

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

**After recording return to:**  
City of Beaverton, City Recorder:  
P.O. Box 4755  
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL OF A DESIGN )	ORDER NO. 2430
REVIEW THREE APPLICATION FOR THE REDEVELOPMENT OF A )	DR2015-0077 ORDER APPROVING
CAR DEALERSHIP (SUNSET PORSCHE REDEVELOPMENT). )	SUNSET PORSCHE REDEVELOPMENT
SUNSET IMPORTS, APPLICANT. )	
)	

The matter came before the Planning Commission on October 28, 2015, on a request for approval of a Design Review Three application to demolish an existing building and construct a new auto dealership at the corner of SW 139th Avenue and SW Tualatin Valley Highway and an expansion to the existing building at 4050 SW 139th Avenue, with associated landscaping, parking, and vehicle circulation areas. The site is on the north side of SW Tualatin Valley Highway along SW 139th Avenue. Tax Lots 4300, 4400, and 4500 on Washington County Tax Assessor’s Map 1S116BA.

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 October 21, 2015, with corrections, 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 DR2015-0077 is APPROVED** based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated October 21, 2015, as corrected, and this Land Use Order, and subject to the conditions of approval as follows:

1. In accordance with Section 50.90.1 of the Development Code, Design Review Three approval shall expire 2 years after the date of approval unless, prior to that time, a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension has been filed, pursuant to Section 50.93 of the Development Code. In the case of phased development, each phase must be commenced within 2 years of completion of the prior phase, in accordance with Section 50.90.3.B of the Development Code. (Planning/JF)
2. That applicant shall ensure that vehicle display areas are located at a minimum of 20 feet back from the property line. (Planning/JF)
3. Automotive Service activities on site are limited to Minor Automotive uses. The following Major Automotive Uses are prohibited on the site (without Conditional Use approval): Service or repair to motorized vehicles, which affect the body or frame. This term includes: painting, bodywork, steam cleaning, tire recapping, major engine or transmission overhaul or repair involving removal of a cylinder head or crankcase, and mechanical car washes that are used by and open to the general public. (Planning/JF)

**A. Prior to issuance of a site development permit for either phase or the combined full project, the applicant shall:**

4. 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./WKP)
5. 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./WKP)

6. 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./WKP)
7. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality) facilities, and any site work within the floodplain 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./WKP)
8. 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./WKP)
9. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for all work within, and/or construction access to the Tualatin Valley Highway. (Site Development Div./WKP)
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./WKP)
11. 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./WKP)
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./WKP)
13. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the 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 in addition to any mapped FEMA flood plains and flood

ways. The site plans shall clearly show the 100-year flood limits on each plan that contains elevation information. (Site Development Div./WKP)

14. Provide final construction ready plans showing a Contech Inc., Stormfilter system (for treatment of the site's surface water runoff) with a minimum of 3.0 cartridges per tributary impervious acre for all affected areas proposed with this application. The analysis will need to be supported with exhibits and calculations. For any impervious area determined to not be practical to flow or be piped to a Stormfilter unit, a fee in lieu of stormwater quality provision will be assessed. (Site Development Div./WKP)
15. Provide a final engineering analysis of the grading and construction work proposed within the 100-year floodplain and an updated zero rise floodway modification certification documentation as necessary to allow for a public notice to be published in a local newspaper by the City Engineer for the proposed floodplain/floodway modifications. FEMA procedures for "No-Rise" Certification are available on City website. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Resolution and Order 2007-020 as they refer to the 100 year floodplain, prior to this notice being sent. The public notice and a 10 day appeal period shall occur after final approval of the site development permit AND building permit plans by the City Engineer, City Building Official, and Planning Director. (Site Development Div./WKP)
16. Provide clear demarcation on all the final construction site plan sheets, notes and graphics clearly delineating CWS Floodplain Management Design Standards 5.10.3.f. defining allowable locations of allowable short term and long term parking. (Site Development Div./WKP)
17. Have obtained the City Building Official's courtesy review approval of the proposed building plans for floodplain regulation compliance and for the site private plumbing plan including private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pads. (Site Development Div./WKP)
18. Provide plans for LED street lights along the site's public street frontages (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director). (Site Development Div./WKP)
19. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No utility service lines to the structures shall remain overhead on site. 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./WKP)

