

**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. 2686  
OF A DESIGN REVIEW THREE FOR PARKING AS ) DR2018-0167 ORDER APPROVING  
NEW SURFACE PARKING LOT (SUNSET ) SUNSET SURFACE PARKING, DESIGN REVIEW  
SURFACE PARKING) J. PETERKORT COMPANY, ) THREE.  
APPLICANT. )

The matter came before the Planning Commission on March 13, 2019, on a request for a Design Review Three approval for a new two phase, 460 stall surface parking lot with a 200 square foot guard structure, and associated improvements. The applicant proposed to utilize the Design Review Build-out Concept Plan (DRBCP) tool. The site is generally located adjacent to the Sunset Transit Center, south of SW Barnes Road, west of the Highway 217 off-ramp, north of Highway 26, and east of the Sunset Station access road. Tax Lots 100 and 200 on Washington County Tax Assessor’s Map 1S102CB.

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 identified an error in condition of approval 20.b in which the amount of administrative deposit required to Washington County

was written as \$10,00.00 instead of the required \$10,000.00. The ten thousand dollar deposit is consistent with the condition of approval letter provided by Washington County, dated March 4, 2019. The Commission amended condition of approval 20.b to read “\$10,000.00 Administrative Deposit”.

The applicant requested to remove condition of approval 28, requiring a trash enclosure be provided consistent with Section 60.05.20.2 as the security guard would remove the trash from the on-site receptacles and drive it across the street to the existing Peterkort office development for placement in their trash enclosure. Staff reiterated their concern that should the sites not be under separate ownership that there would be no place for trash to be placed. The Commission concurred that a trash enclosure be provided in a manner consistent with Section 60.05.20.2 of the Development Code and did not remove condition of approval 28.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated March 6, 2019, supplemental memoranda dated March 12, 2019 and March 13, 2019, 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 40.20.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DR2018-0167** 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 March 6, 2019,

supplemental memoranda dated March 12, 2019 and March 13, 2019, and this land use order, subject to the conditions of approval as follows:

**A. Prior to any site work commencing and 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 Resolution 4542 (2019 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 Resolution 4542; 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, storm water management (quality and quantity) facilities including 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. (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, including any approvals needed from TriMet. (Site Development Div./JJD)
7. 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 SW Barnes Road right of way. (Site Development Div./JJD)
8. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans. (Site Development Div./JJD)
9. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
10. Submit a copy of issued permits or other 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)
11. 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./JJD)
12. 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)
13. Provide final construction plans and a final drainage report, as generally outlined in the submitted preliminary drainage report, demonstrating compliance with CWS Resolution and Order 2017-05 in regard to water quality treatment and City of Beaverton Engineering Design Manual Chapter 5 requirements for detention. In this report, provide record drawings of the existing, regional storm water detention

facility that is proposed to serve this development. These record drawings are required for city acceptance of this private, regional detention facility. (Site Development Div./JJD and SAS)

14. 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)
15. Submit to the City a certified impervious surface determination of the entire site 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, in square feet. Calculations shall indicate the square footage of pre-existing impervious surfaces, all new impervious surface area created, and total final impervious surface area on the entire site after construction. (Site Development Div./JJD)
16. Pay storm water system development charges (storm water quantity and overall system conveyance) for any net new impervious area proposed. The fee-in-lieu for storm water quantity management may be waived if record drawings of the Johnson Creek regional detention facility are provided including tributary areas, flow control structure detail, and plans to restore maintenance access to the facility. (Site Development Div./JJD & SAS)
17. 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)
18. Provide plans for street lights (Option C unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. 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 paid per

Section 60.65 of the Development Code. (Site Development Div./JJD)

19. The following shall be recorded with Washington County (Contact John Kidd, Survey Division: 846-7932): (Washington County/NV)
  - a. Dedication of additional right-of-way to meet 51 feet from the centerline of SW Barnes Road along the entire site's frontage, including adequate corner radius for a future signal and associated equipment at the intersection with the new private street access.
  - b. Recordation of a cross access easement between Sunset Transit Center Drive (TL200) and the new private street (TL100).
20. Submit to Washington County Public Assurance Staff (503-846-3843): (Washington County/NV)
  - a. Completed "Design Option" form, Geotech/Pavement Report, and Engineer's Checklist (Appendix "E" of the County Road Standards).
  - b. \$10,000.00 Administration Deposit.
  - c. A copy of the City's Notice of Decision and the County's Letter dated March 4, 2019.
  - d. Provide evidence that the document under 19.a (dedication of ROW) has been recorded.
  - e. Preliminary certification of adequate sight distance for the access point to SW Barnes Road, in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
    - i. A detailed list of improvements necessary to produce adequate intersection sight distance at the proposed new public street access.
  - f. Engineering plans to County standards for construction of the following public improvements:
    - i. Construct a right-in/right-out only (stop controlled)

private street access on SW Barnes Road. Construction of a traffic separator median and/or a pork chop is required and subject to a design exception approval by the County Engineer.

