



STAFF REPORT

STAFF REPORT DATE: April 17, 2019

HEARING DATE: April 24, 2019

TO: Planning Commission

FROM: Jana Fox, Current Planning Manager

PROPOSAL: **South Cooper Mountain Heights Multi-Family - Spanos (DR2018-0165 / LD2018-0039 / LD2018-0040)**

LOCATION: The subject site is located on the north side of SW Scholls Ferry Road, east of SW 175th Avenue, specifically identified as Tax Lot 200 of Washington County Assessor Tax Map 2S106AC.

NEIGHBORHOOD: Neighbors Southwest

ZONING: Urban High Density (R1)

SUMMARY: The applicant, A.G. Spanos Companies, requests approval of the following land use applications for a multi-family residential development. A Design Review Three application for construction of 283 units of attached residential housing, parking and associated site improvements. A Preliminary Partition application to create two parcels, one for the 283 units of attached residential housing and one for future residential development. A Modification of a Decision application to modify a condition of approval associated with the South Cooper Mountain Heights PUD Modification (LD2017-0006).

APPLICANT/
PROPERTY OWNERS: A.G. Spanos Companies
Attn: Jared Mauch
10220 SW Greenburg Rd. Suite 530, Building 2
Tigard, OR 97223

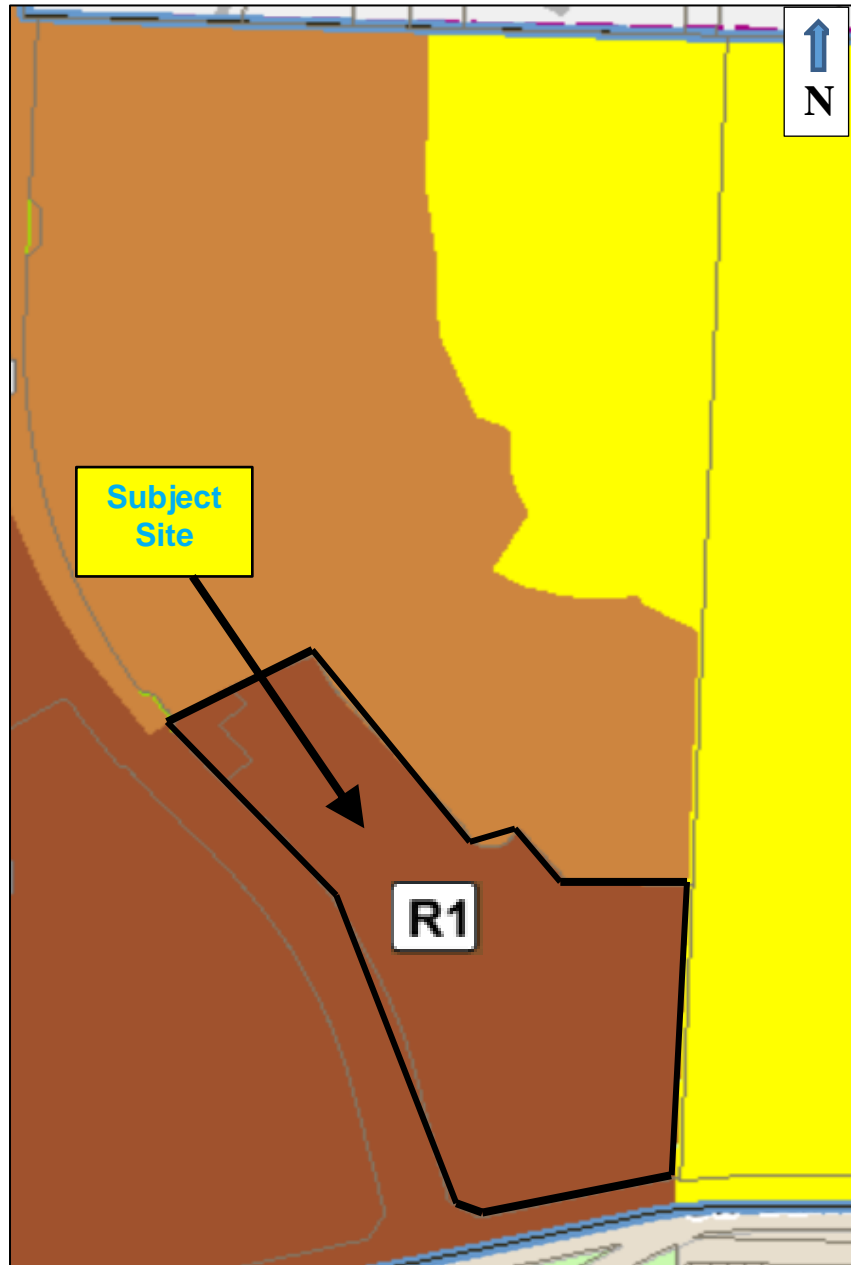
APPLICANT'S
REPRESENTATIVE: Otak, Inc.
Attn: Glen Bolen & Steve Dixon
800 SW Third Avenue, Suite 300
Portland, OR 97204

RECOMMENDATION: **APPROVAL** of **South Cooper Mountain Heights Multi-Family – Spanos (DR2018-0165 / LD2018-0039 / LD2018-0040)**, subject to conditions identified Attachment E of this report.

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Zoning Map



**South Cooper Mountain Heights Multi-Family - Spanos
DR2018-0165 / LD2018-0039 / LD2018-0040**

Aerial Map



**South Cooper Mountain Heights Multi-Family - Spanos
DR2018-0165 / LD2018-0039 / LD2018-0040**

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
DR2018-0165	November 21, 2018	February 6, 2019	July 4, 2019	February 6, 2019
LD2018-0039	November 21, 2018	February 6, 2019	July 4, 2019	February 6, 2019
LD2018-0040	November 21, 2018	February 6, 2019	July 4, 2019	February 6, 2019

*Pursuant to Section 50.25.8 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Urban High Density Residential (R1)	
Current Development	The site is currently undeveloped but previously approved for 310 multi-family units through previous Design Review and PUD approvals.	
Site Size & Location	±11 Acres	
NAC	Neighbors Southwest	
Surrounding Uses	<u>Zoning:</u> North: Urban Medium Density (R2) South: City of Tigard – Residential (R-25 Medium High Density) East: Urban Standard Density (R5) West: Urban High Density (R1)	<u>Uses:</u> North: Residential South: Residential East: Residential West: Mountainside High School

Subject Site History

The subject site is part of the South Cooper Mountain Heights PUD. The South Cooper Mountain Heights PUD received Planning Commission approval on February 3, 2016 for the construction of 721 dwelling units to be constructed in five (5) Phases. The project, as approved included a mix of housing types, ranging from single-family detached (271 units), to single-family attached (110 townhomes), and multi-family (340 apartment) units. Land Use Applications: CU2015-0006 / DR2015-0071 / LD2015-0013 / TP2015-0008 / ZMA2015-0006 (South Cooper Mountain Heights PUD)

On December 8, 2017 A Design Review Three was approved for the multi-family portion of the development (Phase 5) of the PUD, which included seven (7) multi-family residential apartment buildings, and one (1) clubhouse, each approximately 2-5 stories, and the clubhouse proposed at one (1) story. A total of 340 dwelling (apartment) units were approved, in addition to various open space amenities, a community trail adjacent to the resource area to the east, a multi-use pathway to the north along Street F, and parking intended for vehicles and bicycles. Land Use Application: DR2017-0094 (South Copper Mountain Heights Multi-Family).

On March 16, 2018 Modifications to the approved South Cooper Mountain Heights PUD were approved by the Planning Commission. The proposal included entirely new updated conditions of approval for the PUD to reflect changes in proposed phases and the addition of units to the single family portions of the development. Land Use Applications: CU2017-0005 / LD2017-0006 / LD2017-0014 / TP2017-0011 (South Cooper Mountain Heights PUD Modifications).

On July 19, 2018 A Design Review Three and Director's Interpretation for Phase 5 of the South Cooper Mountain Heights PUD was approved to lower the required density to 310 units and modify the propose building designs. Land Use Applications: DR2018-0061 / DI2018-0002 (South Cooper Mountain Heights Multi-Family Heights Modifications).

Project Overview

The applicant, A.G. Spanos Companies, proposes a new multi-family development of Phase 5 of South Cooper Mountain Heights PUD. The applicant proposes to divide the existing R1 zoned site into two parcels, one parcel for the currently proposed 283 dwelling units and one remnant site which can accommodate the required minimum 27 additional dwelling units. The proposal includes a request to modify condition of approval number 150 of the South Cooper Mountain Heights PUD Modifications LD2017-0006 which required connections into the site of SW Albatross Lane (Street H) and SW 172nd Terrace (Street K). In lieu of the full connection of SW Albatross Lane into the subject site applicant proposes a pedestrian connection into the site.

