

## STAFF REPORT

**Report Date:** August 10, 2022

**Application/Project Name:** Rooted Care Communities

**Application Numbers:** CU2022-0004 / DR2022-0005

**Proposal:** The applicant, Rooted Care Communities, requests New Conditional Use approval to allow a Residential Care Facility for up to 12 people on the subject property. Design Review Three approval is also requested as the applicant has chosen to address Design Guidelines.

**Proposal Location:** The site is located at the northeast corner of SW Laurelwood Avenue and SW Brentwood Street, specifically identified as 3950 SW Laurelwood Avenue, Tax Lot 3900 on Washington County Tax Assessor's Map 1S112CC.

**Applicant:** Melissa Bruce, Rooted Care Communities

**Recommendation:** DENIAL of Rooted Care Communities, CU2022-0004 / DR2022-0005

**Hearing Information:** 6:30 p.m. August 17, 2022, at City Hall, 12725 SW Millikan Way

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

**Contact Information:**

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Applicant: Rooted Care Communities  
Melissa Bruce  
5830 SE Birdsong Way  
Gladstone, OR 97027

Property Owner: Cristian D. Morariu & Mirela Gina Blaj  
3950 SW Laurelwood Avenue  
Portland, OR 97225



Applicant Representative: Van Loo2 Associates, LLC  
Kirsten Van Loo  
30495 SW Buckhaven Road  
Hillsboro, OR 97123

## Existing Conditions

**Zoning:** Residential Urban Standard Density District (R7)

**Site Conditions:** The subject site is currently developed with a single detached dwelling with garage, a shed, and a paved driveway. The site is accessed from SW Brentwood Street. The site is currently used as an Adult Foster Care facility for up to five individuals.

**Site Size:** 0.46 acres

**Location:** At the northeast corner of SW Laurelwood Avenue & SW Brentwood Street

**Neighborhood Association Committee:** West Slope NAC

**Table 1: Surrounding Uses**

Direction	Zoning	Uses
North	Residential Mixed C (RMC) – Formerly R7	Detached Dwellings
South	Residential Mixed C (RMC) – Formerly R7	Place of Worship
East	Unincorporated Washington County R-5	Detached Dwellings
West	Residential Mixed C (RMC) – Formerly R7	Detached Dwellings

# Application Information

**Table 2: Application Summaries**

Application	Application Type	Proposal Summary	Approval Criteria Location
CU2022-0004	New Conditional Use	New Residential Care Facility for up to 12 individuals in an existing building in a residential zone	Development Code Sections 40.03.1 and 40.15.15.5
DR2022-0005	Design Review Three	Site modifications related to landscape buffers and fencing and evaluation of existing lighting	Development Code Sections 40.03.1 and 40.20.15.3

**Table 3: Key Application Dates**

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
CU2022-0001	April 14, 2022	June 28, 2022**	Oct. 26, 2022	June 28, 2023
DR2022-0022	April 14, 2022	June 28, 2022**	Oct. 26, 2022	June 28, 2023

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

\*\*The applicant deemed the New Conditional Use and Design Review Three applications (CU2022-0004/DR2022-0005) complete on June 28, 2022.

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## Exhibits

### Exhibit 1. Materials submitted by Staff

Exhibit 1.1 Zoning Map (page 6 of this report)

Exhibit 1.2 Vicinity Map (page 7 of this report)

### Exhibit 2. Public Comment

Exhibit 2.1 Letter from David Eger, 8025 SW Brentwood Street, voicing concerns that there is insufficient parking, inadequate loading space for deliveries, safety concerns due to cars backing into the street, inadequate garbage storage and handling, and hazardous turning movements at the intersection of SW Laurelwood Avenue and SW Brentwood Street.

Exhibit 2.2 Letter from Laura and Arley Pitts, 7865 SW Brentwood Street, voicing concerns about insufficient parking, delivery vehicles parking on Brentwood, and inadequate garbage service and storage. The letter also states that Conditional Use approval should have been obtained before construction.

Exhibit 2.3 Letter from Mike Penfield, 7785 SW Cedar Street, voicing concerns about commercial activity in a residential neighborhood and safety at the adjacent intersection.

Exhibit 2.4 Letter from Diane and James Flack, 3845 SW 78<sup>th</sup> Avenue, voicing concerns about commercial activity in a residential neighborhood, traffic, and parking.

Exhibit 2.5 Letter from Karen Blitz, 7580 SW Cedar Street, voicing concerns about parking.

Exhibit 2.6 Letter from David Marquis, on behalf of Valley Community Presbyterian Church, 8060 SW Brentwood Street, explaining the availability for parking for the proposal in the church owned TriMet Park and Ride lot and the

property's history as a short-term rental. The letter also discusses that the site was developed for a non-residential use without considering all code factors and faces challenges due to its location at a busy intersection.

- Exhibit 2.7 Letter from Scott and Carol Director, 7530 SW Cedar Street, voicing concerns about insufficient parking, delivery vehicles parking on Brentwood, and inadequate garbage service and storage. The letter also states that Conditional Use approval should have been obtained before construction.
- Exhibit 2.8 Letter from Katie Simenson, no address provided, voicing concerns about the existing use of the property, parking, traffic, deliveries, and sanitation.
- Exhibit 2.9 Letter from Wendy and Noel Reieron, 7775 SW Brentwood Street, voicing concerns about the existing use of the property, parking, and drop off/pick up services parking on Brentwood creating safety concerns at the intersection. The letter also questions the fire code requirements for this use and the city's notification procedures. Ms. Wendy Reieron also provided a Property Information Report for the subject property.
- Exhibit 2.10 Letter from Katy Oldham, 8065 SW Brentwood Street, voicing concerns about existing parking and traffic issues associated with the current use and additional impacts if the proposal is approved. The letter also voices concerns about trash and the site not seeking a zoning change prior to expanding the building.

### Exhibit 3. Materials submitted by the Applicant

- Exhibit 3.1 Application Forms and Owner Authorization
- Exhibit 3.2 Narrative
- Exhibit 3.3 Site Plan and Landscaping Plan
- Exhibit 3.4 Floor Plans and Photos
- Exhibit 3.5 Service Provider Letters
- Exhibit 3.6 Parking Analysis of Comparable Facilities (also provided as pages 40-47 of the project narrative)
- Exhibit 3.7 Trip Generation and Parking Study Memorandum
- Exhibit 3.8 Neighborhood Meeting Materials
- Exhibit 3.9 Pre-Application Notes

Exhibit 3.10 Lighting Analysis (also provided as pages 31-36 of the project narrative)

Exhibit 3.11 Supplemental 60.30 Code Analysis

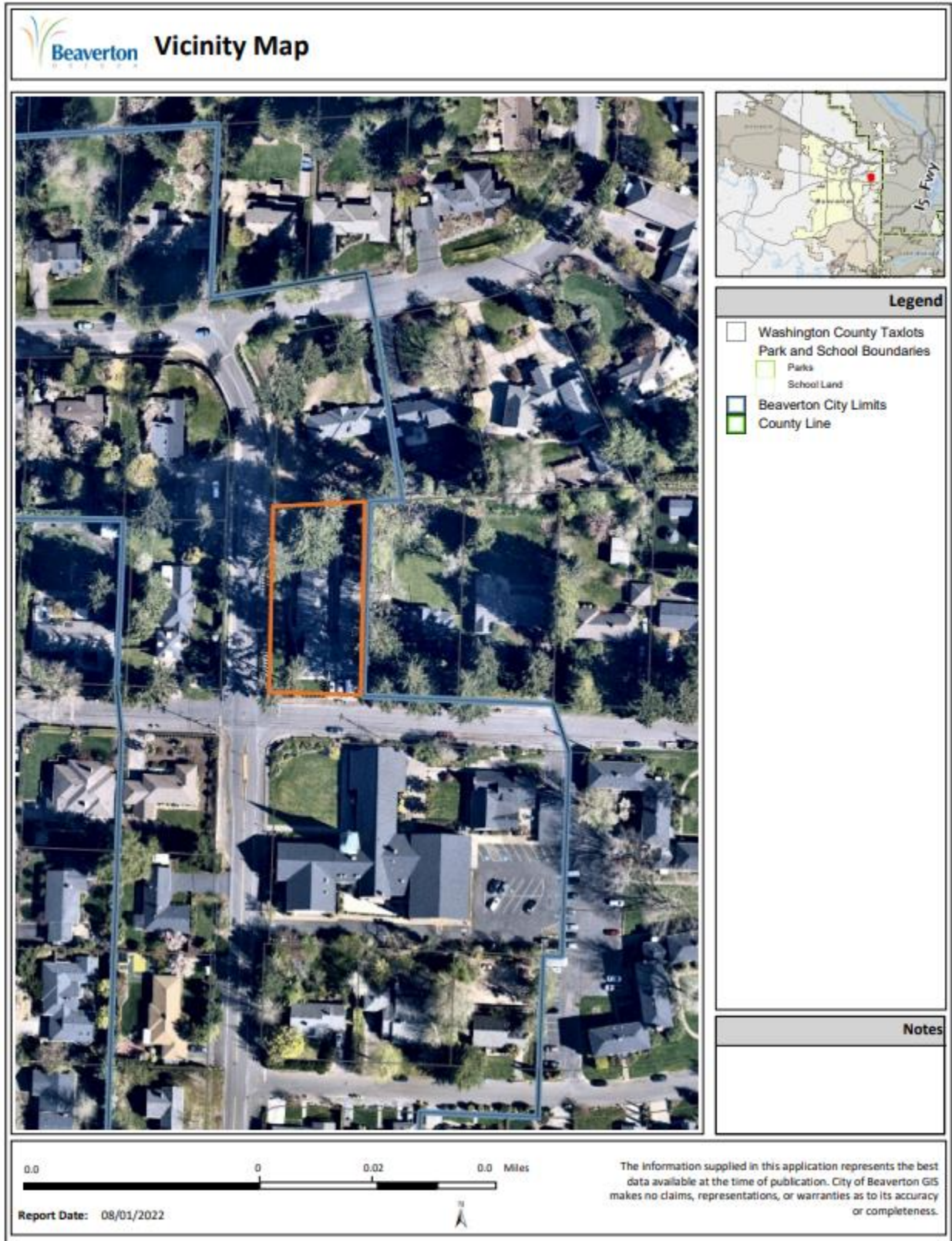
Exhibit 3.12 Rooted Care Staffing Model and Visitation document (also provided as page 37 of the project narrative)

