

**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. 2502
ON A DESIGN REVIEW THREE FOR AN 18 UNIT) DR2016-0055 ORDER APPROVING
APARMENT COMPLEX (ALLEN 18 UNIT) ALLEN 18 UNIT APARTMENT COMPLEX, DESIGN
APARTMENT COMPLEX). NCB DEVELOPMENT,) REVIEW THREE
LLC, APPLICANT.)

The matter came before the Planning Commission on October 5, 2016, on a request for Design Review Three for an 18 unit apartment building and associated site improvements. The subject site is north of SW Allen Boulevard, Tax Lot 602, on Washington County Tax Assessor's Map 1S116CC.

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

The Planning Commission raised concerns related to the following design issues: perimeter landscaping, active open space, proper delivery truck loading location for existing commercial buildings on site, and site access.

The original proposal contained conflicting information detailing the species proposed in the landscape buffer. The applicant modified their proposal to clarify that arborvitae would be planted along the edges of the development.

Additionally, the applicant's original proposal located a plaza to satisfy active open space requirements in the required landscape buffer, north of the building. The applicant modified the proposal to locate the active open space plazas on the east and west sides of the building, outside of the required landscape buffer. The Commission found that with these modifications the applicant met Design Standard 60.05.25.13 (Landscape Buffering and Screening.) and Design Standard 60.05.25.3.B (Active Open Space).

The Planning Commission expressed concern with delivery trucks serving the existing commercial building blocking vehicle access to the proposed apartment building. The applicant provided additional information demonstrating that delivery trucks serving the site would be able to utilize an existing parking space constructed for servicing an existing wireless communication facility. Additionally, the Planning Commission expressed concern that the proposed apartment building relied on a separate lot for vehicle access from Allen Boulevard. The applicant provided a model access easement to ensure continued vehicle access for the apartment building. The Commission found that with this supplemental information the applicant met Facilities Review Criteria F (40.03.1.F).

Therefore, **IT IS HEREBY ORDERED** that **DR2016-0055** 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 August 10, 2016, and

Supplemental Memorandums dated August 31, 2016, September 7, 2016, and September 28, 2016, 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)
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
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 as set out in Ordinances 2050, 4010+rev., and 4417; 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)
4. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, and emergency vehicle access driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
5. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
6. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the 2006 plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div./JJD)
7. 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)

8. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
9. Provide final construction plans and a final drainage report, as generally outlined in the preliminary drainage plan (Spring 2016, by Craig Harris, P.E.) demonstrating full compliance with City storm detention requirements (per Section 330, of City Ordinance 4417) and with CWS Resolution and Order 2007-020 in regard to water quality treatment. (Site Development Div./JJD)
10. When or as required, have obtained the City Building Official's courtesy review approval of the proposed site utility plan for private plumbing needed to serve the development including private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pads. (Site Development Div./JJD)
11. Submit a revised grading plan showing that each proposed building has a minimum finished floor elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facilities. This land-use approval shall provide for minor grade changes less than two vertical feet variance to comply with this condition without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)
12. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total on the site. Specific types of impervious area totals, in square feet, shall be given for buildings, parking lots/driveways, sidewalk/pedestrian areas, storage areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area. (Site Development Div./JJD)
13. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed. (Site Development Div./JJD) (Site Development Div./JJD)
14. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording in County Records. (Site Development Div./JJD)
15. Provide plans for LED street lights (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director) for all impacted public streets and 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)

16. Provide plans for LED street lights (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director) for all impacted public streets and 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)
17. Submit lighting plans that show all pedestrian walkways are lighted to at least the 0.5 foot-candle level. (Transportation/KR)
18. Submit plans that show dedication of 14 feet along SW Allen Blvd. frontage of lot 602 and lot 605. (Transportation/KR)
19. Submit plans that show the reconstruction of the existing walkway along the existing commercial building to eliminate the steps within the new right-of-way area and eliminate any deflections in the walkway. (Transportation/KR)
20. AERIAL FIRE APPARATUS ROADS: Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2) The building exceeds 30 feet in height. The fire lane in front of the building as well as the approach of the hammerhead must be a minimum of 26 feet wide. (TVF&R/JF)
21. AERIAL APPARATUS OPERATIONS: At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial

access road or between the aerial access road and the building. (D105.3, D105.4) Plans show compliance with this requirement. (TVF&R/JF)

22. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. The fire district will approve access roads of 12 feet for up to three dwelling units and accessory buildings. (OFC 503.2.1 & D103.1) The plans must show a continuous and delineated fire lane that is exclusive of parking. (TVF&R/JF)
23. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3) All fire lanes must be marked. Revise plans to show compliance with this requirement. (TVF&R/JF)
24. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1) (TVF&R/JF)
25. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3) All fire lanes must meet these requirements. (TVF&R/JF)
26. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined in accordance with residual pressure (OFC Appendix B Table B105.2). The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi. Note: Appendix B, Section B106, Limiting Fire-Flow is also enforced, save and except for the following: In areas where the water system is already developed, the maximum needed fire flow shall be either 3,000 GPM or the available flow in the system at 20 psi, whichever is greater. In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi. Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1 (TVF&R/JF)
27. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water

availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B) Provide fire flow testing documentation at site development review time. (TVF&R/JF)

28. FIRE HYDRANTS – COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1) At least one fire hydrant is required within 600 feet of all portions of the buildings will be required. (TVF&R/JF)
29. FIRE DEPARTMENT CONNECTIONS: A fire hydrant shall be located within 100 feet of a fire department connection (FDC) or as approved. Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle. (OFC 912 & NFPA 13) FDC's must be remote from the buildings they serve and within 100 feet of a fire hydrant. Clearly show this location on the plans by site development review. (TVF&R/JF)
30. KNOX BOX: A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1) A Knox box is required for the building. (TVF&R/JF)
31. Ensure that all associated applications have been approved and are consistent with the submitted plans. (Planning Division/SR)
32. Prior to issuance of the Site Development Permit, the applicant shall provide proof of recordation of an access easement granting access to lot 00602 across lot 00605, written to the satisfaction of the City Attorney's Office. (Planning Division/SR)

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

33. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
34. 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)

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

35. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
36. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
37. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
38. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
39. 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. (Planning Div./SR)
40. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning Div./SR)
41. Ensure all landscaping approved by the decision making authority is installed. (Planning Div./SR)
42. Ensure all landscape areas are served by an underground landscape irrigation system. For approved xeriscape (drought-tolerant) landscape designs, installation of native or riparian plantings, and plantings in tree preservation easements, underground irrigation is not required provided that temporary above-ground irrigation is provided for the establishment period. (Planning Div./SR)
43. All mechanical units, roof or ground mounted, must be screened from view of public streets and adjacent properties. (Planning Div./SR)

D. Prior to release of Performance Security, the applicant shall:

44. 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)

45. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
46. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations for the site's proprietary storm water treatment systems by a CONTECH qualified maintenance provider 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)

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

AYES: Wilson, Kroger, Doukas, Nye, Winter.
NAYS: None.
ABSTAIN: Lawler.
ABSENT: Overhage

Dated this 25TH day of OCTOBER, 2016.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2502 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 NOVEMBER 4TH, 2016.

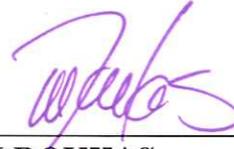
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



STEVE REGNER
Associate Planner



MIMI DOUKAS
Chair



SANDRA FREUND, AICP
Current Planning Manager