

Project:	North Transmission Line Intertie: Segment 1
Location:	Tualatin Hills Nature Park/Beaverton Creek Crossing
Property ID:	15655 SW Millikan Way Tax Lot 1S1080000504
Owner:	Tualatin Hills Park & Recreation District* 15707 SW Walker Road Beaverton, OR 97006 * See <u>original</u> application attachment 07 for authorization
Applicant:	Casey Fergeson City of Beaverton PO Box 4755 Beaverton Oregon 97076 971-294-2997 cfergeson@beavertonoregon.gov
Applicant's Representative:	Robin Scholetzky, AICP UrbanLens Planning 971.706.8720 robin@urbanlensplanning.net
Development Team:	RH2 Engineering, Inc. David Nichols, PE 503.446.5949 dnichols@rh2.com Wolf Water Resources Joe Rudolph Natalie Holt 503.207.6688 nholt@wolfwaterresources.com jrudolph@wolfwaterresources.com Morgan Holen Associates Morgan Holen 971.409.9354 <u>morgan@mholen.com</u>
Site Zoning:	Multi-Unit Residential (MR)
Overlay Zone or Special Districts	Significant Natural Resource Zone (SNRA)
Request:	Tree Plan 2 Application, Type II
Submittal includes:	01_North Transmission Line Intertie_15655 SW Millikan Way_Application Form and Checklist 02_North Transmission Line Intertie_15655 SW Millikan Way_Written Statement 03_North Transmission Line Intertie_15655 SW Millikan Way_Clean Water Services 04_North Transmission Line Intertie_15655 SW Millikan Way_PreApplication Notes 05_North Transmission Line Intertie_15655 SW Millikan Way_Arborist Report 06_North Transmission Line Intertie_15655 SW Millikan Way_No Rise 07_North Transmission Line Intertie_15655 SW Millikan Way_Permit Authorization 08_North Transmission Line Intertie_15655 SW Millikan Way_DSL WD2023047 09_North Transmission Line Intertie_15655 SW Millikan Way_Application Plan Set <u>12_North Transmission Line Intertie_15655 SW Millikan Way_Completeness Transmittal</u> <u>13_North Transmission Line Intertie_15655 SW Millikan Way_Written Statement March 2024</u> <u>14_North Transmission Line Intertie_15655 SW Millikan Way_Arborist Report March 2024</u> <u>15_North Transmission Line Intertie_15655 SW Millikan Way_Application Plan Set March 2024</u>

I. Project Overview/History

A. Project Overview

RH2 Engineering, Inc., (RH2) is working with the City of Beaverton (City) to provide engineering services for the North Transmission Line Intertie (NTLI) Project. The NTLI is a linear water transmission project designed to: improve the resiliency of the City of Beaverton's water supply; take advantage of additional available supply capacity from the City's water supply services in the Joint Water Commission (JWC) North Transmission Line (NTL); and to provide City water service to areas recently withdrawn from the Tualatin Valley Water District.

The City plans to construct the proposed 24-inch NTLI to connect the NTL and STL. The approximately 6.4-mile-long alignment will be divided into three segments for construction beginning South Transmission Line (STL) at SW 170th and SW Shaw Street and connecting to the NTL near Hillsboro Stadium and Highway 26.

This application is for the property identified as PROPERTY #2: Tualatin Hills Nature Park/Beaverton Creek Crossing. The site includes trees located on the west boundary of Tualatin Hills Nature Park, east of SW 170th Avenue, north and south of the Beaverton Creek crossing (Tax Lot 1S1080000504).

Trees located within the SW 170th Avenue right-of-way are within Washington County jurisdiction (not regulated by the City of Beaverton), but trees located on the Park property are within City of Beaverton jurisdiction and are regulated by Beaverton Development Code. The privately-owned park property is mapped as Significant Grove G38 and also includes the Significant Natural Resource Areas (SNRA) overlay.

B. Site History

Although there have been multiple land use applications approved for this site, they are related to the primary use of the site as a public park and are generally related to trail improvements and trees.

II. Conformance with City of Beaverton Development Code

This section of the application contains responses that demonstrate how the proposed project conforms to the City of Beaverton Development Code (BDC). Based on the proposed project and the site's zoning, the following sections of the BDC are applicable:

A. Chapter 20, Land Uses

20.05.05 Residential Land Use Districts

20.05.10. Purpose.

1. MR Multi-Unit Residential

The MR District is intended to result in predominantly attached residential developments with the highest number of units per acre of Beaverton's residential zones.