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
South Cooper Mountain Heights Multi-Family-Spanos
DR2018-0165 / LD2018-0039 / LD2018-0040**

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 below.

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

- **All twelve (12) criteria are applicable to the submitted Design Review Three, Preliminary Partition, and Modification of a Decision (Preliminary Subdivision) applications as proposed.**
- A. *All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

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. The Committee finds that the proposal includes necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

The applicant proposes to construct the multi-family portion (Phase 5) of the South Cooper Mountain Heights PUD. The proposal includes construction of 283 multi-family dwelling units, with a separate future development parcel which can accommodate the required PUD minimum of 27 dwelling units. The proposal includes a two-story parking structure and surface parking, with a total of 403 full size parking spaces for the multi-family development, as well as an additional 46 compact or parallel spaces. The applicant propose to modify one condition of approval (number 150) for LD2017-0006 related to extension of the public streets into the site (SW Albatross Lane and SW 172nd Terrace), to replace the required connection to SW Albatross Lane from a full connection to a bike and pedestrian connection.

Public Water, Sanitary Sewer and Storm

The City of Beaverton is the public water service provider to the site. Water service is provided to the site via 24-inch water mains located in SW Scholls Ferry Road and SW 175th Avenue. Water service is provided by extending the existing City of Beaverton water

main stub located in SW Scholls Ferry Road, approximately 300 feet east of the intersection with SW 175th Avenue and looping the water line to the existing line in SW 172nd Terrace. The non-potable waterline (purple pipe) will be extended as well to serve the site. The Committee finds that adequate water service can be provided to the site to serve the proposed development.

Public sanitary sewer will be provided by the City of Beaverton. An existing public sanitary sewer line runs through the site, west of the natural resource area. The proposal includes relocation of a portion of the sanitary sewer line to accommodate the proposed development layout. The applicant proposes to connect to the existing sanitary sewer system. The Committee finds that adequate sanitary sewer service can be provide to the site to serve the proposed development.

Proposed storm water drainage has been identified and described in the applicant's narrative and plans. A Preliminary Drainage Report is included with the materials as Impact Study A. The applicant's plans include a storm water conveyance system, vegetated swale, underground detention chambers, and a flow control manhole. The proposed system is private and will be maintained by the property owner. Discharge from the proposed storm water facilities will be directed to the existing drainage to the east. The system is designed to meet the SLOPES V criteria to comply with City of Beaverton and Clean Water Services (CWS) standards. Final design will be evaluated in the Site Development phase of permitting. The Committee finds that adequate storm water service can be provided to the site to serve the proposed development.

Transportation

The multifamily portion of the South Cooper Mountain Heights PUD is bordered by SW 175th Avenue on the west and SW Scholls Ferry Road on the south, both of which are Arterial Streets under the operational and maintenance jurisdiction of Washington County. Access to the site is proposed from SW 172nd Terrace. The applicant proposes to modify condition of approval number 105 of LD2017-0006 which required showing the extension of SW 172nd Terrace and SW Albatross Avenue into the multi-family site. The applicant proposes to extend SW 172nd Terrace into the site with a private dive which serves the four proposed multi-family buildings, parking structure and surface parking areas. A pedestrian and bicycle connection is proposed in lieu of a full street extension into the site, in the general vicinity of SW Albatross Lane. An emergency vehicle only connection is provided to SW 175th Avenue which is not available for public vehicular access. Bicycle and pedestrian connections are provided to and through the site as well as along the north-south trail to the east, adjacent to the natural resource area. The applicant's proposal will not increase anticipated vehicular trips to the site. The PUD approval which anticipated 340 dwelling units on the multi-family site and currently only 283 are proposed, therefore not TIA is required.

Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue (TVF&R). TVF&R has reviewed the proposal and provided conditions of approval specific to this phase of the PUD development. TVF&R will require aerial fire apparatus access to buildings greater than 30 feet in height, fire apparatus access roads, painted curbs, secondary emergency access, turning radii to accommodate fire apparatus and additional

conditions of approval. By meeting the conditions of approval, the proposal will meet TVF&R requirements, which will be verified at the time of Site Development Permit issuance.

With the recommended conditions of approval, the Committee finds that the proposal will provide the fire-related critical facilities necessary for the proposed development and that those facilities will have adequate capacity to serve the development at the time of its completion.

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

- 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.***

Chapter 90 of the 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.

Schools

The proposed development is within the Beaverton School District (BSD) boundaries and will be served by Scholls Heights Elementary School (16400 SW Loon Drive); Conestoga Middle School (12250 SW Conestoga Drive), and Mountainside High School (SW Scholls Ferry and SW 175th Avenue).

At the time of original application review for the South Cooper Mountain Heights PUD, a Service Provider Letter (dated July 30, 2015), was provided to staff by the BSD which addressed the anticipated impacts of the proposed PUD, including the multi-family portion of Phase 5 on the designated schools. The number of dwelling units proposed is currently less than what was anticipated in the original BSD SPL, therefore the anticipated impact to local schools is less with the proposed development than was originally anticipated. As part of the overall PUD approval, a school-to-school trail was required along SW Barrows (east/west collector) for all students attending Scholls Heights Elementary School and the new Mountainside High School. Therefore, staff finds the multi-family (Phase 5) portion of the South Cooper Mountain Heights PUD, will provide for Safe Routes to Schools for students.

Parks

The site will be served by the Tualatin Hills Park and Recreation District (THPRD). The entire PUD site was annexed to THPRD in 2015, including the subject multi-family site. The PUD has identified a 2.7 acre Neighborhood Park site to the east of the subject multi-family project site.

Transit Improvements

Currently the site is not served by transit. The nearest bus stop is the South Beaverton Express, Line 92 (approximately 1.2 miles away) which stops at the intersection of SW Teal Boulevard/SW Scholls Ferry Road/SW Horizon Boulevard. Line 62 stops at SW Murray Boulevard and SW Scholls Ferry Road, and is a bit further to the east than Line 92.

Pedestrian and Bicycle Facilities

The applicant states that the transportation network was designed in accordance with the South Cooper Mountain Community Plan. The South Cooper Mountain Heights PUD proposed and required all public street, sidewalk and bicycle improvements for all streets within and surrounding the proposed development. The applicant proposed to construct the neighborhood trail east of the buildings, as approved in the South Cooper Mountain Heights PUD. All streets exterior to the site have been developed, with the exception of the sidewalk along SW Scholls Ferry Road which must be upgraded to meet the PUD approved conditions related to sidewalk and planter strip width. Construction of buffered bike lanes on SW 175th Avenue has been completed by Washington County.

As a condition of approval from the South Cooper Mountain Heights PUD approval, the applicant is also responsible for constructing sidewalk and planter strip improvements along the site's SW Scholls Ferry Road frontage. The applicant has proposed to construct the school to school trail, a 12-foot multi-use pathway, along the south side of SW Goldcrest Lane, which was previously constructed with Phase 4 of the South Cooper Mountain Heights PUD, connecting to SW 175th Avenue, in conjunction with the townhome development to the northeast of the subject site. Lastly, a 10-foot wide community trail will run north-south near the eastern edge of the project site along the natural resource area, which will connect SW Scholls Ferry Road with SW 171st Terrace and the townhome development of Phase 4.

Police

The City of Beaverton Police will continue to serve the development site.

Open Space

The project requires 1.40 acres of active open space the applicant has proposed 1.19 acres of active open space in this phase, which does not meet the minimum required by the PUD, however Phases 1 and 4 which have been previously constructed provided excess active open space which can be utilized to meet the minimum required for this phase per the PUD approval. Staff recommends a condition of approval that the applicant must provide a plan prior to Site Development permit issuance, which shows that the above listed open space is provided within the phase boundaries, or a plan showing that excess open space has been provided in already constructed phase. Per the PUD approval, excess active open space from previously constructed phases may be used to meet any deficiency in the proposed phase.

In summary of the above, the Committee finds that the proposed development will provide the required essential facilities, as conditioned.

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

Staff cites the Code Conformance Analysis chart below, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Urban High Density (R1) zone as applicable to the above-mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards of the proposed zone.

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.***

Staff cites the Code Conformance Analysis chart below, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60 in response to the above-mentioned criteria.

