

**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. 2662
OF DESIGN REVIEW TWO FOR A DAYCARE IN) DR2018-0081 ORDER APPROVING
THE URBAN MEDIUM DENSITY ZONING) LITTLE FLOWERS CHILDCARE, DESIGN
DISTRICT (LITTLE FLOWERS CHILDCARE)) REVIEW TWO
SAVANI JAYASURIYA, APPLICANT.)

The matter came before the Planning Commission on January 9, 2019, on a request for a Design Review Two application for commercial development of a single-story, 3,191 square foot building for childcare, outdoor play area and parking lot. Childcare use in the Urban Medium Density (R2) zoning district. The subject site is on NW 158th Avenue, between NW Cornell Road and Walker Road. Tax Lot 100 on Washington County Tax Assessor's Map 1N132CB.

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 discussed the landscaping in the public right-of-way. The plans provided to the commission included a plan depicting the sidewalk adjacent to the front property line with a landscape area between the sidewalk and the street. The applicant's agent clarified that the sidewalk is shown

incorrectly on the plans and that the existing curb-tight sidewalk will not be modified and the landscaping in the public right-of-way will be located between the back of sidewalk and the front property line. The Commission requested that a condition be added requiring the landscaping in the public right-of-way be provided by the applicant to meet City standards. The following condition shall be required prior to the issuance of the site development permit:

31. Provide a plan showing placement of street trees along the frontage of NW 158th Avenue at the back of sidewalk at a ratio of one (1) tree for every 30 lineal feet of frontage.

The Commission requested clarification on the code conformance analysis section "Development Code Section 60. 50, Special Use Regulations Child Care and Daycare Facilities, Fenced play area". The analysis contained in the table states that there is a condition of approval proposed addressing the required fence height of the outdoor play area separating the outdoor play area from abutting lots. The condition for the fence height was not included in the staff report; therefore, a condition of approval should be added. The following condition shall be required prior to the issuance of the site development permit:

32. Provide a plan showing the fence height around the play area, a minimum of five (5) feet, but not more than six (6) feet in height separating the outdoor play area from abutting properties.

The Commission requested that condition 22 be revised to read "fire lane" and not "fire land". The condition shall be revised as follows:

22. The driveway from NW 158th Avenue is considered a fire lane all the way to the "Administrative" parking space. It will need to be constructed to support a 75,000 GVWR and a 12,500 wheel load. (TVF&R/JF)

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated January 2, 2019, the supplemental findings provided in this land use order, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.20.15.2.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DR2018-0081** 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 January 2, 2019 and the supplemental findings provided in this land use order, subject to the conditions of approval as follows:

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

1. Submit a narrative that responds to all applicable conditions of approval and discusses how each condition has or will be satisfied prior to issuance of the Site Development Permit. (Site Development Div./JJD)
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./JJD)
3. 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 City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (April 2017, Resolution and Ordinance 2017-05), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
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 as set out in Ordinances 2050, 4010+rev., and Engineering Design Manual and Standard Drawings; 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)

5. Have the ownership of the subject property guarantee all public improvements, site grading, and storm water management (quality and quantity) facilities construction 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)
6. 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)
7. Obtain a Facility/ROW permit at Washington County for the street light and other frontage improvements in the County ROW. Plant street trees with root barrier per City of Beaverton and City Arborist's approval, approved street tree list and standard detail, respectively. (Site Development Div./TDM)
8. If a proprietary system is used for water quality treatment, provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacture's recommendations for project's proprietary stormwater 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)
9. Submit plans that show access for a maintenance vehicle within 6-feet from the front, or within 15-feet from the side of a vehicle to all control structures unless otherwise specifically approved by the City Engineer. A direct worker access route to the structures in the water quality facility area shall be provided no steeper than 4 (horizontal) to 1 (vertical) slope. This direct route shall be a minimum of 5-foot wide and have a surface consisting of the equivalent of 3 inches of ¾"-0" gravel (to allow walking access route shall be delineated on the plans. Reference

