



## MEMORANDUM

### City of Beaverton

Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** March 19, 2018  
**cc:** CU2017-0012, DR2017-0148 and SDM2017-0015  
**Subject:** **Five Oaks Middle School Renovation**

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Please find attached the notice of decision for **CU2017-0012, DR2017-0148 and SDM2017 - 0015 - Five Oaks Middle School Renovation**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for CU2017-0012, DR2017-0148 and SDM2017-0015 - Five Oaks Middle School Renovation is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

***The appeal closing date for CU2017-0012, DR2017-0148 and SDM2017 -0015 - Five Oaks Middle School Renovation is 4:30 p.m., Monday, April 2, 2018.***

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4<sup>th</sup> Floor, Beaverton Building City Hall; 12725 SW Millikan Way, between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jason T., Assistant Planner, at (503) 350-4038.

## STAFF REPORT

DECISION DATE: Monday, March 19, 2018

TO: Planning Commission

FROM: Jason T, Assistant Planner

APPLICATIONS: **CU2017-0012, DR2017-0148 and SDM2017-0015 (Five Oaks Middle School Renovation)**

LOCATION: 1600 NW 173<sup>rd</sup> Avenue  
Tax Lot 500 on Washington County Assessor's Map 1N1-3100

ZONING/NAC: Urban Standard Density (R7) / Five Oaks/Triple Creek NAC

REQUEST: The applicant seeks Design Review Two, Minor Modification to a Conditional Use and Sidewalk Design Modification approval to remove all existing portable classrooms and construct new permanent additions with a total net increase in floor area of approximately 348 square feet.

APPLICANT: Beaverton School District  
Attn: Aaron Boyle  
16550 SW Merlo Road  
Beaverton, OR 97006

APPLICANT REPRESENTATIVE: Angelo Planning Group  
Attn: Frank Angelo  
921 SW Washington Street Suite 468  
Portland, OR 97205

APPROVAL CRITERIA: Design Review Two: Section 40.20.15.2.C  
Minor Modification of a Conditional Use: Section 40.15.15.1.C  
Sidewalk Design Modification: Section 40.58.15.C  
Facilities Review: 40.03

DECISION: **CU2017-0012, DR2017-0148 and SDM2017-0015 (Five Oaks Middle School Renovation)**

FIGURE 1

### AERIAL MAP



## BACKGROUND FACTS

### Key Application Dates

Application	Submittal Date	Deemed Complete	120 Day	240 Day
CU2015-0011	November 22, 2017	January 17, 2018	May 17, 2018	September 14, 2018
DR2015-0120	November 22, 2017	January 17, 2018	May 17, 2018	September 14, 2018
SDM2017-0015	November 22, 2017	January 17, 2018	May 17, 2018	September 14, 2018

### Existing Conditions Table

<b>Zoning</b>	Urban Standard Density (R7)	
<b>Current Development</b>	Middle School	
<b>Site Size &amp; Location</b>	The subject property is located at 1600 NW 173 <sup>rd</sup> Avenue. The approximately 32.23 acre site can also be identified as tax lot 500 of Washington County Assessor's Map 1N1-3100.	
<b>NAC</b>	Denney Whitford / Raleigh West Neighborhood Association Committee	
<b>Surrounding Uses</b>	<u>Zoning:</u> North: R7  South: R5 and R7.  East: R7  West: R5	<u>Uses:</u> North: Single and Multi-Family Residential South: Single Family Residential  East: Single Family Residential, Commercial West: Single Family Residential

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<b>Exhibit 1 Materials submitted by applicant</b>	
• Applicant’s Application Package prepared by Angelo Planning Group.	

### Public Comment

No written testimony was submitted for the subject applications.

**Facilities Review Committee  
Technical Review and Recommendations  
Five Oaks Middle School Renovation  
CU2017-0012, DR2017-0148 and SDM2017-0015**

**Section 40.03 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

**The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings and/or conditions of approval below.**

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:

- A. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

**FINDING:**

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation and fire protection. Staff concurs with the applicant's statement that the site currently has adequate capacity or can be improved to have the capacity for all critical facilities and services to available on site.