Off-Street Parking (Section 60.30)

Attached Dwellings have a minimum of 1.25 to 1.75 spaces per unit, depending on the number of bedrooms. There are 188 one (1) bedroom units ($1.25 \times 188 = 235$ spaces), 80 two (2) bedroom units ($1.5 \times 80 = 120$ spaces), and 15 three (3) bedroom units ($1.75 \times 15 = 26$ spaces) for a total of 381 required parking spaces. The applicant states that a total of 403 parking spaces are provided. In addition 46 spaces are provided which are either compact or parallel on the site. The applicant is also providing for bicycle parking, both long-term and short-term. Long-term is proposed to accommodate 283 bicycles (1 per dwelling unit) within each unit and in addition 345 spaces are provided in bike rooms throughout the site. Short term bike parking is required at a ratio of 1 bike parking space per 20 dwelling units, for a total of 14 required short term bicycle parking spaces. The applicant proposes to accommodate 14 short term bicycle parking spaces on site.

Transportation Facilities (Section 60.55)

The proposed multi-family development is consistent with the assumptions made in the 2015 Traffic Impact Analyses. The mitigation measures required by the initial approval of the larger South Cooper Mountain Heights PUD development remain in effect. Therefore, the applicant, by meeting the conditions of approval associated with this application and with those associated with the larger PUD, will meet the City's requirements for transportation facilities.

The streets provide for safe and efficient circulation and access for motor vehicles, bicycles, and pedestrians. Bicycle and pedestrian connections provide for safe and efficient circulation and access for bicycles and pedestrians. Specific findings for this development proposal are provided below under the responses for Section 40.03.F. and G.

Therefore, the Committee finds that 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.***

The applicant states that a property management company will be employed by the owner or owners of the proposed multifamily buildings and will be responsible for the continued maintenance of the private common facilities. Staff finds that the proposal as designed would allow for adequate maintenance of the proposed common facilities.

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.***

The applicant's plans show a private street extension of SW 172nd Terrace into the proposed site to serve the development. The street connection provides access to the parking structure as well as several surface parking areas. The parking structure will provide the primarily vehicular destination within the site, however the additional parking areas have been designed to function in a safe and efficient manner.

Pedestrian connections are provided to the site from SW Scholls Ferry Road, SW 175th Avenue, SW 172nd Terrace and SW Albatross Lane. The applicant has provided a main pedestrian connection through the center of the site connecting from SW 175th Avenue, through the top parking deck, between buildings 3 and 4 and connecting directly to the trail adjacent to the resource area. The applicant proposes three additional connections to the trail, one in the northern, one in the middle, and one in the southern portion of the site. North-south pedestrian connections are provided by the trail, as well as along the private street extension of SW 175th Avenue. The proposed pedestrian connection which the applicant provides in lieu of the vehicular connection, provides a direct connection from SW 172nd Terrace to 175th Avenue separating the proposed development from the future development parcel to the north. An additional east-west connection is provided between 175th avenue, past the 175th building entrances, across the parking structure and connecting to the internal north-south sidewalk and further to the trail.

Staff finds that the proposed vehicular and pedestrian circulation systems within the proposed development are safe and efficient.

Therefore, the Committee finds that 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.*

The applicant's plans show the following connections to the surrounding circulation systems:

- Pedestrian, bicycle, and vehicular access between SW 175th Avenue and SW 172nd Terrace.
- Pedestrian and bicycle access between SW Scholls Ferry Road and SW Albatross Lane via the north-south neighborhood trail and the internal sidewalk system.
- Pedestrian and bicycle access to SW 175th Avenue at three points.

With the provision of these connections as shown on the applicant's plans, connections to the public street and sidewalk system the applicants proposal connects in a safe, efficient, and direct manor to the surrounding circulation system.

Therefore, the Committee finds that 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.*

Fire protection will be provided by Tualatin Valley Fire & Rescue (TVF&R) Department. Preliminary comments and conditions of approval have been received from Tualatin Valley Fire and Rescue District (TVF&R), which are incorporated herein. Specific details regarding fire flow and hydrant placement will be reviewed for flow calculations and hydrant locations during site development and building permit stages.

All building permits will be issued by the City of Beaverton Building Division and must comply with State of Oregon Building Code(s) and codes published by the International Code Council, as applicable.

The Committee concludes that, subject to meeting the conditions of approval, the site can be designed in accordance with City codes and standards and provide adequate fire protection.

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.**

The applicant states that all streets and public facilities are designed in accordance with the City of Beaverton's Engineering Design Manual (EDM), and thus should provide protection from crime, accident and hazardous conditions. All proposed sidewalks and walkways will be adequately lighted to meet the minimum applicable Design Standards as a Condition of Approval.

The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development.

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.***

Site grading is subject to the standards of Section 60.15.10 of the Development Code. Grading for new streets must meet the applicable standards of Chapter II Streets, Chapter VII Bicycle and Pedestrian Facilities, and Chapter VII Standard Drawings of the Engineering Design Manual (EDM).

All new streets are required to meet the applicable standards of Section 210 of the EDM. Compliance with these standards will be reviewed with the Site Development Permits for the development; however, staff believe that grading can be feasibly accommodated in compliance with the EDM to show compliance with Site Development erosion control measures at the time of Site Development permit issuance.

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.***

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). Compliance with ADA requirements are reviewed at the time of Building Permit application. The applicant has indicated that the street network and facilities are designed in accordance with the EDM to provide accessibility as required.

Any required on-site pedestrian routes will meet the standards of the American with Disabilities Act (ADA). ADA ramps will be provided within the development to facilitate accessible travel.

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. Staff finds that review of the proposed plans at Site Development and Building Permit stages are sufficient to guarantee compliance with accessibility standards.

Therefore, the Committee finds that by meeting the conditions of approval, the site will be in conformance with ADA requirements.

Therefore, the Committee finds that 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.

The applicant submitted the application on November 21, 2018. Staff deemed the application complete on February 6, 2019. In 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.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20 (Uses)			
R1	Permitted	Multifamily Dwellings	YES
Development Code Section 20.25.05 – Density Calculations			
Minimum Residential Density	Minimum Density: 310 units Maximum Density: 502 units	The applicant proposes to currently construct 283 units on the southern portion of the development site and propose to create separate parcel which can accommodate, at minimum the additional 27 units required to meet minimum density. The applicant has provided a plan showing how the required 27 units, associated parking and landscaping can be accommodated on the northern parcel which is not currently proposed for development.	YES w/COA
Development Code Section 20.05.15 (Site Development Standards)			
Minimum Lot Area	R1 - 1,000 sq. ft. / DU	Adjusted with approved PUD	YES
Minimum Yard Setbacks	Required: Front Yard: 10 feet Side Yard: 5 feet Rear Yard: 15 feet	The applicant proposes an 105-foot front yard setback from SW Scholls Ferry Road; 11 foot side setback from SW 175 th Avenue, and a 70 foot rear setback.	YES
Maximum Building Height	R1 – 60 feet	58 feet 9.5 inches	YES

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
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.	See DR Findings
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a Floodplain.	N/A
Development Code Section 60.12			
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 requested.	N/A
Development Code Section 60.30			
Off-street motor vehicle parking	Minimum: 381 Maximum: 528	The applicant proposes 403 parking spaces, more than the minimum and less than the maximum.	YES
Required Bicycle Parking	Short Term Spaces: 14 Long Term Spaces: 283	The applicant has provided the required bicycle parking.	YES
Development Code Section 60.55			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	YES w/ COA
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No Tree Plan application submitted for the multi-family site.	N/A
Development Code Section 60.65			
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.	The applicant indicates all utilities will be placed underground. To ensure the proposal meets requirements of this code section, staff recommends a condition requiring undergrounding completion prior to occupancy.	YES-with COA

Development Code Section 60.67 Significant Natural Resources

Significant Natural Resources	Regulations pertaining to Significant Natural Resources	The applicant has provided a natural resources study as part of the overall PUD approval, which includes the Multi-Family portion. The applicant will be required to comply with the South Cooper Mountain Plan, which identifies natural resources in the vicinity of the subject site.	YES w/ COA
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**DR2018-0165
ANALYSIS AND FINDINGS FOR
DESIGN REVIEW THREE APPROVAL**

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

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, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

Therefore, the Committee finds that the proposal meets the criteria.

Section 40.20.05. Design Review Applications- 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 insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development.

