

## STAFF REPORT

**Report Date:** May 10, 2023

**Application/Project Name:** Comcast Beaverton Generators

**Application Numbers:** CU2022-0011 / DR2022-0135

**Proposal:** The applicant, Comcast, requests approval of a Design Review Three for the placement of four new backup generators and screen wall. The applicant also requests approval of a New Conditional Use Permit application for the expansion of the existing utility facility use. The facility was originally approved in Washington County when a Conditional Use permit was not required. The site is currently located in the Office Industrial zone, where a utility facility is required to have Conditional Use approval.

**Proposal Location:** The site is located at 1750 NW 173<sup>rd</sup> Avenue, specifically identified as Tax Lot 1400 on Washington County Tax Assessor's Map 1N131AB.

**Applicant:** Comcast

**Recommendation:** APPROVAL of Comcast Beaverton Generators CU2022-0011 / DR2022-0135, subject to conditions identified at the end of this report.

**Hearing Information:** 6:30 p.m. May 17, 2023, at City Hall, 12725 SW Millikan Way

**Note: Public Hearings are held remotely** and can be viewed at the following link:  
<https://beavertonoregon.gov/913/Agendas-Minutes>

**Contact Information:**

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Applicant: Comcast c/o Lynx Consulting Inc as Agent  
Attn: Ed Fournier  
17311 135<sup>th</sup> Ave, NE #A-100  
Woodinville, WA 98072

Property Owner: Willamette Cable TV Inc, d/b/a Comcast  
Attn: Tim Bohanan  
PO Box 17838  
Denver, CO 80217

## Existing Conditions

**Zoning:** Officed Industrial (OI)

**Site Conditions:** The site is currently developed as a telecommunication utility facility with two backup generators.

**Site Size:** Approximately 1.44 acres

**Location:** The site is located at 1750 NW 173<sup>rd</sup> Avenue, specifically identified as Tax Lot 1400 on Washington County Tax Assessor's Map 1N131AB.

**Neighborhood Association Committee:** Denney Whitford / Raleigh West NAC

**Table 1: Surrounding Uses**

Direction	Zoning	Uses
North	Office Industrial (OI)	Office Uses
South	Residential Mixed C (RMC)	Five Oaks Middle School
East:	Office Industrial (OI)	Office Uses
West:	Multi-Unit Residential	Multi-Family Development

# Application Information

**Table 2: Application Summaries**

<b>Application</b>	<b>Application Type</b>	<b>Proposal Summary</b>	<b>Approval Criteria Location</b>
CU2022-0011	New Conditional Use Permit	Expansion of existing utility facility in an OI zone built in Washington County	Development Code Sections 40.03.1 and 40.15.15.5
DR2022-00135	Design Review Three	Placement of four new backup generators and screening	Development Code Sections 40.03.1 and 40.20.15.3

**Table 3: Key Application Dates**

<b>Application</b>	<b>Submittal Date</b>	<b>Deemed Complete</b>	<b>120-Day</b>	<b>365-Day*</b>
CU2022-0011	Oct. 4, 2022	Mar. 10, 2023	July 8, 2023	Mar. 9, 2023
DR2022-0135	Oct. 4, 2022	Mar. 10, 2023	July 8, 2023	Mar. 9, 2023

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

## **Summary of Public Comment**

No public comment received as of the date of the publication of this report.

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## Exhibits

### Exhibit 1. Materials submitted by Staff

Exhibit 1.1 Zoning Map (page 6 of this report)

Exhibit 1.2 Vicinity Map (page 7 of this report)

### Exhibit 2. Public Comment

No public comment submitted.

### Exhibit 3. Materials submitted by the Applicant

Exhibit 3.1 Application Forms

Exhibit 3.2 Project Code Narrative

Exhibit 3.3 Construction Design Drawings

Exhibit 3.4 Stormwater Drainage Letter, Report & Worksheet

Exhibit 3.5 Wall Materials Sample

Exhibit 3.6 Photo Simulation

Exhibit 3.7 Illumination Analysis

Exhibit 3.8 Noise Study

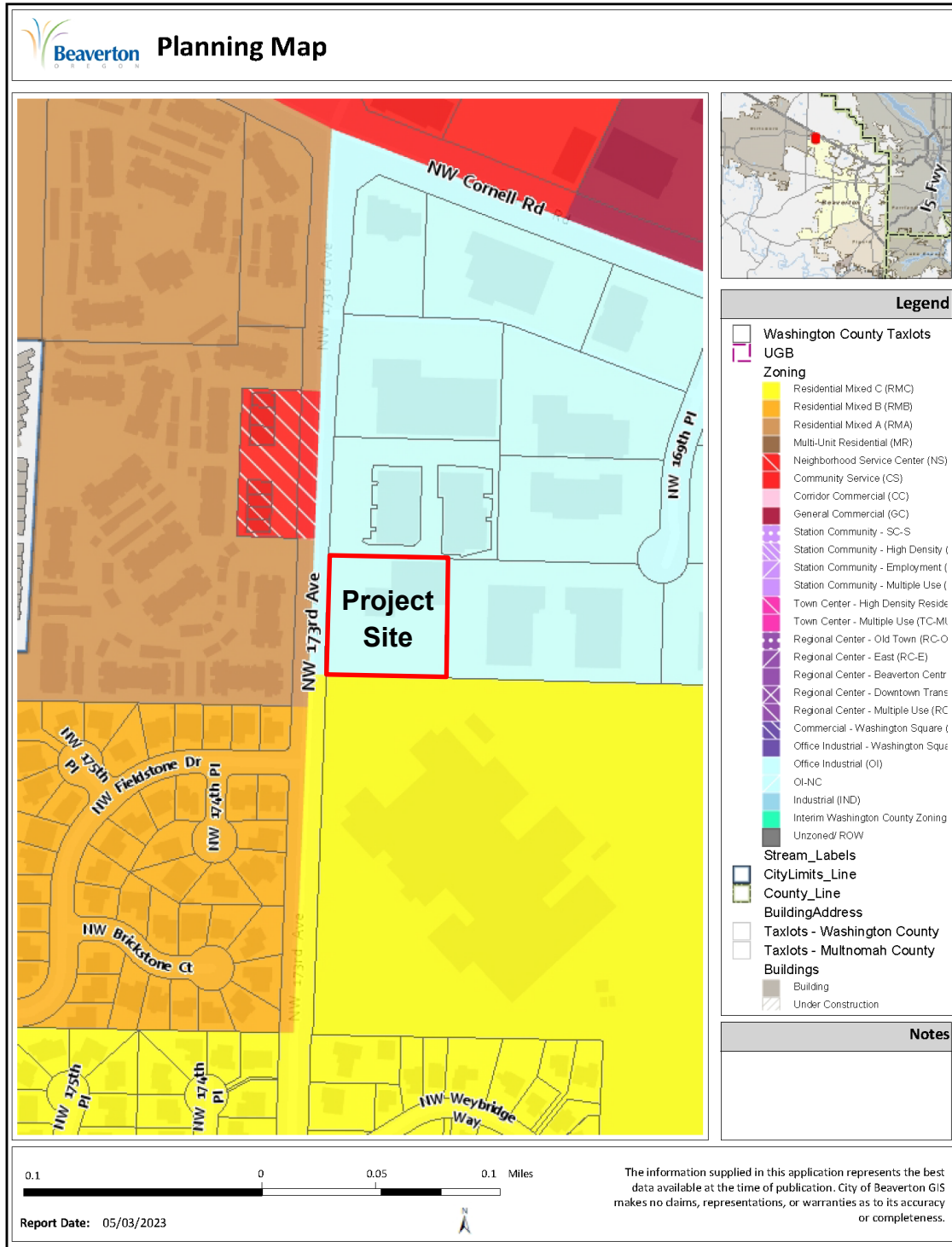
Exhibit 3.9 Existing Site Conditions Photos