Applicant Response: This application is located within the MR, Multi-Unit Residential zone.

Applicant Response: As this project will not include any above-ground structures on private property, this project is not required to respond to the site development standards of BDC 20.05.15.

B. Chapter 40, Applications

40.90.15. Application.

Tree Plan Two

A. Threshold. An application for Tree Plan Two shall be required when none of the actions listed in Section 40.90.10. apply, none of the thresholds listed in Section 40.90.15.1. apply, and one or more of the following thresholds apply:

- 1. Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in Section 40.90.10.1. [ORD 4584; June 2012]*
- 2. Multiple Use zoning district: Removal of up to and including 85% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services. [ORD 4584; June 2012]*
- 3. Commercial, Residential, or Industrial zoning district: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services. [ORD 4584; June 2012]*
- 4. Removal of a Significant Individual Tree(s).*

Applicant Response: The threshold in 40.90.15.3 has been met with the removal of up to and including 75% of the total diameter of non-exempt surveyed trees on the private property, not including trees in the adjacent county right-of-way. A list of all trees proposed for removal is noted in attached report, North Transmission Line Intertie, Segment 1 – Beaverton, Oregon Arborist Report and Tree Plan Two, dated November 2, 2023 (Arborist Report as referred to in the remainder of this application).

B. Procedure Type. The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Tree Plan Two. The decision making authority is the Director.

Applicant Response: This application is for a Tree Plan Two and the application has been developed applying the Type 2 procedures in Section 50.40.

C. Approval Criteria. In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Tree Plan Two application.*

Applicant Response: This application is for a Tree Plan Two and the application has been developed applying the Type 2 procedure in Section 50.40.

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

Applicant Response: This application's fees are noted as a Tree Plan Two \$5,403.00, with a total Fee amount at \$5,673.15.

3. *If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.*

Applicant Response: The conditions in which the trees have been slated for removal is noted in the Arborist Report.

4. *If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.*

Applicant Response: The trees proposed for removal are identified through the analysis found in the Arborist Report.

5. *If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.*

Applicant Response: The Arborist Report identified two nuisance species trees (#4278 and #4292).

6. *If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.*

Applicant Response: This application is for the installation of a public utility—water infrastructure. The project alignment has been chosen in order to provide the best possible alternative weighing all applicable factors.

7. *If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles. [ORD 4584; June 2012]*

Applicant Response: No tree removal is necessary for this reason. This criteria is not applicable.

8. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.*

Applicant Response: it is not expected that the tree removals as proposed would result in the reversal of the original determination of this SNRA as the type and number of trees being removed is not a significant percentage.

9. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.*

Applicant Response: The arborist assessed windthrow potential and found that the trees planned for retention will not be affected by exposure from adjacent tree removal. No tree removal is necessary for this reason.

10. *The proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources).*

Applicant Response: Responses to these Sections have been provided with this Application.

11. *Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system. [ORD 4584; June 2012]*

Applicant Response: There are not any permanent grading changes proposed at the site. There will be some minor grading during construction within the proposed tree removal areas and outside of the tree protection areas. This minor grading will be restored back to original grades after construction is completed. There will not be any adverse effects created on the site and no need for mitigation.

12. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.*

Applicant Response: This application includes all of the submittal requirements as noted in Section 50.25.1, including an Application Form, written statement (this document) and additional materials as needed to illustrate conformance with the criteria as identified, including the Clean Water Services Service Provider Letter, the Arborist Report and the No rise Certificate as well as a Plan Set including an Existing Conditions Plan and Dimensioned Site Plan. A non-required, PreApplication Conference, (PA2023-00552) held on September 6, 2023, these notes have been included in the attachments of this application.

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

Applicant Response(s): This development project is expected to require additional applications including requirements from Public Works and those related to Building Permit requirements. These applications are all later in the review sequence.

D. Submission Requirements. An application for a Tree Plan Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan Two application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.

Applicant Response: This application has been made by the City of Beaverton, who has been granted authorization as the Owners Authorized Agent. The application materials have been developed in conjunction with information provided on City application materials and noted during the PreApplication Conference, (PA2023-00552) held on September 6, 2023.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan Two application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section 60.60. (Trees and Vegetation).