Exhibit 4. Agency Comments

Exhibit 4.1 Washington County, dated August 10, 2022



Exhibit 1.2 Vicinity Map





## **Public Comment Response**

Staff has identified the following as themes or issues raised in public testimony and addresses those, herein, and/or refers to the portion(s) of the staff report and record in which those issues are addressed.

### **Notification Procedure**

Public testimony received by Wendy and Noel Reiersen raised a concern that they did not receive mailed notice of the applications even though they live on the next block of SW Brentwood Street. The City followed the noticing procedures of the Beaverton Development Code (BDC) in relation to the Type 3 applications processed. BDC Section 50.45.2 requires written notice to be mailed to owners of property within 500 feet of the subject property and to the Neighborhood Association Committee (NAC) Chair in which the subject property is located and to any other NAC Chair whose boundaries are within 500 feet of the subject property. Staff notes that the address provided by Ms. Wendy Reiersen is located outside the 500-foot notice buffer and, therefore, would not have received a directly mailed notice but would have access to notice of the project through other means such as the on-site posted notice board, publication in the newspaper, and notice posted on the City's website or in City Hall. Staff found no evidence of a procedural error in relation to noticing.

### **Existing Use of the Property**

The subject property is currently being operated as an Adult Foster Care facility for five individuals. Several community members voiced concerns about impacts related to the existing use including trash, parking, and deliveries and noted opposition to an expansion of care facility operations on the property. Care facilities up to five unrelated individuals are a permitted use in the underlying zone district. Parking requirements for care facilities are the same as a single-detached home, so the existing use of the property is in compliance with applicable requirements. Impacts related to overflowing trash are a code compliance issue, and there is no active code compliant in effect for this property. Deliveries are not regulated for Adult Foster Care facilities as they are treated like single-detached homes. The requested Conditional Use approval for a 12-bed Residential Care Facility is considered a commercial use and impacts related to parking, trash, and deliveries have been evaluated in the applicable sections of the staff report.

### **Construction (Building Addition) Prior to Land Use Approval**

Several community members questioned how a building permit was issued for an addition prior to obtaining Conditional Use approval for the Residential Care Facility. A Building Permit was issued in 2016 to construct an addition to the existing single-detached home to convert the structure for use as an Adult Foster Care facility for up to five individuals (B2015-5203). Since Adult Foster Care is a permitted use by the underlying zone district, the Building Permit was evaluated for compliance with regulations applicable to the Adult Foster Care use. Since Adult Foster Care facilities are treated like single-detached homes, the city does not regulate the size of the home or number of bedrooms that may be permitted, and the addition did not require land

use approval. Staff addresses the site challenges that have resulted from expanding the building prior to land use approval for a Residential Care Facility in response to the Conditional Use approval criterion BDC 40.15.15.5.C.4.

### **Parking**

Several community members voiced concerns about insufficient off-street parking for employees, visitors, care providers, and deliveries associated with the proposed use. Several written comments note that they have experienced delivery vehicles parking on SW Brentwood Street since there is no space for deliveries to park on site, and the comments state that this has created unsafe traffic movements at the intersection. Staff addresses the parking requirements of BDC 60.30 and the applicant's requested Reduction for Special Needs Residential (BDC 60.30.10.11.G) in Attachment A of the staff report.

### **Trash Storage**

Several community members voiced concerns about proposed trash storage for the Residential Care Facility. Some comments discuss issues with trash storage of the current Adult Foster Care facility and note that the proposed use should provide a dumpster to manage the waste and prevent trash overflow or disturbance by animals. Staff addresses the trash and recycling requirements of the Beaverton City Code in Attachment A of the staff report.

### **Traffic and Safety Concerns due to Deliveries at the Adjacent Intersection**

Several community members voiced concerns about deliveries for the existing Adult Foster Care facility parking on SW Brentwood Street. The comments note that this has caused safety concerns at the intersection of SW Brentwood Street and SW Laurelwood Avenue due to delivery vehicles blocking a lane of traffic. Traffic impacts of the proposed use and parking needs, including needs for deliveries, are addressed in Attachment A of the staff report.

### **Commercial Activity in Residential Neighborhoods**

Several community members voiced concerns about commercial activity in residential neighborhoods. The proposed Residential Care Facility is a commercial use that is conditionally permitted in the underlying residential zone district. This land use must obtain Conditional Use approval from the Planning Commission prior to operating, as requested by the applicant. The Conditional Use approval criteria evaluate the proposal for compatibility and potential impacts on the surrounding neighborhood, conformance with applicable policies of the Comprehensive Plan, and suitability of the proposal on the subject property. Staff's response to all Conditional Use approval criteria (BDC 40.15.15.5.C.1-8) is provided in Attachment B of the staff report.

# Attachment A: FACILITIES REVIEW COMMITTEE

## TECHNICAL REVIEW AND RECOMMENDATIONS

**Application:** Rooted Care Communities

**Proposal:** The applicant, Rooted Care Communities, requests New Conditional Use approval to allow a Residential Care Facility for up to 12 people on the subject property. Design Review Three approval is also requested as the applicant has chosen to address Design Guidelines related to landscape buffers.

**Recommendation:** DENY CU2022-0004 / DR2022-0005

**Outstanding Technical Issues:** The Committee recommends denial of the applications due to three outstanding technical issues regarding the proposal. First, the proposal has not demonstrated that adequate trash and recycling service or facilities will be provided to serve the Residential Care Facility use. Proposed trash and recycling facilities do not provide the required volume of receptacles according to multifamily service standards of the Beaverton City Code and the City Solid Waste and Recycling Administrative Rules.

Second, the applicant seeks off-street vehicular and bicycle parking reductions pursuant to BDC 60.30.10.11.G Reduction for Special Needs Residential. The applicant submitted a parking analysis of comparable facilities and requests that four off-street parking spaces be permitted for the use when six are required by the development code. However, two off-street parking spaces meet the locational requirements of BDC 60.30.10 and, therefore, count towards the proposed off-street parking total. Based on the information provided by the applicant, staff finds that two off-street parking spaces are inadequate to serve the proposed use.

Third, staff has not received the required Photometric Plan detailing the technical specifications for existing lighting on site to support the applicant's responses to the Lighting Design Standards of BDC 60.05.30. The applicant submitted a lighting analysis document which does not provide staff with adequate information to confirm if existing lighting meets the Lighting Design Standards (BDC 60.05.30) and the Technical Lighting Standards (BDC Table 60.05-1). Because of this, the application is considered incomplete at this time.

Staff also notes that the original application requested Conditional Use and Design Review Three approval to allow a 15-bed Residential Care Facility on the subject property. During the processing of these requests, the applicant modified the request to a 12-bed facility. Staff requested that the applicant update all application materials to consistently reference the modified request. However, some application materials were not updated and reference a 15-bed Residential Care Facility. For the purpose of this review, staff has assumed the 12-bed facility is being proposed.

## Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in a different order. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings.

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

- All twelve (12) criteria are applicable to the New Conditional Use (CU2022-0004) and Design Review Three (DR2022-0005) applications as submitted.

### Section 40.03.1.A

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

#### FINDING:

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

**Potable Water:** The subject site is located in the West Slope Water District. The property is currently operating as an adult foster care facility for five individuals which receives water service from this district. The applicant provided a Service Provider Letter from the West Slope Water District confirming that the current service level is adequate to serve the proposed use. Therefore, the Committee finds that adequate potable public water service can be provided to the site to serve the proposed development.

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

**Sanitary Sewer:** City of Beaverton sanitary sewer service currently serves the site. The site connects to an existing eight-inch sewer main located in SW Brentwood Street. Therefore, the Committee finds that adequate sanitary sewer service can be provided to the site for the proposed change in use.