Exhibit 3.10 Service Provider Letters

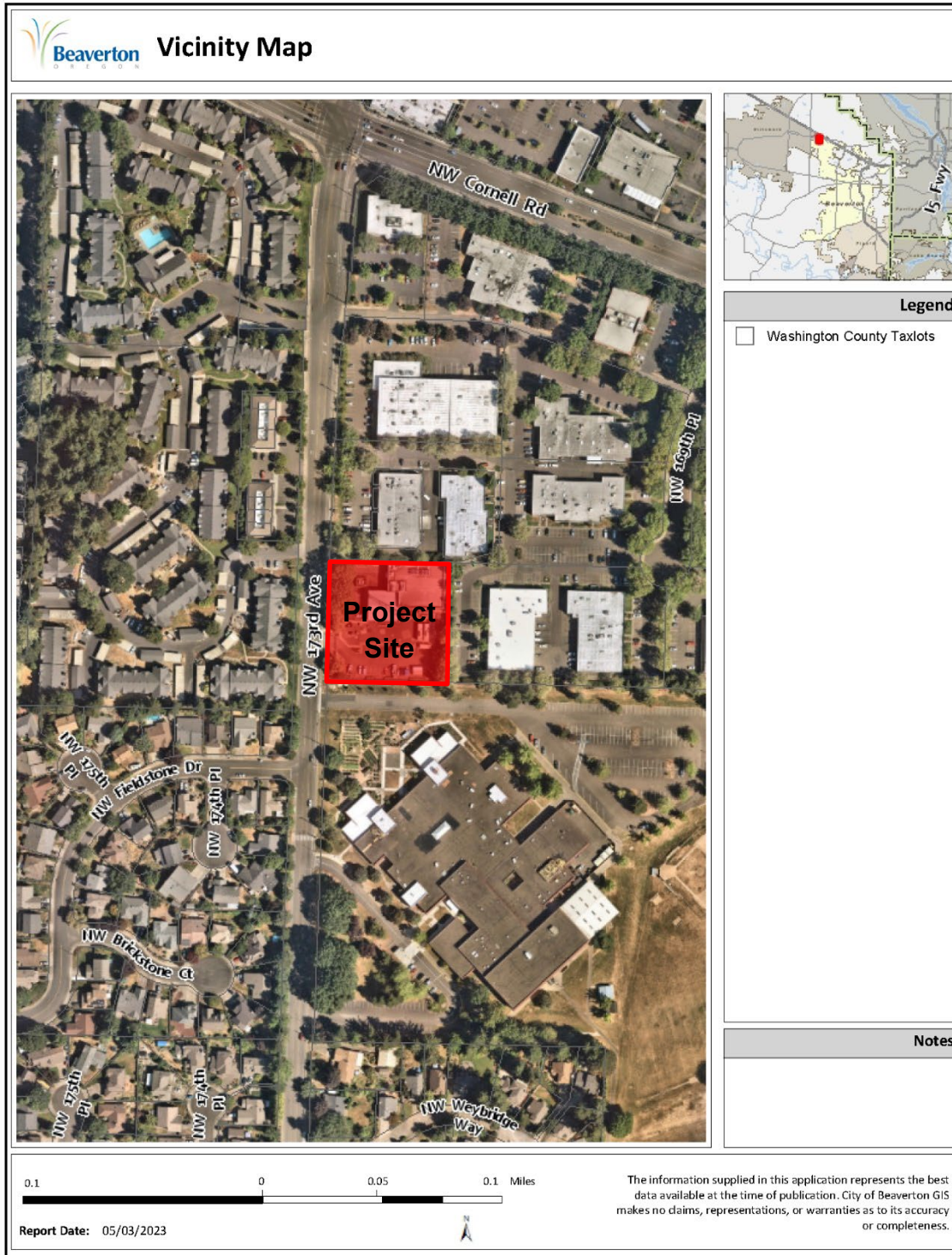
Exhibit 3.11 Pre-Application Summary Notes

Exhibit 3.12 Neighborhood Meeting Materials

# Exhibit 1.1 Zoning Map



# Exhibit 1.2 Vicinity Map



# Attachment A: FACILITIES REVIEW COMMITTEE

## TECHNICAL REVIEW AND RECOMMENDATIONS

**Application:** Comcast Beaverton Generator

**Proposal:** The applicant, Comcast, requests New Conditional Use approval for an existing utility facility in the Office Industrial zone that was approved and constructed in Washington County without a Conditional Use permit. The applicant also requests Design Review Three approval for the installation of four new backup diesel generators and screening.