Applicant Response: This is understood by the Applicant.

F. Appeal of a Decision. Refer to Section 50.65.

G. Expiration of a Decision. Refer to Section 50.90.

H. Extension of a Decision. Previous approval of Tree Plan Two proposal shall not be extended.

Applicant Response(s): This is understood by the Applicant.

C. Chapter 50, Procedures

This application is for a Type 2 land use procedure as outlined in Section 50.40.

D. Chapter 60, Special Requirements

Chapter 60.10. Floodplain Regulations

60.10.05 Purpose Statement

(NOTE: Remainder of this section omitted for brevity)

60.10.10 Floodplain Designation

1. Consistent with Clean Water Services Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," with amendments, dated October 19, 2018, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. The City of Beaverton shall notify the U.S. Department of Homeland Security's Federal Emergency Management Agency as soon as possible, but no later than six months after the date such information becomes available, of any changes to the base flood elevation, by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. [ORD 3563; May 1987] [ORD 4130; December 2000] When base flood elevation data has not been provided in accordance with this section, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. For all development applications, the best available information as determined by the City Engineer shall be used in the determination of the floodplain limits. [ORD 3563; May 1987] [ORD 4337; January 2005] [ORD 4388; May 2006] [ORD 4692; October 2016] [ORD 4744; October 2018]

[NOTE: Sections 2-4 omitted for brevity]

60.10.15 Development Within the Floodway

1. Development in the floodway is prohibited, with the following exceptions, pursuant to the site development ordinance, which requires hydrological and hydraulic analyses demonstrating the proposed encroachment would not increase flood levels during the base flood discharge; [ORD 4744; October 2018]

- A. Stormwater outfall pipes and other drainage; improvements;*
- B. Bridges;*
- C. Culverts;*
- D. Public utility lines;*
- E. Trails or bike paths;*
- F. Roads and other uses identified on the City's Transportation Plan; and*
- G. Stream habitat restoration, including vegetated corridor enhancement. [ORD 4744; October 2018]*
- H. Grading associated with A through G above. [ORD 4744; October 2018]*

Applicant Response(s): The project is located inside the mapped floodplain shown in the effective 2018 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) floodplain Zone AE for Washington County: project elements are proposed for construction inside the regulatory floodway. The analysis completed (attached as Exhibit 06) describes that the proposed project will not pose a risk for increasing the base flood elevation and will not alter the flood carrying capacity for the portion of the watercourse within the project site due to the following design parameters:

- Site excavations are all temporary and excavated material will be replaced to match existing grade contours at the conclusion of the project.
- Work within Beaverton Creek will be avoided through the use of directional drilling construction techniques.
- There is no above-ground infrastructure included in the proposed design.
- Imported material (pipe, fittings, and encasements) will be balanced by haul and disposal of excavated material outside of any FEMA Special Flood Hazard Area (SFHA).
- Disturbed areas will be revegetated after the project, which will lead to similar hydraulic roughness characteristics over time.
- Following revegetation, the site topography and roughness in the SFHA will be left unchanged from existing conditions, and there will be no change in the flood carrying capacity of the site.

60.10.20. Commercial and Industrial Uses in the Floodway Fringe.

All commercial and industrial uses, if allowed in the primary zone are allowed in the floodway fringe if the proposed development:

- 1. Meets the requirements of Beaverton Code Section 9.05;*
- 2. Meets the requirements of the City Engineering Design Manual and Standard Drawings;*
- 3. Meets the requirements of the Clean Water Services District Design and Construction Standards Manual based on affirmative statements in documentation from CWS; and [ORD 4224; August 2002] [ORD 4392; July 2006]*
- 4. Has been reviewed and approved by the appropriate City approval authority as meeting the requirements and standards of this ordinance.*

Applicant Response(s): This criteria does not apply since this is not considered a commercial use.

60.10.25. Residential Uses in the Floodway Fringe.

Applicant Response(s): No residential uses are proposed with this project. This section is not applicable.

