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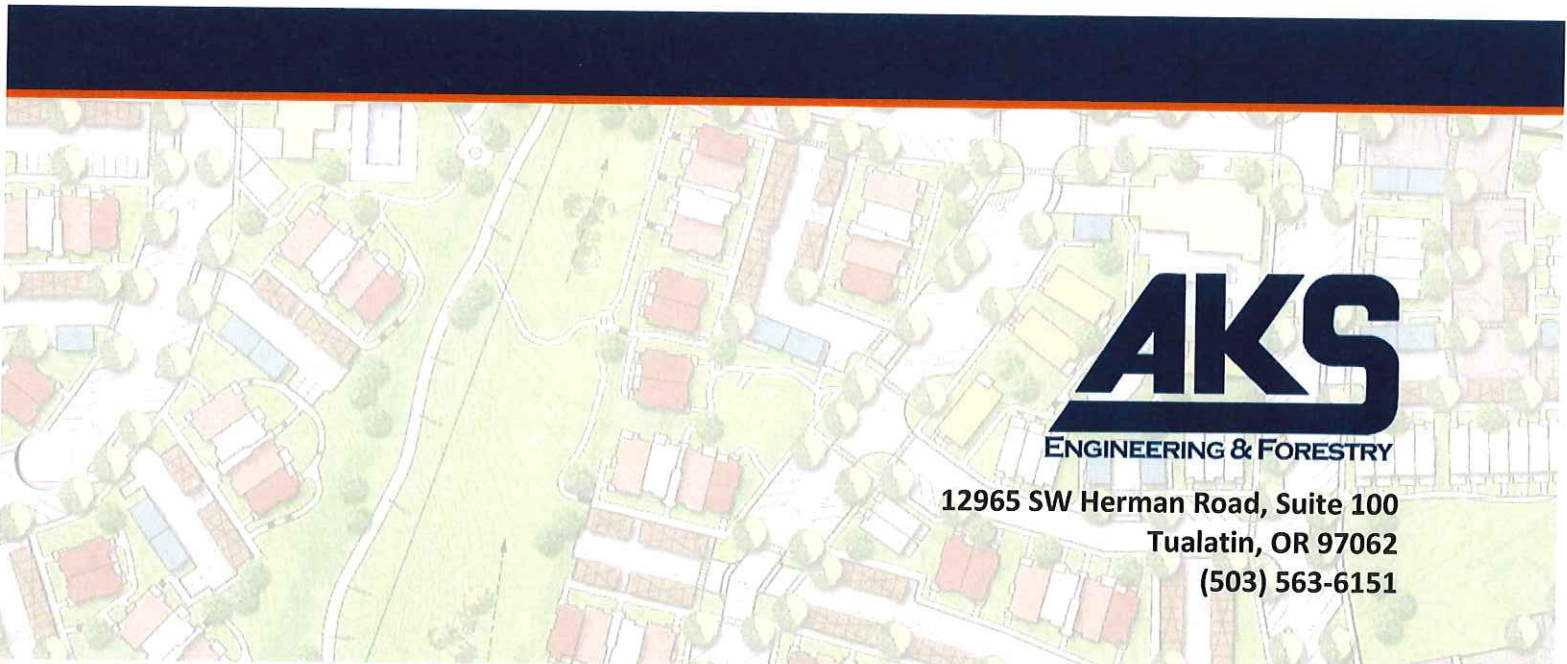
City of Beaverton
Planning Services

Land Use Application For a Subdivision

Date: September 29, 2016

Submitted to: City of Beaverton
Planning Division
P.O. Box 4755
Beaverton, OR 97076