**Recommendation:** APPROVE CU2022-0011 / DR2022-0135

### 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 a 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.

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

- All twelve (12) criteria are applicable to the New Conditional Use (CU2022-0011) and Design Review Three (DR2022-0135) applications as submitted.

### Section 40.03.1.A

**Approval Criterion:** *All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.*

#### FINDING:

Chapter 90 of the Development Code defines "critical facilities" to be services that include potable and non-potable public water; public sanitary sewer; stormwater drainage, treatment, and retention; transportation; and fire protection.

**Potable Water:** The subject site is located in a wheeled portion of the City of Beaverton water service area. The applicant's proposal is not adding new connections to the public water line or expected to cause any additional water usage. City staff reviewed the proposal and issued a Water Service Provider Letter (SPL) which states there will be adequate capacity to service the proposed development. Therefore, the Committee finds



that adequate potable public water service can be provided to the site to serve the proposed development.

**Non-Potable Water:** There is no non-potable water network in the area of development. Therefore, the proposal is exempt from connecting to a non-potable water network.

**Sanitary Sewer:** City of Beaverton sanitary sewer service is available to the site. There is an existing 10-inch public sewer line that traverses the southern-most portion of the site, connecting to an 8-inch public sewer line located in the right of way of NW 173rd. The applicant's proposal is not adding new connections to the public sanitary line or expected to cause any additional sanitary sewer demand. Based on the applicant's submitted site plan and utility information from city maps, the Committee finds that adequate sanitary sewer service can be provided to the site to serve the utility facility.

**Stormwater Drainage, Treatment, and Retention:** The subject property is currently served by private stormwater infrastructure owned by the applicant which connects to a City of Beaverton 24" storm water pipe that runs across the southernmost portion of the site that connects to a 27" storm water pipe in NW 173<sup>rd</sup>. A new storm water catch basin is proposed to be installed in the area of work to capture new runoff generated by the development. This catch basin will connect to the existing stormwater infrastructure on site. As a part of the Site Development process, the applicant will be required to submit a stormwater report prepared by a licensed engineer, demonstrating compliance with water quantity, water quality, and hydromodification requirements. By meeting the conditions of approval to obtain a Site Development Permit for this project, the Committee finds that there will be adequate stormwater drainage, treatment, or retention to serve the proposed development on the existing utility facility site.

**Transportation:** The applicant proposes replacement backup generators for an existing utility facility. No new trips are projected with this addition. The existing facility is served by SW 173rd. As the proposed generators will have no additional impact on the existing transportation network serving the facility, the Committee finds that adequate transportation facilities are provided to the site to serve the proposed development.

**Fire Protection:** Fire protection will continue to be provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R staff reviewed the proposed development and determined that a Service Provider Permit is not required for the scope of work. Therefore, the Committee finds that existing fire protection service is adequate to serve the proposed development.

For these reasons, the Committee finds that critical facilities and services related to the proposed development are available with adequate capacity to serve the development.

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

## Section 40.03.1.B

**Approval Criterion:** *Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its 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 (5) years of occupancy.*

### FINDING:

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

**Schools:** The proposed development is within the boundaries of the Beaverton School District. No new dwelling units are proposed as part of the development. Therefore, the Committee finds that the proposal will not affect the existing school capacity.

**Transit Improvements:** The closest transit facilities near the existing utility facility are located approximately 1,000 feet north of the site on NW Cornell Road. The proposed addition of the backup generators does not affect the demand for transit services for the utility facility. Therefore, the Committee finds there is adequate transit service to serve the proposed development.

**Police Protection:** The City of Beaverton Police Department provides police services to the existing utility facility. As of the date of this report, Beaverton Police have not provided comments or recommendations to the Committee. Any comments from Beaverton Police will be forwarded directly to the applicant, and the Committee finds that adequate police protection service will continue to be provided to the subject site.

**Pedestrian and Bicycle Facilities:** The proposed scope of work does not include improvements to pedestrian or bicycle facilities in the public right of way. The new generators will be located adjacent to existing on-site pathways, providing direct pedestrian access. The Committee finds that the existing pedestrian and bicycle facilities are adequate to serve the development.

For these reasons, the Committee finds that essential facilities and services related to the proposed development are available with adequate capacity to serve the development.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.C

**Approval Criterion:** *The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses), or Sections 20.25 and 70.15 if located within the Downtown Design*

*District, 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 application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses) or Sections 20.25 and 70.15 if located within the Downtown Design District.*

#### **FINDING:**

The subject site is located in the Office Industrial (OI) zoning district. The Committee refers to the Chapter 20 Use and Site Development Requirements table at the end of this report, which evaluates the project as it relates to the applicable code requirements of Section 20.15.15 Employee / Industrial Site Development Standards and 20.15.20 Employee / Industrial Land Uses. As demonstrated in the table, this proposal complies with all applicable standards in Chapter 20 Residential Land Use Districts.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

### **Section 40.03.1.D**

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

#### **FINDING:**

The Committee 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 (Special Requirements). Staff will provide findings for the Design Review Three request within the applicable sections of the staff report.

**Section 60.30 Off-Street Parking:** The applicant is not proposing any new floor area to the site, nor is the applicant proposing to modify the existing parking lot. No new parking is required on site for the proposed backup generators.

**Section 60.55 Transportation Facilities:** Staff cites the response to Facilities Review Criterion A identifying that no change in the number of average weekday trips is anticipated due to the construction of new backup generators. Therefore, a Traffic Impact Analysis was not required for this project. The proposed generators are located adjacent to existing pedestrian pathways on site for access and maintenance. For these reasons, the Committee finds that adequate transportation facilities will be provided to serve the proposed development.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.E

**Approval Criterion:** *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 facilities, 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 applicant states that the new generators will not inhibit the ability to provide continued maintenance to the privately owned facilities on site. Staff concurs that the proposal does not present any barriers to continued periodic maintenance.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.F

**Approval Criterion:** *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.*

### FINDING:

The utility facility is currently developed with a parking lot and pedestrian pathways connecting various on-site destinations. The proposed generators are located adjacent to existing pedestrian pathways, providing safe and efficient pedestrian travel. Areas for vehicle maneuvering and parking are not proposed to be modified.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.G