Section 40.20.15.3.C 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 requirements for a Design Review Three application.***

The applicant proposes 283 attached residential dwelling units in four buildings with a two (2) story parking deck and associated site improvements. The proposal meets the threshold for a Design Review Two application, however, the applicant has chosen to address a combination of Design Guidelines and Standards, thereby meeting Threshold 8 of a Design Review Three.

- 8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.*

Therefore, staff finds that the criterion is met.

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

The applicant paid the required fees for the Design Review Three application.

Therefore, staff finds that the criterion is met.

3. ***For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).***

This proposal meets Design Review Three Threshold No. 8, therefore this criterion is not applicable.

Therefore, staff finds the criterion not applicable.

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 of 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.***

The proposal is not an addition or modification of exiting development.

Therefore, staff finds the criterion not applicable.

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.***

The applicant does not propose a DRBCP.

Therefore, staff finds the criterion is not applicable.

6. ***For proposals meeting Design Review Three application Threshold numbers 7 or 8, 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).***

The applicant proposes to meet Design Standards where possible, and where not able, will meet the Design Guidelines. Staff cites the code conformance analysis at the end of this section as it pertains to meeting Design Standards and Guidelines.

Therefore, staff finds that by meeting the conditions of approval the criterion is met.

7. ***For proposals meeting Design Review Three application Threshold numbers 7 or 8, where the applicant has decided to address Design Guidelines only, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).***

The applicant proposes to meet a combination of Design Standards and Design Guidelines, therefore this criteria is not applicable.

Therefore, staff finds the criterion is not applicable.

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

The applicant has submitted all documents related to this request for Design Review Three approval. This application is dependent upon the approval of the Preliminary Partition (LD2018-0039) and Modification of a Decision (LD2018-0040) being reviewed concurrently. Therefore the Planning Commission will review all the applications concurrently. Staff recommend a condition of approval which states that approval of the Design Review Three application is subject to approval of the Preliminary Partition and Modification of a Decision applications.

Therefore, staff finds that by meeting the conditions of approval the criterion is met.

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **DR2018-0165 (South Cooper Mountain Heights Multi-Family - Spanos)**, subject to the proposed conditions of approval in Attachment E.

Design Review Standards Analysis
Section 60.05.15 Building Design and Orientation

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Building Articulation and Variety		
60.05.15.1.A Maximum length of attached residential buildings – 200 feet.	The applicant has chosen to address the Design Guideline.	See Guideline
60.05.15.1.B Min. 30% articulation for buildings visible from / within 200 feet of street.	The applicant states that every elevation contains permanent architectural features indulging windows, offsetting walls, and changes in material type. Each feature exceeds 25 square feet and comprises more than 30% of each respective façade.	YES
60.05.15.1.C Max 40' space between architectural features.	The applicant states that each of the buildings' elevations are well-articulated and maximum spacing between architectural features is less than 40 feet.	YES
60.05.15.1.D Maximum 150 sq. ft. undifferentiated blank walls facing streets.	The applicant has chosen to address the Design Guideline.	See Guideline
Roof Forms		
60.05.15.2.A Min roof pitch = 4:12	The applicant states that all buildings have sloped roofs that feature a pitch of 4/12 or greater.	YES
60.05.15.2.B Roof eave for pitched roof must be at least 12"	The applicant states that all buildings have a minimum 1 foot eave projecting from the building.	YES
60.05.15.2.C Flat roofs need parapets	No flat roofs are proposed.	N/A
60.05.15.2.D New structures in existing development be similar.	This is proposed new development.	N/A
Primary Building Entrances		
60.05.15.3.A Weather protection for primary entrance (6 feet wide by 4 feet deep)	The applicant has provided weather protection for the primary building entrances of all buildings.	YES
Exterior Building Materials		
60.05.15.4.A Residential double wall construction	All proposed buildings are to be comprised of double-wall construction as defined by the Development Code in Chapter 90.	YES
Roof-Mounted Equipment		
60.05.15.5.A through C Equipment screening	Roof mounted equipment is proposed at one location and is screened by raised walls and parapets.	YES

Section 60.05.20 Circulation and Parking Design

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Connections to the public street system		
<p>60.05.20.1 Connect on-site circulation to existing and planned street system</p>	<p>The public street system has been evaluated as part of the associated preliminary subdivision and PUD applications. The multi-family residential development plan will connect to the existing and planned street system. The applicant requests through a Modification of a Decision application to modify a condition of approval that 172nd Avenue and Albatross Avenue continue into the multi-family site. Staff recommends a condition of approval that the Modification of a Decision application be approved.</p>	YES w/ COA
Loading Areas, solid waste facilities and similar improvements		
<p>60.05.20.2.A-D Screening of waste facilities and loading docks.</p>	<p>Each multi-family building will have internal areas devoted to solid waste and recycling facilities. No loading areas are proposed or required.</p>	YES
Pedestrian Circulation		
<p>60.05.20.3.A Links to adjacent pedestrian facilities (existing and planned)</p>	<p>Pedestrian circulation is provided to the sidewalk system evaluated as part of the associated PUD. The multi-family residential development plan connects to the planned pedestrian pathways, including the 10-foot wide community trail running north to south at the eastern side of the project area.</p>	YES
<p>60.05.20.3.B Direct walkway connection between primary entrances and public / private streets and other pedestrian destinations.</p>	<p>Pedestrian circulation is provided to the proposed sidewalk system from the primary building entrances to proposed public and private streets. Plan Sheet C1.1 provides a visual representation of pedestrian circulation throughout the development.</p>	YES
<p>60.05.20.3.C Walkways provided for every 300 feet of street frontage.</p>	<p>The applicant provides three walkways along the approximately 730 feet of frontage along SW 175th Avenue within the project boundary. Two walkways along the approximately 380 feet of frontage along SW Scholls Ferry Road, and connections to SW 172nd Terrace and SW Albatross Lane which have frontages of less than 300 feet.</p>	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
60.05.20.3.D Pedestrian connections through parking lots physically separated by use of curbs, landscaping, trees...	The applicant proposes differentiated pedestrian crossings through raised connections, curbs, or landscaping.	YES
60.05.20.3.E Distinct paving for pedestrian walkways.	The applicant proposes concrete or non-asphalt pathways to distinguish pedestrian pathway from asphalt vehicle drive aisles and parking lots.	YES
60.05.20.3.F 5' minimum width / ADA	The proposed pedestrian walkways are a minimum of 5 feet in width to meet the standard.	YES
Landscape to Street Frontages and Parking Areas		
60.05.20.4.A Six foot perimeter landscaping between parking lot and abutting public street OR a solid wall or fence with landscape and ground cover next to wall.	Surface parking areas do not abut public streets.	N/A
Parking and Landscaping		
60.05.20.5.A 1 Landscape island per 8 parking spaces.	Landscaped planter islands are proposed within all surface parking lots for every eight (8) contiguous parking spaces, with the exception of one row of parking at the southeastern most parking area which has 10 contiguous spaces without a landscape island. The applicant has chosen to address the corresponding Design Guideline.	See Guideline
60.05.20.5.B 70 sq. ft.	All proposed landscape islands are a minimum of 70 square feet and contain a tree and other vegetation.	YES
60.05.20.5.C Raised Sidewalks	Raised sidewalks are not proposed to be counted towards the number of landscape islands.	N/A
60.05.20.5.D Trees from Street Tree List	All proposed trees will comply with City requirements.	YES