Applicant: Michael Biggi
9790 SW Nimbus Avenue
Beaverton, OR 97008



Contents

I. Executive Summary	2
II. Site Description/Setting.....	3
III. Applicable Review Criteria.....	3
<u>CITY OF BEAVERTON DEVELOPMENT CODE</u>	<u>3</u>
Chapter 20 – Land Uses	3
20.05.15. Site Development Standards.	3
20.05.20. Land Uses.....	4
20.25.05. Minimum Residential Density.....	5
Chapter 40 – Applications.....	7
40.03. FACILITIES REVIEW COMMITTEE	7
40.45 LAND DIVISION AND RECONFIGURATION	11
40.45.15. Application.....	11
40.58. SIDEWALK DESIGN MODIFICATION.....	13
40.58.05. Purpose.....	13
40.58.10. Applicability.	13
40.58.15. Application.....	13
40.90. TREE PLAN	15
40.90.15. Application.....	15
Chapter 60 – Special Requirements.....	20
60.15. LAND DIVISION STANDARDS.	20
60.15.10. Grading Standards.	20
60.30. OFF-STREET PARKING.....	21
60.30.05. Off-Street Parking Requirements.....	21
60.30.10. Number of Required Parking Spaces.	22
60.45.10. Solar Access for New Development.	25
60.55. TRANSPORTATION FACILITIES.....	29
60.55.10. General Provisions.	29
60.55.15. Traffic Management Plan.	31
60.55.20. Traffic Impact Analysis.....	31
60.55.25. Street and Bicycle and Pedestrian Connection Requirements.	32
60.55.30. Minimum Street Widths.	36
60.55.35. Access Standards.	37
60.60. TREES AND VEGETATION.....	39
60.60.10. Types of Trees and Vegetation Regulated.	39
60.60.15. Pruning, Removal, and Preservation Standards.	39
60.60.20. Tree Protection Standards during Development.	41

60.60.25. Mitigation Requirements.....	42
60.65. UTILITY UNDERGROUNDING.....	45
60.65.10. Authority.....	45
60.65.15. Regulation.....	45
60.65.20. Information on Plans.....	46
60.65.25. Optional Fee In Lieu of the Undergrounding Requirement.....	47
60.65.30. Fees to be Paid In-Lieu of Undergrounding.....	47
IV. Conclusion	48

Exhibits

- Exhibit A:** Preliminary Development Plans
 - Exhibit B:** Application Forms and Pre-application Summary
 - Exhibit C:** Property Ownership Information
 - Exhibit D:** Preliminary Stormwater Management Report
 - Exhibit E:** CWS Service Provider Letter
 - Exhibit F:** Neighborhood Meeting Documentation
 - Exhibit G:** Traffic Management Report
 - Exhibit H:** September 27 Memo from Project Arborist
 - Exhibit I:** Approved Engineering Design Modification Request
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P.O. Box 4755
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Applicant: Michael Biggi
9790 SW Nimbus Avenue
Beaverton, OR 97008

Property Owners: James McClurg and Kristie Rice McClurg
P.O. Box 1114
Bend, OR 97709

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Site Location: 7470 & 7466 SW Canyon Lane, Beaverton, OR

Assessor's Information: County Assessor's Map 1S112AB, Tax Lots 4300, 4500,
and 4703

Site Size: ±2.59 acres

Land Use Districts: R-7 Urban Standard



I. Executive Summary

AKS Engineering & Forestry is pleased to submit this application for a 9-lot Subdivision to the City of Beaverton (City) on behalf of Mike Biggi (Applicant). Because the properties host a number of significant trees, the application also includes relevant documentation in response to the City's Type Two Tree Plan and Sidewalk Design Modification applications.

The land division included in this application is a relatively simple 9-lot subdivision located in the City's R-7 Zoning District. The nine lots included in this application range in size from 7,010 square feet (Lot 6) to 7,857 square feet (Lot 9), all of which exceed the City's minimum lot size of 7,000 square feet in the R-7 District. The application also satisfies the minimum required density of eight lots on this site as required in the R-7 District. The minimum width and depth standard (65-feet and 80-feet, respectively) in the R-7 District is also satisfied; lots range in width from 66-feet to 70-feet and in depth from 101-feet to 107-feet. Building related standards, such as setbacks and height, are not applicable as new home construction is not included in this application; however, each of the nine lots contain a sufficient building envelope to accommodate the required building setbacks and height.