60.10.30. Development of Critical Facilities within the Floodway Fringe.

1. Construction of critical facilities shall be, to the extent possible, located outside the limits of the floodplain. Construction of new critical facilities within the floodway fringe shall be permissible if no feasible alternative site is available. Critical facilities that are constructed or substantially improved within the floodway fringe shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall be protected to the height utilized above. Floodproofing and sealing measures shall be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to new critical facilities and to existing critical facilities to the extent possible. [ORD 4692; October 2016] [ORD 4744; October 2018] [ORD 4822; June 2022]

Applicant Response: This project is considered to be critical infrastructure. However, the proposed pipeline is located entirely underground and will not impact the floodway fringe with construction of

permanent above ground facilities or access grading. The project team has evaluated the possible floodplain impacts and this analysis is included with this application attached as Exhibit 06.

Chapter 60.60 Trees and Vegetation

60.60.05. Purpose.

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. In conjunction with processes set forth in Section 40.90. of this Code, this section is intended to help manage changes to the City's urban forest by establishing regulations and standards for the protection, pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, Mitigation Trees and trees within a Significant Natural Resource Area (SNRA) or Significant Grove), Landscape Trees, and Community Trees. [ORD 4584; June 2012]

60.60.10. Types of Trees and Vegetation Regulated.

Actions regarding trees and vegetation addressed by this section shall be performed in accordance with the regulations established herein and in Section 40.90 of this Code. The City finds that the following types of trees and vegetation are worthy of special protection:

- 1. Significant Individual Trees.*
- 2. Historic Tree.*
- 3. Trees within Significant Natural Resource Areas.*
- 4. Trees within Significant Groves.*
- 5. Landscape Trees.*
- 6. Community Trees.*
- 7. Mitigation Trees.*

Applicant Response(s): This is understood by the Applicant. This project area includes a Significant Natural Resource Area.

60.60.15. Pruning, Removal, and Preservation Standards.

1. Pruning Standards.

A. It shall be unlawful for any person to remove or prune to remove a tree's canopy or disturb the root zone of any Protected Tree, except in accordance with the provisions of this Code.

B. All pruning of Protected Trees shall be done in accordance with the standards set forth in this section and the City's adopted Tree Planting and Maintenance Policy, also known as Resolution 3391.

Applicant Response: This section is not applicable as no pruning is expected surrounding existing trees.

2. Removal and Preservation Standards.

A. All removal of Protected Trees shall be done in accordance with the standards set forth in this section. [ORD 4697; December 2016]

B. Removal of Landscape Trees and Protected Trees shall be mitigated, as set forth in section 60.60.25.

Applicant Response(s): This section is not applicable as no Protected Trees are located in the project area.

C. For SNRAs and Significant Groves, the following additional standards shall apply:

1. *The minimum DBH of non-exempt surveyed trees that must be preserved on a site is as follows:*
 - a. *Multiple Use zoning districts: Fifteen percent (15%) of the DBH of non-exempt surveyed trees found on a project site.*
 - b. *Residential, Commercial, or Industrial zoning district: Twenty five percent (25%) of the DBH of non-exempt surveyed trees found on a project site.*

Applicant Response: As noted in the Arborist Report, the total diameter of non-exempt surveyed trees proposed for removal within the Significant Grove/SNRA is 26% (127.4/496.4=.257), and therefore, 74% of the total diameter of non-exempt surveyed trees have been maintained, which is well-above the minimum of 25% for this Residential zoning district (MR, Multi-Unit Residential).

2. *DBH to be retained shall be preserved in cohesive areas, termed Preservation Areas, when development is proposed in SNRAs or Significant Groves.*

Applicant Response: As noted in the Arborist Report, there are 21 non-exempt surveyed trees retained with a DBH of 369 inches. As noted on the Dimensioned Site Plan, these trees will remain located in two cohesive areas adjacent and within the project area. Specifically, the trees planned for retention with tree protection during construction are part of a cohesive Preservation Area, the relatively natural THPRD park property and much larger Significant Grove G38. Only a very small portion of G38 is part of this application since the proposed work is limited to the edge of the park property along the public right-of-way.

3. *Native understory vegetation and trees shall be preserved in Preservation Areas.*

Applicant Response: The project does not impact the understory vegetation and trees located in the preserved cohesive areas, termed Preservation Areas as a result of the proposed methods for construction; therefore this area is preserved.