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

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Minimum Open Space		
60.05.25.3.A-I Minimum Landscape Area and Standards	<p>The proposal is recognized as part of a larger PUD which supersedes the Design Review provisions of this section. Open space for entire PUD has been evaluated. The development plan for Phase 5 does not alter that portion of the plan identified for common open space.</p> <p>Active open space for entire PUD has been evaluated, including the “active” areas specific to Phase 5. Staff sites the Facilities Review report as applicable to this standard.</p>	Yes w/COA
Minimum Landscaping		
60.05.25.4.A-D Landscaping standards for attached residential.	Standards call for planting to minimum numbers and spacing distances - around proposed buildings and for proposed pedestrian plazas. Staff finds that the standard has been met, and references Sheets L1.0-L3.0.	YES
60.05.25.4.E Minimum number of trees, shrubs, and ground cover.	The applicant proposes 128,761 square feet of landscaping, which includes 300 trees (one tree every 429 square feet); 2450 shrubs, which is equivalent to 1 shrub for every 52 square feet of landscaping. Proposed live ground cover includes 41,774 square feet. All inert materials are limited to less than 25 percent of the landscaped area.	YES
60.05.25.4.F Pedestrian Plaza materials.	The applicant proposes a pool with a plaza, the paved portion comprises less than 25% of the overall landscaping.	YES
Retaining Walls		
60.05.25.8 Retaining Walls greater than 6 feet in height or 50 feet in length.	The applicant states that no retaining walls are in excess of six feet in height. The proposed retaining walls will be incorporated into the landscape plan. The applicant proposes texture and pattern on the retaining walls to minimize visual impact. Landscape plantings will further soften the visual impact of proposed walls.	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Fences and Walls		
60.05.25.9.A-E Fences and Walls Materials	The applicant states that retaining walls will be constructed of materials commonly used in walls and will not exceed 3 feet in height in a required front yard. The applicant also identifies a split-rail fence along the natural resource area and trail. If required the stormwater facility will be fenced.	YES
Minimize Significant Changes to Existing On-Site Surface Contours At Residential Property Lines		
60.05.25.10.A-C Maximum grade differential changes to abutting residential.	The Proposed project is adjacent to residentially zoned property (R5 and R2), which comprises the South Cooper Mountain Heights PUD residential units. Site grading will be coordinated between developments as necessary. Proposed storm water facilities and roads are exempt from these standards.	YES
Integrate water quality, quantity, or both facilities		
60.05.25.11 Location of facilities	Location of above ground water quality facilities were evaluated as part of the overall South Cooper Mountain Heights PUD. One facility is located at the northwest corner of the site, and a new facility is proposed along the southern boundary of the site. Neither facility will be located between a street and the front of an adjacent building.	N/A
Natural Areas		
60.05.25.12 Encroachment into buffer areas.	Clean Water Services has issued a Service Provider Letter (Amended 1/23/2019) in review of the PUD, and inclusive of the area delineated for Phase 5, the multi-family site. Natural areas have been identified immediately to the east of the project site, including a small portion of encroachment at the southeastern boundary of the project site. The resource buffer area will be subject to mitigation requirements of CWS, as stated in the Service Provider Letter, dated January 23, 2019 and any subsequent updated Service Provider Letters.	YES
Landscape Buffering Requirements		
60.05.25.13.A-D Landscape buffering between contrasting zoning districts	Abutting properties east of the project site are zoned R2 and R5. The R2 portion of the site across the street from the townhomes has a minimum 5 foot buffer of landscaping meeting the B1 buffer requirement. The	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
	area abutting the R5 is separated by a natural feature from the R5, meeting the buffer requirements.	

Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Adequate on-site lighting and minimize glare on adjoining properties		
60.05.30.1.A Lighting complies with the City's Technical Lighting Standards	The applicant provides a lighting plan with photometric details which show general compliance with the City's Technical Lighting Standards for minimum and maximum illumination. Portions of the lighting plan, such as those adjacent to the pool area, are not shown. Staff recommends a condition of approval that the applicant provide a revised lighting plan showing on-site lighting complying with the City's Technical Lighting Standards prior to Site Development permit issuance.	YES w/ COA
60.05.30.1.B Lighting provided in vehicular and pedestrian circulation areas	The applicant proposes lighting of vehicular and pedestrian circulations areas with the exception of the plaza area, which requires pedestrian scale lighting. Staff recommends a condition of approval that the applicant provide a revised lighting plan showing on-site lighting complying with the City's Technical Lighting Standards prior to Site Development permit issuance.	YES w/ COA
60.05.30.1.C Lighting provided in pedestrian plazas	The applicant's plan does not show lighting of the pedestrian plaza area around the pool or the pedestrian walkway between SW 172 nd and SW 175 th . Staff recommends a condition of approval that prior to Site Development Permit Issuance the applicant provide plans showing lighting of the pedestrian plaza as well as the pedestrian connection consistent with the City's Technical Lighting Standards.	YES w/ COA
60.05.30.1.D Lighting shall be provided at building entrances	The applicant proposes lights at all building entrances.	YES
60.05.30.1.E Canopy Lighting shall be recessed so that the bulb or lens is not visible from a public right-of-way	Canopy lighting is proposed and shall be recessed in accordance with this standard.	YES

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Pedestrian-scale on-site lighting		
60.05.30.2.A Pedestrian Lighting	Applicant describes luminaries as provided for pedestrian areas, including bollards and pole mounted lights. Proposed lights comply with the height limitations described. Lighting must comply with the City's Technical Lighting Standards, per the condition of approval previously discussed.	YES w/ COA
60.05.30.2.B Compliance with Technical Lighting Standards	The applicants plans show general compliance with the City's Technical Lighting Standards, some modifications are necessary. Staff recommends a condition of approval that prior to Site Development permit issuance the applicant provide a plan showing full compliance with the City's Technical Lighting Standards.	YES w/ COA
60.05.30.2.C Bollard Max Height is 48 inches.	Bollard lights are proposed to be less than 48 inches in height.	YES

Design Review Guideline Analysis

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

60.05.35 *Building Design and Orientation Guidelines.* *Unless otherwise noted, all guidelines apply in all zoning districts.*

1. *Building Elevation Design through Articulation and Variety*

A. *Residential buildings should be of a limited length in order to avoid undifferentiated building elevations, reduce the mass of individual buildings, and create a scale of development that is pedestrian friendly and allow circulation between buildings by pedestrians. (Standards 60.05.15.1.A)*

The applicant states that the proposed buildings 1 and 2 are longer than 200 feet in length and are situated around a parking garage structure. The buildings wrap the garage from 175th Avenue. There is a separation between buildings 1 and 2 in order to provide a pedestrian connection through the buildings as well as the parking deck and connecting to the internal private street and resource trail. The longer buildings allow the majority of the parking to be screened by the residential uses. Buildings 1 and 2 are located within close proximity to the public street system, providing a building presence on the street. The buildings massing is stepped back and forth and provides a significant amount of windows to provide visual interest to pedestrians.

Buildings 3 and 4 are located interior to the site and are approximately 228 feet in length each. The applicant states that the narrow nature of the site limits the ability to provide smaller buildings without providing less units or crowding the north-south trail and creating a canyon effect for trail users. Pedestrian connections are provided between buildings 3 and 4 as well as to the north and south of each building, allowing multiple accesses to the trail system. Similar to buildings 1 and 2, buildings 3 and 4 step in and out and provide windows and balconies to provide visual interest to pedestrians. Staff concurs with the applicant's assessment.

Therefore, staff finds the Guideline is met.

B. *Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standards 60.05.15.1.A and B)*

The applicant states that all buildings are four stories and have the same architectural theme. Each building contains a mix of design features to differentiate portions of the buildings. Each building contains changes in relief, varying architectural features such as window size and location, recessed balcony areas, colors changes and changes to the direction of siding, stonework and vertical changes to rooflines. Staff concur that the

applicant has proposed visual diversity by using a variety of architectural treatments and relief changes to provide articulation, variety, and visual interest to the buildings.

Therefore, staff finds the Guideline is met.

- E. *Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street, common green, shared court, or major parking area should be avoided. (Standards 60.05.15.1.B, C, and D)***

The applicant states that each of the buildings elevations contain permanent architectural features including windows, bays, balconies, offsetting walls, recessed entrances, and changes in material. Each building contains three types of siding as well as stonework around the base of the structures. Staff concur that the combination of architectural elements and materials meets the design aspiration of avoiding the use of undifferentiated blank walls facing streets or major parking areas.

Therefore, staff finds the Guideline is met.

60.05.40 *Circulation and Parking Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.*

- 5. *Parking area landscaping. Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standards 60.05.20.5.A through D)***

The proposal complies with the Design Standard of one landscape island for every eight (8) parking stalls in all areas of the site except one row of parking in the southeast parking lot which has ten (10) parking spaces without a landscape island to break them up. That parking row has trees in landscape areas on each side of the parking bank as well as landscaping between the parking bank and SW Scholls Ferry Road to meet the intent of the Design Guideline. Staff finds that the proposal provides adequate landscape islands and tree canopy to minimize the visual impacts of the parking areas.

Therefore, staff finds the Guideline is met.

LD2018-0039
ANALYSIS AND FINDINGS FOR
LAND DIVISION-PRELIMINARY PARTITION

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

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, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

Therefore, the Committee finds that the proposal meets the criteria.

Section 40.45.05. Land Division-Purpose: The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of the boundaries of land within the City of Beaverton. This Section is carried out by the approval criteria listed herein.