**Approval Criterion:** *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 site currently has one driveway providing vehicular access to NW 173<sup>rd</sup>. The site also has one pedestrian walkway providing pedestrian access to NW 173<sup>rd</sup>. No new or modified on-site vehicle or pedestrian circulation areas are proposed, so there will be no new connections to the surrounding vehicular circulation system.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## **Section 40.03.1.H**

**Approval Criterion:** *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:**

Fire protection will continue to be provided by TVF&R, and TVF&R confirmed that a Service Provider Permit is not required for the proposed scope of work. The Committee finds that the backup generators can be designed in accordance with City codes and standards, and TVF&R will provide adequate fire protection.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## **Section 40.03.1.I**

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

### **FINDING:**

The applicant states that no changes are proposed to existing protection from hazardous conditions due to inadequate, substandard, or ill-designed development. The proposed backup generators and associated site improvements will comply with adopted City codes and standards which will provide adequate protection from crime and accident. Additionally, Beaverton Police will continue to provide law enforcement services to the site. As of the date of this report, Beaverton Police have not raised any concerns about crime or accident at the development site. Any comments from Beaverton Police will be forwarded directly to the applicant, and the Committee finds the development is designed to provide adequate protection from crime and accident.

The applicant will be required to submit for development permits for life and safety review as part of the Building Permit review process. Accordingly, the Committee finds that review of the construction documents at the Building Permit stage will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.J

**Approval Criterion:** *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:

The applicant's proposal indicates that the proposed development includes a total grading area of approximately 1,800 square feet, centrally located on the site. The improvements will be graded in a way to convey stormwater to a new drain which will connect to an existing stormfilter on site. The Site Development Permit review will ensure that grading and contouring activity for the development will meet applicable standards and that impacts are mitigated if any are identified through the permit review process. Therefore, the Committee recommends conditions of approval requiring the applicant to obtain a Site Development Permit. By meeting the conditions of approval, the proposed work complies with the on-site surface contouring standards for sites abutting residentially zoned properties (BDC 60.15.10.3) and will have no adverse effects on neighboring properties, rights of way, or other facilities.

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

## Section 40.03.1.K

**Approval Criterion:** *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 proposed generators will not preclude any existing access to the existing habitable building that make up the utility facility. The applicant will also be required to meet all applicable accessibility standards of the International Building Code, Fire Code, and other standards as required by the ADA. The Committee finds that review of the proposed plans at Site Development and Building Permit stages is sufficient to guarantee compliance with accessibility standards.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## Section 40.03.1.L

**Approval Criterion:** *The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.*

### FINDING:

The applicant submitted applications for the New Conditional Use and Design Review Three on October 4, 2022, and the applicant submitted a complete application on March 10, 2023.

**Conclusion:** Therefore, the Committee finds that the proposal meets the approval criterion.

## Code Conformance Analysis

### Chapter 20 Use and Site Development Requirements Office Industrial (OI) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.15.20</b>			
Utility Facility other than Transmission Lines	Conditional Use	The applicant proposes new backup generators for a Utility Facility that was approved in Washington County without a Conditional Use Permit. The applicant has applied for a Conditional Use Permit for the entire facility including the proposed new backup generators.	<b>See CU Findings</b>
<b>Development Code Section 20.15.15</b>			
Minimum Parcel Area	None	1.44 acres	<b>YES</b>
Minimum Lot Width	Width: None	Width: Approximately 250 feet	<b>YES</b>
Minimum Lot Depth	Depth: None	Depth: Approximately 250 feet	
Yard Setbacks	Front: 35 feet Side: 10 feet Rear: 0 feet Abutting Residential Zone: 70 feet	Front: 83 feet North Side: 5 feet (Existing) South Side Abutting Residential: 85 feet Rear: 9 feet	<b>YES</b>
Maximum Building Height	80 feet	15 feet 4 inches	<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.	The applicant proposes new backup generators in an existing utility facility. The applicant has chosen to address Design Guidelines. Therefore, a Design Review Three application is required.	<b>See DR Findings</b>
<b>Development Code Section 60.07</b>			
Drive-Up Window Facilities	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	<b>N/A</b>
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a floodplain.	<b>N/A</b>
<b>Development Code Section 60.11</b>			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	The applicant is not proposing a food cart or food cart pod.	<b>N/A</b>
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits are requested.	<b>N/A</b>
<b>Development Code Section 60.15</b>			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property, and within 25 feet of a Significant Tree or Grove.	No grading or contouring is proposed within 25 feet of the property line or any Significant Tree or Grove.	<b>YES</b>
<b>Development Code Section 60.20</b>			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	<b>N/A</b>

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.25</b>			
Off-Street Loading Requirements	Minimum: None	No loading space is proposed.	N/A
<b>Development Code Section 60.30</b>			
Off-Street Motor Vehicle Parking	Use not listed in Table 60.30.10.5.A	No new off-street parking is required with the addition of backup generators.	N/A
<b>Development Code Section 60.30</b>			
Required Bicycle Parking	Use not listed in Table 60.30.10.5.B	No new bicycle parking is required with the addition of backup generators.	N/A
<b>Development Code Section 60.33</b>			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
<b>Development Code Section 60.35</b>			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	N/A
<b>Development Code Section 60.40</b>			
Sign Regulations	Requirements for signs.	All signs will be reviewed under a separate sign permit and are not reviewed with this proposal.	N/A
<b>Development Code Section 60.50</b>			
Fences	Height restrictions for fences and walls.	The screen wall is not located in any required yard. Therefore, these height restrictions are not applicable.	N/A
<b>Development Code Section 60.55</b>			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings herein.	YES
<b>Development Code Section 60.60</b>			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	No trees are proposed to be removed, and there are no trees affected that would require preservation based on the proposed scope of work.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.65</b>			
Utility Undergrounding	Requirements for placing overhead utilities underground.	The applicant states that all new utilities on the subject property will be placed underground. No overhead utilities are affected by the proposed development.	<b>YES</b>
<b>Development Code Section 60.67</b>			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	No riparian corridors or wetlands are located on the site.	<b>N/A</b>
<b>Development Code Section 60.70</b>			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	<b>N/A</b>

# Attachment B: NEW CONDITIONAL USE CU2022-0011

## ANALYSIS AND FINDINGS FOR NEW CONDITIONAL USE APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **CU2022-0011**, subject to the applicable conditions identified in Attachment H.

