

**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. 2691  
OF A DESIGN REVIEW THREE FOR FIVE-UNIT ) DR2019-0013 ORDER APPROVING  
ATTACHED BUILDING WITH ASSOCIATED ) 3400 SW 125<sup>TH</sup> AVENUE 5-PLEX, DESIGN REVIEW  
IMPROVEMENTS (3400 SW 125<sup>TH</sup> AVENUE). CTH ) THREE  
INVESTMENTS, LLC, APPLICANT )

The matter came before the Planning Commission on April 24, 2019, on a request for Design Review Three to construct a 5-unit attached building, with associated improvements. The subject site is located at 3400 SW 125th Avenue, north of SW Center Street. The property is identified on Washington County Assessor's Map 1S1 09DA as Tax Lot 4208.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission questioned if alteration of the proposed lighting could impact abutting neighbors. Staff clarified the conditions provided in the staff report would allow the applicant to work with staff to ensure the proposal meets the foot candlepower established in the Development to minimize glare to the neighbors as well as provide adequate lighting on the site. The

Commission was satisfied with the applicant's description of the proposed lighting and staff's condition to ensure the proposed lighting does not impact the surrounding parcel.

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.

1. Final decision shall expire automatically two (2) years from the effective date of decision unless the approval is enacted either through construction or establishment of use within the two (2) year time period. (Planning/SNK)

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

2. Obtain Minor Adjustment approval to reduce the side yard setback along the southern property line from five feet to 4.5 feet. (Planning / SNK)
3. 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)
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)
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)

6. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management facilities including plantings, private streets, fire access 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./JJD)
7. 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)
8. Submit any required 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)
9. 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 private plumbing needed to serve the private water, backflow prevention and sanitary sewer systems outside the proposed building. (Site Development Div./JJD)
10. 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. These shall be maintained and replaced as necessary during the duration of the project to prevent sediment-laden run-off from leaving the site. (Site Development Div./JJD)
11. 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)
12. Pay storm water system charges (CWS storm water quality, quantity, and overall system conveyance) for the proposal. The storm water quality development charge (\$1 per square foot of net new impervious surface, per CWS rates and charges) will be determined with the final impervious surface determination. The final City Storm Water SDC shall also be determined with the final impervious surface determination. (Site Development Div./JJD)
  13. 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 must be paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
  14. Submit a grading plan showing that the lot has a minimum building pad elevation that is at least 18 inches higher than the frontage street gutter elevation. This plan must also show that all surface water runoff from this site flows to the street, and not to any adjacent property. A minimum finish floor elevation shall be established based on service provision needs and whichever of the following two is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. (Site Development Div./JJD/SAS)
  15. 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)
  16. Provide a revised Site Plan showing five (5)-foot wide sidewalks connecting each dwelling unit of the building to the sidewalk on SW 125<sup>th</sup> Avenue. (Planning/SNK)
  17. Provide a revised Lighting Planning showing lighting is screen to minimize glare to public streets and accessways. Proposed lighting shall meet the applicable Technical Lighting Standards of Section 60.05.30. (Planning/SNK)

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

18. Provide a revised site plan showing one long-term biking space is provided for each dwelling unit (Planning/SNK)
19. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
20. 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)

**C. Prior to final inspection and occupancy permit issuance of any building permit, the applicant shall:**

21. 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 /SNK)
22. 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 /SNK)
23. 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). No occupancy permit (including temporary occupancy) will be issued until all improvements are complete. (Planning/SK)
24. Have substantially completed the site development improvements as determined by the City Engineer, including franchise utility relocation and streetlights being fully functional. (Site Development Div./JJD)
25. 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./JJD)

26. 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)
27. Ensure all landscaping approved by the decision making authority is installed. (Planning /SNK)
28. 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 /SNK)
29. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way, and has been completed. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of 1-1/4 inches and a minimum height of 8 feet at the time of planting, except that dwarf and compact varieties may be may be approved at any size. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Planning /SNK)
30. Ensure all exterior lighting satisfies the applicable requirements of Section 60.05.30 and that all fixtures are installed and operational. Illumination from light fixtures, shall provide a minimum of 1.0 foot-candle within the parking area and walkways and be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. (Planning/ SNK)

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

31. 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)

32. Submit any required on-site easements not already shown on the recorded 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)

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

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

Dated this 13 day of May, 2019.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2691 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<sup>rd</sup>, 2019.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

  
\_\_\_\_\_  
SAMBO KIRKMAN  
Senior Planner

  
\_\_\_\_\_  
JENNIFER NYE  
Chair

  
\_\_\_\_\_  
JANA FOX  
Current Planning Manager