**Stormwater Drainage, Treatment, and Retention:** There is no stormwater service currently serving the property or within close proximity to the site. City of Beaverton stormwater facilities are located approximately 100 feet north and 230 feet south of the

subject site. The applicant does not propose modifications to impervious surface area or other site changes that would necessitate connections to the stormwater network. For this reason, the Committee concludes that current site conditions for stormwater drainage, treatment, and retention are adequate to support the proposed use.

**Transportation:** The subject site has public street frontage on SW Laurelwood Avenue, a collector street, and SW Brentwood Street, a local street. Five-foot-wide sidewalks are present along the site's frontage with SW Laurelwood Avenue while no sidewalks abut the site's frontage with SW Brentwood Street. There is an existing network of paved pathways on site which connect building entrances to the public sidewalk along SW Laurelwood Avenue and to the existing driveway and parking spaces on site.

Since the site takes existing access from SW Brentwood Street, a county-maintained street, Washington County provided comments on the subject application. Washington County comments note that the site's existing access must be reconstructed to meet the County's commercial access and sight distance standards and that the work will require a Right-of-Way Permit. Thus, the Committee recommends conditions of approval that the applicant obtain a Right-of-Way Permit from Washington County prior to issuance of the building permit and that the applicant complete required improvements and obtain approval from Washington County prior to issuance of the final occupancy permit.

The applicant submitted a Trip Generation Memo indicating that a 15-bed Residential Care Facility will generate 30 new weekday trips. The memo did not provide trip generation information for a 12-bed facility. Since the proposed development will not generate 300 or more average net new weekday trips, a Traffic Impact Analysis was not required for this project. Furthermore, due to the limited impacts of the change in use on the existing transportation network, transportation-related improvements such as frontage improvements were not necessitated by this proposal. The Committee finds that, by meeting the conditions of approval, adequate transportation facilities will be provided to serve the proposed development.

**Fire Protection:** Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R staff issued Service Provider Permit approval for the applicant's proposal. Because of this, the Committee finds that adequate fire protection service can be provided to the site to serve the proposed development.

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

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

## **Section 40.03.1.B**

**Approval Criterion:** *Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its*

*occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both, will be provided to serve the proposed development within five (5) years of occupancy.*

## **FINDING:**

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

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

**Transit Improvements:** There are six TriMet bus stops located within 1,000 feet of the subject site which are served by TriMet Bus Lines 55 and 61. One bus stop abuts the property at the corner of SW Laurelwood Avenue and SW Brentwood Street. A TriMet Park and Ride facility is also located approximately 700 feet south of the subject property. Public sidewalks along SW Laurelwood Avenue connect the subject property to the Park and Ride facility and bus stops for Bus Line 61. Due to the limited scope of the proposed development, transit improvements are not required for this project.

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

**Pedestrian and Bicycle Facilities:** Paved pedestrian facilities are located in the public right of way along SW Laurelwood Avenue, and on-site pedestrian facilities connect to the public network. There is no public sidewalk abutting the site along SW Brentwood Street, and there is no bicycle infrastructure in the public right of way abutting the property. However, frontage improvements for pedestrian or bicycle facilities are not required for this project due to the limited impact the proposed change in use is expected to have on these facilities.

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

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

## Section 40.03.1.C

**Approval Criterion:** *The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses), or Sections 20.25 and 70.15 if located within the Downtown Design District, unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses) or Sections 20.25 and 70.15 if located within the Downtown Design District.*

### FINDING:

At the time this application was submitted on April 14, 2022, the subject property was zoned R7 Residential Urban Standard Density. Therefore, the standards of the R7 zone district apply to this proposal. The Committee refers to the Chapter 20 Use and Site Development Requirements table at the end of this report which evaluates the project as it relates to the applicable code requirements of Section 20.05.15 Residential Site Development Standards and 20.05.20 Residential Land Uses of the Beaverton Development Code in effect on April 14, 2022. As demonstrated in the table, the existing tax lot and building associated with the proposal comply with all applicable standards in Chapter 20 Residential Land Use Districts.

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

## Section 40.03.1.D

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

### FINDING:

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60 (Special Requirements) of the Beaverton Development Code in effect at the time of submittal on April 14, 2022. Staff will provide findings for the Design Review Three request within the applicable section of the staff report.

**Section 60.30 Off-Street Parking:** The off-street vehicular parking space requirement for a Residential Care Facility is 0.5 spaces per bed based on the maximum capacity of the facility. Since the proposed maximum capacity is 12 beds, six off-street parking spaces are required. Bicycle parking is also required for Residential Care Facilities. Short-term bicycle parking is required at a ratio of one space per 100 beds, and long-term spaces are

required at a ratio of one space per 50 beds. Based on the proposed number of beds, one short-term space and one long-term bicycle parking space are required on site. The applicant seeks the Reduction for Special Needs Residential for off-street vehicle and bicycle parking pursuant to BDC 60.30.10.11.G and proposes to allow existing conditions to serve the development. Specifically, the applicant requests the reduction to allow four off-street parking spaces (three in the driveway and one in the garage) and zero bicycle parking spaces to serve the site.

The existing site has a two-car garage and an approximately 30-foot-wide paved driveway area that is used for parking. There are no bike parking spaces on the property that meet the requirements of the Engineering Design Manual Section 340. Per BDC Section 60.30, there are a total of two existing vehicular off-street parking spaces that meet development code requirements. Although the paved driveway area is wide enough to accommodate three 8.5-foot-wide parking spaces and the garage is sized for two cars, the development code requires that groups of more than two parking spaces be located so that their use requires no backing movements into the right of way (BDC 60.30.10.B). Since parking in the garage and driveway require backing movements into the right of way, only two spaces satisfy the location of vehicle parking requirements of BDC 60.30.10.

The Reduction for Special Needs Residential (BDC 60.30.10.11.G) requires that an applicant demonstrate that the proposed number of off-street vehicle and bicycle spaces are appropriate for the site based on the size and location of the care facility, resident auto ownership, number of employees, and other relevant factors. Staff requested that the applicant provide a parking comparison of similar Residential Care Facilities based on the number of beds, care model, number of employees, visitation policies, and delivery needs. The applicant provided the analysis of comparable facilities detailing vehicular and bike parking needs of similar sites and additional documentation in the project narrative, Parking Analysis Memo, and the staffing model and visitation document about the needs of the Rooted Care Communities facility.

The applicant states that residents at Rooted Care Communities will not own vehicles, and the facility plans to have two staff members on site at all times. However, staff levels are determined by an Acuity-Based Staffing Tool as required by the State of Oregon based on the cumulative amount of care required for all residents, so staffing requirements may change depending on who resides at the facility and applicable state regulations. Regarding visitation policies of the facility, the applicant states that visitors are asked to call in advance, if possible, to ensure visits do not conflict with daily care needs of residents, and the site expects one visitor per day. Additionally, a hospice nurse visits the property up to three times per week and provides care on an as-needed basis for residents. The applicant explains in the project narrative that therapy such as occupational or physical therapy services are provided in house by staff, so other outside medical care provider visits are uncommon. The applicant's narrative also provides information about deliveries. The applicant explains that deliveries occur two to three times per week in short box trucks typically through Amazon or UPS, and grocery shopping is done twice per week. Information regarding delivery of medical supplies or linen services which are



common services needed to operate care facilities have not been provided, and it is unclear if the site will require such deliveries. Based on the information provided for the Rooted Care Facility, two parking spaces for staff, one space for visitors, and an additional space for deliveries and as-needed care visits are needed for this site, totaling four needed off-street parking spaces.

The applicant's parking analysis of comparable facilities provides information on the off-street vehicular and bicycle parking needs of five care establishments with similar care models. To conduct the analysis, the applicant used Google Earth Pro to review on-site conditions and called care facilities directly to discuss vehicle and bike parking availability and utilization. The first facility in Ontario, Oregon is a 14-bed facility in a residential neighborhood. Three off-street vehicle parking spaces are available, including one accessible van space. The applicant reports that there is unrestricted parallel street parking which provides additional parking areas for visitors and deliveries. The second care facility in Grants Pass, Oregon has 15 beds and provides four off-street parking spaces, including one accessible space. The third facility in Portland has 10 beds and is described as both a Residential Care Facility and a memory care facility. The site appears to have four off-street parking spaces based on aerial photographs provided by the applicant. Fourth, the applicant provides details of a closed 16-bed facility in Portland which appears to have had off-street parking for four vehicles. Lastly, a 15-bed facility in Portland was assessed and appears to have three spaces. The applicant notes that on-street parking is available at most of the facilities. Based on the applicant's analysis, similar sites provide between three and four off-street parking spaces. Regarding bicycle parking, the applicant states that no bicycle parking facilities were visible on Google Earth. Phone call inquiries were made to the four operating care facilities which confirmed that the facilities do not provide formal bike parking areas and allow employees to place bikes in garages or other areas on site. However, the applicant's analysis states that administrators of the five facilities could not recall a time an employee rode a bike to work.