### Section 40.03.1 Facilities Review Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B, and all the following criteria have been met:

#### Facilities Review Approval Criteria Section 40.03.1.A-L

##### FINDING:

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, by meeting the conditions of approval, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criteria.

### Section 40.15.05 Purpose:

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional Uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied. This Section is carried out by the approval criteria listed herein.

### Planning Commission Standards for Approval:

Section 40.15.15.5.C of the Development Code provides standards to govern the decisions of the Planning Commission as they evaluate and render decisions on New Conditional Use Applications. The Planning Commission will determine whether the application as presented meets the New Conditional Use approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for New Conditional Use.

To approve a New Conditional Use application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

### **Section 40.15.15.5.C.1**

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

#### **FINDING:**

The applicant's proposal is for the expansion of an existing utility facility in the Office Industrial zone, which requires a conditional. The facility was originally approved in Washington County, and no Conditional Use Permit was required. The expansion of the use in the OI zone requires conditional use approval. Accordingly, staff finds the proposal is subject to a New Conditional Use review by meeting Threshold 1 which reads:

- 1. The proposed use is Conditionally permitted in the underlying zoning district and a prior Conditional Use approval for the proposed use is not already in effect.*

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

### **Section 40.15.15.5.C.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 for this New Conditional Use application.

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

### **Section 40.15.15.5.C.3**

The proposal will comply with the applicable policies of the Comprehensive Plan.

#### **FINDING:**

The applicant identified the following applicable Comprehensive Plan Policies

#### ***Goal 3.9.1 Successful employment lands***

***3.9.1.a Emphasize and prioritize employment and industrial uses – ensure other uses allowed within these plan designations support and do not detract from the desirability of these areas for employment and industrial uses.***

The applicant states that the placement of the backup generators on the site will not have an impact on the surrounding areas for employment and industrial uses. The new screen wall will further mitigate the visual impacts to surrounding properties. Staff has not identified any cases where the operation of the utility facility itself has precluded other uses from locating in the neighboring OI zone properties and has shown no negative impacts to reduction desirability for employment and industrial uses.

***Goal 3.9.2 Employment Areas: provide desirable locations for mix of office and flexible employment space and complementary uses.***

***Policy 3.9.2.a: Provide for a mix of office, industrial, and other employment space and complementary uses such as retail, restaurants, hotels, and services to meet the needs of businesses and employees.***

The placement of backup generators will not impact the mix of office, industrial, and other employment space and complementary uses, as demonstrated by the fact that the existing backup generators have not precluded such a mix of uses in the surrounding OI zoned properties. Businesses currently in the area include restaurants, commercial schools, office uses, and light industrial uses. The existing utility facility, which has existed on site since at least 2001, when the property was annexed in the City of Beaverton, has also not precluded a mix of uses in the surrounding OI zoned properties.

***Goal 8.4.1: Create and protect a healthy acoustical environment within the City.***

***Policy 8.4.1.a: Noise impacts shall be considered during development review processes.***

The subject site has operated as a utility facility since at least 2001, when the site was annexed into the City of Beaverton. The proposed backup generators are replacing existing generators reaching end of life status. The older generators have outdated technology that is less effective in attenuating noise impacts and are not screened by any walls or structures to the west, south, or east to assist in noise mitigation.

The proposed generators will be enclosed within a sound dampening shroud to mitigate noise impacts and will be further screened to west and south by a fifteen-foot-tall CMU block wall, further mitigating impacts to the public school to the south and multi-unit residential across the street to the west. As the generators to be installed for service during natural and manmade emergencies only, the generators are only expected to operate for limited periods of time, and will not be in regular operation, thus minimizing noise impacts to neighboring properties.

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

## Section 40.15.15.5.C.4

The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

### FINDING:

The applicant's site plan (Sheet C-3) demonstrates the site's size, dimensions, configuration, topography, and natural features already reasonably accommodate the existing utility facility. Suitable pedestrian and vehicle circulation is already provided, and the placement of the proposed backup generators will not impede circulation or other operational characteristics on the site. The site is relatively flat, only dropping two vertical feet across the site, which is approximately 350 feet measured from high point to low point.

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

## Section 40.15.15.5.C.5

The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.

### FINDING:

The proposed improvements to the 1.44-acre site will have minimum impacts on livability and use and development of properties in the surrounding area of the subject site. The proposed addition of new backup generators to the utility facility is compatible with the surrounding neighborhood of Office Industrial Uses to the north and west, middle school to the south, and attached residential across the street to the west.

The applicant's plans (Sheet C-3) show that a screen wall will fully screen the generators from view from the school to the south and attached residential to the west. Existing structures screen views from the office industrial properties to the north, and existing structures and landscaping screen views from the office industrial properties to the east.

Site access is controlled by fencing and a security gate to ensure access is only granted to employees of the facility. No new floor area is proposed with this development, so no new trips are anticipated with the addition of the generators.

The site will utilize the backup generators only in the event of a manmade or natural disaster, allowing for the continued use of telecommunication services during an emergency. Otherwise, the generators will not be in operation.

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

### **Section 40.15.15.5.C.6**

The proposed residential use located in the floodway fringe meets the requirements in Section 60.10.25.

**FINDING:**

The applicant is proposing to place new backup generators at an existing utility facility that is not located within the floodway fringe; therefore, this criterion is not applicable.

**Conclusion:** Therefore, staff finds the criterion is not applicable.

### **Section 40.15.15.5.C.7**

For parcel(s) designated Interim Washington County, the proposed use, identified in the land use designation previously held for the subject parcel(s), meets the use requirements identified in Washington County's Development Code. [ORD 4782; April 2020]

**FINDING:**

The subject site is zoned Office Industrial and is not designated Interim Washington County; therefore, this criterion is not applicable.

**Conclusion:** Therefore, staff finds the criterion is not applicable.

### **Section 40.15.15.5.C.8**

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 submitted a Design Review Three application, to be processed concurrently with this New Conditional Use request. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, staff recommends APPROVAL of CU2022-0011, subject to the applicable conditions identified in Attachment D.