2019 Engineering Design Manual and Standard Drawings 340.2 – 340.4.
(Site Development Div./JJD)

10. Submit plans that include details of the proposed bicycle parking spaces. Racks are to be at least 30 inches wide by 36 inches tall, centered within an area that is 6 feet by 4 feet, and at least 2 feet from any building. (Transportation/JK)
11. 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)
12. Submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. If determined to be needed by the City Building Official, this analysis shall be supplemented by an actual flow test and evaluation by a professional engineer (meeting the standards set by the City Engineer as specified in the Engineering Design Manual Chapter 6, 610.L). The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./JJD)
13. 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)
14. Provide an erosion control plan showing best management practices needed per Clean Water Services Standard Drawing #945. Make provisions for installation of all mandated erosion control measures prior to site disturbance of 500 square feet or more. (Site Development Div./JJD)
15. 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. (Site Development Div./JJD)
16. 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. Sheet flow of surface water from one lot to another lot area shall not be considered a direct plumbing service. Roof outfall flow onto pavement surface and into the existing or proposed inlet shall not be considered a direct plumbing service. (Site Development Div./TDM)

17. Submit a revised 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 and show a safe overflow route. A minimum finish floor elevation shall established for the proposed building based on service provision needs and whichever of the following three is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) two feet higher than the rim/overflow of the storm facility; and 3) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. (Site Development Div./JJD)
18. Submit to the City a certified impervious surface determination of the proposed project's new impervious area proposed for any common areas, common private driveway, and building prepared by the applicant's engineer, architect, or surveyor. (Site Development Div./JJD)
19. Pay storm water system development charges (overall system conveyance) for the new impervious area proposed for the common driveway. (Site Development Div./JJD) (Site Development Div./JJD)
20. Obtain the City Building Official's review approval of the proposed private fire service mains (fire line), vault, backflow prevention and Fire Department Connection (FDC). (Site Development Div./JJD)
21. 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)
22. The driveway from NW 158th Avenue is considered a fire lane all the way to the "Administrative" parking space. It will need to be constructed to support a 75,000 GVWR and a 12,500 wheel load. (TVF&R/JF)
23. Provide fire flow calculations prior to Site Development review. (TVF&R/JF)

24. The applicant is proposing to use an existing residential access on NW 158th Avenue. The applicant will be required to construct the access to meet County standards, which will include the construction of a median and pork chop to restrict the access to a right-in/right-out only access. (Washington County/NV)

25. Resolution and Order 86-95 requires a minimum sight distance (measured in feet) equal to ten times the vehicular speed of the road(s) at proposed access location(s). This requirement applies to sight distance in both directions at each access.

Before the County will permit access to NW 158th Avenue, the applicant will be required to provide certification from a registered professional engineer that adequate sight distance exists in both directions (or can be obtained pursuant to specific improvements). (Washington County/NV)

26. Provide a plan showing dedication of additional right-of-way to provide 51 feet from the centerline of NW 158th Avenue. (Washington County/NV)

27. The following shall be recorded with Washington County (*Contact Scott Young, Survey Division: 846-7933*): (Washington County/NV)

- a. Dedication of additional right-of-way to provide 51 feet from centerline of NW 158th Avenue.
- b. Provision of a non-access reservation along NW 158th Avenue frontage, except at the access approved in conjunction with this land use application.

28. Submit to Washington County Public Assurance Staff, 503-846-3843: (Washington County/NV)

- a. Completed "Design Option" form, Geotech/Pavement Report (if required), Engineer's Checklist (Appendix "E" of the County Road Standards).
- b. \$5,000.00 Administration Deposit.
- c. A copy of the City's Land Use Approval with Conditions (including a copy of this letter), signed and dated.
- d. Provide evidence that the document(s) under condition No. 27 have been recorded.

