

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

IN THE MATTER OF A REQUEST FOR APPROVAL ) ORDER NO. 2899  
OF A DESIGN REVIEW THREE, ROOTED CARE ) DR2022-0005 ORDER DENYING  
COMMUNITIES, APPLICANT. ) ROOTED CARE COMMUNITIES, DESIGN REVIEW  
 ) THREE.

The matter came before the Planning Commission on August 17, 2022, and was continued to the hearing on August 24, 2022, on a request for a Design Review Three approval for site modifications related to landscape buffers and fencing and evaluation of existing lighting associated with a 12-bed Residential Care Facility. The site is located at 3950 SW Laurelwood Avenue, specifically identified as Tax Lot 3900 on Washington County Tax Assessor’s Map 1S112CC.

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. Commissioner Lawler recused herself from the public hearing.

*Access for New Parking from Laurelwood.* Chair Nye asked if staff had explored the feasibility for the applicant to provide a new access point off of SW Laurelwood Avenue for a new parking area and if there are code barriers to that option. Staff responded that the option had not been proposed by the applicant and had not been discussed with the applicant. However, staff noted that it did explore this option internally and found that it may be possible. Staff added that a licensed civil or transportation engineer would have to

evaluate the location of a new access point for compliance with sight distance requirements due to the curve in SW Laurelwood Avenue to the north of the site. During the applicant presentation, the applicant added that this option had not been explored due to the cost associated with the construction of a new parking area.

*Shared Parking.* Chair Nye asked the applicant if a Design Exception or Variance had been explored to request relief from the 500-foot distance requirement for a Shared Parking Agreement. The applicant responded that this had not been explored, but they did contact the church and nearby apartment complex to discuss a shared parking agreement. The applicant reported that the apartment complex was unwilling to rent spaces to non-residents, and the church offered parking spaces in its southern lot located 550 feet from the subject site. Following final staff comments, Commissioner McCann asked staff if there is a process that allows the applicant to seek relief from the 500-foot distance requirement. Staff responded that there is no process to request relief from this requirement since it is an approval criterion of the Parking Determination-Shared Parking application (BDC 40.55.15.2.C.3). Staff added that a text amendment to the development code would be needed to change the approval criterion language.

*Public Testimony.* Fifteen people testified in support of the applications, and three people testified in opposition. Testimony in support of the proposal addressed the need for more Residential Care Facilities in Beaverton and Oregon and described the high quality of care provided currently by Rooted

Care Communities. Some in support commented parking needs, noting the availability of on-street parking near the site and how visitors frequently bike or walk to the site. Testimony in opposition voiced concerns about existing traffic safety issues related to parking and deliveries for the care facility. Comments in opposition also questioned if more staff will be needed to care for 12 individuals and how parking will be provided for additional employees.

The Commission concurred with staff that the proposal did not comply with BDC Section 60.30.10.5.A, which identifies the parking ratio requirement for vehicles for the Residential Care Facility land use, or BDC 60.30.10.10.B, which limits the number of parking spaces that require backing movements within a street to two spaces. The Standards of BDC 60.30 are reviewed under Facilities Review Approval Criterion D (BDC 40.03.1.D), and Design Review Three applications are subject to the Facilities Review Approval Criteria. Failure to comply with these Sections is the Commission's basis for denying the application.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated August 17, 2022, and the Supplemental Memorandum dated August 24, 2022, 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. Commissioner McCann moved that the application be denied, which was seconded by Commissioner Teater. Chair Nye recommended a friendly amendment to deny the application without prejudice, thereby allowing the applicant to reapply without being

subject to the Beaverton Development Code provision in BDC 50.99 requiring a one year waiting period to resubmit after a denial. Commissioner Saldanha abstained from voting because he was not present for the initial hearing on August 17, 2022. The Commission voted unanimously to accept the friendly amendment.

Therefore, **IT IS HEREBY ORDERED** that **DR2022-0005** is **DENIED WITHOUT PREDJUDICE**, 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 August 10, 2022, the Supplemental Memorandum dated August 17, 2022, the Supplemental Memo dated August 23, 2022, and this Land Use Order.

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

**AYES:** McCann, Teater, Glenewinkel, Nye, Winter.  
**NAYS:** None.  
**ABSTAIN:** Saldanha.  
**ABSENT:** None.

Dated this 30 day of August, 2022.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2899 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 September 9, 2022.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

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BRITTANY GADA  
Associate Planner

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JENNIFER NYE  
Chair

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JANA FOX  
Current Planning Manager