Section 40.45.15.4.C Preliminary Partition Approval Criteria: In order to approve a Preliminary Partition application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

- 1. The application satisfies the threshold requirements for a Preliminary Partition. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met.***

Threshold number 1 for Preliminary Partition states:

- 1. The creation of up to and including three (3) new parcels from at least one (1) lot of record (parent parcel) in one (1) calendar year.*

The proposal includes dividing single lot of record, into two lots. The parent parcel is not subject to a Legal Lot Determination. Therefore, the proposal satisfies the threshold for a Preliminary Partition application.

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.***

The applicant submitted the required fee for a Preliminary Partition application.

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

3. ***The proposed partition does not conflict with any existing City approval, except the City may modify prior approvals through the partition process to comply with current Code standards and requirements.***

The applicant has requested concurrently with this Preliminary Partition application, a Modification of a Decision application to modify a condition of approval of the South Cooper Mountain Heights PUD. The proposed partition will not affect the request to modify the condition of approval, therefore staff finds the proposed partition does not conflict with any existing City approval.

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

4. ***Oversized parcels (oversized lots) resulting from the Partition shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed partition and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

An “oversized lot” is defined in the Development Code as, “A lot which is greater than twice the required minimum lot size allowed by the subject zoning district.” The minimum lot size required within the R1 zoning district is 1,000 square feet per dwelling unit. The applicant proposes a 7.85 acre (342,051 square foot) parcel for the currently proposed development and a 2.15 (93,575 square foot) parcel to accommodate future development to meet the minimum PUD density. The proposal is part of the South Cooper Mountain Heights PUD which allows the transfer of density throughout the PUD area. The subject site is currently entitled for a minimum of 310 dwelling units. The applicant has proposed to build 283 dwelling units with the current proposal and create a parcel which can accommodate an additional 27 dwelling units at minimum to meet the 310 dwelling unit minimum. The applicant has provided a plan showing how the additional 27 units can be accommodated on the parcel proposed for future development. Staff finds that the proposed parcel can accommodate future development to meet minimum density in the zoning district.

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

5. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:

a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,

b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where street improvements are proposed, provides a standard street cross section with sidewalks.

The applicant is not proposing to apply lot averaging standards.

Therefore, staff finds that the criterion is not applicable.

6. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall not require further Adjustment or Variance approvals for the Land Division.

The applicant is not proposing to apply lot averaging standards.

Therefore, staff finds that the criterion is not applicable.

7. The proposal does not create a parcel which will have more than one (1) zoning designation.

The resulting two lots with both be zoned Urban High Density (R1).

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

8. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

The applicant has submitted all documents related to this request for Preliminary Partition approval. This application is not dependent upon the approval of the Design Review Three (DR2018-0165) and Modification of a Decision (LD2018-0040) being reviewed concurrently.

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

Recommendation

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2018-0039 (South Cooper Mountain Heights Multi-Family - Spanos)**, subject to the proposed conditions of approval in Attachment E.

Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Grading Standards			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is compliant with Section 60.05.25 of Design Review. Staff cites the findings in response to 60.05.25 above.	YES
60.15.10.3.A-G 0-5 Feet From Property Line	Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property.	The proposal is compliant with Section 60.05.25 of Design Review. Staff cites the findings in response to 60.05.25 above.	YES
Significant Trees and Groves			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	No grading is proposed within 25 feet of significant trees or groves.	N/A

**LD2018-0040
ANALYSIS AND FINDINGS FOR
LAND DIVISION-PRELIMINARY SUBDIVISION
MODIFICATION OF A DECISION**

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

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, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

Therefore, the Committee finds that the proposal meets the criteria.

Section 40.45.05 Land Division Applications; Purpose. The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.

Section 40.45.15.5.C Approval Criteria. In order to approve a Preliminary Subdivision 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 application satisfies the threshold requirements for a Preliminary Subdivision application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47, further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C have been met.***

Threshold 1 for a Preliminary Subdivision states that an application for Preliminary Subdivision shall be required when the following threshold applies:

1. *The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year.*

The applicant proposes to modify a condition of approval for a previously approved 382 lot subdivision (281 lots for detached single-family homes, 110 single family attached homes, and one (1) lot for 310 multi-family dwelling units). The applicant proposes to modify one condition of approval from LD2017-0006, number 150, related to continuation of streets into the multi-family development site. This proposal relates only to the modification of a condition of approval from a preliminary subdivision application. No additional lots are proposed.

Therefore, staff finds that the criterion for approval does not apply.

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

The applicant has paid the required application fee for a Preliminary Subdivision (Modification of a Decision) application.

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

3. ***The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the subdivision process to comply with current Code standards and requirements.***

The applicant proposes to modify condition of approval number 150 from LD2017-0006 (South Cooper Mountain Heights PUD Modifications) which require the applicant to demonstrate that streets H (SW Albatross Lane) and K (SW 172nd Terrace) can be extended in a logical, efficient, and well connected manner into the multi-family section of the development. The applicant proposes to connect Street K (172nd) into the development via a private street connection. For Street H (SW Albatross Lane) the applicant proposes to not continue the full connection into the site but instead provide a pedestrian and bike access from SW 172nd Terrace to SW 175th Avenue, slightly north of SW Albatross Lane. This Modification of a Decision-Preliminary Subdivision is the appropriate tool to modify the original preliminary subdivision decision and request changes to condition of approval number 150 of LD2017-0006.

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

4. ***Oversized lots resulting from the subdivision shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed subdivision and future potential development on oversized lots.***

This proposal relates only to the modification of a condition of approval from a preliminary subdivision application.

Therefore, staff finds that the criterion for approval does not apply.

5. ***If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.***

This proposal relates only to the modification of a condition of approval from a preliminary subdivision application.

Therefore, staff finds that the criterion for approval does not apply.

- 6. *Applications that apply the lot area averaging standards of Section 20.05.50.1.B shall demonstrate that the resulting land division facilitates the following:***

- a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***
- b) Complies with minimum density requirements of [the Development] Code, provides appropriate lot size transitions adjacent to differently zoned properties, and where a street is proposed provides a standards street cross section with sidewalks.***

This proposal relates only to the modification of a condition of approval from a preliminary subdivision application.

Therefore, staff finds that the criterion for approval does not apply.

- 7. *Applications that apply the lot area averaging standards of Section 20.05.50.1.B do not require further Adjustments or Variance for the Land Division.***

This proposal relates only to the modification of a condition of approval from a preliminary subdivision application.

Therefore, staff finds that the criterion for approval does not apply.

- 8. *The proposal does not create a parcel which will have more than one (1) zoning designation.***

This proposal relates only to the modification of a condition of approval from a preliminary subdivision application.

Therefore, staff finds that the criterion for approval does not apply.

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

The applicant has submitted the required application materials for review of a Modification of a Decision-Preliminary Subdivision application in the proper sequence. The Modification of a Decision-Preliminary Subdivision application is being processed concurrently with the following applications Design Review Three (DR2018-0165) and Preliminary Partition (LD2018-0039). The Modification of a Decision-Preliminary Subdivision application is dependent upon approval of the Design Review Three application, as such staff recommends a condition of approval that the Design Review Three application must be approved in order for this Modification of a Decision-Preliminary Subdivision to be approved.

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

Section 50.95 Modification of a Decision

The applicant has requested modifications to Condition of Approval number 150 of a previously approved Preliminary Subdivision (LD2017-0006). Condition of approval 150 of LD2017-0006 reads as follows;

“The applicant shall submit plans that demonstrate that Street H and Street K can be extended in a logical, efficient, and well-connected manner into the multi-family section of the development.”

The applicant proposes to extend Street K (now SW 172nd Terrace) into the development site but given the updated design of the multi-family wishes to provide a pedestrian connection in lieu of a full street connection into the multi-family site from Street H (now SW Albatross Lane). Section 50.95 of the Development Code is applicable to the request.

- 1. An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.**

The applicant has requested this modification to a decision, originally approved through a Type 3 procedure, in order to modify condition of approval number 150 of the decision for South Cooper Mountain Heights PUD Modifications (LD2017-0006), the applicant must return to the Planning Commission to request a modification. The applicant proposes to remove the requirement to extend Street H (SW Albatross) into the multi-family site as a full street. The revised condition of approval, as proposed would read;

“The applicant shall submit plans that demonstrate that ~~Street H~~ and Street K can be extended in a logical, efficient, and well-connected manner into the multi-family section of the development.”

Staff has addressed the relevant approval criterion for this decision above, in the Facilities Review section of this report, and in response to the criterion of 50.95, and found that the proposal is compliant with the applicable approval criterion. The remaining conditions of approval of LD2017-0006 remain effective except for the modified condition which supersedes condition of approval number 150 of LD2017-0006.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

- 2. An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.**

The applicant met with staff accordingly for a pre-application conference on October 3, 2018, and was provided the information necessary to apply for a Modification of Decision application, along with the other appropriate applications necessary to make the changes as proposed. The applicant has been subject to the standard Type 3 procedure.

