

**BEFORE THE PLANNING
COMMISSION FOR
THE CITY OF BEAVERTON,
OREGON**

After recording return to:
City of Beaverton, City Recorder:
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2651
OF A DESIGN REVIEW THREE FOR A 424-UNIT) DR2018-0149 ORDER APPROVING
RESIDENTIAL AND APPROXIMATELY 31,000) WEST END DISTRICT MIXED USE
SQUARE FOOT COMMERICAL DEVELOPMENT) DEVELOPMENT, DESIGN REVIEW THREE
(WEST END DISTRICT MIXED USE)
DEVELOPMENT). URBAN FORM, APPLICANT.)

The matter came before the Planning Commission (Commission) on November 28, 2018 and continued to December 5, 2018, on a request for Design Review Three for a 424-unit residential and approximately 31,000 square foot commercial development. The subject site is located at the northwest corner of SW Murray Boulevard and Tualatin Valley Highway, specifically identified as tax lots 100, 200, and 300 on Washington County Tax Assessor’s Map 1S108DD.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission requested clarification that staff’s recommendation requiring the proposed lighting shield the glare from the Significant Natural Resource Area should be to Street B and not Street A. Staff clarified the

condition in the staff report was intended for Street B and recommended modification to Condition No. A.38, the Commission agreed to the change.

The supplemental memorandum from staff, dated December 4, 2018, corrects errors identified within the staff report, dated November 28, 2018, as well as revises Conditions of Approval Nos. A.4, A.26, A.27, C.44, and C.45.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the staff report dated November 28, 2018, staff's memorandum dated December 4, 2018, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.20.15.3.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **DR2018-0149** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the staff report dated November 28, 2018 and the memorandum dated December 4, 2018, subject to the conditions of approval as follows:

A. Prior to issuance of the site development permit, the applicant shall:

1. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD/NP)
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code as set forth in City of Beaverton Engineering Design Manual and Standard Drawings, Beaverton Development Code, the Clean Water Services District Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD/NP)

3. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD/NP)
4. Have the developer/applicant of the subject property guarantee all public improvements, site grading, storm water management (quality) facilities including plantings, CWS vegetative corridor enhancements & plantings, private streets, and common driveway/emergency access paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD/NP)
5. Submit any required off-site easements, and the SPL-required new CWS-sensitive area and vegetated-corridor easement, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD/NP)
6. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to SW Murray Boulevard right of way. (Site Development Div./JJD/NP)
7. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for work within, and/or construction access to the Tualatin Valley Highway (TV Hwy). (Site Development Div./JJD/NP)
8. Provide final grading plans to meet Beaverton Code 9.05.110 and 9.05.115, no grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater unless otherwise specifically approved by the City Engineer. (Site Development Div./JJD/NP)
9. Submit a geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. The report shall include an assessment of the soil and any toxic contaminants, ground/surface water issues, any needed clean-up action, remediation methods, Oregon Department of Environmental Quality requirements, disposal regulations, and construction worker safety measures. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules of the Oregon Department of Environmental Quality (DEQ). Reference Oregon DEQ Case File 34-91-0199. (Site Development Div./JJD/NP)
(Add notes to keep it more applicable with Phase 2?)

10. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD/NP)
11. Submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. If determined to be needed by the City Building Official, this analysis shall be supplemented by an actual flow test and evaluation by a professional engineer (meeting the standards set by the City Engineer as specified in the Engineering Design Manual. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./JJD/NP)
12. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections, wetland vegetative corridors, and any construction affecting agency sanitary-sewer trunk main (24 inches in diameter or larger). (Site Development Div./JJD/NP)
13. Submit a completed 1200-C Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. The applicant shall use the standard plan format per requirements for sites 5 acres or larger adopted by DEQ and Clean Water Services. (Site Development Div./JJD/NP)
14. Submit a copy of issued permits or other approvals needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers for any work within a jurisdictional wetland. (Site Development Div./JJD/NP)
15. Provide final construction plans and a final drainage report, demonstrating compliance with City storm detention requirements (per Section 330, of City Ordinance 4417) and with CWS Resolution and Order 2017-005 in regard to redevelopment water quality treatment. (Site Development Div./JJD/NP)
16. Provide plans that delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed storm water management facilities. All plan sheets that show grading and elevations, shall identify the 100 year inundation level in addition to any mapped FEMA floodplains and flood ways. (Site Development Div./JJD/NP)
17. Provide any additional information as necessary to allow for a public notice to be published in a local newspaper. The public notice and a 10 day appeal period shall occur after final approval of the plans by the City Engineer, Planning Director, and City Building Official. (Site Development Div./JJD/NP)

18. Obtain the City Building Official's review and approval of the proposed private site utility plans if required by OAR 918-780-004. Any drain inlets under covered service facilities should be piped to the sanitary sewer system via an API or CPS-type oil/water separator or as approved by the City Building Official. Submittal of a geotechnical and hydrologic report is required for review and approval of private storm water infiltration system. (Site Development Div./JJD/NP) (Please review this COA)
19. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to building pads. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD/NP)
20. Submit to the City a certified impervious surface determination prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces, in square feet. Calculations shall indicate the square footage of pre-existing impervious surfaces, all new impervious surface area created, and total final impervious surface area on the entire site after construction. (Site Development Div./JJD/NP)
21. Pay storm water system development charges (storm water quantity and overall system conveyance) for the new impervious area proposed. (Site Development Div./JJD/NP)
22. Submit an owner-executed, notarized, City/CWS standard private storm water facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD/NP)
23. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee-in-lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD/NP)