The applicant also provided a Parking Analysis Memo prepared by a licensed engineer to support the Reduction for Special Needs Residential request. The memo concludes that a 12-bed Residential Care Facility will require five parking spaces based on peak demand of the use. The applicant's parking analysis discusses the availability of transit nearby and the availability of on-street parking suggest that the four requested off-street spaces will be adequate for the use based on comparable facilities and meets the parking demand identified in the Parking Analysis Memo prepared by the engineer.

In summary, the information provided by the applicant concludes that the proposed four off-street parking spaces and zero bike parking spaces will be adequate to support the proposed 12-bed Residential Care Facility. However, the existing parking areas of the site, including the garage and driveway, do not meet the locational parking space requirements of BDC 60.30.10.B which prohibits more than two spaces from backing into the right of way. Single-detached and duplex residential uses are exempt from this standard, but Residential Care Facilities are defined as a commercial land use and are not exempt from this provision. Since all existing parking on the site must back into the right of way to exit

the property, only two spaces meet development code requirements and can be counted towards the number off-street parking spaces available on site. For this reason, staff concludes that the two existing off-street vehicular parking spaces are inadequate to support the proposed use.

Regarding bicycle parking, staff does not concur with the applicant's assessment that zero bicycle parking spaces are adequate to serve the proposed use. The applicant asserts that since the five comparable facilities do not offer formal bike parking, such facilities are not warranted on the subject site. Staff finds that employees and visitors may choose to ride bikes to the facility if bike parking is provided and does not find that the applicant has provided adequate justification to support the elimination of bike parking requirements for the Residential Care Facility. Because of this, the Committee recommends a condition of approval that the applicant install one long-term and one short-term bicycle parking spaces in conformance with the standards of the Engineering Design Manual prior to issuance of final occupancy of the building permit.

In conclusion, staff is not supportive of the Reduction for Special Needs Residential for bicycle parking based on the information provided by the applicant. By meeting the conditions of approval, the proposal will meet the bicycle parking requirements of BDC 60.30. Staff concurs with the applicant's findings that four off-street vehicular parking spaces are adequate to serve the 12-bed Residential Care Facility and is supportive of the applicant's Reduction for Special Needs Residential request. However, only two off-street spaces meet development code requirements and can be counted towards the number of existing off-street parking spaces. Therefore, existing site conditions do not provide the four off-street parking spaces that the Reduction for Special Needs Residential analysis determined to be adequate for the proposed use. For this reason, the proposal does not meet the off-street vehicular parking standards of BDC 60.30.

**Section 60.50 Special Use Regulations:** BDC Section 60.50.20 for fencing requirements applies to the subject site. An existing six-foot-tall vinyl privacy fence is located along the eastern property line. Six-foot-tall wooden fencing also exists in the rear yard area on the northern portion of the property. The applicant also proposes a new six-foot-tall fence along the northern property line. All existing and proposed fences meet applicable fence height restrictions.

**Section 60.55 Transportation Facilities:** The applicant submitted a Trip Generation Memo prepared by a licensed engineer to evaluate the number of new net trips that will result from the proposed change in use. According to the memorandum, a 15-bed Residential Care Facility will generate 30 net new weekday trips based on the current use of the property. The Trip Generation Memo does not identify the trips that would result from a 12-bed facility. Since the proposed development will not generate 300 or more average net new weekday trips, a Traffic Impact Analysis was not required for the proposal. Staff cites the findings for Criterion A and recommended conditions of approval regarding the required Washington County Right-of-Way Permit and associated

improvements to the site's existing access to meet the County's commercial access and sight distance standards.

Existing pedestrian facilities are present on site, and a public sidewalk abuts the property along SW Laurelwood Avenue. There is no public sidewalk constructed along SW Brentwood Street, and there are no bicycle facilities on or off-site abutting the subject property. Due to the limited scope of the project, frontage improvements to improve pedestrian and bike facilities are not required.

**Conclusion:** Therefore, the Committee finds that the proposal does not meet the approval criterion.

## Section 40.03.1.E

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

### FINDING:

The applicant states that the owner of the proposed Residential Care Facility will maintain the subject property for the proper care and consideration of the residents. The owner of the facility intends to lease the building from the property owner by private agreement and will carry out all maintenance.

The Committee has outstanding concerns related to the ongoing servicing and maintenance of proposed trash and recycling facilities for the site. The applicant states that the facility will use two 90-gallon trash receptacles, two 64-gallon recycling receptacles, and one 64-gallon yard debris receptacle which will be serviced once per week. Trash and recycling receptacles are proposed to be stored in the existing garage.

Per the Beaverton City Code (Section 4.08.030), Residential Care Facilities are classified as a multifamily use. The City Solid Waste and Recycling Administrative Rules require a minimum waste capacity for multifamily uses of twenty gallons per unit per week for garage, twenty gallons per unit per week for recycling, and one gallon per unit per week for glass (Section E.3.a.(1)(c)). This equates to a minimum standard of 240 gallons for trash, 240 gallons for recycling, and 12 gallons for glass per week based on a 12-bed Residential Care Facility. This minimum standard is not met by the proposed number and volume of receptacles. Because of this, the Committee recommends a condition of approval that the applicant provide a plan prior to final occupancy permit showing adequate provision of garbage and recycling facilities that comply with the waste storage capacity requirements of the city code in addition to the applicable waste storage location and receptacle requirements of the Building and Fire codes.

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

## **Section 40.03.1.F**

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

### **FINDING:**

There is an existing driveway with parking spaces on the subject site in addition to existing pedestrian pathways providing connections between entrances, parking areas, and common areas on the property. No modifications to these facilities are proposed. The Committee finds that existing conditions on site provide safe and efficient vehicular and pedestrian circulation patterns.

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

## **Section 40.03.1.G**

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

### **FINDING:**

Staff cites the response to Criterion A as applicable to this criterion. The existing driveway, parking area, and pedestrian pathways connect to the surrounding public vehicular and pedestrian circulation systems. A direct pedestrian connection on the west side of the property connects to the public sidewalk along SW Laurelwood Avenue via an existing paved pathway and a set of stairs. While a public sidewalk does not exist abutting the site on SW Brentwood Street, frontage improvements will not be required due to the limited scope of the proposal. The Committee finds that existing conditions provide adequate, safe, efficient, and direct connections to the surrounding public circulation system.

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

## **Section 40.03.1.H**

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

## FINDING:

Fire protection will be provided by TVF&R. TVF&R staff issued Service Provider Permit approval for fire sprinkler installation that will be required for this project in addition to fire hydrant location review. Additionally, the existing structure was constructed under the residential building code as R3 occupancy, but the proposed change in use must meet the requirements of an R4 occupancy under the commercial building code. Permits from the City of Beaverton Building Division will be required to evaluate all structural, mechanical, electrical, or plumbing changes that will be needed to bring the building into compliance with the new occupancy requirements. Because of this, the Committee proposes a condition of approval that the applicant obtain required permits from the Building Division to establish R4 occupancy under the commercial building code prior to issuance of a Certificate of Occupancy. If any exterior site or building modifications are required for R4 occupancy, these changes may require additional Design Review at that time pursuant to BDC 40.20.

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

## Section 40.03.1.I

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

## FINDING:

The applicant states that all existing structures and public facilities serving the development site are designed in accordance with adopted City codes and standards. As of the date of this report, Beaverton Police have not raised any concerns about crime or accident at the development site. Any comments from Beaverton Police will be forwarded directly to the applicant, and the Committee finds the development is designed to provide adequate protection from crime and accident. Furthermore, permits through the Building Division will be required to bring existing structures into conformance with R4 occupancy requirements of the commercial building code. Accordingly, the Committee finds that review of the construction documents at the Building Permit stage will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

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

## Section 40.03.1.J

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

### FINDING:

The applicant proposes the installation of a new six-foot-tall fence within five feet of the northern property line which lies within and abuts residentially zoned property. The installation of a fence will not affect the existing elevation of the land. The applicant also proposes to plant shrubs along the northern and eastern property lines. Erosion control using best management practices per CWS standards will be required during the installation of the fence and landscaping. Accordingly, the Committee proposes a condition of approval requiring erosion control when land disturbance occurs on the property.

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

## Section 40.03.1.K

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

### FINDING:

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code, and other standards as required by the ADA. The Committee finds that review of the proposed plans at the Building Permit stage of the project is sufficient to guarantee compliance with accessibility standards.

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

## Section 40.03.1.L

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

### FINDING:

The applicant submitted applications for the New Conditional Use and Design Review Three applications on April 14, 2022. The applicant deemed the applications complete on

June 28, 2022. The applicant has not submitted the required Photometric Plan or equivalent documentation detailing technical specifications of existing lights on the subject site to support the applicant's response to the Lighting Design Standards (BDC 60.05.30). Therefore, all required submittal materials have not been received at this time.

