and is consistent with the submitted plans. (Planning / BG)
6. Ensure that the Tree Plan Two (TP22024-00065) application has been approved and is consistent with the submitted plans. (Planning / BG)
7. The Tualatin Hills Park and Recreation District (the District) shall be responsible for the maintenance of the following items within the SW Pointer Road right of way:
  - a. Accessible parking stall.
  - b. Accessible parking stall access aisle.

- c. Proposed rockery wall.
- d. Grasscrete.
- e. Irrigation
- f. Bollards

Maintenance obligations of the above items shall apply for as long as these items are located within the SW Pointer Road right of way. Said items shall be maintained in proper functional condition. Upon disrepair or deteriorating conditions of any of the items listed above, the District shall repair or replace said dilapidated or deteriorated item(s) to as-new conditions. All repair and/or replacement of these items shall be located as shown on the approved site plan (Sheet L1.01, Exhibit 3.3) and the approved grading and paving plan (Sheet C1.00, Exhibit 3.3). If the District does not maintain items a. through f. above in proper functional condition, the City may require the removal of said items within the SW Pointer Road right of way. (Transportation / FdF)

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

- 8. Submit the required plans in PDF format with either a wet signature or electronically stamped and sealed. In addition, submit electronically in AutoCad (latest version) format (.dxf or .dwg) compatible with City Windows software. All GPS-survey improvements shall be reflected as state plane coordinates corrected to the coordinates of the City's base station on Griffith Drive (Site Development Div. / HJ)
- 9. Submit application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div. / HJ)
- 10. 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. / HJ)
- 11. 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. / HJ)

12. 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. / HJ)
13. Submit an easement, executed and ready for recording, when required, to the City. City will require approval of legal description and form prior to execution. (Site Development Div. / HJ)
14. Submit a copy of the approved TVF&R Service Provider Letter. The service provider permit shall have attached stamped and approved fire service plan sheets that match what is shown on the site development permit application plan sets. (Site Development Div. / HJ)
15. Provide plans for street lights, illumination levels to be evaluated per City Engineering Design Manual; Option C requirement unless otherwise approved by the City Public Works Director. (Site Development Div. / HJ)
16. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. The City will route submittals to Clean Water Services on the Applicant's behalf. (Site Development Div. / HJ)
17. 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. / HJ)
18. 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. / HJ)
19. 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. / HJ)

20. Any extra-capacity sanitary and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to the development. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer or as permitted per sections 307 and 311 of Oregon Uniform Plumbing Code. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div. / HJ)
21. Provide plans showing a proprietary stormwater treatment system for treatment of the site's piped surface water runoff as applicable. 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. / HJ)
22. Ensure that the stormwater facilities are sized appropriately per the CWS D&C Standards and the City of Beaverton Engineering Design Manual for the hydrologic characteristics of the proposed development. (Site Development Div. / HJ)
23. 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. / HJ)
24. 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. / HJ)
25. 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 lots/tracts. (Site Development Div. / HJ)
26. Submit plans that show a direct worker access route to the structures in the pond area shall be provided no steeper than 4 (horizontal) to 1 (vertical)

slope. This direct route shall be a minimum of 6-feet wide and have a surface consisting of the equivalent of 3-inches of ¾”-minus crush rock to allow walking access in winter and vegetation shall allow easy access. This direct access route shall be delineated on the plans. (Site Development Div. / HJ)

27. 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 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. / HJ)
28. Place the following stamp on only the sheets that show improvements in private property on the site development plans permit submittal. (Site Development Div. / HJ)

**The approval of Site Development plans shall not constitute approval of improvements on private property that are to be constructed in accordance with plans in the approved plumbing and building permits. Private property improvements include, but are not limited to private: piping, ADA, sidewalk, parking, plumbing, signage, and electrical.**

29. Provide plans showing a City standard commercial driveway apron or a City Engineer approved substitute at the intersection of any private, common driveway and a public street. (Site Development Div. / HJ)
30. Submit plans demonstrating that the proposed commercial driveway access to SW Pointer Road shall be constructed pursuant to EDM Standard Drawing 210. Alternatively, submit an application for an EDM Design Exception and obtain approval of a commercial driveway design that deviates from the EDM standard. (EDM Section 210.21 / Standard Detail Drawing 210 and EDM Section 160.1) (Transportation / FdF)
31. Submit an application and receive approval of an EDM Design Exception for an alternative commercial driveway design for the proposed access to SW Canyon Lane. (EDM Section 210.21 / Standard Detail Drawing 210 and EDM Section 160.1) (Transportation / FdF)
32. Submit plans demonstrating that permanent visual and textural differentiation shall be provided between the driveway and the accessway within the shared accessway facility, consistent with one of the following methods: (BDC 60.55.25; 40.03.1.A, F, and G) (Transportation / FdF)
  - a. Install a different paving material for the accessway compared to the driveway; or
  - b. If one paving material is used for the shared accessway, the accessway shall be permanently pigmented to create visual distinction and shall be textured to add contrast between the accessway and driveway. This option must be approved by the City Engineer.

33. Obtain approval of an Encroachment Agreement from the City Engineer in a form approved by the City Attorney for the existing stone retaining wall within the SW Pointer Road right of way. Alternatively, submit plans showing elimination of the existing stone retaining wall. (EDM Section 130.B.5) (Transportation / FdF)

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

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

**D. Prior to approval of the final plat, the applicant shall:**

35. Have verified to the satisfaction of the City Engineer that the location and width of all existing and proposed rights of way and easements are adequate; that each parcel and tract has proper access provisions; and that each parcel and tract has adequate public utility service provision/availability per adopted City standards and requirements. (Site Development Div. / HJ)

36. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div. / HJ)

37. 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. / HJ)

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

39. Submit to the City a copy of approval from West Slope Water District, stating that required improvements have been completed. (Site Development Div. / HJ)

**E. Prior to final inspection and final occupancy permit, the applicant shall:**

40. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / CR)

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



42. 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)

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

43. Have Submit the required as built/record drawing plans with a wet signature or electronically stamped/sealed, and also electronically in AutoCad (latest version) format (.dxf or .dwg) compatible with City Window software. All GPS-survey improvements shall be reflected as state plane coordinates corrected to the coordinates of the City’s base station on Griffith Drive. (Site Development Div. / HJ)
44. Have completed the site development improvements and verified 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. / HJ)
45. Have entered into a maintenance agreement with a Clean Water Services certified stormwater facility maintenance landscape contractor for the maintenance of the stormwater management facilities for the 2-year Maintenance Security period. If re-planting is required, additional 2-year plant re-establishment maintenance periods will apply until the plants are successfully established. Planting maintenance reports shall be submitted to the assigned Site Development project inspector twice a year no later than June 15 and October 30. (Site Development Div. / HJ)
46. 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. / HJ)
47. 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 reports will be required per maintenance schedule and until the maintenance and planting period is complete. (Site Development Div. / HJ)
48. 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 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. / HJ)

49. 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 for plant establishment and it is released 2 years after project acceptance, or will be extended for a period determined by the City Engineer following the correction of any identified defects. (Site Development Div. / HJ)

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

- AYES:** Lawler, Adams, Glenewinkel, McCann, Nye.
- NAYS:** Winter.
- ABSTAIN:** None.
- ABSENT:** Ellis.

Dated this 13 day of August, 2024.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 3004 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 August 23, 2024.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

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BRITTANY GADA  
Associate Planner

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CHELSEA MCCANN  
Chair

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ANNA SLATINSKY  
Planning Division Manager