- ii. Construct 10 foot wide sidewalk with tree wells along the site's frontage of SW Barnes Road from Sunset Transit Center Drive to the proposed public street access.
  - iii. Install street lighting at the new private street access to County Standards. Modifications to existing street lighting shall be to County standards.
  - iv. Install conduit and other underground infrastructure required for a future traffic signal at the new private street access.
  - v. Install traffic signal interconnect on the site's frontage of SW Barnes Road from the new private street access to Sunset Transit Center Drive.
21. Obtain a Washington County Facility Permit upon completion of the following: (Washington County/NV)
- a. Engineering Division approval of plans and a financial assurance for the construction of the public improvements listed in conditions 20.f.
22. Ensure that the Conditional Use (CU2018-0023) application has been approved and is consistent with the submitted plans. (Planning/JF)
23. Provide a plan showing at minimum one additional centrally located north-south pedestrian connection through the parking lot, connecting to the east-west walkways from the perimeter banks of parking stalls. (Planning/JF)
24. Provide written consent from TriMet for the use of the access road. If consent is not provided all access must be from SW Barnes Road. (Planning/JF)
25. Provide a plan showing construction of a minimum 10 foot wide public sidewalk, with trees in tree wells every 30 feet, from the TriMet access road intersection to the proposed SW

Barnes Road parking lot access road. (Planning/JF)

26. Provide a plan showing pedestrian crossings through the parking area are of a differentiated paving material, such as concrete. (Planning/JF)
27. Provide a plan showing any exterior mechanical units are screened in conformance with the Design Standards of Section 60.05.15.5.A-C. (Planning/JF)
28. Provide plans showing construction of a trash enclosure in conformance with the screening requirements of Section 60.05.20.2 of the Development Code. (Planning/JF)
29. Provide plans showing construction of a minimum 10 foot wide public sidewalk, with trees in tree wells every 30 feet, from the proposed SW Barnes Road parking lot access road to the intersection of SW Barnes Road and Highway 217 unless all of the following are met: (Planning/JF)
  - a. A public easement is provided from TriMet consenting to the use of the pedestrian pathway connecting the proposed parking lot to the Barnes Road and Highway 217 intersection.
  - b. A lighting plan is provided showing adequate pedestrian scale lighting, in compliance with the City's Technical Lighting Standards, along the entirety of the pedestrian access on the TriMet property. Additional lighting may be proposed if sufficient lighting does not currently exist, with property owner consent.

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

30. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. A foundation only permit for the guard structure may be issued prior to full Site Development Permit issuance if the City's review is complete and subject only to outside agency permit issuance required for full Site Development Permit issuance. No additional building permits may be issued prior to full Site Development Permit issuance. (Site Development Div./JJD)
31. 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 occupancy permit issuance of each building permit, the applicant shall:**

32. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
33. 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)
34. 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)
35. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
36. 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)
37. 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)
38. 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)
39. 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/JF)

40. Ensure that the planting of all approved trees has occurred. Trees shall have a minimum caliper of 1-1/2 inches. Each tree is to be adequately staked. Street trees shall be a species on the approved City Street Tree List. (Planning/JF)
41. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. (Planning/JF)
42. Obtain a Final Site Distance Certification for access to SW Barnes Road. (Washington County/NV)
43. The road improvements required in condition 20.f above shall be completed and accepted by Washington County. (Washington County/NV)

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

44. 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)
45. If applicable, 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)
46. Provide a post-construction cleaning, system maintenance, and StormFilter recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary

storm water 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)

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 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)

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

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

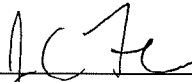
Dated this 28<sup>th</sup> day of March, 2019.

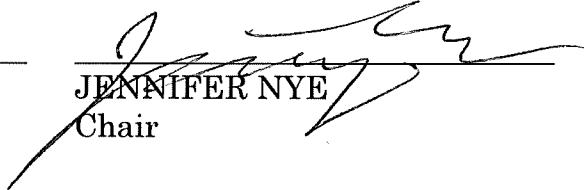
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2685 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on April 8, 2019.


PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

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

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

  
\_\_\_\_\_  
CARMIN RUIZ  
Recording Secretary