

**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. 2687
OF A DESIGN REVIEW THREE FOR A NEW 283) DR2018-0165 ORDER APPROVING
UNIT MULTI-FAMILY DEVELOPMENT (SOUTH) SOUTH COOPER MOUNTAIN HEIGHTS MULTI-
COOPER MOUNTAIN HEIGHTS MULTI-FAMILY -) FAMILY - SPANOS, DESIGN REVIEW THREE.
SPANOS) A.G. SPANOS COMPANIES, APPLICANT.)

The matter came before the Planning Commission on April 24, 2019, on a request for a Design Review Three approval for construction of a 283 units of attached residential housing, parking, and associated site improvements. The site is part of the South Cooper Mountain Heights PUD. The site is located on the north side of SW Scholls Ferry Road, east of SW 175th Avenue, specifically identified as Tax Lot 200 of Washington County Assessor Tax Map 2S106AC.

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, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated April 17, 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 **DR2018-0165** 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 17, 2019, and this land use order, subject to the conditions of approval as follows:

A. General Conditions:

1. All conditions of approval from South Cooper Mountain Heights PUD (TP2015-0008) and South Cooper Mountain Heights PUD Modifications (CU2017-0005 / LD2017-0006 / TP2017-0011) related to Phase 5 remain effective in their current form, unless altered through a Modification of a Decision application. (Planning / JF)

B. Prior to Issuance of Site Development Permits, 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./JJD/NP)
3. Verify external permits are held by the owner and applicant of the proposed development (Spanos). Alternately, provide documentation to the satisfaction of the City Attorney, verifying the external (other governmental jurisdiction) permits have been transferred or a private agreement has been reached. (Site Development Div./JJD/NP)
4. 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./JJD/NP)
5. 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./JJD/NP)

6. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, Clean Water Services SPL (Service Provider Letter) required plantings, 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. The guaranteed value shall also include any performance or maintenance security obligation of the issued Phase 5 grading permit (SD2018-004) of South Cooper Mountain Heights. (Site Development Div./JJD/NP)
7. 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/NP)
8. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the 175th Avenue and/or Scholls Ferry right of way. (Site Development Div./JJD/NP)
9. Submit a geotechnical and structural report with the site development permit application for review and approval by the City Engineer. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer. For grading adjacent to Scholls Ferry Road frontage, show that the beginning of an excavation shall be located one-half its vertical height but not less than ten feet from an adjoining property line. Request for waiver of this requirement may be made to the City Engineer by presentation of detailed plans along with appropriate substantiating evidence in the form of a written opinion of a soils engineer or engineering geologist to support justification for the waiver. (Site Development Div./JJD/NP)
10. Submit a design for all retaining walls greater than four feet in height, designed by a civil engineer or structural engineer for the expected soil and ground water conditions. (Site Development Div./JJD/NP)

11. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within or affecting a jurisdictional wetland). (Site Development Div./JJD/NP)
12. Provide a public utility plan for water and sanitary sewer provision as documented in the South Cooper Mountain utility masterplans. The project shall be eligible for a water system development charge credit equal to the estimated construction cost value of extra capacity improvements as determined and administered by the City Utilities Engineer. (Site Development Div./JJD/NP)
13. Obtain 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/NP)
14. 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). (Site Development Div./JJD/NP)
15. Obtain 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/NP)
16. Submit a completed 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City if a new 1200-C permit is the selected choice of the applicant/owner. The applicant shall use the standard plan format per requirements for sites 5 acres or larger adopted by Clean Water Services. Or, submit a copy of the notification of proposed revisions to the Oregon Department of Environmental Quality (DEQ) for the previously issued 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) if this is the selected choice of the applicant/owner. The DEQ process is independent of a City or CWS plan revision approval. (Site Development Div./JJD/NP)
17. Provide final construction plans and a final 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. In addition, the final drainage report shall also demonstrate that the entire development proposal shall meet the SLOPES V requirement for stormwater management per the City

Engineer's directive. Plans must show access for a maintenance vehicle to all control structures unless otherwise specifically approved by the City Engineer. (Site Development Div./JJD/NP)

18. Provide plans that delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. On all plan sheets that show grading and elevations, the 100 year inundation level shall be identified. (Site Development Div./JJD/NP)
19. Obtain, the City Building Official's courtesy review and approval of the proposed private site utility plans, if required by OAR 918-780-0040 for plumbing needed to serve water, backflow prevention, storm and sanitary sewer systems and any covered parking/trash enclosure areas. (Site Development Div./JY/NP)
20. Provide plans that show the drainage within the covered parking shall be piped as approved by the City Building Official. To prevent spills from entering the sanitary sewer system, an automatic or manual shut-off valve shall be installed in the discharge line prior to the connection with the public sanitary sewer. The areas immediately adjacent to any opening in the structure where precipitation may fall, track, or be blown into the covered vehicle parking or service area shall be reverse-graded, trench drained, or bermed from other portions of the facility to minimize the amount of stormwater being transported beneath the cover. The cover must have a minimum overhang of 5 feet on each side. The cover overhang is to be measured relative to a berm, trench drain, or pavement grade break that separates the vehicle service area outside the building from that inside the building or covered area. (Site Development Div./JJD/NP)
21. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. Any extra-capacity water, 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 meters within 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. 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./JJD/NP)

