



Community Development Department  
Current Planning Division  
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[www.BeavertonOregon.gov](http://www.BeavertonOregon.gov)

## MEMORANDUM

### City of Beaverton

Community Development Department

**To:** Interested Parties

**From:** City of Beaverton Planning Division

**Date:** April 13, 2020

**Subject: DR2019-0086/LD2019-0017 Fanno Creek Park Stream Realignment**

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Please find attached the Notice of Decision for **DR2019-0086/LD2019-0017 Fanno Creek Park Stream Realignment**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for DR2019-0086/LD2019-0017 Fanno Creek Park Stream Realignment, is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

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

**The appeal closing date DR2019-0086/LD2019-0017 Fanno Creek Park Stream Realignment is 4:30 p.m., April 27, 2020.**

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be made available for review, please contact Steve Regner, Senior Planner, at (503) 526-2675, or [sregner@beavertonoregon.gov](mailto:sregner@beavertonoregon.gov). Please note that during the COVID-19 outbreak, staff are working remotely and can be reached quicker via e-mail correspondence.

**Accessibility information:** This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact **Steve Regner** by calling 711 **503-526-2675** or email [sregner@beavertonoregon.gov](mailto:sregner@beavertonoregon.gov)



## STAFF REPORT

DATE: April 13, 2020

TO: Interested Parties

FROM: Steve Regner, Senior Planner

PROPOSAL: **Fanno Creek Park Stream Realignment**  
**DR2019-0086/LD2019-0017**

LOCATION: 10750 SW Denney Road and neighboring parcels; Tax Lots 300 and 500 of Washington County Assessor's Map 1S122DA, Tax Lot 200 of Washington County Assessor's Map 1S122DB, and Tax Lot 200 of Washington County Assessor's Map 1S122DD

ZONING: Industrial (IND) and Residential Urban Standard Density (R7)

SUMMARY: The applicant, Clean Water Services, requests Design Review Two and Replat One approval for the realignment, enhancement and restoration of Fanno Creek, relocation of a segment of Fanno Creek Trail, and associated site improvements.

APPLICANT: Clean Water Services  
Matt Brennan  
2550 SW Hillsboro Highway  
Hillsboro, Oregon 97123

APPLICANT'S REPRESENTATIVE: David Evans and Associates, Inc.  
Casey Storey  
2100 SW River Parkway  
Portland, OR 97201

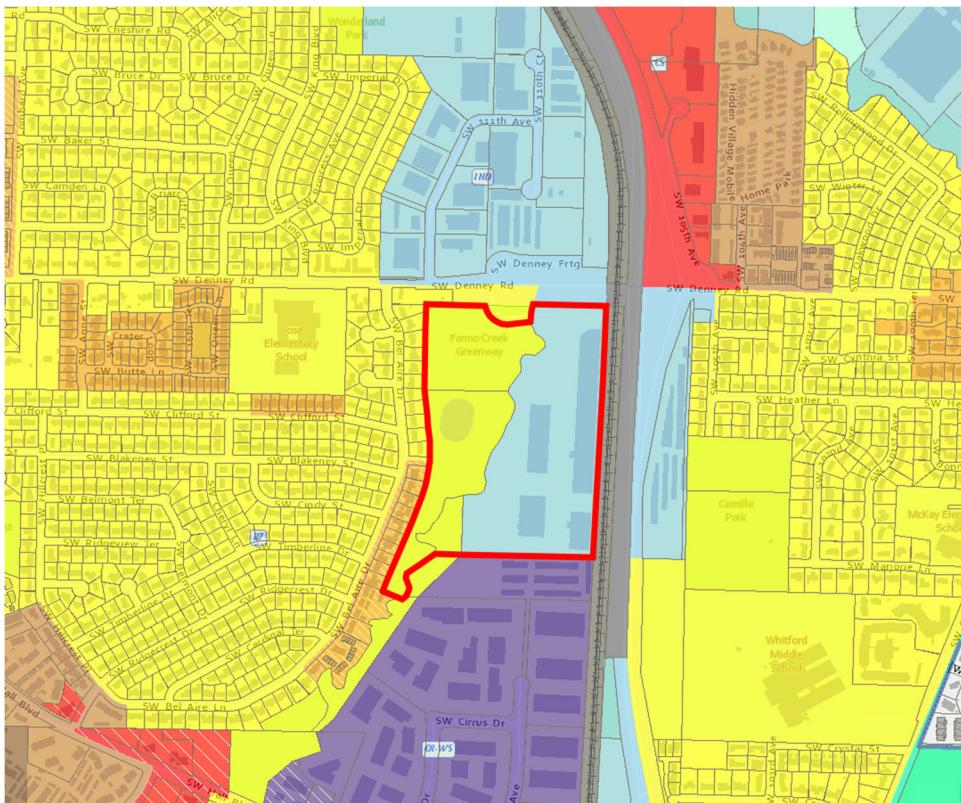
PROPERTY OWNER: Clean Water Services  
Matt Brennan  
2550 SW Hillsboro Highway  
Hillsboro, OR 97123