# Attachment C: DESIGN REVIEW THREE DR2022-0135

## ANALYSIS AND FINDINGS FOR DESIGN REVIEW THREE APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **DR2022-0135**, subject to the applicable conditions identified in Attachment D.

### Section 40.03.1 Facilities Review Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B, and all the following criteria have been met:

#### Facilities Review Approval Criteria Section 40.03.1.A-L

##### FINDING:

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, by meeting the conditions of approval, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criteria.

### Section 40.20.05 Purpose:

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. 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 ensuring the proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

### Planning Commission Standards for Approval:

Section 40.20.15.3.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Three Applications. The Commission will determine whether the application as presented, meets the Design Review Three approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type Three Design Review.

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:

### **Section 40.20.15.3.C.1**

The proposal satisfies the threshold requirements for a Design Review Three application.

#### **FINDING:**

The applicant proposes to locate four new backup generators and a screen wall, which meets the Thresholds for a Design Review Two, However, the proposal does not comply with all Design Standards, which satisfies Design Review Three Threshold 9.

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

### **Section 40.20.15.3.C.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 for this Design Review Three application.

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

### **Section 40.20.15.3.C.3**

For proposals meeting Design Review Three application thresholds numbers 1 through 7, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

#### **FINDING:**

This criterion is not applicable because the proposal meets Design Review Three Threshold 9.

**Conclusion:** Therefore, staff finds the criterion is not applicable.

### **Section 40.20.15.3.C.4**

For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance with specific Design Guidelines 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 guideline; or
- b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or
- c. The location of the existing structure to be modified is more than 300 feet from a public street.

**FINDING:**

The proposal is for new construction, not an addition or modification of an existing development; therefore, this criterion is not applicable.

**Conclusion:** Therefore, staff finds the criterion is not applicable.

### **Section 40.20.15.3.C.5**

For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.

**FINDING:**

The applicant does not propose a Design Review Build-out Concept Plan (DRBCP); therefore, this criterion is not applicable.

**Conclusion:** Therefore, staff finds the criterion is not applicable.

### **Section 40.20.15.3.C.6**

For proposals meeting Design Review Three application Threshold numbers 8 or 9, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s).

**FINDING:**

This criterion applies because the proposal meets Design Review Three Threshold 9 As detailed in the Design Review Guidelines Analysis section of this staff report, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

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

### **Section 40.20.15.3.C.7**

For proposals meeting Design Review Three application Threshold numbers 8 or 9, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

#### **FINDING:**

This criterion does not apply, as the applicant has elected to respond to a mix of Standards and Guidelines.

**Conclusion:** Therefore, staff finds the criterion is not applicable.

### **Section 40.20.15.3.C.8**

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 submitted a New Conditional Use application to be processed concurrently with this Design Review Three request. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated application.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, staff recommends APPROVAL of DR2022-0135, subject to the applicable conditions identified in Attachment D.

**Table 4: Section 60.05 Design Standards**

**Section 60.05.20 Building Design and Orientation Standards**

<b>DESIGN STANDARD</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD</b>
<b>Building Design and Orientation</b>		
<b>60.05.15.1.A</b> Max length of attached residential buildings	The proposal is not a residential building	<b>N/A</b>
<b>60.05.15.1.B</b> Buildings visible from and within 200 feet on an adjacent street...the street-facing elevation(s) and the elevation(s) containing a primary building entrance.	The proposal is limited to the placement of backup generators and a screen wall. No buildings are proposed.	<b>N/A</b>
<b>60.05.15.1.C.2</b> Maximum 60' spacing between permanent architectural features.	The proposal is limited to the placement of backup generators and a screen wall. No buildings are proposed.	<b>N/A</b>
<b>Roof Forms</b>		
<b>60.05.15.2.A-E</b> Roof Forms	No roof elements are proposed with this addition.	<b>N/A</b>
<b>Primary Building Entrances</b>		
<b>60.05.15.3.A</b> Primary Entrances	No primary entrances are proposed, the development is limited to backup generators and a screen wall.	<b>N/A</b>
<b>Exterior Building Materials</b>		
<b>60.05.15.4.A</b> Residential Buildings	The site is located in an Office Industrial zone.	<b>N/A</b>
<b>60.05.15.4.B</b> 30% untreated elevations	The screen wall will have a brick treatment	<b>YES</b>
<b>60.05.15.4.C</b> Foundations	The site is located in an Office Industrial zone.	<b>N/A</b>
<b>Roof-Mounted Equipment</b>		
<b>60.05.15.5.A through C</b> Equipment screening	No roof mounted equipment is proposed.	<b>N/A</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Building Location and Orientation along Streets in MU and Com. Districts</b>		
<b>60.05.15.6.A-F</b> Street frontage Multiple Use Zones	The proposal is located in an Office Industrial zone.	N/A
<b>Building Scale along Major Pedestrian Routes</b>		
<b>60.05.15.7.A through C</b> 22' Height Minimum 60' Height Maximum	The site is not located on a MPR.	N/A
<b>Ground Floor Elevation on Commercial and Multiple Use Buildings</b>		
<b>60.05.15.8.A-B</b> Glazing and Weather Protection	Site is not located on MPR and is not in a Commercial zoning district.	N/A
<b>Compact Detached Housing Design</b>		
<b>60.05.15.9.A-K</b>	Compact Detached Housing is not proposed.	N/A
<b>Eligible Residential -Only Buildings</b>		
<b>60.05.15.10.A</b>	Eligible residential is not proposed.	N/A