Therefore, staff find the proposal meets the criterion for approval.

- 3. An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.**

The appeal period for the original South Cooper Mountain Heights PUD Mods applications expired without an appeal filed.

Therefore, staff finds that the criterion for approval does not apply.

- 4. Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.**

The applicant has applied to modify the conditionally approved Land Division – Preliminary Subdivision LD2017-0006, part of the South Cooper Mountain Heights

PUD Modifications.

Therefore, staff find the proposal meets the criterion for approval.

- 5. An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.**

The originally approved South Cooper Mountain Heights PUD Mods project was originally processed under the Type 3 review procedures. The requested modifications to the approved project, and all submitted applications as part of this Modification of Decision will follow the Type 3 review procedures.

Therefore, staff find the proposal meets the criterion for approval.

- 5. The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in Chapter 40. In all cases, regardless of the thresholds listed in Chapter 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:**

- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.**
- B. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.**
- C. The circumstances have changes to the extent that the condition is no longer needed or warranted.**
- D. A new or modified condition would better accomplish the purpose of the original condition.**

The applicant states that criterion D applies to the proposed modification. The applicant states that the intent of condition 150 was to create a street grid and enable efficient access to the site. Washington County's arterial spacing standards preclude access to SW Scholls Ferry Road or SW 175th Avenue, limiting the potential access points for vehicles into the site. The grade difference and intersection spacing along SW Goldencrest Lane to the north also limit the ability to access the site from the north, leaving the only possible access points from SW 172nd Terrace and SW Albatross Lane.

In addition the current proposal is significantly different from the previously approved multi-family developments on which the condition of approval was based. The original conceptual development with the PUD as well as the first two Design Review approvals for the multi-family site were comprised of seven smaller buildings spread throughout the site and surface parking. Given the large amount of the site dedicated to surface parking in the previous proposals an internal grid pattern was necessary to ensure vehicles, as well as pedestrians could access parking for their individual building.

The applicant proposes to provide the Street K (SW 172nd Terrace) connection into the site as a public street which provides access to the parking structure which serves to provide the majority of parking for the site as well as a smaller surface parking area near SW Scholls Ferry Road. The original approval for the PUD did not contemplate a parking structure and the unique design challenges of creating structured parking wrapped with buildings. The requirement to provide storm water treatment on site to SLOPES 5 standards necessitates that the storm water facility be placed at the lowest points of the site, including adjacent to SW Scholls Ferry Road. Additionally SW Scholls Ferry Road is a high volume street and placing dwelling units directly adjacent to it would impact the livability of the units, given the traffic volumes and associated noise. As such, the applicant placed the small surface parking lot needed for additional parking between the storm water facility and the building to provide an additional setback buffer from SW Scholls Ferry Road to the dwelling units.

The parking structure is sized to accommodate the necessary parking for the 283 proposed dwelling units, as such it is a large structure which requires two large buildings to wrap around and screen the structure from SW Scholls Ferry Road and SW 175th Avenue while providing convenient access to residents from the structure itself. Given the unique site constraints and density requirements the proposed buildings encroach into the area which would be needed to extend SW Albatross Lane (Street H) into the development site.

In lieu of the full vehicular connection to the site at SW Albatross Lane the applicant proposes a pedestrian promenade which contains an 8 foot wide paved walkway with a minimum of 7 feet of landscaping on each side as well as benches. This access way provides a pedestrian grid and easy connection for bikes and pedestrians from SW 172nd Terrace to SW 175th Avenue, meeting the intent of the condition of approval of providing a gridded access at this location. To ensure the pedestrian connection is provided in a manner that meets the intent of the original condition staff recommends a condition of approval that a minimum paved width of ten (10) feet be provided and that a public access easement be recorded over the path area. Ten (10) feet is sufficient width to allow two way traffic as well as bikes and pedestrians to safely occupy the space and is consistent with City of Beaverton Trail standards. Staff finds that with the proposed conditions of approval the proposed pedestrian connection accomplishes the purposes of providing adequate access into and through the multi-family site. Given the proposed development is significantly different than the previously approved development and the pedestrian

network through the site, staff finds that the proposal meets criterion C and D above.

Therefore, staff finds that by meeting the conditions of approval the criterion is met.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **LD2018-0040 (South Cooper Mountain Heights Multi-Family - Spanos)** subject to the applicable conditions identified in Attachment E.

PROPOSED CONDITIONS OF APPROVAL**DR2018-0165 (Design Review Three)****A. General Conditions:**

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

B. Prior to Issuance of Site Development Permits, the applicant shall:

2. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD/NP)
3. Verify external permits are held by the owner and applicant of the proposed development (Spanos). Alternately, provide documentation to the satisfaction of the City Attorney, verifying the external (other governmental jurisdiction) permits have been transferred or a private agreement has been reached. (Site Development Div./JJD/NP)
4. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD/NP)
5. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD/NP)
6. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, Clean Water Services SPL (Service Provider Letter) required plantings, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. The guaranteed value shall also include any performance or maintenance security obligation of the issued Phase 5 grading permit (SD2018-004) of South Cooper Mountain Heights. (Site Development Div./JJD/NP)

7. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD/NP)
8. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the 175th Avenue and/or Scholls Ferry right of way. (Site Development Div./JJD/NP)
9. Submit a geotechnical and structural report with the site development permit application for review and approval by the City Engineer. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer. For grading adjacent to Scholls Ferry Road frontage, show that the beginning of an excavation shall be located one-half its vertical height but not less than ten feet from an adjoining property line. Request for waiver of this requirement may be made to the City Engineer by presentation of detailed plans along with appropriate substantiating evidence in the form of a written opinion of a soils engineer or engineering geologist to support justification for the waiver. (Site Development Div./JJD/NP)
10. Submit a design for all retaining walls greater than four feet in height, designed by a civil engineer or structural engineer for the expected soil and ground water conditions. (Site Development Div./JJD/NP)
11. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within or affecting a jurisdictional wetland). (Site Development Div./JJD/NP)
12. Provide a public utility plan for water and sanitary sewer provision as documented in the South Cooper Mountain utility masterplans. The project shall be eligible for a water system development charge credit equal to the estimated construction cost value of extra capacity improvements as determined and administered by the City Utilities Engineer. (Site Development Div./JJD/NP)
13. Obtain the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD/NP)
14. Submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. If determined to be needed by the City Building Official, this analysis shall be supplemented by an actual flow test and evaluation by a professional engineer (meeting the standards set by the City Engineer as specified in the Engineering Design Manual). (Site Development Div./JJD/NP)
15. Obtain approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD/NP)

16. Submit a completed 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City if a new 1200-C permit is the selected choice of the applicant/owner. The applicant shall use the standard plan format per requirements for sites 5 acres or larger adopted by Clean Water Services. Or, submit a copy of the notification of proposed revisions to the Oregon Department of Environmental Quality (DEQ) for the previously issued 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) if this is the selected choice of the applicant/owner. The DEQ process is independent of a City or CWS plan revision approval. (Site Development Div./JJD/NP)
17. Provide final construction plans and a final drainage report demonstrating compliance with City surface water management requirements per Section 530, of City Resolution 4542 and with CWS Resolution and Order 2017-05. In addition, the final drainage report shall also demonstrate that the entire development proposal shall meet the SLOPES V requirement for stormwater management per the City Engineer's directive. Plans must show access for a maintenance vehicle to all control structures unless otherwise specifically approved by the City Engineer. (Site Development Div./JJD/NP)
18. Provide plans that delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. On all plan sheets that show grading and elevations, the 100 year inundation level shall be identified. (Site Development Div./JJD/NP)
19. Obtain, the City Building Official's courtesy review and approval of the proposed private site utility plans, if required by OAR 918-780-0040 for plumbing needed to serve water, backflow prevention, storm and sanitary sewer systems and any covered parking/trash enclosure areas. (Site Development Div./JY/NP)
20. Provide plans that show the drainage within the covered parking shall be piped as approved by the City Building Official. To prevent spills from entering the sanitary sewer system, an automatic or manual shut-off valve shall be installed in the discharge line prior to the connection with the public sanitary sewer. The areas immediately adjacent to any opening in the structure where precipitation may fall, track, or be blown into the covered vehicle parking or service area shall be reverse-graded, trench drained, or bermed from other portions of the facility to minimize the amount of stormwater being transported beneath the cover. The cover must have a minimum overhang of 5 feet on each side. The cover overhang is to be measured relative to a berm, trench drain, or pavement grade break that separates the vehicle service area outside the building from that inside the building or covered area. (Site Development Div./JJD/NP)
21. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to meters within the development. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City

Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD/NP)

22. Submit a grading plan showing the proposed building lowest finished floor elevation is based on service provision needs and whichever of the following three is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) two feet higher than the rim/overflow of the storm facility; and 3) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. Additionally, the minimum finished floor elevation shall be established and clearly documented on all building and site development plan sheets that include elevations and/or contours. This land-use approval shall provide for minor grade changes less than four vertical feet variance to comply with this condition without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD/NP)
23. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces on the site. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, equipment pads, parking lots and driveways, sidewalk and pedestrian areas, and any gravel or pervious pavement surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, modified existing impervious, the new impervious surface area created, and total final impervious surface area on the entire site after completion. (Site Development Div./JJD/NP)
24. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, and applicable fees, ready for recording with Washington County Records. (Site Development Div./JJD/NP)
25. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed for any common areas or private streets. (Site Development Div./JJD) (Site Development Div./JJD)
26. Provide plans showing a City standard commercial driveway apron at the intersection of any private, common driveway and a public street. (Site Development Div./JJD/NP)
27. Ensure that associated land use applications LD2018-0039 and LD2018-0040 have been approved and are consistent with the submitted plans. (Planning/JF)
28. Provide a plan showing compliance with the City's Technical Lighting Standards for all areas of the development, including the plaza and pedestrian areas. (Planning/JF)
29. Provide a plan showing: (TVF&R / JF)
 - a. FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES: Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the

exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1) The parking garage has a continuous fire lane that accommodates hose pull for the east sides of buildings 1 and 2. Bollards shown on sheet P4.00 will require dog ears/ grab handles on both sides. Provide detail of the bollards on sheet P4.00.

- b. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the Fire Marshal. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4) Aerial access staging areas are in the wrong spots on sheets P4.00 and P4.01. Contact me for help for the correct placement on the plans.
- c. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1 & D103.1) Vertical clearance must be maintained for all 26' of width on the top deck of the parking garage fire lanes (Distance between the edge canopy's and edge of fire lane).
- d. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25-foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3) Fire lanes must be marked as indicated. This includes the top of the parking garage and the space between the buildings 3 and 4. Revise sheets P4.00 and P4.01 to identify all required fire lanes.
- e. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3) The top deck of the parking garage has a continuous fire lane. The parking structure and access ramp must be designed to meet the above noted minimum loads. Also, the access ramp (north end) must be posted with a durable all-weather sign stating the maximum loading of the parking garage. A sign on the top deck of the parking garage at the access ramp (south end) will be required to prevent fire apparatus from trying to descend down the ramp. Revise sheets P4.00 and P4.01 to include this information.

- f. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3) Provide details for the mountable curbing at the roundabout are shown on sheet P4.00.
- g. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%. Alternate methods and materials may be available at the discretion of the Fire Marshal (for grade exceeding 15%). This includes the access ramp to the top deck of the parking garage.
- h. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
 - i. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width).
 - ii. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
 - iii. Electric gates shall be equipped with a means for operation by fire department personnel
 - iv. Electric automatic gates shall comply with ASTM F 2200 and UL 325.
 - v. Provide details for the secondary emergency vehicle access gate on sheets P4.00 and P4.01.
- i. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3) Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:
 - i. The maximum needed fire flow shall be 3,000 GPM, measured at 20 psi residual pressure.
 - ii. Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
- j. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B) Provide fire flow calculations.
- k. **WATER SUPPLY DURING CONSTRUCTION:** Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

- l. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312) The two internal fire hydrants shown on sheet P4.00 will require this protect. Note this requirement on sheet P4.00.
- m. **FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS:** FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13) FDC's shall be clearly labeled with building addresses.
- n. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104) The existing hydrant on the SW corner of SW 175th and SW Scholls Ferry Rd. is a required hydrant for this project due to hydrant spacing. Revise sheet P4.00 to show this hydrant on the plans.

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

- 30. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD/NP)
- 31. If an Early Grading permit is issued, prior to the full Site Development permit being issued, upon concurrence with the City Building Official, a Foundation only permit for the garage facility may be issued upon payment of all plan review and inspection fees. (Site Development Div./JY/NP)
- 32. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD/NP)
- 33. Provide proof of recording the necessary documents with Washington County Records, for existing easements that conflict with a proposed building location including any necessary easement quit claim deeds and a filed survey consistent with the approved site plan. (Site Development Div./JJD/NP)
- 34. Have submitted the paper copies of the draft final plat needed for City review and to the County Surveyor to begin processing. (Site Development Div./JJD/NP)
- 35. Provide a plan showing: (TVF&R / JF)
 - a. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1) A Knox Box will be required on the clubhouse building and the gate.
 - b. **EMERGENCY RESPONDER RADIO COVERAGE SYSTEM:** Any building in excess of 50,000 square feet will be required to be tested to identify any deficient radio coverage areas. All areas of the building that are deficient must be provided

with an ERRC system in accordance with OFC Section 510. Testing is typically done at 80% completion of the building. It is recommended to provide appropriate conduits shaft, wiring etc. during construction to accommodate for the system. Additionally, make sure you budget and appropriate time for the installation of this system. Please contact DFM Jeremy Foster at 503.259.1414 for further information including an alternate means of compliance that is available. If the alternate method is preferred, it must be requested from TVF&R prior to issuance of building permit.

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

36. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD/NP)
37. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD/NP)
38. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD/NP)
39. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD/NP).
40. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if a Source Control Sewage permit is required, as determined by CWS. (Site Development Div./JJD/NP)
41. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD/NP)
42. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/JF)
43. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/JF)
44. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit C", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/JF)

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

45. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD/NP)
46. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD/NP)
47. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation within surface water quality facilities, vegetated corridors, and any wetland mitigation areas, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Public Works Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City prior to release of the security. (Site Development Div./JJD/NP)

LD2018-0039 (Preliminary Partition)

A. Prior to approval of the final plat, the applicant shall:

1. Have commenced construction of the site development improvements to provide minimum critical public services to the lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./JJD/NP)
2. Show granting of any required on-site easements, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./JJD/NP)
3. Have verified to the satisfaction of the City Engineer that the location and width of all existing and proposed rights of way and easements are adequate; that each parcel and tract has proper access provisions; and that each parcel and tract has adequate public utility service provision/availability per adopted City standards and requirements. (Site Development Div./JJD/NP)

4. Show the granting of public easements over the entirety of all trails and pedestrian connections shown on the applicants approved plans. (Planning / JF)
5. Demonstrate that all lots meet ordinance standards for lot size, dimension and frontage, as approved. The final plat shall be fully dimensioned and indicate the square footage of each lot. (Planning / JF)
6. Provide a plan for each lot indicating all approved yard setbacks. (Planning / JF)
7. Provide written assurance to the Planning Division that each and every lot is buildable without variance under City Ordinances effective as of the date of preliminary plat approval. Tracts and other parcels not proposed for development shall also be listed with a statement of their purpose. (Planning / JF)
8. Pay all City liens, taxes and assessments or apportion to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures. (Planning / JF)
9. Submit a completed Land Division Agreement form to provide assurance that all the conditions of approval shall be met and that the development will be constructed in accordance with City requirements. (Planning / JF)
10. Submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 2 years after preliminary plat approval, unless a time extension is approved. (Planning / JF)

LD2018-0040 (Modification of a Decision)

A. General Conditions:

1. All conditions of approval from South Cooper Mountain Heights PUD Mods (LD2017-0006) remain in full effect, except for condition of approval 150 which has been replaced with COA 2 below. (Planning / JF)
2. The applicant shall submit plans that demonstrate that Street K can be extended in a logical, efficient, and well-connected manner into the multi-family section of the development.”

B. Prior to Site Development Permit Issuance, the applicant shall:

3. Ensure the associated land use application DR2018-0165 has been approved and is consistent with the submitted plans. (Planning/JF)
4. Provide plans showing a minimum 10 foot wide pedestrian connection with a minimum landscape are of 6 feet on either side between SW 172nd Terrace and SW 175th Avenue.

- C. Prior to or concurrently with recording of the Final Plat, the applicant shall:**
5. Record a public access easement over the pedestrian connection described in condition B.4 above. (Planning/JF)