**Conclusion:** Therefore, the Committee finds that the proposal does not meet the approval criterion.

## Code Conformance Analysis

**Table 4: Chapter 20 Use and Site Development Requirements  
Residential Urban Standard Density District (R7) Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.05.20</b>			
Residential Care Facility	Conditional Use	The applicant proposes to convert the existing building into a Residential Care Facility with up to 12 residents.	<b>See CU Findings</b>
<b>Development Code Section 20.05.15</b>			
Minimum Land Area	7,000 square feet	20,037.6 square feet	<b>YES</b>
Minimum Lot Dimensions (Corner Lot)	Width: 70 feet	Width: 196 feet	<b>YES</b>
	Depth: 80 feet	Depth: 98 feet	
Yard Setbacks	Front: 17 feet	Front (Garage): 20 feet	<b>YES</b>
	Side: 5 feet	East Side: 6 feet	
	Rear: 25 feet	West Side: 30.5 feet	
	Garage: 20 feet	Rear: 65.5 feet	
Maximum Building Height	35 feet	25 feet	<b>YES</b>



**Table 5: Chapter 60 Special Requirements**

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	The applicant proposes a change in use to a Residential Care Facility for up to 12 residents. Design Review of landscape buffers and fencing is required for this proposal. Since the applicant has chosen to address Design Guidelines related to landscape buffers, a Design Review Three application is required.	<b>NO See DR Findings</b>
<b>Development Code Section 60.07</b>			
Drive-Up Window Facilities	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	<b>N/A</b>
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a floodplain.	<b>N/A</b>
<b>Development Code Section 60.11</b>			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	The applicant is not proposing a food cart or food cart pod.	<b>N/A</b>
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits are requested.	<b>N/A</b>
<b>Development Code Section 60.15</b>			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property, and within 25 feet of a Significant Tree or Grove.	No grading activity is proposed.	<b>N/A</b>
<b>Development Code Section 60.20</b>			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	<b>N/A</b>

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.25</b>			
Off-Street Loading Requirements	Minimum: None	Residential Care Facilities that are 10,000 square feet in size or larger are required to have off-street loading facilities. Since the proposed Residential Care Facility is approximately 6,000 square feet, off-street loading requirements do not apply, and no loading berths are proposed by this project.	<b>N/A</b>
<b>Development Code Section 60.30</b>			
Off-Street Motor Vehicle Parking	0.5 parking spaces per bed = 6 spaces	The applicant seeks the Reduction for Special Needs Residential pursuant to BDC 60.30.10.11.G and proposes that the four existing off-street parking spaces (three in the driveway and one in the garage) are adequate to serve the proposed use. However, only two off-street parking spaces meet the locational requirements of Section 60.30.10.B. Because of this, staff finds that it is unsupportive of the applicant's Special Needs Residential Reduction request.	<b>NO</b>
<b>Development Code Section 60.30</b>			
Required Bicycle Parking	1 short-term space per 100 beds = 1 space required  1 long-term space per 50 beds = 1 space required	The applicant seeks the Reduction for Special Needs Residential for bicycle parking pursuant to BDC 60.30.10.11.G and proposes zero short-term and zero long-term spaces on site. The applicant's analysis of comparable Residential Care Facilities indicates that the other studied facilities do not provide bike parking. Staff finds that the applicant has not provided adequate justification to support the elimination of bicycle parking on site and recommends a Condition of Approval that the applicant install one short-term and one long-term bike parking spaces that meet EDM requirements prior to issuance of final occupancy.	<b>YES w/ COA</b>
<b>Development Code Section 60.33</b>			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	<b>N/A</b>

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.35</b>			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	<b>N/A</b>
<b>Development Code Section 60.40</b>			
Sign Regulations	Requirements for signs.	When proposed, signs are reviewed under a separate sign permit. No signs are proposed by this development.	<b>N/A</b>
<b>Development Code Section 60.45</b>			
Solar Access Protection	Solar access requirements for subdivisions and single family homes.	No subdivisions or new single-family homes are proposed.	<b>N/A</b>
<b>Development Code Section 60.50</b>			
Fences	Height restrictions for fences and walls.	A six-foot-tall vinyl privacy fence is existing along the eastern property line. Six-foot-tall wooden fencing also exists in the rear yard area in the northwestern portion of the property. The applicant also proposes a new six-foot-tall wooden privacy fence along the northern property line. All existing and proposed fences meet applicable fence height restrictions.	<b>YES</b>
<b>Development Code Section 60.55</b>			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.60</b>			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	No trees are proposed for pruning or removal. Tree protections during development do not apply since there are no Protected Trees on the subject property.	<b>N/A</b>
<b>Development Code Section 60.65</b>			
Utility Undergrounding	Requirements for placing overhead utilities underground.	There are no existing utilities that are affected by this proposal, so undergrounding of existing utilities serving the site is not applicable. No new utilities are proposed by the development.	<b>N/A</b>

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.67</b>			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	No Significant Natural Resources are located on site.	<b>N/A</b>
<b>Development Code Section 60.70</b>			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	<b>N/A</b>

# Attachment B: NEW CONDITIONAL USE CU2022-0004

## ANALYSIS AND FINDINGS FOR NEW CONDITIONAL USE APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **DENIAL** of **CU2022-0004**. Should the Planning Commission determine that the application should be approved, staff recommends that the Planning Commission adopt the conditions identified in Attachment D.

### Section 40.03.1 Facilities Review Approval Criteria:

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

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

##### FINDING:

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria D or L. Therefore, the proposal does not meet the criterion for approval.

**Conclusion:** Therefore, the Committee finds that the proposal does not meet the approval criterion.

### Section 40.15.05 Purpose:

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

### Planning Commission Standards for Approval:

Section 40.15.15.5.C of the Development Code provides standards to govern the decisions of the Planning Commission as they evaluate and render decisions on New Conditional Use Applications. The Planning Commission will determine whether the application as presented,

meets the New Conditional Use approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for New Conditional Use.

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

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

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

#### **FINDING:**

The applicant's proposal is for a new Residential Care Facility which is a Conditional Use in the R7 Residential Urban Standard Density District which was in effect at the time of application on April 14, 2022. No prior Conditional Use approval for the proposed use is in effect on the subject site. Accordingly, staff finds the proposal is subject to a New Conditional Use review by meeting Threshold 1 which reads:

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

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

### **Section 40.15.15.5.C.2**

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

#### **FINDING:**

The applicant paid the required fee for this New Conditional Use application.

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

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

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

#### **FINDING:**

The following Comprehensive Plan policies apply to this project:

***Land Use Element Policy 3.8.2.a Allow and encourage a variety of housing types that respond to the scale and form of existing neighborhoods as a way to increase***

***housing options within established neighborhoods while recognizing neighborhood character.***

The applicant states that, “The Residential Care Facility located in an existing large purpose-built Single Family Home is an allowable housing type in the district.” The applicant adds that, “Policy [3.8.2.a] is directed to the long range planners at the City of Beaverton thru legislative actions, and has potentially been accomplished with the recent adoption of the new zoning districts and middle housing standards.”

Policy 3.8.2.a applies to this proposal since it is a request for a type of housing in the Standard Density Neighborhoods Land Use designation. A Residential Care Facility is a Conditional Use in the R7 zone district, and staff finds that the proposal on the subject property would increase the variety of housing types in the existing predominantly single-detached residential neighborhood. The proposed use would also increase the housing options for the city’s aging population.

The surrounding neighborhood is characterized by single-detached homes and limited non-residential land uses including a place of worship and transit facilities near the subject site. Generally, properties clustered around SW Laurelwood Avenue are within city limits while residential properties to the east and west of Laurelwood are within the unincorporated area of Washington County. The proposed Residential Care Facility would operate in a repurposed single-detached home which would maintain its residential appearance in a way that is consistent with the scale and form of the surrounding neighborhood character. For these reasons, staff finds that the proposal complies with Policy 3.8.2.a of the Comprehensive Plan.

***Housing Element Policy 4.2.1.e Support older residents’ ability to age in place through targeted investments that make existing housing more age-friendly and accessible and contribute to neighborhood stabilization.***

The applicant states that, “[This] segment from the Comprehensive Plan sets a policy specifically directed to the aging population. It identifies a need that can be addressed by approving a specific land use application. The adaptive reuse of a large dwelling is a targeted investment by an applicant that complies with the referenced goal/policy as a proposed use.”

Staff concurs with the applicant and adds that the proposal to allow a Residential Care Facility in an existing predominantly single-detached neighborhood would provide additional care options for the community to age in place. Providing options to age in place encourages neighborhood stabilization by maintaining social connections and familiarity with nearby support services. Therefore, staff finds that the proposed Conditional Use complies with Policy 4.2.1.e of the Comprehensive Plan.

***Environmental Quality and Safety Element Policy 8.4.1.a Noise impacts shall be considered during development review processes.***

***Action 1: Adopt and implement appropriate design standards for development permits for all commercial, industrial, high density, mixed use and transportation projects, and others as appropriate. Development applications should be required to demonstrate compliance with applicable noise level standards. Means of meeting the design standards might include, but are not limited to:***

- ***Use of year-round landscape elements that absorb parking lot and street noise.***
- ***Use of underground parking.***
- ***Use of extra-thick windows.***
- ***Facades constructed of materials that help to absorb sounds.***
- ***Pervious surface landscape and parking lot materials that absorb sounds.***
- ***Use of building materials that aid in the reduction of sound traveling through common floors and walls.***
- ***Dampers on heating and cooling equipment***

The applicant states that, “[This] goal is addressed through implementation of the Plan by the Development Code, and the house is built to current insulation standards. The listed design items in Action 1 speak to new development, and a goal of protecting residents from exterior noise sources. The noises identified in 8.4 will not be generated by this use...obviously. And as stated earlier, the building was constructed to current insulations standards. It is very doubtful that howling residents or loud rap music will be a problem.”