Tualatin Hills Park and Recreation District  
Bruce Barbasch  
15707 SW Walker Road  
Beaverton, Oregon 97006

Denney Road Industrial Park, LLC  
Jeffery Nudelman  
1121 SW Salmon Street #500  
Portland, OR 97213

RECOMMENDATION: **APPROVAL OF DR2019-0086 / LD2019-0017 Fanno Creek Park Stream Realignment, subject to conditions identified at the end of this report.**

## Exhibit 1.1: Zoning & Vicinity Map



## Exhibit 1.2: Aerial Map



## **BACKGROUND FACTS**

### **Key Application Dates:**

<b>Application</b>	<b>Submittal Date</b>	<b>Deemed Complete</b>	<b>120-Day*</b>	<b>Continuance Date</b>	<b>365-Day**</b>
DR2019-0086	May 23, 2019	June 5, 2019	October 3, 2019	April 30, 2020	June 4, 2020
LD2019-0017	June 6, 2019	June 5, 2019	October 3, 2019	April 30, 2020	June 4, 2020

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

\*\* This is the latest date, with a continuance, by which a final written decision on the proposal can be made.

### **Existing Conditions:**

<b>Zoning</b>	IND and R7	
<b>Current Development</b>	Park and Open Space	
<b>Site Size</b>	Approximately 25.89 Acres	
<b>NAC</b>	Vose	
<b>Surrounding Uses</b>	<u>Zoning:</u>  North: IND  East: IND  South: OI-WS  West: R7	<u>Uses:</u>  North: Warehouse/Storage & Manufacturing  East: Warehouse  South: Office & Service Business  West: Detached Residential

## **DESCRIPTION OF APPLICATIONS AND TABLE OF CONTENTS**

	<b>PAGE No.</b>
<b>Attachment A: Facilities Review Committee Technical and Recommendation Report</b>	FR1-10
<b>Attachment B: DR2019-0086 Design Review Two</b>	DR1-4
<b>Attachment C: LD2019-0017 Replat One</b>	LD1-3
<b>Attachment D: Conditions of Approval</b>	COA1-5

**Exhibit 1: Zoning/Vicinity/Aerial Maps**

**Exhibit 2.1: Clean Water Services Service Provider Letter**  
**Exhibit 2.2: Clean Water Services Letter of Consistency**

**Exhibit 3: Public Comment**  
**No public comment received**

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
DR2019-0086 / LD2019-0017  
FANNO CREEK PARK STREAM REALIGNMENT**

**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 Design Review application as submitted.
- Facilities Review criteria do not apply to the Land Division.

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

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 and public sanitary sewer facilities.

*Public Water*

The subject site is a park and natural area. As the proposed project is limited to a stream corridor relocations, no new water service is being proposed, and no additional demand is anticipated.

*Public Sanitary Sewer*

The subject site is a park and natural area. As the proposed project is limited to a stream corridor relocations, no new sanitary service is being proposed, and no additional demand is anticipated.

### *Stormwater*

Stormwater is provided by the City of Beaverton. The development proposes to realign an existing stream corridor and modify a flood plain to improve the ecological health of the habitat. The applicant states that the new channel will include meanders and numerous habitat and structural elements such as wood riffles, wood assemblages, and extensive riparian plantings to create bank stability and to promote natural stream and floodplain function. The abandoned Fanno Creek channel will be backfilled in a manner that creates floodplain habitat complexity and emergent wetlands. A Clean Water Services Service Provider was provided with the initial application, but did not reflect the partition plat proposed with the Replat One application. A Letter of Consistency from Clean Water Services, dated March 4, 2020 was submitted by the applicant, demonstrating the project, including the partition plat, is consistent with the original Service Provider Letter.

### *Transportation*

The proposed stream relocation includes reconstructing approximately 200 feet of trail, and a new bridge to cross the stream. No new trips are expected to be created by the proposed stream and trail improvements. Existing connections to the transportation network will remain.