### Section 60.05.20 Circulation and Parking Design

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Connections to the public street system</b>		
<b>60.05.20.1</b> Connect on-site circulation to existing and planned street system	Existing pedestrian and vehicle access is already provided to SW 173 <sup>rd</sup> . The connections will not be modified with the proposal.	YES
<b>Loading Areas, solid waste facilities and similar improvements</b>		
<b>60.05.20.2.A</b> Service Area Screening	The proposed backup generators will be fully screened from view from the right of way through a new 15' 4" CMU wall.	YES
<b>60.05.20.2.B</b> Loading Area Screening	No loading areas are proposed with the placement of the backup generators and screen wall.	N/A
<b>60.05.20.2.C</b> Screening Materials	The screen wall will have a brick finish, matching the finish of the primary building.	YES
<b>60.05.20.2.D</b> Chain Link Prohibition	No chain link proposed.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.20.2.E</b> Screen Waiving	No waiver requested.	N/A
<b>Pedestrian Circulation</b>		
<b>60.05.20.3.A</b> Link to adjacent facilities	One existing pedestrian connection is provided to SW 173 <sup>rd</sup> , which is not proposed to be modified with the placement of backup generators and screen wall.	YES
<b>60.05.20.3.B</b> Direct walkway connection	The proposed backup generators will be located adjacent to an existing pedestrian pathway, ensuring direct access between the generators and existing on-site destinations.	YES
<b>60.05.20.3.C</b> Walkways every 300'	One pedestrian connection is provided along the approximately 250 feet of frontage.	YES
<b>60.05.20.3.D</b> Physical separation	Existing pedestrian connections are separated from drive aisles with curb and landscaping.	YES
<b>60.05.20.3.E</b> Distinct paving	No new pedestrian connections are proposed through driveways.	N/A
<b>60.05.20.3.F</b> 5' minimum width	No new walkways are proposed.	N/A
<b>Street Frontages and Parking Areas</b>		
<b>60.05.20.4.A.1-2</b>	No modifications to surface parking areas or landscaping are proposed.	N/A
<b>Parking and Landscaping</b>		
<b>60.05.20.5.A-D</b> Parking and Landscaping Parking	No modifications to surface parking areas or landscaping are proposed.	N/A
<b>Off-Street Parking Frontages in Multiple-Use Districts</b>		
<b>60.05.20.6.A</b> 50% Max on MPR 1 65% Max on MPR 2	The site is not located in Multiple-Use District	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts</b>		
<b>60.05.20.7.A -B</b> Required sidewalk/internal pathway widths	The proposal is located in an Office Industrial zone.	N/A
<b>Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts</b>		
<b>60.05.20.8.A</b> Drive aisles to be designed as public streets, if applicable	The proposal is located in an industrial zone.	N/A
<b>Ground Floor uses in parking structures</b>		
<b>60.05.20.9</b> Parking Structures	No parking structures are proposed.	N/A

### Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Minimum Landscaping</b>		
<b>60.05.25.1-4</b> Residential minimum landscaping.	The site is not a residential development.	N/A
<b>60.05.25.5.A</b> Non-residential minimum landscaping.	Based on site size, 6,272 square feet of landscaping must be provided. According to the applicant's plans, 9,592 square feet of landscaping is provided.	YES
<b>60.05.25.5.B</b> Non-residential minimum landscaping.	Based on site size, 8 canopy trees and 16 shrubs must be provided. The proposal includes 16 canopy trees and 187 shrubs.	YES
<b>60.05.25.5C</b> Hard surface plaza for meeting landscaping requirements.	Hard surface plazas are not counted towards meeting minimum landscape requirements.	N/A
<b>60.05.25.5.D</b> Landscaping along foundations	Landscaping is provided in front of all street facing elevations along the foundation.	YES
<b>Retaining Walls</b>		
<b>60.05.25.8</b> Retaining Walls	No new retaining walls are proposed.	N/A



DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Fences and Walls</b>		
<b>60.05.25.9.A</b> Materials	Walls are proposed to screen the backup generators. The walls are clad with brick.	<b>YES</b>
<b>60.05.25.9.B</b> Chain Link Fence	No chain link fences are proposed	<b>N/A</b>
<b>60.05.25.9.C</b> Masonry Walls	Mason walls proposed to be 16 inches	<b>YES</b>
<b>60.05.25.9.D</b> Industrial Districts	All proposed generators are screened from the public right of way.	<b>YES</b>
<b>60.05.25.9.E</b> Fences and Walls	Proposed fence height is 15.5 feet but are located outside of all required yards.	<b>N/A</b>
<b>Minimize Significant Changes to Existing On-Site Surface Contours At Residential Property Lines</b>		
<b>60.05.25.10</b> Minimize grade changes	The proposal does not include any grading adjacent to abutting properties.	<b>N/A</b>
<b>Integrate water quality, quantity, or both facilities</b>		
<b>60.05.25.11</b> Location of non-vaulted facilities	Proposed storm facilities are underground.	<b>N/A</b>
<b>Natural Areas</b>		
<b>60.05.25.12</b> No encroachment into buffer areas.	No natural areas exist on site	<b>N/A</b>
<b>Landscape Buffering Requirements</b>		
<b>60.05.25.13</b> Landscape buffering between contrasting zoning districts	The applicant has elected to respond to the corresponding Design Guideline.	<b>See Design Guidelines</b>

### Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Adequate on-site lighting and minimize glare on adjoining properties</b>		
<b>60.05.30.1.A</b> Lighting complies with the City's Technical Lighting Standards	The applicant provides a lighting plan on Sheet F-1 of Exhibit 3.03 demonstrating on-site lighting meets the minimum lighting requirements.	<b>YES</b>
<b>60.05.30.1.B</b> Lighting provided for vehicle and pedestrian circulation	The applicant provides a lighting plan with photometric details demonstrating on-site lighting meets the minimum lighting requirements.	<b>YES</b>
<b>60.05.30.1.C</b> Lighting of Ped Plazas	The proposal does not include any pedestrian plazas.	<b>N/A</b>
<b>60.05.30.1.D</b> Lighting of building entrances	The applicant's lighting plan shows lighting at proposed and existing building entrances.	<b>YES</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.30.1.E</b> Canopy lighting recessed	No canopy lighting is proposed.	N/A
<b>Pedestrian-scale on-site lighting</b>		
<b>60.05.30.2.A</b> Pole Mounted Luminaires	The applicant states the existing site is already lit with poles no greater than 14 feet in height.	YES
<b>60.05.30.2.B</b> Non-Pole Mounted Luminaries	All wall mounted lights and uplighting comply with City's Technical Lighting Standards.	YES
<b>60.05.30.2.C</b> Lighted Bollards	The proposal does not include bollards.	N/A

## Design Review Guidelines Analysis

In the following analysis, staff has only identified the Design Guidelines that are relevant to the subject development proposal. Non-relevant Guidelines have been omitted.