**Utilities:**

Water, sewer and stormwater service are all provided by the City of Beaverton.

The committee recommends a condition that all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, except high voltage lines (>57kV) must be undergrounded, per Section 60.65 of the Development Code.

### Transportation Findings:

As demonstrated in the Traffic Analysis Memo (Exhibit 6), the proposed improvements will not meet the threshold for a Traffic Impact Analysis or requirements for off-site improvements. The site frontage on NW 173<sup>rd</sup> Avenue is improved with sidewalks and no further frontage improvements are proposed with this application. The improvements that affect the internal circulation system of the site comply with City requirements, as demonstrated in the responses to the standards contained in Chapters 40 and 60 of the Beaverton Development Code.

The applicant's traffic engineer submitted a memo that indicates that there will be no traffic impacts from the development proposal because the additional permanent capacity will replace existing portable classroom capacity. The Beaverton School District prepared a memo in September 2013 that determined that the Five Oaks Middle School building(s) had a permanent capacity of 1,047 students and 9 portable classrooms that provided additional capacity for another 189 students. The City of Beaverton has determined that the School District has already paid the traffic impact fee/transportation development tax for 6 portable classrooms at Five Oaks Middle School, with a total listed capacity of 144 students.

In the Transportation Assessment memo for this latest development proposal, the District states that the school can accommodate a student enrollment of 1,100 students with its existing building and five (5) portable classroom buildings (nine (9) actual classrooms within those five portables), and that the current proposal will not increase the enrollment of the school. If the same square feet/student factor is used for the 17,354 square feet of proposed building addition as the District used in its 2013 memo, the new permanent capacity of the school will be  $1047 + 135 = 1182$  students. This is less than the 1191 students for which the District has already paid the applicable traffic impact fee. Therefore, staff concurs with the applicant that the proposal will not increase capacity above what has been previously approved.

### Fire Protection

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for properties in this area. TVF&R has reviewed the project and has provided technical advisory notes and requirements with regard to this proposal. These technical advisory notes are included within the conditions of approval and included as Exhibit 3 at the end of this report.

**Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.**

***B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five years of occupancy.***

**FINDING:**

Chapter 90 of the Beaverton Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way.

Transit

Tri-Met will continue to provide transit service to the site. The proposed improvements will not require additional transit service.

Police Protection

The Beaverton Police Department provides police and public safety services for properties in this area. The City of Beaverton Police Department received a copy of the submittal and has not provided comments in regard to this proposal.

Pedestrian and Bicycle Facilities

As shown on the Landscape Plan (Sheet L1.0, Exhibit 1), the improvements will maintain existing connections between the internal circulation system of the site and adjacent streets. Pedestrian and bicycle circulation is addressed below, in response to Chapter 60. As the improvements are not anticipated to incur additional trips to the site, no off-site pedestrian or bicycle improvements are proposed. The applicant is proposing additional bicycle parking stalls in order to meet the minimum requirements.

Staff notes that pedestrian, bicycle, and transit facilities are, by definition, Essential Facilities and are typically required to be in place prior to occupancy. The committee recommends a condition of approval to have all pedestrian, bicycle, and transit facilities completed prior to final occupancy.

Parks

The site will be served by the Tualatin Hills Park and Recreation District (THPRD).

**Therefore, the Committee finds that the proposal meets the criterion.**



- C. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject proposal.***

**FINDING:**

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Standard Density Residential (R7) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards.

**Therefore, the Committee finds that the proposal meets the criterion.**

- D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Regulations) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Regulations), are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

**FINDING:**

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff also refers to Criterion A above for additional staff findings in response to Criterion D.

**60.30 Off-Street Parking**

The applicant has not proposing any modifications to the parking lot. The additional 348 square foot net increase of proposed floor area does not increase the required parking stalls.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to maintenance by the City or other public agency.***

**FINDING:**

The Beaverton School District, a public agency, is the applicant for the project and will be responsible for the maintenance of all on-site improvements. The proposal as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

**Therefore, the Committee finds that the proposal meets the criterion.**

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.***

**FINDING:**

The applicant states that the project does not include any modifications to the vehicular access, circulation, or parking areas on the site. The project will connect to and expand existing pedestrian walkways around the perimeter of the school site. All new walkways meet the City of Beaverton design standards for width, materials, lighting, and separation from vehicle traffic. No new walkways cross vehicle circulation or parking areas and all are separated from vehicle areas with curbs.