### *Fire Protection*

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). 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.

The Committee finds that the proposed development will provide the required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the 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. The applicant’s plans and materials were forwarded to City Transportation staff and City Police Department.

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

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

Tri-Met will serve the development site. The site is most directly served by the 42 bus line on SW Denney Road, approximately 100 feet from the subject site.

No new bicycle parking is required with the development. An existing bike rack at the park entrance on SW Denney will continue to serve the site.

Pedestrian access into the park will remain at all existing locations, from SW Denney Road, SW Fanno Street, SW Bel Aire Lane, and SW Hall Boulevard.

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

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

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

**Therefore, the Committee finds that by meeting the conditions of approval, 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 at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria.

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

**Section 60.55.25 Street and Bicycle and Pedestrian Connection Requirements**

The applicant's plans show that the development will remain accessible by foot and by bicycle, as required.

**60.60 Trees and Vegetation Requirements**

The applicant's plans show 11 community trees to be removed to accommodate the stream and trail realignment. The project is not subject to a Tree Plan application, as it qualifies under Exemption 16 in Section 40.90.10:

"Enhancement activities conducted by a public agency for the sole purpose of improving the ecological health of forest and water resources." The committee recommends standard conditions of approval for tree protection fencing during construction for any nearby not identified for removal.

**60.65 Utility Undergrounding**

To meet the requirements of Section 60.65, staff recommends a standard condition of approval requiring that utility lines are placed underground.

**60.67 Significant Natural Resources**

The applicant is proposing to modify a stream corridor in a Significant Natural Resource Area. The Facilities Review committee recommends a condition of approval requiring that the applicant obtain all necessary permits from state and federal agencies for work within a jurisdictional wetland. Additionally, as this project would affect the floodway, the Facilities Review committee recommends a condition of approval requiring the applicant submit to FEMA a Conditional Letter of Map Revision for the Fanno Creek Re-alignment and Floodplain adjustments

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

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

The applicant's narrative states that the owner will be the developer of the property, and will maintain all private facilities. The proposal, as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

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

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

As noted above in response to criteria B and D, the vehicular and pedestrian circulation patterns within the boundaries of the site are safe and efficient for the operation of the proposed development.

**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.**

As noted above in response to criteria B and D, the vehicular and pedestrian circulation patterns within the boundaries of the site are safe and efficient for the operation of the proposed development.

**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.**

Proposed structures are limited to replacing an approximately 65' long footbridge.

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 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. The proposed sidewalks and walkways will be adequately lighted to meet the

minimum applicable Design Standards, as a Condition of Approval. The walkways and drive aisles have been designed to meet the applicable Engineering Design Standards.

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.**

The development proposes to realign an existing stream corridor with a flood plain to reduce flooding of the trail. The applicant states that the new channel will include meanders and numerous habitat and structural elements such as wood riffles, wood assemblages, and extensive riparian plantings to create bank stability and to promote natural stream and floodplain function. The abandoned Fanno Creek channel will be backfilled in a manner that creates floodplain habitat complexity and emergent wetlands. A Service Provider Letter from Clean Water Services has been provided, and confirms compliance with Clean Water Services regulations.

The applicant must show compliance with Site Development erosion control measure 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.**

International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, the sidewalks and walkways internal to the development appear to meet applicable accessibility requirements and through the site development and building permitting reviews will be thoroughly evaluated. Therefore, the Committee finds that by meeting the

conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.25.10 and the criterion will be met. The applicant will be required to meet all applicable accessibility standards of the

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

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

The applicant submitted the applications on May 23, 2019. The applicant deemed themselves complete on June 5, 2019. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