20. The applicant shall submit the required joint-use and maintenance agreement for common driveways documentation as identified in EDM 210.13.K and 210.13.L.  
(Transportation/KR)
21. The applicant shall submit site details of the bike parking and cut sheets of the proposed bike parking racks. The racks shall be at least 30 inches wide and at least 36 inches tall, centered within a space that is at least 6 feet long by 4 feet wide. (Transportation/KR)
22. NO PARKING SIGNS: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6) Fire lanes need to be delineated by either signage or painted curbing. There are areas of the fire lanes that are not properly signed and/ or marked. Revise plans to comply. (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) Fire lanes need to be delineated by either signage or painted curbing. Areas of the fire lanes that are without a curb can have a 4" wide painted stripe on the road surface. Identify this clearly on the plans. (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) The fire hydrant near the Sunset Porsche building is required to have a 26' wide fire lane immediately adjacent to it. Additionally, this section needs to be at least 40 feet long. Revise drawings to comply. (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 this loading requirement. (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. Provide fire flow calculations for review and approval. (TVF&R/JF)
- a. Note: Appendix B, Section B106, Limiting Fire-Flow is also enforced, save and except for the following:
  - b. 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.
  - c. In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi.
  - d. Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
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 calculations for review and approval. (TVF&R/JF)
28. **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) Fire flow calculations will dictate the number of required fire hydrants. Make sure the appropriate number of fire hydrants is provided once calculations are complete. (TVF&R/JF)
29. **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) Buildings that don't already have a Knox Box and have either a fire sprinkler system and/or a fire alarm system will be required to be provided with a Knox Box. (TVF&R/JF)
30. **Curb, sidewalk, bikeways and road widening** shall be constructed as necessary to be consistent with the local Transportation System Plan and ODOT/ADA standards. (ODOT/SB)

31. An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An intergovernmental agreement (IGA) is required for agreements involving local governments and a cooperative improvement agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements. (ODOT/SB)
32. Stopping and/or parking vehicles upon State highway right of way for the maintenance of adjoining property or in furtherance of any business transaction or commercial establishment is strictly prohibited. Loading and unloading of vehicles within the state highway right of way is not permitted. The applicant must provide adequate on-site circulation for the parking and maneuvering of all vehicles anticipated to be displayed or parked on the lot (ORS 811.346, 811.550, and 811.580). (ODOT/SB)
33. Provide a plan and details for a six (6) foot tall fence along the eastern property line within the required buffer area. The fence shall be fully opaque and shall not be chain link with or without slats. (Planning/JF)
34. Provide a plan showing compliance with the Technical Lighting Standards, foot candles at the property lines shall not exceed 0.5. (Planning/JF)

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

35. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./WKP)
36. Provide the necessary easement quit claim deed documentation including legal descriptions needed for City execution consistent with the approved site plan for existing easements that need relocation for the new building. (Site Development Div./WKP)
37. 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./WKP)

38. Submit to the City a certified impervious surface determination of the entire site 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 as a total for that phase. In addition, changes in specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./WKP)
39. Pay storm water system development charges (storm water quantity and overall system conveyance) for any net, new impervious surface area created. (Site Development Div./WKP)
40. Have a professional architect, engineer, or surveyor submit plans and specifications to the City Engineer and City Building Official verifying that all elements of the new building construction are either elevated, constructed of flood damage resistant materials, or wet-floodproofed 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 185.6 feet NGVD-29 (189.1 NAVD-88) one foot above the base flood elevation [184.6 feet NGVD-29 (188.1 NAVD-88)]. For the new building proposed, the structure itself and all flood damage-prone appurtenances shall be elevated or dry-floodproofed to one foot above the base flood elevation. The base flood elevation is as determined by the Washington County Revised Preliminary FEMA Flood Insurance Study dated December 4, 2009, which is the document to be used for regulatory purposes for new development as it is considered the best available information. (Site Development Div./WKP)
41. The proposed project shall comply with the State of Oregon Building Code in effect as of date of application for the building permit. This currently includes the following: The 2012 edition of the International Building Code as published by the International Code Conference and amended by the State of Oregon (OSSC); The 2009 edition of the International Residential Code as published by the International Code Conference and amended by the State of Oregon (ORSC); 2012 International Mechanical Code as published by the International Code Council and amended by the State of Oregon (OMSC); the 2012 edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and amended by the State of Oregon (OPSC); the 2014 edition of the National Electrical Code as published by the National Fire Protection Association and amended by the State of Oregon; and the 2012 International Fire Code as published by the International Code Council and amended by Tualatin Valley Fire and Rescue (IFC). (Building/BR)