Staff concurs with the applicant that the vehicular and pedestrian circulation patterns within the boundaries of the site are safe and efficient for the daily operation of the proposed school.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

**G. *The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.***

**FINDING:**

The project does not include any modifications to the vehicular access, circulation, or parking areas on the subject site.

As noted above in response to criteria F, the applicant has described how the on-site vehicle and pedestrian circulation network for the proposed school connects to the surrounding public rights-of-way in a safe, efficient and direct manner.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

**H. *Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.***

**FINDING:**

Comments and conditions of approval have been received from Tualatin Valley Fire and Rescue District (TVF&R). Specific details regarding fire flow and hydrant placement will be reviewed for flow calculations and hydrant locations during site development and building permit stages.

The Fire Marshal has indicated that the proposed development can be approved predicated on compliance with criteria and conditions of approval related to fire apparatus access, firefighting water supplies, fire hydrants and building access and fire service features.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from hazardous conditions due to inadequate, substandard or ill-designed development.**

**FINDING:**

The conditions of approval stated at the end of this document, provide requirements of the applicant to obtain a Site Development and Building Permit through the City to ensure that structures and public facilities will be designed and built according to the applicable codes and standards.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.**

**FINDING:**

As shown on the Grading and Utility Plans (Sheets L3.0-C4.3, Exhibit 1), the proposed improvements include minimal regrading of the site. The project was designed to meet the City of Beaverton standards for grading and drainage. In keeping with City of Beaverton requirements, the project was designed to minimize adverse effects on neighboring properties, public rights-of-way, surface drainage, water storage facilities, and the public drainage system.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

- K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.**

**FINDING:**

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with site development and building permit approvals.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion for approval.**

- L. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.**

**FINDING:**

The applicant submitted the applications on November 22, 2017 and was deemed complete on January 17, 2018. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority **APPROVE the proposal for CU2017-0012, DR2017-0148 and SDM2017-0015 - Five Oaks Middle School Renovation** and adopt the Conditions of Approval identified in Section E, herein.

## Code Conformance Analysis Chapter 20 Use and Site Development Requirements Urban Standard Residential (R7) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.05.20. Land Uses – R7</b>			
Use, Conditional	Educational Institutions	The applicant proposes the replacement of an existing elementary school.	<b>YES, with Approval of CU2017-0012</b>
<b>Development Code Section 20.05.15. Site Development Standards – R7</b>			
Land Area Minimum	7,000 square feet	32.23 acres	<b>Yes</b>
Lot Dimensions Minimum	Width: 65 Depth: 90	Lot Dimensions are governed by the Design Review Process.	<b>Yes</b>
Yard Setbacks Minimum	Front: 17 Rear: 25 Sides: 5	The setback is governed by the Design Review Process.	<b>See DR Findings</b>
Building Height Maximum	35-feet	The maximum building height is approximately 30-feet above grade plane.	<b>YES</b>

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Design Review standards and guidelines will be reviewed in the Design Review portion of the staff report.	<b>See DR Findings</b>
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	No mapped floodplains are located within the subject site.	<b>N/A</b>
<b>Development Code Section 60.15 – Land Division Standards</b>			
Land Division Standards	Standards pertaining to Land Divisions	No Land Division is required.	<b>N/A</b>
<b>Development Code Section 60.25 – Off Street Loading</b>			
Loading Facilities	1 Type B loading berth	The proposal includes one (1) existing Type B loading berth for deliveries, trash and recycling pickup.	<b>YES</b>
<b>Development Code Section 60.30 – Off-Street Parking</b>			
Off-street motor vehicle parking Parking Zone A	Minimum Required Vehicle Parking Spaces: 100	<u>Vehicle Parking</u> 187 spaces	<b>YES</b>
Required Bicycle Parking	Minimum Required Bicycle Parking Spaces: 128  Long-Term bicycle spaces are not required for an elementary school.	<u>Bicycle Parking</u> 128 Spaces	
Compact Spaces	Required residential parking must be provided at standard sizes.	No compact parking spaces are proposed.	<b>N/A</b>
<b>Development Code Section 60.55 - Transportation</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	<b>Yes- with COA</b>
<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	43 landscape trees are proposed to be removed and mitigated for.	<b>See DR</b>
<b>Development Code Section 60.65</b>			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	To ensure the proposal meets requirements of this section, staff recommends a condition requiring undergrounding completion prior to occupancy.	<b>Yes- with COA</b>

