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City of Beaverton
Community Development
**BEFORE THE PLANNING
COMMISSION FOR
THE CITY OF BEAVERTON,
OREGON**

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12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

SPACE RESERVED FOR WASHINGTON CO. RECORDERS USE

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2513
OF A DESIGN REVIEW THREE APPLICATION) DR2016-0103 ORDER APPROVING
(WESTGATE MIXED USE). REMBOLD) WESTGATE MIXED USE, DESIGN REVIEW
PROPERTIES, APPLICANT.) THREE
)

The matter came before the Planning Commission on November 9, 2016, on a request for a Design Review Three for the development of a mixed use development with 230 dwelling units and approximately 6,300 square feet of commercial space in two buildings. The site is located between SW Cedar Hills Boulevard and SW Rose Biggi Avenue, north of the light rail tracks. Tax Lot 400, on Washington County Tax Assessor's Map 1S109DD and Tax Lot 6850, on Washington County Tax Assessor's Map 1S116AA.

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 Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated November 2, 2016, Supplemental Memorandum dated November 7, 2016 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 **DR2016-0103** 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 2, 2016, Supplemental Memorandum dated November 7, 2016 and the findings contained therein, 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, all storm water management and treatment facilities, treatment facility plantings, 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 to the City a copy of issued permits or other approvals needed from Tri-Met for work within, and/or construction access to the Light Rail corridor. (Site Development Div./JJD)
7. Submit to the City a copy of an issued permit or other approvals as needed from the Oregon Department of Transportation, Railroad Crossing Safety Section for the work within 500 feet of the Rose Biggi Avenue and Cedar Hills Boulevard railroad crossings. (Site Development Div./JJD)
8. 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)
9. Submit, if needed by the City Building Official and TVF&R Fire Marshal an available fire flow analysis including an actual flow test of the existing water system and evaluation by a professional engineer meeting the standards as specified in the Engineering Design Manual Chapter 6, 610.L, using the anticipated maximum fire demand. 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)
10. 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)
11. Submit a copy of issued permits or other approvals if needed from the Clean Water Services District for any construction affecting an Agency sanitary-sewer trunk main (24 inches in diameter or larger). (Site Development Div./JJD)
12. 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)

13. Provide final construction plans and a final drainage report, as generally outlined in the submitted preliminary drainage report (August 22, 2016, by Ashley Cantlon, P.E.) demonstrating compliance with City storm requirements (Chapter 3, of City Ordinance 4417) and with CWS Resolution and Order 2007-020, and the CWS LIDA Handbook in regard to water quality treatment. (Site Development Div./JJD)
14. Provide a detailed drainage analysis of the subject site and prepare a final report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. On all plan sheets that show grading and elevations, the 100 year inundation level shall be identified. (Site Development Div./JJD)
15. 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)
16. Submit a revised grading plan showing that each proposed building has a minimum finished floor elevation, building-entry threshold, or dry-floodproofed building construction 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 four vertical feet variance to comply with this condition without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)
17. 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)
18. Pay a storm water system development charge (overall system conveyance and winter detention) for the net new impervious area proposed that is not

part of a fully-improved public street. (Site Development Div./JJD) (Site Development Div./JJD)

19. 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 for each applicable lot. (Site Development Div./JJD)
20. 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)
21. Submit plans that show the dedication of sufficient right-of-way (ROW) along SW Cedar Hills Boulevard to provide for at least 45 feet from centerline (sufficient to provide half of a 12 foot left turn lane, an 11 foot inside through lane, a 12 foot outside through lane, a 5 foot bike lane, and 11 feet for the curb and 10 foot sidewalk and maintenance/monumentation gap). (Transportation/KR)
22. Submit plans that show the dedication of right-of-way for the extension of SW Crescent Street to comply with the City's Collector Street standards, as modified by the City Engineer to provide for at least 58 feet of total ROW (sufficient to provide two 12-foot travel lanes, two 7-foot parking lanes, and two 10-foot sidewalks). (Transportation/KR)
23. Submit plans that show the dedication of at least 42 feet of right-of-way for the proposed street on the north of the property (31 feet from centerline on the south and an additional 11 feet from centerline on the north, sufficient to provide for the required street improvements. (Transportation/KR)
24. Submit the required joint-use and maintenance agreement documentation for common driveways per Beaverton Engineering Design Manual Sections 210.12 K and L. (Transportation/KR)
25. Prior to approval of the Site Development Permit, the applicant shall submit plans that show bike parking that complies with the City's requirements. All short-term bike parking spaces shall be provided by inverted U-type or staple-type racks that are a minimum of 30 inches wide and 36 inches tall (or similar as permitted by the City Engineer), centered

within parking areas that are at least 6 feet long by 4 feet wide, separated from buildings by at least 2 feet. (Transportation/KR)