4. *Preservation Areas, conditioned for protection through the Development Review process, shall be preserved in clusters that are natural in appearance rather than in linear strips. Preservation Areas should connect with adjoining portions of the Significant Grove or SNRA on other sites.*

Applicant Response: As noted in the Arborist Report, there are 21 non-exempt surveyed trees retained with a DBH of approximately 369 inches. As noted on the Dimensioned Site Plan, these trees will remain located in two cohesive areas adjacent and within the project area. Specifically, the trees planned for retention with tree protection during construction are part of a cohesive Preservation Area, the relatively natural THPRD park property and much larger Significant Grove G38. Only a very small portion of G38 is part of this application since the proposed work is limited to the edge of the park property along the public right-of-way.

5. *Preservation Areas, conditioned for protection through the Design Review process, shall be set aside in conservation easements and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.*

Applicant Response: Not applicable as this application is not for a Design Review process.

6. *Preservation Areas, conditioned for protection through the Land Division process, shall be set aside in tracts and recorded with a deed restriction with Washington County, unless otherwise approved by*

the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.

Applicant Response: Not applicable as this application is not for a Land Division process.

7. Within the development review process, where a person is presented with a particular decision whether to retain a native or non-native tree, the native species shall be retained provided all other considerations between the two categories of trees remain equal. Non-native tree species may also be retained for aesthetic, unique condition, size, and wildlife habitat purposes.

Applicant Response: Determination as to retention is described in the Arborist Report as attached to the application.

8. Hazardous and dead trees within Significant Groves and SNRAs should be fallen only for safety and left at the resource site to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and must be removed from the area to protect the remaining trees.

Applicant Response: This is understood by the Applicant. Given the close proximity of the easement area surrounding the site, the Applicant requests that if this is noted as a condition of approval for two dead trees noted as (#4289 and #4291) that the City staff provide flexibility as to the exact location of the logs in relation to the proposed limits of work as provided by the site's owner, Tualatin Hills Park and Recreation District.

60.60.20. Tree Protection Standards during Development.

1. Trees classified as Protected Trees under this Code shall be protected during development in compliance with the following:

A. A construction fence must be placed around a tree or grove beyond the edge of the root zone. The fence shall be placed before physical development starts and remain in place until physical development is complete. The fence shall meet the following:

1. The fence shall be a four foot (4') tall orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy 12 gauge wire shall be strung between each post and attached to the top and midpoint of each post. Colored tree flagging indicating that this area is a tree protection zone is to be placed every five (5) linear feet on the fence to alert construction crews of the sensitive nature of the area.

2. Standards for a Construction Fence Around a Protected Tree

Other City approved protection measures that provide equal or greater protection may be permitted, and may be required as a condition of approval.

B. Within the protected root zone of each tree, the following development shall not be permitted:

1. Construction or placement of new buildings.

2. Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval.

3. New impervious surfaces.

4. Trenching for utilities, irrigation, or drainage.

5. Staging or storage of any kind.

6. Vehicle maneuvering or parking

Applicant Response: Tree protection standards are provided in the Arborist Report and reference these specific requirements.

60.60.25. Mitigation Requirements.

1. The following standards shall apply to mitigation for the removal of Significant Individual Trees or trees within Significant Groves or SNRAs.

[NOTE: Sections A-F omitted for brevity]

Applicant Response: The total diameter of non-exempt surveyed trees proposed for removal within the Significant Grove/SNRA is 26% ($127.4/496.4=.257$). As noted in the Arborist Report, no mitigation for tree removal is required since less than 50% of the total diameter is proposed for removal. Table 1 of this Report provides a summary of the tree mitigation analysis showing the calculations required by this section.

2. Mitigation for the removal of trees from Significant Groves or SNRAs shall be required as follows:

- A. Calculate the total DBH of the trees to be removed. Denote both deciduous and coniferous trees in separate tables; however, both tables will result in the sum total of the DBH to be removed.
- B. If the total DBH of trees to be removed is less than or equal to 50% of the total DBH of surveyed trees on the site, then no mitigation is required for the trees to be removed.
- C. If the total DBH of trees to be removed is greater than 50% of the total DBH of surveyed trees on site, then mitigation is required for the amount of DBH to be removed that exceeds 50% of the total DBH of surveyed trees on site. For example, if 75 inches is the total amount of DBH to be removed from a site and 60 inches of DBH represents 50% of the total surveyed DBH, then 15 inches of DBH is the total required amount of mitigation.

Applicant Response: Table 1 of the Arborist Report attached to this application provides a summary of the tree mitigation analysis showing the calculations required by this section. No mitigation is required as less than 50% of the total DBH of the surveyed trees on site.