**ANALYSIS AND FINDINGS FOR  
MINOR MODIFICATION OF A CONDITIONAL USE APPROVAL  
FIVE OAKS MIDDLE SCHOOL RENOVATION  
CU2017-0012**

**Section 40.15.15.1.C Minor Modification of a Conditional Use Approval Criteria:**

*In order to approve a New Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

1. ***The proposal satisfies the threshold requirements for a Conditional Use application.***

**FINDING:**

Development Code, Section 40.15.15.1.A.2, Threshold #2 states:

*“An increase in the gross floor area of an existing Conditional Use up to and including 10% and not to exceed 1,000 gross square feet of floor area for properties that are located in a Residential zoning district or within a distance of up to and including 50 feet of a Residential zoning district.”*

Per Table 20.05.20 of the Beaverton Development Code (BDC), educational institutions are allowed in the R7 zone as a conditional use. The established school was annexed into the City of Beaverton on August 16, 1987. As noted in the pre-application summary notes, previous conditional use files for the existing school have been found and referenced here, CUP1992-0011, CU2002-0008 and CU2007-0013. Therefore, the removal and replacement of the previously approved school portables with a net addition of floor area to the site of 348 square feet, meets the threshold of a Minor Modification of a Conditional Use.

**Therefore, staff finds the proposal meets the criterion for approval.**

2. ***All City application fees related to the application under consideration by the decision making authority have been submitted.***

**FINDING:**

The applicant paid the required fee associated with a Minor Adjustment to a Conditional Use application.

**Therefore, staff finds the proposal meets the criterion for approval.**

3. ***The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.***

**FINDING:**

The applicant has submitted materials required by Section 50.25.1 of the Development Code.

**Therefore, staff finds the proposal meets the criterion for approval.**

4. ***The existing use has been approved as a Conditional Use as governed by the regulations in place when the use was established and complies with the applicable conditions of the Conditional Use approval.***

**FINDING:**

The existing school was originally approved as a Conditional use, case file CUP1992-0011. Subsequent modifications and additions of portable classrooms were approved as modifications to the original conditional use under case files CU2002-0008 and CU2007-0013. The applicant has complied with all previous conditions of approval.

**Therefore, staff finds the proposal meets the criterion for approval.**

5. ***The proposal will not remove or modify previously established conditions of approval for the prior Conditional Use consistent with Section 50.95.6. of the Development Code.***

**FINDING:**

The applicant states that the proposed additions and site improvements will not modify any previously established conditions of approval related to the subject site.

After review of previous approvals, staff concurs with the applicant that the proposal will not modify any previously established conditions of approval related to the subject site.

**Therefore, staff finds the proposal meets the criterion for approval.**



6. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

**FINDING:**

The applicant has submitted all documents related to this request for Minor Modification of a Conditional Use approval. A Design Review Two and Sidewalk Design Modification application are being processed concurrently. The Conditional Use application is dependent upon approval of the Design Two application.

**Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.**

**DECISION:**

Based on the facts and findings presented, the Planning Director hereby **APPROVES CU2017-0012 - Five Oaks Middle School Renovation** subject to the Conditions of Approval identified in Section E, herein.