42. The proposed building(s) shall be accessible to persons with disabilities. (Chapter 11, OSSC) (Building/BR)
43. An accessible route shall be provided to persons with disabilities throughout the site. (Section 1104, OSSC) (Building/BR)
44. An accessible route shall be provided to persons with disabilities from the building to a public way. (Section 1104, OSSC) (Building/BR)
45. Unless they are identified as a deferred submittal on the plans, building permits will not be issued until all related plans and permits have been reviewed, approved, and issued (i.e., mechanical, plumbing, electrical, fire sprinkler systems, fire alarm systems, etc. (City policy) (Building/BR)
46. Projects involving new buildings and additions are subject to System Development fees. A list of the applicable fees is available at the Building Division counter or may be printed from the Forms/Fee Center. (Building/BR)

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

47. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./WKP)
48. Provide proof of recording the necessary easement quit claim deeds documents with Washington County Records for existing easements that need relocation for the new building. (Site Development Div./WKP)
49. Submit any required on-site easements not already dedicated on the partition 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./WKP)
50. Provide as-built plans that clearly delineate CWS Floodplain Management Design Standards 5.10.3.f. defining allowable locations of allowable short term and long term parking. Address changes if any. (Site Development Div./WKP)
51. Have a professional architect, engineer, or surveyor submit certification(s) on Federal Emergency Management Agency (FEMA) standard form (elevation certificate and if applicable a floodproofing certificate), to the City Building Official, verifying that all at-risk elements of the new construction are either elevated or floodproofed **as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05**, requirements, and as determined by the City Engineer and City Building Official at permit issuance, to at least **185.6 feet NGVD-29 (189.1 NAVD-88)** one foot above the

base flood elevation [**184.6 feet NGVD-29 (188.1 NAVD-88)**]. (Site Development Div./WKP)

52. 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./WKP)
53. Have placed underground all 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./WKP)
54. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./WKP)
55. Have obtained a Source Control Permit (AKA Industrial Sewage Permit) from the Clean Water Services District and submitted a copy to the City Building Official if such a permit is required, as determined by CWS. (Site Development Div./WKP)
56. Ensure all rooftop mechanical equipment is screened from public view in accordance with Design Review standards. (Planning/JF)
57. 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 / JF)
58. 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. (Planning / JF)
59. 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. (Planning / JF)
60. Ensure all landscaping approved by the decision making authority is installed. (Planning / JF)
61. 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)
62. 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)

63. 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 for each phase, the applicant shall:**

64. 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./WKP)

65. Submit any required on-site easements not already dedicated or on the partition 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./WKP)

66. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement for the private storm water treatment facilities, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./WKP)

67. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations and a pre-paid service contract for a two year period from the date of performance acceptance for the site's proprietary storm water treatment systems by CONTECH or other qualified maintenance provider as determined by the City Engineer. (Site Development Div./WKP)

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

<b>AYES:</b>	Wilson, Maks, Doukas, Nye, Overhage, and Winter.
<b>NAYS:</b>	None.
<b>ABSTAIN:</b>	None.
<b>ABSENT:</b>	Kroger.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2430 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community Development Department's office by no later than 4:00 p.m. on \_\_\_\_\_ 2015.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

\_\_\_\_\_  
JANA FOX  
Associate Planner

\_\_\_\_\_  
MIMI DOUKAS  
Chair

\_\_\_\_\_  
SANDRA MONSALVÈ, AICP  
Planning Manager