Policy 8.4.1.a applies to this proposal since it is being considered through a New Conditional Use application, a type of development review process. This policy applies to both new development and redevelopment of existing sites such as the proposed change in use. A Residential Care Facility is defined as a commercial land use by the development code (BDC Table 20.05.20.A.3), and a 12-person facility is expected to have different impacts than the existing use as an Adult Foster Care home for up to five individuals which is considered a residential land use. Accordingly, staff asked that the applicant provide additional information about deliveries and outdoor activity to the property to assess if potential noise impacts may affect nearby residences.

On page 3 of the project narrative, the applicant provides details regarding deliveries. The applicant explains that deliveries to the site are accomplished by short box trucks through services like Amazon and UPS at a frequency comparable to other homes in the neighborhood, roughly two to three times per week. The narrative also states that grocery shopping is done twice per week and is not planned to be provided by deliveries. Staff requested additional information from the applicant regarding delivery needs for medical supplies or linen services which has not been provided. Therefore, it is unclear if the site will require such deliveries and if so, at what frequency or by what type of delivery service. However, based on the information provided by the applicant, staff does not anticipate



that deliveries associated with the proposed use will cause noise impacts on nearby residences as delivery trucks are not expected to unload large quantities of supplies.

Regarding outdoor activity, staff concurs with the applicant that residents of the care facility are not expected to cause noise impacts on neighboring properties. Any outdoor programming for residents would take place during the day and would comply with applicable noise level standards. Furthermore, the existing building is designed with an open-air courtyard at the interior of the site where residents are expected to recreate and relax. Any potential noise from this area would be significantly reduced as it would be dampened by the surrounding building walls. For these reasons, staff concludes that noise generated by the proposed use will be limited and is not expected to impact surrounding residences.

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

## **Section 40.15.15.5.C.4**

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

### **FINDING:**

The subject property has an existing 12-bedroom single-detached dwelling with a two-car garage on a relatively flat 0.46-acre corner lot. The site has an existing driveway off SW Brentwood Street which provides access to the property. The applicant states that the existing structure "...is ideal for the proposed use as a Residential Care Facility. Most of the bedrooms (9) are on the ground floor, upstairs areas will be used only by staff and management. The house is designed with a private, level central courtyard area that residents can access." Staff concurs that the size and configuration of the existing single-detached home on the site is adequate to support the proposed use as a Residential Care Facility for up to 12 residents. Facilities for the use of residents are located on the main floor, and the site provides an accessible entrance to the home to access these facilities.

However, staff has outstanding concerns about the existing parking and waste storage facilities on the subject site. Staff cites findings for Facilities Review criteria D and E in Attachment A as relevant to this criterion which discuss the applicable off-street parking requirements of BDC 60.30, the findings of the Reduction for Special Needs Residential request, and the waste storage capacity requirements of the Beaverton City Code. Staff also cites findings in Attachment C regarding the waste storage screening requirements of BDC 60.05.20.2.

A Building Permit was issued in 2016 to construct a large, two-story addition to a single-detached home to convert the structure for use as an Adult Foster Care facility for up to five individuals (B2015-5203). The proposed work included a two-car attached garage and a driveway off of SW Brentwood Street to serve the site. While the proposed addition met

requirements to serve the Adult Foster Care use, the expansion of the site created insufficient parking facilities for a 12-bed Residential Care Facility. Due to the locations of the constructed addition and driveway and their proximity to SW Brentwood Street right of way, all existing off-street parking spaces and any expansion of the parking areas would require backing movements into SW Brentwood Street. Since locational requirements of BDC 60.30.10.10.B prohibit more than two parking spaces from backing into a street, the site was constructed in a way that prevents providing the four off-street parking spaces that were determined to be adequate for the use based on the findings of the Reduction for Special Needs Residential Parking request.

Furthermore, the addition permitted for the Adult Foster Care use did not anticipate the increased waste storage needs of a 12-bed Residential Care Facility or applicable screening requirements of the development code. The proposed facility requires 240 gallons of trash storage, 240 gallons of recycling storage, and 12 gallons of glass storage. It is unclear if the existing garage has the capacity to store the needed number of receptacles or dumpsters to provide the required waste storage capacity since the applicant has not provided a floor plan of the garage identifying a layout of the facilities, as requested by staff. Additionally, staff is unable to conclude if storing receptacles in the garage complies with applicable screening requirements for waste storage areas since the garage door was constructed with a semi-transparent material which allows a partial view inside from the street. Without a floor plan depicting the layout of receptacles inside the garage, it is unclear if they will be stored in an area that is fully screened from view from SW Brentwood Street. Furthermore, the location of parking spaces in front of the garage requires that receptacles or dumpsters are rolled out to the street for service as they cannot be accessed independently by the hauler.

In summary, repurposing the existing building and site which was intended for Adult Foster Care without modifications to provide adequate parking and waste storage facilities for the proposed use does not accommodate the needs of the proposal. Therefore, staff finds that the existing man-made features of the site do not reasonably accommodate the proposed 12-bed Residential Care Facility.

**Conclusion:** Therefore, staff finds the proposal does not meet the criterion for approval.

## **Section 40.15.15.5.C.5**

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

### **FINDING:**

The applicant states that the proposed use of the existing property as a Residential Care Facility for up to 12 individuals would not impact the appropriate use or development of other properties in the surrounding area. The proposal is a change in use of an existing

building, so proposed exterior changes are limited in scope and will not affect the use or development of other properties. Most activity associated with the Residential Care Facility would take place indoors, and residents would have use of the fenced in backyard for their relaxation and enjoyment. The applicant proposes new privacy fencing and additional landscaping which will increase compatibility with adjacent properties and help mitigate potential visual or noise impacts associated with the use.

However, staff cites findings in Attachment A and C regarding inadequate off-street parking facilities and waste storage capacity and screening. Staff also cites findings in Attachment C regarding insufficient information to conclude if the lighting design standards of BDC 60.05.30 are met by the proposal. Inadequate off-street parking for vehicles and delivery services reduces compatibility with nearby residences and may cause impacts due to parking overflow into the surrounding neighborhood and improperly parked delivery vehicles. It is also unclear if the proposed waste storage area can accommodate the capacity required for the use by the city code and if the area will be fully screened from view from the street. Because of this, inadequate storage and screening of waste facilities is incompatible with the surrounding neighborhood and is expected to cause visual impacts for nearby residential properties. Finally, staff does not have enough information to evaluate potential lighting impacts that may occur from existing on-site lighting. For these reasons, staff finds that aspects of the proposal related to parking and waste storage cannot be made reasonably compatible with the surrounding neighborhood and may have impacts on livability. Further, staff is unable to assess if existing lighting will impact the surrounding area.

**Conclusion:** Therefore, staff finds that the proposal does not meet the criterion for approval.

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

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

### **FINDING:**

The subject property is not located within the floodway fringe; therefore, this criterion is not applicable.

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

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

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

### **FINDING:**

The subject site is zoned R7 Residential Urban Standard Density and is not designated Interim Washington County; therefore, this criterion is not applicable.

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

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

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

### **FINDING:**

The applicant submitted a Design Review Three application to be processed concurrently with this New Conditional Use request. The applicant deemed the applications complete on June 28, 2022. The applicant has not submitted the required Photometric Plan or equivalent documentation detailing technical specifications of existing lighting on the subject site to support the applicant's response to the Lighting Design Standards of BDC 60.05.30. Therefore, all required submittal materials have not been received at this time.

**Conclusion:** Therefore, staff finds that the proposal does not meet the criterion for approval.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, staff recommends DENIAL of CU2022-0004. Should the Planning Commission determine the application should be approved, staff recommends it is subject to the applicable conditions identified in Attachment D.

# Attachment C: DESIGN REVIEW THREE DR2022-0005

## ANALYSIS AND FINDINGS FOR DESIGN REVIEW THREE APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **DENIAL** of **DR2022-0005**. Should the Planning Commission determine that the application should be approved, staff recommends that the Planning Commission adopt the conditions identified in Attachment D.

### Section 40.03.1 Facilities Review Approval Criteria:

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

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

##### FINDING:

Staff has reviewed the applicable Facilities Review criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, the proposal does not meet Criteria D or L. Therefore, the proposal does not meet the criterion for approval.

**Conclusion:** Therefore, the Committee finds that the proposal does not meet the approval criteria.

### Section 40.20.05 Purpose:

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary, and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by ensuring the proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

### Planning Commission Standards for Approval:

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

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

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

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

#### **FINDING:**

The applicant proposes a new Residential Care Facility in a residential zone with limited exterior modifications proposed related to fencing and landscaping. Since the applicant has chosen to address Design Guidelines related to landscape buffers, this proposal satisfies Design Review Three Threshold 8 which reads:

*8. A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).*

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

### **Section 40.20.15.3.C.2**

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

#### **FINDING:**

The applicant paid the required fee for this Design Review Three application.