26. **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) Provide a fire service plan sheet that shows the location of aerial access for both buildings and a 26 foot wide fire lane for each location. (TVF&R/JF)

27. **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) Provide dimensions on the fire service plan sheet that shows compliance with these requirements. (TVF&R/JF)

28. **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) All fire lanes must meet these requirements. Show specific dimensions on the fire service plan sheet. (TVF&R/JF)

29. **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) Fire lanes with hydrants must meet these requirements. Show specific dimensions on the fire service plan sheet. (TVF&R/JF)

30. **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) (TVF&R/JF)

31. **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3) The hammerhead turnaround on SW Crescent Street must meet these requirements. Identify this on the fire service plan sheet. (TVF&R/JF)
32. **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 specific fire flow calculations for each building prior to site development review time. (TVF&R/JF)
33. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in (OFC Table C105.1) Identify the locations of the proposed fire hydrants on the fire service plan sheet. (TVF&R/JF)
34. **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) (TVF&R/JF)
 - a) Fire department connections (FDCs) shall normally be located remotely and outside of the fall-line of the building when required. FDCs may be mounted on the building they serve, when approved.
 - b) FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants (as diagramed below).
 - c) Show the locations of the FDC's on the fire service plan sheet.
35. **EMERGENCY RESPONDER RADIO COVERAGE SYSTEM:** Both buildings will be required to be tested to identify any deficient radio coverage areas. All areas of the buildings that are deficient must be provided with an ERRC system in accordance with OFC Section 510. Testing is typically done at 80% completion of the building. It is recommended to provide appropriate conduits, shafts, wiring etc. during construction to accommodate for the systems. Additionally, make sure you

budget and appropriate time for the installation of these systems. Please contact DFM Jeremy Foster at 503.259.1414 for further information including an alternate means of compliance that is available (fee in lieu). If the alternate method is preferred, it must be requested from TVF&R prior to issuance of building permit. (TVF&R/JF)

36. Ensure that the Replat Two (LD2016-0021) and Parking Determination (PD2016-0003) applications have been approved and is consistent with the submitted plans. (Planning/JF)
37. Provide a plan showing landscape screening along the base of the screen wall adjacent to SW Cedar Hills Boulevard.

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

38. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
39. 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)
40. Any structural elements such as awnings or balconies projecting into the public right-of-way not included in an existing easement must obtain Right-of-Way Encroachment Permits through the City Attorney's Office. (Planning/JF)

C. Prior to Occupancy of any Building Permit, the applicant shall:

41. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
42. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div./JJD)
43. 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)
44. 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)

45. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
46. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/JF)
47. Ensure all construction is completed in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/JF)
48. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit C", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning/JF)
49. Ensure all landscaping approved by the decision making authority is installed. (Planning/JF)
50. 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/JF)
51. Ensure that the planting of all approved trees, except for street trees or vegetation approved in the public right-of-way, has occurred. Trees shall have a minimum caliper of 1-1/2 inches. Each tree is to be adequately staked. (Planning/JF)
52. Ensure all exterior lighting fixtures are installed and operational. Illumination from light fixtures, except for street lights, shall be limited to no greater than 0.5 foot-candle at the property line as measured in the vertical and horizontal plane. Public view of exterior light sources such as lamps and bulbs, is not permitted from streets and abutting properties at the property line. (Planning/JF)

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

53. 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)
54. Submit any required on-site easements not already dedicated on the subdivision 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)
55. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations for the project'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)
56. 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/replacement of the vegetation and restoration of full function within the planted surface water management facility areas, as determined by the City Engineer. If the plants are not well established or the facility not properly functioning (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./JJD)

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

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

Dated this 21st day of November, 2016.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2513 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 1, 2016.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

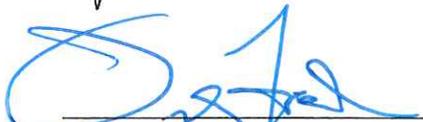
APPROVED:



JANA FOX
Associate Planner



MIMI DOUKAS
Chair



SANDRA FREUND, AICP
Current Planning Manager