3. In addition to the requirements listed in Section 60.60.25.1. Mitigation Requirements, the following mitigation requirements shall apply for the removal of trees from Significant Groves or SNRAs.

A. Dead or dying trees within a Significant Grove or SNRA shall be fallen when required for safety. Such tree falling shall not require mitigation. However, the fallen log should remain in the Significant Grove or SNRA, to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and the log must be removed from the area to protect the remaining trees.

B. All trees planted for mitigation must meet the following minimum requirements:

- i. Deciduous trees shall be replaced with native deciduous trees that are no less than two caliper inches (2") in diameter
- ii. Coniferous trees shall be replaced with native coniferous trees that are no less than three feet (3') in height and no more than four feet (4') in height. A three foot (3') mitigation tree shall equate to 2" DBH and four foot (4') mitigation tree will equate to 3" DBH.
- iii. The total linear DBH measurement of the trees to be removed shall be mitigated with the necessary number of trees at least two caliper inches (2") in diameter.

Applicant Response: As noted above in a previous response, this is understood by the Applicant. Given the close proximity of the easement area surrounding the site, the Applicant requests that if this is noted as a condition of approval for two dead trees noted as (#4289 and #4291) that the City staff provide flexibility as to the exact location of the logs in relation to the proposed limits of work as provided by the site's owner, Tualatin Hills Park and Recreation District.

4. Significant Grove or SNRA on-site mitigation, 2:1 planting ratio.

A. Residential, Commercial, or Industrial zoning districts: For tree removal proposals which remove more than 50% and up to and including 75% of the surveyed non-exempt DBH, if all mitigation tree planting is to occur on-site, the ratio for planting shall be on a 2:1 basis. For example, if 20 inches of DBH is the total amount of required mitigation, if all the mitigation planting occurs on the site where the removal is to occur, then only 10 inches of DBH is required to be planted.

Applicant Response: Table 1 of the Arborist Report attached to this application provides a summary of the tree mitigation analysis showing the calculations required by this section. No mitigation is required as less than 50% of the total DBH of the surveyed trees on site.

B. Multiple Use zoning districts: For tree removal proposals which remove more than 50% and up to and including 85% of the surveyed non-exempt DBH, if all mitigation tree planting is to occur on-site, the ratio for planting shall be on a 2:1 basis. For example, if 20 inches DBH is the total amount of required mitigation, if all the mitigation planting occurs on the site where the removal is to occur, then only 10 inches of DBH is required to be planted.

Applicant Response: Not applicable as not a Multiple Use zoning district.

5. Significant Grove or SNRA off-site mitigation, 1:1 planting ratio.

A. Residential, Commercial, or Industrial zoning districts: For tree removal proposals which remove more than 50% and up to and including 75% of the surveyed non-exempt DBH, if mitigation tree planting is to occur off-site, the ratio for planting shall be on a 1:1 basis.

B. Multiple Use zoning districts: For tree removal proposals which remove more than 50% and up to and including 85% of the surveyed non-exempt DBH in Multiple Use zones, if mitigation tree planting is to occur off-site, the ratio for planting shall be on a 1:1 basis.

Applicant Response: Not applicable as no off-site mitigation is required.

6. Significant Grove or SNRA Tree Plan 3 mitigation, 1:1 planting ratio.

A. Residential, Commercial, or Industrial zoning districts: For tree removal proposals which remove more than 75% and up to and including 100% of the surveyed non-exempt DBH, all of the required mitigation tree planting shall be on a 1:1 basis whether planted on-site or off-site.

B. Multiple Use zoning districts: For tree removal proposals which remove more than 85% and up to and including 100% of the surveyed non-exempt DBH, all of the required mitigation tree planting shall be on a 1:1 basis whether planted on-site or off-site.

Applicant Response: Not applicable as this application is not for a Tree Plan 3.

7. In-Lieu fee. If the total caliper inch on-site- or off-site tree planting mitigation does not equal the DBH inch removal or if no tree planting mitigation is proposed, the remaining or total caliper inch tree planting mitigation shall be provided as a fee in-lieu payment. The in-lieu fee shall be specified in the Community Development In-Lieu Fee schedule. Fee revenues shall be deposited in the City's Tree Mitigation Fund.

(NOTE: Remainder of this section omitted for brevity)

Applicant Response: Not applicable as this application is not proposing an In-Lieu fee.