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

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

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

#### **FINDING:**

The proposal meets Design Review Three Threshold 8. Therefore, this criterion is not applicable.

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

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

For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can

demonstrate that the additions or modifications are moving towards compliance with specific Design Guidelines if any of the following conditions exist:

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

**FINDING:**

The proposal is for a new Residential Care Facility in an existing building and is not an addition or modification of an existing development; therefore, this criterion is not applicable.

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

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

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

**FINDING:**

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

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

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

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

**FINDING:**

The proposal meets Design Review Three Threshold 8, so this criterion is applicable. The applicant has chosen to address a combination of design standards and guidelines. Staff cites Table 6 for findings of applicable design standards and the Design Review

Guidelines Analysis which identify that the applicant has not met all applicable design standards.

**Conclusion:** Therefore, staff finds that the proposal does not meet the criterion for approval.

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

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

#### **FINDING:**

Although this proposal meets Design Review Three Threshold 8, the applicant has chosen to address a combination of design standards and guidelines.

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

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

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

#### **FINDING:**

The applicant submitted a New Conditional Use application to be processed concurrently with this Design Review Three request. The applicant deemed the applications complete on June 28, 2022. The applicant has not submitted the required Photometric Plan or equivalent documentation detailing technical specifications of existing lighting on the subject site to support the applicant's response to the Lighting Design Standards of BDC 60.05.30. Therefore, all required submittal materials have not been received at this time.

**Conclusion:** Therefore, staff finds that the proposal does not meet the criterion for approval.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, staff recommends DENIAL of DR2022-0005. Should the Planning Commission determine the application should be approved, staff recommends it is subject to the applicable conditions identified in Attachment D.



**Table 4: Section 60.05 Design Standards**

**Section 60.05.20 Circulation and Parking Design**

<b>DESIGN STANDARD</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD</b>
<b>Connections to the public street system</b>		
<b>60.05.20.1</b> Connect on-site circulation to existing and planned street system	The existing site has paved pathways connecting building entrances to existing pedestrian facilities along SW Laurelwood Boulevard. A vehicle connection is provided by the existing driveway to SW Brentwood Street. Public bicycle infrastructure is not available abutting the site. Due to the limited scope of the proposal, no modifications to existing circulation systems are required for consistency with the Comprehensive Plan Transportation Element.	<b>YES</b>
<b>Loading Areas, solid waste facilities and similar improvements</b>		
<b>60.05.20.2.A</b> Service Area Screening	Waste and recycling storage areas are proposed inside the existing garage which faces SW Brentwood Street. The garage door is made of a semi-transparent material which does not fully obscure objects inside that are close to the door. Staff requested more information from the applicant about the layout of waste receptacles in the garage, but this information was not provided. Since it is unclear if receptacles will be visible from the adjacent public street due to the garage door material, staff is unable to conclude if waste storage areas will be fully screened from view.	<b>NO</b>
<b>60.05.20.2.B</b> Loading Area Screening	Loading zones are not proposed or required.	<b>N/A</b>
<b>60.05.20.2.C</b> Screening Materials	Trash and recycling receptacles are proposed to be located inside the existing garage. As previously noted, the garage door is made of a semi-transparent material, so it is not a solid screen wall. Therefore, the proposed screening for waste storage areas does not meet one of the three screening methods.	<b>NO</b>
<b>60.05.20.2.D</b> Chain Link Prohibition	No chain link fencing is proposed.	<b>N/A</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.20.2.E</b> Screen Waiving	No waiver is requested.	N/A
<b>Pedestrian Circulation</b>		
<b>60.05.20.3.A</b> Link to adjacent facilities	The existing site has paved pathways connecting on-site building entrances and parking areas to existing public pedestrian facilities along SW Laurelwood Boulevard. Due to the limited scope of the proposal, the applicant is not required to construct planned pedestrian facilities along the site's frontage with SW Brentwood Street.	YES
<b>60.05.20.3.B</b> Direct walkway connection	The property has existing pedestrian walkways connecting primary building entrances, including the accessible entrance at the interior of the site, to public pedestrian facilities along SW Laurelwood Avenue. The existing sidewalk connects this site to the TriMet bus stop at the intersection of SW Laurelwood Avenue and SW Brentwood Street and the TriMet Park and Ride facility to the south.	YES
<b>60.05.20.3.C</b> Walkways every 300'	The subject site has approximately 295 feet of street frontage and provides one existing pedestrian connection to facilities along SW Laurelwood Avenue which meets the standard.	YES
<b>60.05.20.3.D</b> Physical separation	Pedestrian connections through parking areas are not proposed.	N/A
<b>60.05.20.3.E</b> Distinct paving	Pedestrian connections do not cross driveways or vehicular access aisles.	N/A
<b>60.05.20.3.F</b> 5' minimum width	The applicant does not propose to modify the existing pedestrian paths.	N/A
<b>Street Frontages and Parking Areas</b>		
<b>60.05.20.4.A.1-2</b> Street frontages and parking areas	No modifications to on-site surface parking areas abutting a public street are proposed.	N/A
<b>Parking and Landscaping</b>		
<b>60.05.20.5.A-D</b>	No modifications to parking areas are proposed.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Off-Street Parking Frontages in Multiple-Use Districts</b>		
<b>60.05.20.6.A</b> 50% Max on MPR 1 65% Max on MPR 2	The site is not located in Multiple-Use District	N/A
<b>Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts</b>		
<b>60.05.20.7.A-B</b> Required sidewalk/internal pathway widths	The site is not located in a Multiple-Use or Commercial zone district.	N/A
<b>Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts</b>		
<b>60.05.20.8.A-B</b> Drive aisles to be designed as public streets, if applicable	The proposed site does not include drive aisles that link public or private streets with parking stalls.	N/A
<b>Ground Floor uses in parking structures</b>		
<b>60.05.20.9</b> Parking Structures	No parking structures are proposed.	N/A

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

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Minimum Landscaping</b>		
<b>60.05.25.1-4</b> Residential minimum landscaping	The site is not a residential development.	N/A
<b>60.05.25.5.A</b> Non-residential minimum landscaping	The subject site area is 0.46 acres (20,037.6 square feet). Conditional Uses in residential zones require 15% landscaped area, so this site must provide at least 3,006 square feet of landscaping. The existing site provides over 3,006 square feet of landscaped area.	YES
<b>60.05.25.5.B</b> Non-residential minimum landscaping	The existing site conditions comply with the minimum planting requirements within the required landscaped area. Four trees, eight evergreen shrubs, and groundcover are required. Existing mature trees, evergreen hedges, and groundcover exceed this standard.	YES
<b>60.05.25.5.C</b> Hard surface plaza for meeting landscaping requirements.	No hard surface pedestrian plazas are proposed.	N/A

<b>DESIGN STANDARD</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD</b>
<b>60.05.25.5.D</b> Landscaping along foundations	All building elevations visible from abutting public streets have windows on the ground floor. This standard does not apply.	<b>N/A</b>
<b>Retaining Walls</b>		
<b>60.05.25.8</b> Retaining Walls	No retaining walls are proposed that are greater than six feet tall or longer than 50 linear feet.	<b>N/A</b>
<b>Fences and Walls</b>		
<b>60.05.25.9.A</b> Materials	There is an existing vinyl fencing along the eastern property line and a wooden privacy fence on the western side of the yard. A new wooden privacy fence is proposed along the northern property line. All existing and proposed fencing materials are commonly used and durable.	<b>YES</b>
<b>60.05.25.9.B</b> Chain Link Fencing	Chain link fencing is not proposed.	<b>N/A</b>
<b>60.05.25.9.C</b> Masonry Walls	No new masonry walls are proposed, and no changes are proposed for existing walls.	<b>N/A</b>
<b>60.05.25.9.D</b> Uses in Industrial districts	The site is not in an Industrial zone district.	<b>N/A</b>
<b>60.05.25.9.E</b> Fence Height	Existing and proposed fencing is six-feet-tall. Fences are not existing or proposed within required front yard areas and do not exceed the maximum permitted height.	<b>YES</b>
<b>Minimize Significant Changes to Existing On-Site Surface Contours At Residential Property Lines</b>		
<b>60.05.25.10</b> Minimize grade changes	No changes to on-site surface contours abutting residential property lines are proposed, so this standard is not applicable. However, new fencing and landscaping are proposed near the northern residential property line. The Committee recommends a condition of approval that the applicant provide erosion control using best management practices per CWS standards during installation of new fencing and landscaping which will ensure land disturbance in these areas do not affect adjacent properties.	<b>YES w/ COA</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Integrate water quality, quantity, or both facilities</b>		
<b>60.05.25.11</b> Location of non-vaulted facilities	No improvements beyond existing conditions are proposed for stormwater facilities serving the property.	<b>N/A</b>
<b>Natural Areas</b>		
<b>60.05.25.12</b> No encroachment into buffer areas.	No natural areas exist on site.	<b>N/A</b>
<b>Landscape Buffering Requirements</b>		
<b>60.05.25.13</b> Landscape buffering between contrasting zoning districts	<p>The applicant has chosen to address the landscape buffering design standards for the buffer required along the northern property line and the design guidelines for the eastern landscape buffer. See the Design Guidelines Analysis below for findings regarding the eastern buffer.</p> <p>Per Table 60.05-2, a 20-foot-wide landscape buffer meeting B3 planting standards is required along the north property line. The applicant proposes the construction of a new six-foot-tall wooden fully sight obscuring fence along the northern property line in addition to planting 12 new evergreen shrubs and seven deciduous shrubs. The applicant also proposes to plant three Acer Circinatum Vine Maple trees. However, the landscape plan identifies a 4-5-foot planting height while the code requires a minimum of six feet. Additionally, it is unclear if existing groundcover meets B3 requirements, and no new groundcover is proposed. It is also not clear if the proposed evergreen shrubs will meet the required minimum plant height of 4-6 feet within 2 years of planting.</p> <p>Should the Planning Commission determine that the applications should be approved, the Committee recommends conditions of approval that the new privacy fence and landscaping will be installed along the northern property line prior to issuance of an occupancy permit.</p>	<b>NO</b>