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

# Code Conformance Analysis

## Chapter 20 Use and Site Development Requirements

### R7 Standard Density Residential (R7) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20. Land Uses – R7			
Use, Conditionally Permitted	Public Parks, Parkways, Playgrounds, and Related Facilities	No Conditional Use found for the site. Section 30.35 states that uses that require a conditional use that was permitted prior to the ordinance shall not be deemed nonconforming, but without further action shall be deemed a conforming use. The zoning ordinance was adopted in 1978. While the subject lot has not been platted, residential neighborhoods abutting the west edge of the site were platted in 1958, establishing the edge of the park. A parcel of the park further south was platted in 1973. These adjacent plats establish the age of the Fanno Creek Greenway to at least before the adoption of the Beaverton Development Code, thus making this park conforming with no need for a Conditional Use Permit.	YES
Development Code Section 20.05.15. Site Development Standards – R7			
Land Area Minimum	No Minimum	Approximately 36.01 acres	YES
Lot Dimensions Minimum	No Minimum	Width: Approx. 270 feet Depth: Approx. 3,200 feet	YES
Yard Setbacks Minimum	Front: 17 feet Side: 5 feet Rear: 25 feet	Front: 1,124 feet Side: 170/80 feet Rear: 2,156 feet	YES
Building Height Maximum	35'	Bridge is 5 feet above finished grade.	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 will be reviewed in the Design Review portion of the staff report.	See Findings for DR2018-0086
Development Code Section 60.07			
Drive-Up window facilities	Requirements for drive-up, drive-through and drive-in facilities.	No drive-up window facilities are proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is located within a floodplain. The Facilities Review Committee recommends conditions of approval requiring a drainage analysis identifying affected tributaries, a zero-rise floodplain modification, and a Conditional Letter of Map Revision application for the creek realignment and floodplain modification.	YES w/ COA
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 Practices proposed.	N/A
Development Code Section 60.15 – Land Division Standards			
Land Division Standards	Standards pertaining to Land Divisions	Land Division standards will be reviewed in the Land Division portion of the staff report.	See Findings for LD2019-0017

Development Code Section 60.25 – Off Street Loading			
Loading Facilities	No Loading Berths Required	The applicant proposes no loading berths.	N/A
Development Code Section 60.30 – Off-Street Parking			
<u>Off-street motor vehicle parking</u> Parking Zone A	Total Required: 0 Spaces  <u>Required Bicycle Parking</u>	<u>Vehicle Parking</u> 10 existing parking spaces at the north end of the park will remain.  <u>Bicycle Parking</u> 5 existing short term bicycle parking spaces at the north end of the park will remain	YES
Compact Spaces	Twenty percent of required spaces may be compact.	No compact spaces are proposed.	YES
Development Code Section 60.55 - Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes - with COA
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	11 Community Trees are proposed for removal. Project exempt from Tree Plan as the project is to improve the ecological health of the site. The committee recommends a condition of approval requiring protection of trees that are potentially impacted by site improvements but not identified for removal.	Yes - with COA
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.	To ensure the proposal meets requirements of this section, staff recommends a condition requiring undergrounding of any utilities affected by the stream relocation.	Yes - with COA

**DR2019-0086**  
**ANALYSIS AND FINDINGS FOR**  
**DESIGN REVIEW TYPE TWO 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 40.20.15.2.C Approval Criteria**

*In order to approve a Design Review Two 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 Two application.***

The applicant proposes to improve the condition and function of Fanno Creek within the Fanno Creek Park area. The project will relocate Fanno Creek from its current channel to a new channel enabling the waterway to connect with its historic floodplain. The abandoned channel will be backfilled in order to create additional habitat for the greater Fanno Creek floodplain area. New infrastructure will include a pedestrian bridge, realignment of the sewer line, and a new manhole. Finally, as part of the creek enhancement, a portion of the Fanno Creek Trail will be modified and realigned to properly orient itself with the new bridge.

6. “Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area with the exception for an increase in landscape art of up to 25 percent.”

**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 paid the required associated fee for a Design Review Two application.

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

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

The applicant submitted on May 23, 2019, and deemed themselves complete on June 5, 2019. In the review of the materials during the application review, staff finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

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

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

Staff cites the findings in the Design Review Standard Analysis chart in this report which evaluate the project in response to applicable Code standards of Sections 60.05.15 through 60.05.30 (Design Standards). In part, the chart provides a summary response to design review standards determined to be applicable in the subject case. The applicant's plans and materials show compliance with these standards. Certain conditions of approval are proposed to ensure the plan is constructed consistent with these standards.

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

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

Staff cites the findings in the Design Review Standard Analysis chart in this report which evaluates the proposal's compliance with Design Review Standards. The applicant's

plans and materials show compliance with these standards. Certain conditions of approval are proposed to ensure the plan is constructed in a manner consistent with these standards.

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

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

The applicant has submitted this Design Review Type Two application, along with a Replat One for this project. No other applications are required of the applicant at this stage of City approvals. As the applications were submitted concurrently, staff will review the two applications at once.