**DESIGN REVIEW TWO  
ANALYSIS AND FINDINGS FOR  
FIVE OAKS MIDDLE SCHOOL RENOVATION  
DR2017-0148**

**Section 40.20.05 Design Review Applications; Purpose**

The purpose of Design Review is to encourage originality, flexibility, and innovation in development, site planning, buildings, structures, and landscaping. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. This Section is carried out by the approval criteria listed herein.

**Section 40.20.15.3.C Design Review Three Approval Criteria**

In order to approve a Design Review Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. ***The proposal satisfies the threshold number two (2) for a Design Review Two application.***

*“New construction of up to and including 30,000 gross square feet of non-residential floor area where the development abuts or is located within any Residential District.”*

**FINDING:**

The applicant proposes to remove all existing portable classrooms and construct new permanent additions with a total net increase in floor area of approximately 348 square feet.

**Therefore, staff finds that the proposal meets the criterion for approval.**

2. ***All City application fees related to the application under consideration by the decision making authority have been submitted.***

**FINDING:**

The applicant has paid the required fee.

**Therefore, staff finds that the proposal meets the criterion for approval.**

3. ***The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.***

**FINDING:**

The applicant has submitted materials required by Section 50.25.1 of the Development Code.

Therefore, staff finds that the proposal meets the criterion for approval.

4. ***The proposal is consistent with all applicable provisions of Sections 60.05.15. Through 60.05.30. (Design Standards).***

**FINDING:**

The applicant has submitted a detailed analysis of *Sections 60.05.15. Through 60.05.30. (Design Standards)*, attached as Exhibit 1, herein. After thorough review, staff concurs with the applicant and finds that the proposal meets all of the applicable Design Standards of Chapter 60.

Therefore, staff finds that the proposal meets the criterion for approval.

5. ***For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the proposed additions or modifications are moving towards compliance with specific Design Standards if any of the following conditions exist:***

- a. ***A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable standard; or***
- b. ***The location of existing structural improvements prevent the full implementation of the applicable standard; or***
- c. ***The location of the existing structure to be modified is more than 300 feet from a public street.***

***If the above listed conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:***

- d. ***If in a Multiple Use District, building location, entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)***
- e. ***If in a Multiple Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).***

**FINDING:**

Staff cites the findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates the applicable Code requirements of Chapter 60.

**Therefore, staff finds that the proposal meets the criterion for approval.**

6. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

**FINDING:**

A New Conditional Use application is being reviewed concurrently along with this application. No other applications are required of the applicant for this stage of City approvals.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**DECISION:**

Based on the facts and findings presented, the Planning Director hereby **APPROVES DR2017-0148 - Five Oaks Middle School Renovation** subject to the Conditions of Approval identified in Section E, herein.

**ANALYSIS AND FINDINGS FOR  
SIDEWALK DESIGN MODIFICATION  
FIVE OAKS MIDDLE SCHOOL RENOVATION  
SDM2017-0012**

**Section 40.58.05. Sidewalk Design Modification Application; Purpose**

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.

**Section 40.58.15.1.C. Approval Criteria**

In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:

1. ***The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.***

Section 40.58.15.1.A.1 Threshold: *An application for Sidewalk Design Modification shall be required when the following threshold applies:*

1. *The minimum sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.*

**FINDING:**

The applicant requests a modification of the sidewalk improvement standard identified by Engineering Design Manual (EDM) and Beaverton Development Code for streets classified as an Arterial by the Beaverton Transportation System Plan, located in residential zones.

The existing sidewalk along NW 173rd Avenue, is approximately 5.5 feet wide and does not currently have a planter strip. The EDM standard along arterial streets requires a 6-foot wide sidewalk behind a 7.5-foot wide landscape planter strip. The applicant has not proposed any sidewalk or street frontage improvements for the subject proposal. Staff concurs with the applicant's statement that because the overall net increase in floor area is only 348-square feet and the fact that all neighboring sites are fully developed with the same existing 5.5-foot sidewalk and no planter strip, that any sidewalk widening would create an inconsistency in the connections and transitions, which could lead to unsafe walking hazards for pedestrians.