- e. Preliminary certification of adequate sight distance for the access point to NW 158th Avenue, in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:

A detailed list of improvements necessary to produce adequate intersection sight distance (refer to the following webpage for sight distance certification submittal requirements).
<http://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/development-application-forms.cfm>

- f. Three (3) sets of complete engineering plans for construction of the following public improvements and all work within the right-of-way of NW 158th Avenue:
 - i. Access to NW 158th Avenue as a right-in/right-out only access with a pork chop and median to County standards.
 - ii. Improvements within the right-of-way as necessary to provide adequate intersection sight distance at NW 158th Avenue access point to County standards.

29. Obtain a Washington County Facility Permit upon completion of the following: Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in conditions 28.f. (Washington County/NV)

30. The required landscape buffer adjacent to the rear property line shall consist of live ground cover consisting of low-height plants, or shrubs, or grass, and 1) one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width; 2) evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting planted proportionately between the required evergreen trees. (Planning/SD)

31. Provide a plan showing placement of street trees along the frontage of NW 158th Avenue at the back of sidewalk at a ratio of one (1) tree for every 30 lineal feet of frontage. (Planning/SD)

32. Provide a plan showing the fence height around the play area, a minimum of five (5) feet, but not more than six (6) feet in height separating the outdoor play area from abutting properties. (Planning/SD)

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

33. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
34. Submit plans that reflect the minimum finish floor elevations determined and shown on the approved site development plans based on service provision needs and whichever of the following three is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) two feet higher than the rim/overflow of the storm facility and 3) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. (Site Development Div./JJD)
35. 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)
36. Contact Building Department at (503) 526-2409 or (503)350-4079 to obtain a Plumbing Permit from the Building Department for the proposed onsite utilities. Submit the Plumbing Permit application concurrently with the Site Development Permit application. (Site Development Div./TDM)

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

37. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
38. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are damaged during the construction of the site. (Site Development Div./JJD)
39. 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)
40. Submit a final inspection report from the manufacture if a proprietary system is being used. (Site Development Div./JJD)

41. Obtain a Finaled Washington County Facility Permit, contingent upon the following: (Washington County/NV)
 - a. The road improvements required in condition 28.f above shall be completed and accepted by Washington County.
 - b. Upon completion of necessary improvements, submit final certification of adequate sight distance in accordance with County Code, prepared and stamped by a registered professional engineer.
42. Ensure all site improvements, including 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/SD)
43. Ensure installation of all exterior lighting is completed in accordance with the plans and fixture details marked "Exhibit C", except as modified by the decision making authority in conditions of approval (On file at City Hall). Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. Illumination of internal light fixtures shall meet the minimum 1.0 foot-candle standard within the site boundaries and shall not exceed 0.5 foot-candle outside at the property line. (Planning/SD)
44. Ensure ground cover plantings are installed at a maximum of 30 inches on center and 30 inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container, or a 2-1/4 inch container if planted 18 inches on-center. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area. (Planning/SD)
45. 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/SD)
46. Ensure deciduous or evergreen shrubs are installed at a minimum, using one-gallon containers or 8 inch burlap balls with a minimum spread of 12 inches to 15 inches. (Planning/SD)

47. Ensure all new 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/SD)

48. Ensure that all walkways and pathway connections into the parking lot are constructed with scored concrete or modular paving patterns, including ramps as necessary. ADA standards shall apply. (Planning/SD)

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

49. 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)

50. Submit, if needed, any required on-site 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 City standards. (Site Development Div./JJD)

51. 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 treatment vegetation within the reconstructed surface water quality facility, as determined by the Public Works Director. If the plants are not well established (as determined by the 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 Operations Director prior to release of the security. (Site Development Div./JJD)

52. Provide, if used, evidence of a post-construction cleaning, system maintenance, and filter recharge/replacement per manufacturer's recommendations for the site's proprietary storm water treatment systems by a 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: Lawler, Uba, Brucker, Matar, Nye, Overhage.
NAYS: None.
ABSTAIN: None.
ABSENT: Winter.

Dated this 17th day of January, 2019.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2662 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 28, 2019.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:


APPROVED:



SIERRA DAVIS
Associate Planner



JENNIFER NYE
Chair



JANA FOX
Current Planning Manager