22. Submit a grading plan showing the proposed building lowest finished floor elevation is 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. Additionally, the minimum finished floor elevation shall be established and clearly documented on all building and site development plan sheets that include elevations and/or contours. This land-use approval shall provide for minor grade changes less than four vertical feet variance to comply with this condition without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD/NP)
23. 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. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, equipment pads, parking lots and driveways, sidewalk and pedestrian areas, and any gravel or pervious pavement surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, modified existing impervious, the new impervious surface area created, and total final impervious surface area on the entire site after completion. (Site Development Div./JJD/NP)
24. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, and applicable fees, ready for recording with Washington County Records. (Site Development Div./JJD/NP)
25. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed for any common areas or private streets. (Site Development Div./JJD) (Site Development Div./JJD)
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./JJD/NP)
27. Ensure that associated land use applications LD2018-0039 and LD2018-0040 have been approved and are consistent with the submitted plans. (Planning/JF)

28. Provide a plan showing compliance with the City's Technical Lighting Standards for all areas of the development, including the plaza and pedestrian areas. (Planning/JF)

29. Provide a plan showing: (TVF&R / JF)

- a. FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES: Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1) The parking garage has a continuous fire lane that accommodates hose pull for the east sides of buildings 1 and 2. Bollards shown on sheet P4.00 will require dog ears/ grab handles on both sides. Provide detail of the bollards on sheet P4.00.
- b. AERIAL APPARATUS OPERATIONS: At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the Fire Marshal. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4) Aerial access staging areas are in the wrong spots on sheets P4.00 and P4.01. Contact me for help for the correct placement on the plans.
- c. FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE: Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1 & D103.1) Vertical clearance must be maintained for all 26' of width on the top deck of the parking garage fire lanes (Distance between the edge canopy's and edge of fire lane).
- d. PAINTED CURBS: Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25-foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as

approved). (OFC 503.3) Fire lanes must be marked as indicated. This includes the top of the parking garage and the space between the buildings 3 and 4. Revise sheets P4.00 and P4.01 to identify all required fire lanes.

- e. SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3) The top deck of the parking garage has a continuous fire lane. The parking structure and access ramp must be designed to meet the above noted minimum loads. Also, the access ramp (north end) must be posted with a durable all-weather sign stating the maximum loading of the parking garage. A sign on the top deck of the parking garage at the access ramp (south end) will be required to prevent fire apparatus from trying to descend down the ramp. Revise sheets P4.00 and P4.01 to include this information.
- f. TURNING RADIUS: The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3) Provide details for the mountable curbing at the roundabout are shown on sheet P4.00.
- g. ACCESS ROAD GRADE: Fire apparatus access roadway grades shall not exceed 15%. Alternate methods and materials may be available at the discretion of the Fire Marshal (for grade exceeding 15%). This includes the access ramp to the top deck of the parking garage.
- h. GATES: Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
 - i. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width).
 - ii. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
 - iii. Electric gates shall be equipped with a means for operation by fire department personnel
 - iv. Electric automatic gates shall comply with ASTM F 2200 and UL 325.

- v. Provide details for the secondary emergency vehicle access gate on sheets P4.00 and P4.01.

- i. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3) Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:
 - i. The maximum needed fire flow shall be 3,000 GPM, measured at 20 psi residual pressure.
 - ii. Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1

- j. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B) Provide fire flow calculations.

- k. **WATER SUPPLY DURING CONSTRUCTION:** Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

- l. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312) The two internal fire hydrants shown on sheet P4.00 will require this protect. Note this requirement on sheet P4.00.

- m. **FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS:** FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13) FDC's shall be clearly labeled with building

addresses.

- n. FIRE HYDRANT(S) PLACEMENT: (OFC C104) The existing hydrant on the SW corner of SW 175th and SW Scholls Ferry Rd. is a required hydrant for this project due to hydrant spacing. Revise sheet P4.00 to show this hydrant on the plans.

C. Prior to Building Permit Issuance, the applicant shall:

- 30. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD/NP)
- 31. If an Early Grading permit is issued, prior to the full Site Development permit being issued, upon concurrence with the City Building Official, a Foundation only permit for the garage facility may be issued upon payment of all plan review and inspection fees. (Site Development Div./JY/NP)
- 32. 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/NP)
- 33. Provide proof of recording the necessary documents with Washington County Records, for existing easements that conflict with a proposed building location including any necessary easement quit claim deeds and a filed survey consistent with the approved site plan. (Site Development Div./JJD/NP)
- 34. 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./JJD/NP)
- 35. Provide a plan showing: (TVF&R / JF)
 - a. KNOX BOX: A Knox Box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1) A Knox Box will be required on the clubhouse building and the gate.
 - b. EMERGENCY RESPONDER RADIO COVERAGE SYSTEM: Any building in excess of 50,000' square feet will be required to be tested to identify any deficient radio coverage areas. All areas of the building that are deficient must be provided with an ERRC system in accordance with OFC Section 510. Testing is typically

done at 80% completion of the building. It is recommended to provide appropriate conduits shaft, wiring etc. during construction to accommodate for the system. Additionally, make sure you budget and appropriate time for the installation of this system. Please contact DFM Jeremy Foster at 503.259.1414 for further information including an alternate means of compliance that is available. If the alternate method is preferred, it must be requested from TVF&R prior to issuance of building permit.

D. Prior to final inspection of any building permit or issuance of a certificate of occupancy, the applicant shall:

36. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD/NP)
37. 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./JJD/NP)
38. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD/NP)
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/NP).
40. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if a Source Control Sewage permit is required, as determined by CWS. (Site Development Div./JJD/NP)
41. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD/NP)
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/JF)
43. 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/JF)

44. 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/JF)

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

45. 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/NP)
46. Submit any required on-site easements, 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/NP)
47. 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 within surface water quality facilities, vegetated corridors, and any wetland mitigation areas, 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 prior to release of the security. (Site Development Div./JJD/NP)

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

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

Dated this 13th day of May, 2019.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2687 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 23, 2019.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



JANA FOX
Current Planning Manager



JENNIFER NYE
Chair



SAMBO KIRKMAN
Senior Planner