24. Provide plans for street lights, illumination levels to be evaluated per City Engineering Design Manual; Option C requirement unless otherwise approved by the City Public Works Director. (Site Development Div./JJD/NP)
25. Provide plans showing that any structural overhang into the public right of way shall be a non-structural attachment or in other words not integral (removable without damage) to the building structure. If a revocable right of way encroachment permit is desired by the owner or required by a financial institution or insurance company for the canopy, the City Attorney will need to be consulted to prepare a specific document for this situation. (Site Development Div./JJD/NP)
26. Show compliance with the ODOT conditions outlined in Exhibit 4.1. (Planning / SNK)
27. Show compliance with Washington County conditions as outlined in Exhibit 4.2 (Planning/SNK)
28. Provide a revised site plan showing a bus pull out along Tualatin Valley Highway shown on Exhibit K or as amended by the City Engineer. (Planning/ SNK)
29. Provide a revised Dimension Site Plan showing the parking stalls within the development comply with Section 60.30.15 and that if parking spaces are to overhang the curb, they do not impact walkway areas. (Planning / SNK)
30. Show compliance with ODOT's street lighting standards for TV Highway and Washington County's street lighting standards for SW Murray Boulevard. (Planning/SNK)
31. Obtain Sidewalk Design Modification approval to provide a curb tight sidewalk along the north side of Street B. (Planning / SNK)
32. Obtain Loading Determination approval to require no loading berths for the proposed development. (Planning / SNK)
33. Show walkways connecting parking areas to the rear entrance of each building (Planning/SNK).
34. Show the design and location of all ADA curb ramps at all intersections on Streets A, B, and C. (Planning / SNK)
35. Provide a revised Landscape Plan showing a minimum of 18 linear dbh added to the site for a total of 950 linear dbh of mitigation to be provided. (Planning/SNK)
36. Provide a revised Landscape Plan showing the laurel hedge at the perimeter of the development, along Tualatin Valley Highway, are planted 3-feet on center to provide a continues screening of the surface parking area to the roadway. (Planning/SNK)

37. Provide a revised Site Plan showing the north-south walkway located near the western property line extended to connect to the public sidewalk on Tualatin Valley Highway. (Planning/ SNK)
38. Provide a revised Lighting Planning showing lighting does not emit beyond the public access easement for Street B. (Planning/SNK)
39. Provide a revised Lighting Planning showing lighting is screen to minimize glare to public streets and accessways. (Planning/SNK)

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

40. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD/NP)
41. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD/NP)
42. Have a professional architect or engineer submit plans and specifications to the City Engineer and City Building Official verifying that all elements of the new construction are either elevated or flood proofed as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05, and as determined by the City Engineer and City Building Official to at least (173.6 feet NAVD-88) one foot above the base flood elevation (172.6 feet NAVD-88). (Site Development Div./JJD/NP)
43. Provide proof of recording necessary documents with Washington County Records associated with lot consolidation and easement quit claim deeds consistent with the approved site plans. (Site Development Div./JJD/NP).

C. Prior to recording the lot consolidation, the applicant shall:

44. Show granting of any required on-site easements, for each phase of the site as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./JJD/NP)
45. Prior to recordation of the lot consolidation, the applicant shall provide paper copies of the documents to be recorded for City staff review. (Planning/SNK)

D. Prior to occupancy permit issuance, the applicant shall:

46. Have substantially completed the site development improvements as determined by the City Engineer, including streetlights being fully functional, franchise utility placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at site development permit issuance, . (Site Development Div./JJD/NP)
47. Have the landscaping completely installed and provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD/NP)
48. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD/NP)
49. Have obtained a Source Control Sewage Permit from the Clean Water Services District (CWS) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD/NP)
50. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form, to the City Building Official, verifying that the lowest finished floor is at least one foot above or flood-proofed to one foot above the base flood elevation 172.6 feet NAVD-88 (FFE elevation 173.6 feet NAVD-88). (Site Development Div./JJD/NP)
51. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD/NP)
52. Have installed street trees along all frontages. (Planning /SNK)
53. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning /SNK)
54. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning /SNK)
55. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit C", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning /SNK)
56. Ensure all landscaping approved by the decision making authority is installed. (Planning /SNK)

57. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs and for the installation of native or riparian plantings, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning /SNK)
58. Ensure that the planting of all approved deciduous trees, except for street trees or vegetation approved in the public right-of-way, and has been completed. Deciduous trees shall have straight trunks and be fully branched, with a minimum caliper of 1-1/4 inches and a minimum height of 8 feet at the time of planting, except that dwarf and compact varieties may be may be approved at any size. Deciduous trees may be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (Planning /SNK)
59. All mechanical units, roof or ground mounted, must be screened from view of public streets and adjacent properties. (Planning /SNK)

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

60. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD/NP)
61. Submit any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD/NP)
62. Provide evidence of a post-construction cleaning and system maintenance, for the site's storm water treatment systems as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD/NP)
63. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the treatment vegetation within the surface water quality facility, as determined by the Public Works Director. If the plants are not well established (as

determined by the Public Works Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Operations Director prior to release of the security. (Site Development Div./JJD/NP)

Motion **CARRIED**, by the following vote:

AYES: Winter, Lawler, Matar, Nye, and Uba.
NAYS: None.
ABSTAIN: None.
ABSENT: Overhage.

Dated this 13th day of December, 2018.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2651 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on December 26, 2018.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



SAMBO KIRKMAN
Senior Planner



JENNIFER NYE
Vice-Chair



JANA FOX
Current Planning Manager