### Section 60.05.30 Lighting Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Adequate on-site lighting and minimize glare on adjoining properties</b>		
<b>60.05.30.1.A</b> Lighting complies with the City's Technical Lighting Standards	The applicant has not provided the required Photometric Plan that is needed to confirm if existing lighting is in conformance with the city's Technical Lighting Standards. The submitted lighting analysis document identifies lighting along the fence on the eastern property line, near building entrances, under the deck, and near the second-story deck stairs. However, the lighting analysis does not provide foot-candle measurements for existing lighting, so staff is unable to confirm if Technical Lighting Standards are met.	<b>NO</b>
<b>60.05.30.1.B</b> Lighting provided for vehicle and pedestrian circulation	The applicant has not provided the required Photometric Plan that is needed to confirm if existing lighting is in conformance with the city's Technical Lighting Standards. The submitted lighting analysis document identifies lighting along the fence on the eastern property line, near building entrances, under the deck, and near the second-story deck stairs. However, the lighting analysis does not provide foot-candle measurements for existing lighting, so staff is unable to confirm if Technical Lighting Standards are met.	<b>NO</b>
<b>60.05.30.1.C</b> Lighting of Ped Plazas	Pedestrian plazas are not proposed.	<b>N/A</b>
<b>60.05.30.1.D</b> Lighting of building entrances	The applicant has not provided the required Photometric Plan that is needed to confirm if existing lighting is in conformance with the city's Technical Lighting Standards. The submitted lighting analysis document identifies lighting along the fence on the eastern property line, near building entrances, under the deck, and near the second-story deck stairs. However, the lighting analysis does not provide foot-candle measurements for existing lighting, so staff is unable to confirm if Technical Lighting Standards are met.	<b>NO</b>
<b>60.05.30.1.E</b> Canopy lighting	No canopy lighting is proposed.	<b>N/A</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Pedestrian-scale on-site lighting</b>		
<b>60.05.30.2.A</b> Pole Mounted Luminaires	Pole-mounted luminaires do not exist and are not proposed.	<b>N/A</b>
<b>60.05.30.2.B</b> Non-Pole Mounted Luminaires	Wall mounted lights exist on site. However, the applicant has not provided a Photometric Plan to confirm if existing non-pole mounted luminaires are in conformance with the Technical Lighting Standards.	<b>NO</b>
<b>60.05.30.2.C</b> Lighted Bollards	The proposal does not include bollards.	<b>N/A</b>

# Design Review Guidelines Analysis

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

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

### 11. Landscape Buffering and Screening

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

#### FINDING:

The applicant has chosen to address this design guideline in lieu of the design standard for the required landscape buffer along the eastern property line. The landscape buffer standard along the eastern property line requires a 20-foot-wide buffer meeting B3 planting requirements. However, Footnote 5 of Table 60.05-2 states that “a landscape buffer width cannot exceed a minimum yard setback dimension”. Since the side setback requirement is five feet, a five-foot-wide buffer meeting B3 planting requirements would meet the design standard. The applicant addresses the design guidelines and proposes a modified landscape buffer in this area.

There are no existing natural features like wetlands or significant groves on the site that provide visual screening. The existing building and accessible pedestrian pathway along the eastern property line prevent the installation of plant materials within portions of the required buffer area. There is an existing six-foot-tall vinyl privacy fence along the eastern boundary which provides a high degree of visual screening. Additionally, the applicant proposes to plant eight native deciduous and evergreen shrubs in the rear yard area adjacent to the eastern property line. The existing fence, existing trees, and proposed shrubs will provide adequate screening and separation between the Residential Care Facility and the abutting residence. Staff recommends a condition of approval that new landscaping, as proposed by the applicant’s submitted landscape plan, is installed and irrigated prior to issuance of final occupancy for the building permit.

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

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



**commercial use abutting an industrial use, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.13)**

**FINDING:**

The proposal would convert the existing Adult Foster Care home, a residential use, to a Residential Care Facility, a commercial use that is conditionally permitted in the underlying residential zone. The site abuts residential properties to the north and east. The applicant has chosen to respond to the design guideline for the landscape buffer required along the eastern property line.

Impacts associated with the Residential Care Facility are anticipated to be minimal, as most activity takes place indoors. The existing six-foot-tall vinyl privacy fence, three trees, and the proposed shrubs will effectively mitigate potential visual and noise impacts on residential properties to the east of the subject site. The reduced landscape buffer, as proposed, is appropriate for this location as impacts are expected to be limited and due to constraints associated with the existing building's location.

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

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

**FINDING:**

The applicant chose to address the design guideline for the landscape buffer along the eastern property line. The applicant provided a landscape plan identifying a variety of existing trees and proposed shrubs. An existing vinyl fence provides visual screening, and the applicant proposes to plant eight new shrubs, five evergreen and three deciduous, on the interior side of the fence since the fence is located on the shared property line. Proposed shrubs combined with existing trees and fencing will complement the visual character of the existing site. The new landscaping will not be visible to the adjacent neighborhood, so no change is expected to the visual characteristics of the neighborhood related to landscaping beyond existing conditions.

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

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

**FINDING:**

The applicant states that the existing building is six feet from the eastern property line, and a paved walkway is located between the property line and the building. The existing six-foot-tall vinyl fence is located on the shared eastern property line and abuts the paved walkway. The applicant explains that these constraints prevent the installation of the

required five-foot-wide buffer in this area. Staff concurs with the applicant that existing conditions prevent planting landscaping in areas along the eastern property line where the pathway is located. The applicant's proposal to plant eight new shrubs in other areas along the eastern property line combined with the existing fence will provide adequate screening for the proposed use despite the reduction of the standard where constraints exist.

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

# Attachment D: RECOMMENDED CONDITIONS OF APPROVAL

**Application:** Rooted Care Communities

**Recommendation:** DENY CU2022-0004 / DR2022-0005. Should the Planning Commission determine the application should be approved, staff recommends the following conditions of approval:

## New Conditional Use (CU2022-0004)

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

1. Ensure that the Design Review Three (DR2022-0005) application has been approved and is consistent with the submitted plans. (Planning / BG)
2. The Conditional Use permit shall run with the land and shall continue to be valid upon a change of ownership of the site, unless otherwise specified in conditions attached to the permit. (Planning/BG)

## Design Review Three (DR2022-0005)

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

1. Ensure that the New Conditional Use (CU2022-0004) application has been approved and is consistent with the submitted plans. (Planning / BG)
2. Provide erosion control using best management practices per CWS standard drawing number 945 during installation of new fencing and landscaping. (Site Development Div./ KJ)

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

3. Obtain a Washington County Right-of Way Permit(s) from the Operations Division via the Public Permitting and Services Portal for the following: (Washington County / NV)
  - a. Reconstruct access to SW Brentwood Street to County standard detail 1081 (commercial access). Sight Distance must be met per County standards.

### **C. Prior to final inspection and final occupancy permit, the applicant shall:**

4. Obtain permits from the Building Division to establish R4 occupancy under the commercial building code for the existing building and site. If exterior building or site changes meet a threshold for a Design Review application per BDC 40.20, Design Review approval will be required prior to issuance of a final occupancy permit. (Planning / BG)

5. Have installed one (1) long-term and one (1) short-term bicycle parking spaces on site in conformance with the standards of the Engineering Design Manual (EDM) Section 340. (Planning / BG)
6. Have installed a six-foot-tall fully sight obscuring wooden fence along the entirety of the northern property line. The fence must be constructed within five feet of the shared property line. (Planning / BG)
7. Ensure all landscaping is installed and irrigated 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 / BG)
8. Provide a plan showing adequate provision of garbage and recycling facilities that comply with Section 4.08.030 of the Beaverton City Code, Section E.3.a.(1).(c) of the City Solid Waste & Recycling Administrative Rules, and applicable provisions of the Building and Fire codes. (Planning / BG)
9. Complete the road improvements required by Washington County to meet commercial access and sight distance standards and have the improvements accepted by the County. (Washington County / NV)