8. In addition to the standards in Mitigation Standards 1, the following standards shall apply to mitigation for the removal of a Significant Individual Tree:

A. A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.

B. Mitigation for the removal of a Significant Individual Tree shall be the required replacement of each tree on based on the total linear DBH measurement. Replacement of trees shall be as follows:

(NOTE: Remainder of this section omitted for brevity)

Applicant Response: Not applicable as this application is not proposing removal of a Significant Individual Tree.

9. The following standards apply to the replacement of a Landscape Tree:

A. A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.

B. If a replacement tree of the species of the tree removed or damaged is not reasonably available, the City may allow replacement with a different species.

C. Replacement of a Landscape Tree shall be based on total linear DBH calculations at a one-to-one ratio depending upon the capacity of the site to accommodate replacement tree or unless otherwise specified through development review. Replacement of tree on a one-to-one basis shall be as follows:

1. Calculate the sum of the total linear DBH measurement of the tree to be removed.

2. The total linear DBH measurement of the tree to be removed shall be replaced with tree at least 1.5 caliper inches in diameter. The total caliper inches of the replacement tree shall be at least equal to the sum total of the linear DBH measurement of the removed tree.

Applicant Response: This code section is not applicable as the trees slated for replacement are not considered as Landscape Trees.

Chapter 60.67 Significant Natural Resources

60.67.05. Local Wetland Inventory.

Prior to issuing a development permit, the Local Wetland Inventory map shall be reviewed to determine if the site proposed for development is identified as the location of a significant wetland.

1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant wetlands shall be subject to relevant procedures and requirements specified in CHAPTER 50, of this ordinance.

Applicant Response:

Features from the City of Beaverton Local Wetland Inventory and Riparian Assessment (LWI) intersect portions of the project alignment where it crosses the Unnamed Creek and Beaverton Creek (Shapiro and Associates, Inc. 2000).

Near the unnamed creek crossing, the City of Beaverton LWI maps a PEM/PFO wetland (BV3) which is identified as a mitigation site intersecting the portion of wetland mapped within the study area. The LWI and a DSL records request yielded no additional information regarding what this mitigation was for or when it was created.

Near the Beaverton Creek crossing, the City of Beaverton LWI maps a large PEM/PFO/PSS/POW wetland (BV4) within the Tualatin Hills Nature Park. In the wetland delineation prepared for this project, the onsite wetland on the north side of Beaverton Creek was mapped as wider than the BV4 wetland mapped in the City of Beaverton LWI.

The development team received approval of a Wetlands Delineation Report for this project in early January (WD #2023-0478) from the Oregon Department of State Lands (DSL), attached to this application. The application materials submitted provide detailed project information in accordance with all applicable requirements. Therefore, these requirements are met.

2. Upon City's determination that a site contains wetland as identified on the Local Wetland Inventory map, notice of the proposed development shall be provided to the Division of State Lands (DSL) in a manner and form prescribed by DSL pursuant to ORS requirements.

Applicant Response: A wetland delineation was prepared for this project and identified areas where the contemporary studied aligned with and diverged from the boundaries and classifications of wetlands described in the City of Beaverton LWI. DSL provided concurrence on the findings of the delineation on January 4, 2023 (WD # 2023-0478). Additionally, the project team is preparing a Joint Permit Application for a DSL Removal-Fill Permit to authorize temporary removal-fill actions within delineated wetlands.

60.67.10. Significant Riparian Corridors.

Prior to issuing a development permit, the list of Significant Riparian Corridors shall be reviewed to determine if the site proposed for development is identified as being listed corridor.

1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant riparian corridors, shall be subject to relevant procedures and requirements specified in CHAPTER 50 of this ordinance. [ORD 4659; July 2015]

Applicant Response: Both the unnamed creek and Beaverton Creek are identified as Class I Riparian Wildlife Habitat in Volume III of the Comprehensive Plan for Statewide Planning Goal 5. This application is for a Type 2 review as noted in Chapter 50.40 of the BDC.

II. Conclusion

In conclusion, this application, will facilitate the development of important infrastructure. The removal of trees as requested by this application has been reduced to the minimum number required and is offset by the large areas of trees being preserved. The project's design and construction methods have also contributed to the limited permanent impacts. As noted in this narrative, all of the associated criteria have been met.