This proposed Sidewalk Design Modification request acknowledges existing sidewalk conditions of abutting properties and the need for providing appropriate and consistent connections and transition to these sidewalks. As the proposal does not meet the full sidewalk width standard of the EDM, the proposal meets the threshold requirement for a Sidewalk Design Modification application.

**Therefore, staff finds the proposal meets the criterion for approval.**

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

**FINDING:**

The City of Beaverton received the appropriate fee for the Sidewalk Design Modification application.

**Therefore, staff finds the proposal meets the criterion for approval.**

- 3. *One or more of the following criteria are satisfied:***
- a. *That there exist local topographic conditions, which would result in any of the following:***
    - i. *A sidewalk that is located above or below the top surface of a finished curb.***
    - ii. *A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.***
  - b. *That there exist local physical conditions such as:***
    - i. *An existing structure prevents the construction of a standard sidewalk.***
    - ii. *An existing utility device prevents the construction of a standard sidewalk.***
    - iii. *Rock outcroppings prevent the construction of a standard sidewalk without blasting.***
  - c. *That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.***
  - d. *That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.***

**FINDING:**

The applicant's response to item "b" above, explains how the existing sidewalk does not meet the City's standard. While the proposed addition and renovations do trigger City requirements to improve this frontage, staff refer to and incorporate the findings of fact prepared in response to approval criterion no. 1 above which state the desire and need of the applicant to provide consistent connections and transitions to the existing substandard sidewalks at the abutting fully developed properties.

Staff concur with the applicant's statement for supportive findings in response to the criterion. Staff also observes the existing street frontage conditions that apply to abutting properties, north and south of the subject property. The applicant does not control these abutting properties. These properties are also not subject to redevelopment at this time. The applicant is proposing a 4-foot right-of-way dedication to the City in order to accommodate future potential road and sidewalk improvements.

**Therefore, staff finds the proposal meets the criterion for approval.**

4. ***The proposal complies with provisions of Section 60.55.25 Street and Bicycle and Pedestrian Connection Requirements and 60.55.30 Minimum Street Widths.***

**FINDING:**

Staff refer to and incorporate the findings of fact prepared in response to the Facilities Review approval criteria for this project, associated with case file DR2017-0148. In part, the proposed dedication will help to accommodate future widening of NW 173<sup>rd</sup> Avenue for sidewalk and road improvements.

**Therefore, staff finds that the proposal meets the criterion for approval.**

5. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

**FINDING:**

The applicant has submitted this Sidewalk Design Modification application, Minor Modification of a Conditional Use and the Design Review application as mentioned. No additional applications are necessary.

**Therefore, staff finds the proposal meets the criterion for approval.**

6. *The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.*

**FINDING:**

Staff refer to and incorporate the findings of fact prepared in response to the Facilities Review approval criteria for this project, associated with case file DR2017-0148. The project includes replacement of any existing curb ramps that do not meet current ADA (Americans with Disabilities Act) guidelines and the construction of compliant ramps where needed.

**Therefore, staff finds the proposal meets the criterion for approval.**

**DECISION:**

Based on the facts and findings presented, the Planning Director hereby **APPROVES** **SDM2017-0015 - Five Oaks Middle School Renovation** subject to the Conditions of Approval identified in Section E, herein.



**CONDITIONS OF APPROVAL  
FIVE OAKS MIDDLE SCHOOL RENOVATION  
CU2017-0012, DR2017-0148 and SDM2017-0015**

**Prior to the issuance of the Site Development permit and for any work beyond building demolition, the applicant shall:**

1. DR2017-0148 is subject to approval of CU2017-0012 and SDM2017-0015. Ensure that all associated applications, have been approved and are consistent with the submitted plans. (Planning/JST)
2. Dedicate 4-feet of right-of-way along the NW 173rd Avenue frontage of the subject site to the City of Beaverton. (Planning/KR)
3. All fire lanes must be maintained and open at all times during construction.(TVF&R/JF)
4. 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)
5. 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 Ordinance 4417 (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)
6. 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 4417; 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)
7. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality) facilities including plantings, CWS vegetative corridor enhancements & plantings, private streets, and common driveway/emergency access 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)
8. Submit any required off-site easements, and the SPL-required new CWS-sensitive area and vegetated-corridor easement, 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)