### 60.05.45 Landscape, Open Space and Natural Areas Design Guidelines.

#### 11. Landscape buffering and screening.

- a. **A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer should not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.13)**

#### FINDING:

As shown in Exhibit 1.1 Zoning Map of this staff report, the subject site is zoned OI and abuts the MR zone across the street to the west and RMC zone to the south. The applicant proposes additional plantings to meet the 10-foot B2 buffer standard along the west property line, satisfying the buffer standard. The required buffer standard to the south abutting the RMC zone is 20 feet. The site is currently built out with the parking lot to the south, preventing the full width planting to meet this standard. The width of the buffer is

limited to 13 feet. The 13-foot-wide planter strip is proposed to be planted consistent with the B3 buffer. The narrower width buffer is mitigated by the screen wall surrounding the proposed backup generators, as well as additional landscape buffering and vehicle access drive to the south on the neighboring property. Additionally, the existing middle school is located 85 feet south of the shared property, further reducing visual impacts experienced by school users. Accordingly, staff finds the existing site conditions will provide a high degree of visual screening and that no additional buffering or screening is required.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- b. When potential impacts of a Conditional Use are determined, or when potential conflicts of use exist between adjacent zoning districts, such as industrial uses abutting residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts of uses are not as great, such as a commercial use abutting an industrial use, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.13)**

#### **FINDING:**

As shown in Exhibit 1.1 Zoning Map of this staff report, the subject site is zoned OI and abuts the MR zone across the street to the west and RMC zone to the south. The applicant proposes additional plantings to meet the 10-foot B2 buffer standard along the west property line, satisfying the buffer standard. The buffer to the south is limited to 13 feet, where the Buffer Standard requires 20 feet. Although the subject site is zoned Office Industrial and the property to the south is zoned RMC, the activities on the site mostly office in nature, and does not involve any manufacturing, assembly, fabricating, processing, packing, storing, warehousing or distribution activities typically associated with industrially zoned properties. The area adjacent to the reduced buffer is already developed as a parking lot with no industrial activity, and the proposed backup generators will be fully screened from view from the property to the south by the 15-foot-tall brick wall.

Accordingly, staff finds the limitations of the existing site conditions and the proposed landscape buffering and screen wall sufficiently provides screening to the south.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- c. Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.13)**

#### **FINDING:**

As shown in Exhibit 1.1 Zoning Map of this staff report, the subject site is zoned OI and abuts the MR zone across the street to the west and RMC zone to the south. The

landscape buffer to the west includes a variety of shrubs in addition to a series of existing trees to provide screening to the properties across the street from the subject the site. The landscape buffer to the south is proposed to be planted with new trees and shrubs integrated into the existing landscape. The site is further screened by an existing chain link fence with privacy slats.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

- d. **When changes to buffer widths and buffer standards are proposed, the applicant should describe the physical site constraints or unique building or site characteristics that merit width reduction. (Standard 60.05.25.13.E).**

#### **FINDING:**

The landscape buffer to the south is proposed to be 7 feet narrower than required by the Minimum Landscape Buffer Requirements in Table 60.05-2. This site was developed in Washington County and was not subject to the buffer standards of the Development Code. The existing parking lot is located 13 feet from the southern property line, with the remainder of the space between the parking lot and the property line proposed to be built to the B3 buffer standard. In order to comply with the 20-foot width standard, the site would have to remove approximately 50% of existing onsite parking.

Accordingly, staff finds that the existing development of the site, which occurred outside of the City of Beaverton's jurisdiction, presents a unique constraint that merits the width reduction.

**Conclusion:** Therefore, staff finds the proposal meets the guideline.

# Attachment D: RECOMMENDED CONDITIONS OF APPROVAL

**Application:** Beaverton Comcast Generator

**Recommendation:** APPROVE CU2022-0011 / DR2022-0135

## New Conditional Use (CU2022-0011)

### **A. General Conditions, the applicant shall:**

1. Ensure the associated Design Review Three application (DR2022-0135) has been approved and is consistent with the submitted plans. (Planning / SR)

## Design Review Three (DR2022-0135)

### **A. General Conditions, the applicant shall:**

1. Ensure that the Design Review Three (DR2022-0135) application has been approved and is consistent with the submitted plans. (Planning / SR)

### **B. Prior to issuance of the site development permit, 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. / SAS)
3. Retain 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. / SAS)
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 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. / SAS)
5. Have the applicant for the subject property guarantee all City-owned and maintained

- public improvements, grading, storm water management facilities, and 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. / SAS)
6. Have obtained 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. / SAS)
  7. 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. / SAS)
  8. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / SAS)
  9. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. The analysis shall also delineate all areas for this project that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. (Site Development Div. / SAS)
  10. Any changes to approved grading must meet provisions of Beaverton Code 9.05.110 and 9.05.115, no grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This applies to all exterior property boundaries of the proposed project. (Site Development Div. / SAS)
  11. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed. (Site Development Div. / SAS)
  12. Submit to the City a Stormwater Management Worksheet for 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 for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also

indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site. (Site Development Div. / SAS)

13. Provide plans for the placement of underground utility lines within the site for services to the proposed generator site. 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. / SAS)
14. When required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. If private sewer systems crossing lot lines and within a private easement is proposed, please submit plumbing permit application to the Building Division. Drainage within covered areas shall be piped as approved by the City Building Division. (Site Development Div. / SAS)

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

15. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / SAS)
16. 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. / SAS)

### **D. Prior to final inspection/occupancy of any building permit, the applicant shall:**

17. 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. / SAS)
18. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / SAS)
19. 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. / SAS)
20. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / SAS)
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 / SR)
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 / SR)

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

23. Have completed the site development improvements per adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. 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. / SAS)
24. Provide a post-construction cleaning, system maintenance, and any proprietary stormwater treatment system recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary storm water treatment systems by a qualified maintenance provider as determined by the City Engineer. (Site Development Div. / SAS)
25. A 2-year Maintenance Security will be required at 25 percent of the cost to construct any City-owned and maintained public improvements, grading, storm water management facilities, and paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It will be released 2 years after project acceptance following the correction of any identified defects. (Site Development Div. / SAS)