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

**Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL of DR2019-0086 (Fanno Creek Stream Realignment)**, subject to the conditions identified in Attachment D)

## Design Standards Analysis

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

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Minimum Landscaping</b>		
<b>60.05.25.5.A</b> Minimum Landscape Area (15%)	The project site is an environmentally sensitive area. With the exception of the new bridge, the entire site is landscaped.	YES
<b>60.05.25.5.B</b> Planting Requirements	A variety of native trees, plants and shrubs are being planted to improve the ecological health of the area.	YES
<b>60.05.25.5.C</b> Paved Courtyards and Pedestrian Plazas	No paved courtyard or pedestrian plaza are proposed	N/A
<b>60.05.25.4.D</b> Elevations without ground floor windows	No new buildings are proposed	N/A
<b>Retaining Walls</b>		
<b>60.05.25.8</b> Retaining Walls	No retaining walls are proposed.	N/A
<b>Fences and Walls</b>		
<b>60.05.25.9.A through E</b> Materials	No fencing or walls are proposed	N/A
<b>Minimize Significant Changes To Existing On-Site Surface Contours At Residential Property Lines</b>		
<b>60.05.25.10</b> Minimize grade changes	No grading is proposed within 25 feet of a residential property line.	N/A
<b>Integrate water quality, quantity, or both facilities</b>		
<b>60.05.25.11</b> Non vaulted storm facilities	Storm treatment is integrated into existing wetlands on-site. No buildings are proposed.	YES
<b>Natural Areas</b>		
<b>60.05.25.12</b> No encroachment into buffer areas.	The project is an enhancement of a natural area, authorized by the City and Clean Water Services.	YES
<b>Landscape Buffering Requirements</b>		
<b>60.05.25.13</b> Landscape buffering between contrasting zoning districts	The project is located within a natural area at least 40 feet in width.	YES

**LD2019-0017  
ANALYSIS AND FINDINGS FOR  
REPLAT ONE**

**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 40.45.15.2.C Approval Criteria**

*In order to approve a Replat One 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 Replat One.***

The property line between Fanno Creek and the industrial site to the east is established by the centerline of Fanno Creek. The applicant proposes to change the centerline of Fanno Creek, however, no change to the existing property line is proposed. In order to maintain the current property line the applicant proposes a Replat One to memorialize the current property line with basis and bearings, rather than, the centerline of Fanno Creek.

**2. *The creation of a plat for land that has never been part of a previously recorded plat where no new lots or parcels are proposed.***

**Therefore, staff find 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 has paid the required application fee for a Replat One application.

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

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

The proposed application would not conflict with an existing City approval.

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

4. **Oversized parcels (oversized lots) resulting from the Replat 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 lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be provided to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.**

The Replat maps four existing parcels. No changes to the parcel size or shape are proposed. The existing parcels meet the definition of oversized lots. The size and shape of the lots, and proposed site improvements, do not preclude or hinder future land divisions of the subject or adjacent lots.

Therefore, staff find 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 a street is proposed provides a standard street cross section with sidewalks.**

Lot averaging is not proposed with this development.

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

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

Lot averaging is not proposed with this development.

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

7. **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.**

The applicant states that development would occur in a single phase.

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

**8. *The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties.***

The proposal would not eliminate access to the affected properties. As described in response to Section 40.03 above (Attachment A), critical and essential facilities adequately serve the site.

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

**9. *The proposal does not create a parcel or lot which will have more than one zoning designation.***

The two western most lots that comprise the subject site are currently zoned R7 and the eastern lot is zoned IND. The proposed Replat would not create a parcel with more than one zoning designation.

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

**10. *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 Replat One approval. No additional applications or documents are needed at this time.

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

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2019-0017 (Fanno Creek Stream Realignment)**, subject to the applicable conditions identified in Attachment D.

**CONDITIONS OF APPROVAL****Fanno Creek Park Stream Realignment – Design Review Two (DR2019-0086):**

- A. Prior to issuance of the site development permit, the applicant shall:**
1. 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./TDM)
  2. 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./NP)
  3. 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./NP)
  4. Have the ownership of the subject property guarantee all public improvements, grading, storm water management facilities, and Clean Water Services required plantings by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./TDM)
  5. Submit any required 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./TDM)
  6. Submit a copy of Tualatin Valley Fire and Rescue District (TVF&R) Service Provider Letter. (Site Development Div./NP)
  7. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./TDM)
  8. Submit plans for erosion control per 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the plan format per requirements for sites greater than 5 acres adopted by DEQ and Clean Water Services. (Site Development Div./TDM)