9. 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)
10. 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 and Fire Marshal, 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)
11. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections, and any construction directly affecting an Agency sanitary-sewer main. (Site Development Div./JJD)
12. Submit plans for erosion control. If disturbance is one acre in size or greater, applicant shall use the 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) plan format for sites between 1 and 4.99 acres. If less than one acre in size, submit an erosion control plan incorporating CWS Standard Drawing #945. (Site Development Div./JJD)
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. (Site Development Div./JJD)
14. Provide plans showing a Contech Inc., Stormfilter system (for treatment of the site's piped surface water runoff) with a minimum of 3.0 cartridges per tributary impervious acre. Plans shall also show a trash capture water quality pre-treatment unit (ex: sumped, lynch-type catch basin, sedimentation structure, or other City of Beaverton approved equivalent as determined by City Engineer) located in front any Stormfilter vaults or manholes. (Site Development Div./JJD)
15. 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)
16. Obtain the City Building Official's review approval of the proposed site utility plan if required by OAR 918-780-0040, for private plumbing needed to serve the private water, backflow prevention, storm and sanitary sewer systems outside the proposed building. (Site Development Div./JJD)

17. Submit to the City a certified impervious surface determination of the proposed project's net new impervious area proposed for any common areas and private streets 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 as a total. Calculations shall also indicate the square footage of the pre-existing impervious surface area, the net, new impervious surface area created, and total final impervious surface area on the entire site. (Site Development Div./JJD)
18. Pay a storm water system development charge (overall system conveyance and quantity) for any net new impervious area proposed for any phase. (Site Development Div./JJD)
19. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement for the private storm water treatment facilities, with maintenance plan and all standard exhibits, including site legal description, ready for recording with Washington County Records. (Site Development Div./JJD)
20. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No overhead services shall remain on the site. 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)

**Prior to the issuance of a Building Permit, the applicant shall:**

21. Provide photometric analysis that shows that all new pedestrian pathways will be lighted to a minimum of 0.5 foot-candles. (Planning/KR)
22. FDC needs to extend to new fire hydrant on NW 173rd Avenue. FDC and hydrant can be no more than 15-feet from the edge of NW 173rd Avenue. (TVF&R/JF)
23. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
24. 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)
25. Provide proof of recording the necessary documents associated with the project, including any easement quit claim deeds and a filed survey consistent with the approved site plan. (Site Development Div./JJD)

**Prior to Final Inspection of any building permit or Final Occupancy permit issuance, the applicant shall:**

26. Submit to the City proof that the dedication of right-of-way along NW 173rd Avenue has been recorded with Washington County. (Transportation/KR)
27. Install the proposed bicycle parking to meet Engineering Design Manual requirements. The racks must be able to allow the frame of each bike to be locked in two simultaneous places. (Planning/JST)
28. Ensure all pedestrian, bicycle, and transit facilities are completed. (Planning/JST)
29. Ensure all site improvements, including grading and landscaping are completed in accordance with approved plans except as modified by the decision making authority in conditions of approval. (Planning Div./JST)
30. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the approved elevations and plans, except as modified by the decision making authority in conditions of approval. (Planning Div./JST)
31. Ensure all landscaping approved by the decision making authority is installed. (Planning Div./JST)
32. 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 of two (2) years. (Planning Div./JST)
33. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way has occurred. (Planning Div./JST)
34. All mechanical units, roof or ground mounted must be screened from view of public streets and adjacent properties. (Planning Div./JST)
35. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
36. 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)
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)
38. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
39. 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)

**Prior to release of Performance Security, the applicant shall:**

40. 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)
41. Submit any required on-site easements not already granted, 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)
42. Provide evidence of a post-construction cleaning, system maintenance, and Storm Filter recharge/replacement per manufacturer's recommendations for the project'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)
43. 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/replacement of the vegetation and restoration of full function within the CWS vegetated corridor area and treatment facilities, as determined by the City Engineer. If the plants are not well established or the facility not properly functioning (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./JJD)