9. Submit a copy of issued permits or other approvals as needed from the Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, State of Oregon Division of State Lands, and the United States Army Corps of Engineers (for work within a jurisdictional wetland). (Site Development Div./TDM)
10. 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 2019-05. (Site Development Div./NP)
11. Provide a detailed drainage analysis of the subject project identifying all affected tributary areas and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the project with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./TDM)
12. Provide a final engineering analysis of the grading and construction work proposed within the 100-year floodplain as necessary to allow for a public notice to be published in a local newspaper by the City Engineer for the proposed floodplain and floodway modifications. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Resolution and Order in place at the time of the Site development application as they refer to the 100 year floodplain, prior to this notice being sent, including a zero-rise floodway modification certification. A zero-rise floodplain modification is not needed if non-zero-rise modifications are made part of a hydraulic and hydrologic study submitted with a Conditional Letter of Map Revision application to FEMA, AND if the impacts are restricted to and fully contained within property controlled by the applicant with no measurable increase in risk to other properties in the vicinity. The floodplain regulations and design standards are found in Chapter 60 of the City Development Code, Chapter 9.05 of the City Code, and Chapter 5 of CWS Resolution and Order. The public notice and a 10 day appeal period shall occur after final approval of the site development permit plans by the City Engineer and Planning Director. (Site Development Div./JY)
13. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total for the project. Specific types of impervious area totals, in square feet, shall be given for the bridge, sidewalk/pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface within the project limits, the new impervious surface area created, modified impervious area, the net new impervious surface created, and total final impervious surface area for each affected parcel and as a total for the project. (Site Development Div./TDM)

14. Pay a storm water system development charge in-lieu of constructing an on-site storm water quantity (winter detention and hydro-modification) for the net, new impervious area proposed. Additionally, pay a storm water system development charge (overall system conveyance) for any net new impervious area proposed. (Site Development Div./TDM)
15. Submit any required off-site easements, and the SPL-required new CWS-sensitive area and vegetated-corridor easement, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./TDM)
16. Prepare and submit to FEMA an acceptable and complete Conditional Letter of Map Revision (CLOMR) application for the Fanno Creek Re-alignment and Floodplain adjustments. (Site Development Div./JY)
17. Execute a hold-harmless agreement acceptable to the City Attorney between the applicant, property owners, and the City, requiring the applicant to assume all risks arising from the applicant's request that the city issue site development permits and allow work to proceed prior to official issuance of the FEMA CLOMR for the stream realignment and floodway impacts. (Site Development Div./JY)
18. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding must be paid per Section 60.65 of the Development Code. (Site Development Div./NP)
19. Provide Option C lighting per the Engineering Design Manual, Chapter 4 along frontage improvements within City limits. Where there are existing Option A and/or Option B street lights along the frontage, their lights shall be removed and replaced with Option C light per Chapter 4. No existing Option A and/ or Option B lights along the frontage or the opposite side of the frontage shall be included in the lighting analysis to meet the lighting requirements. (Site Development Div./NP)
20. Submit plans showing temporary tree fencing for all adjacent trees not identified for removal that are possibly impacted by site improvements. (Planning/SR)

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

21. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./TDM)
22. 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./TDM)
23. 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/CR)

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

24. Provide proof of recording the necessary documents associated with the lot consolidation with Washington County Records, including any necessary easement quit claim deeds and a filed survey consistent with the approved site plan. (Site Development Div./JJD/CR)
25. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the access frontage. (Site Development Div./TDM)
26. Have a professional architect, engineer, or surveyor submit certifications on Federal Emergency Management Agency (FEMA) standard forms, to the City Building Official and City Engineer, documenting that all at risk elements of construction have been constructed of Federal Emergency Management Agency (FEMA) defined flood-resistant materials to at least equal to one foot above the base flood elevation. (Site Development Div./TDM)

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

27. 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./TDM)
28. 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./TDM)
29. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the treatment vegetation within the surface water sensitive areas, vegetated corridor, 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 Operations Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Operations Director prior to release of the security. (Site Development Div./TDM)

30. Provided documentation of FEMA approval of the CLOMR. (Site Development/JY)

**Fanno Creek Park Stream Realignment – Replat One (DR2019-0086):**

- A. **Prior to approval of the final plat, the applicant shall:**
  27. 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/or 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./NP)
  28. On-site easements and plat notes shall be 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. (Site Development Div./NP)
  29. Provide copies of the plat for city review. (Planning Div./SR)