The application will result in a net of six new residential lots (site is comprised of three legal lots of record) with access from a new connection of SW 75th Terrace between its existing terminus and SW Canyon Lane. The SW 75th Terrace connection will be constructed to the City's L2 Local Street standard and will include vehicle travel lanes, on-street parking, landscape strips, and a 5- to 6-foot wide sidewalk on both sides of the new roadway. In an effort to maximize on-site tree preservation, the application also includes a request for a sidewalk design modification that would allow a 5-foot wide sidewalk to be constructed without a landscape strip along the frontage of Tract B (tree preservation tract) and Lot 6 and continuing as a 6-foot wide curb tight sidewalk north to SW Canyon Lane. The elimination of the landscape strip in this location enables the sidewalk to meander around the protection zone for a number of significant trees.

The application takes advantage of the desire to protect trees in the vicinity of Tract B (through the elimination of the landscape strip) to address concerns of cut-through traffic raised by residents at the neighborhood meeting. To slow motor-vehicles and subsequently discourage cut-through traffic, the application narrows the pavement section in this location from 32-feet to 20-feet, in the northbound direction, and from 28-feet to 20-feet in the southbound direction. While the Traffic Engineer's findings conclude that a new connection of SW 75th Terrace at SW Canyon Lane is unlikely to result in significant cut through traffic, due to the existence of more convenient options elsewhere in this vicinity, this traffic calming strategy is likely to slow motor-vehicles and may help to reduce vehicle-related noise and possibly improve safety for pedestrians and bicyclists. A corresponding Design Modification Request has been submitted for the curb bulb outs in the vicinity of Tract B.

Stormwater runoff generated from new impervious surfaces on the site will be conveyed to a stormwater management and detention facility located on Tract A in the southeast corner of the site. This stormwater management facility has been designed to convey stormwater runoff off-site in an amount that is equivalent to the runoff experienced today.

The significant tree grove (Grove no. NX-17), which covers nearly 75 percent of the subject site, poses the most significant challenge to the design of this site in a manner that satisfies applicable zoning and engineering design standards. The SW 75th Terrace local street extension is another complicating factor. The Applicant's arborist has worked closely with project planners and engineers to maximize tree

preservation, primarily through the establishment of an irregularly shaped tree preservation tract (Tract B) and a modified local street section.

II. Site Description/Setting

The subject site is comprised of three tax lots located in the City’s West Slope Neighborhood between the existing terminus of SW 75th Terrace and SW Canyon Lane, approximately one-half mile southwest of the SW Canyon Road/US Highway 26 Interchange. The site includes a total area of approximately 2.59 acres which slopes generally from north to south at a grade of roughly 8%. An existing home and outbuildings occupy the site. Access to the existing home occurs via an asphalt driveway off of SW Canyon Lane.

The site as well as all abutting properties are located in the R-7 District in the City of Beaverton. An existing significant tree grove (NX-17) covers nearly 75 percent of the total site area. The site is not located within any other natural resource protection or other overlay zones.

III. Applicable Review Criteria

CITY OF BEAVERTON DEVELOPMENT CODE

Chapter 20 – Land Uses

20.05.15. Site Development Standards.

Site Development Standards support implementing development consistent with the corresponding zoning district. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below.

Development Standards Superscript Refers to Footnotes	
Standard	R-7
A. Minimum Land Area (sq ft)	7,000
C. Lot Dimensions ¹⁶	
1. Minimum Width	
a. Interior	65
b. Corner	70
2. Minimum Depth	
a. Interior	90
b. Corner	80
F. Minimum Yard Setbacks ^{4, 16}	
1. Front	17
2. Side	5
3. Rear	25
4. Garage ⁷	20
5. Garage Door to Rear ⁹	24
6. Minimum Between Buildings ¹⁰	6
G. Reduced Yard Setbacks ^{11, 16}	
1. Front	10
2. Rear	5
3. Side	5
4. Garage	20
H. Building Height	
1. Maximum	35

1. For Detached, minimum land area per dwelling unit in the R5, R7, and R10 zones. For Attached and Detached, minimum parent parcel of land area per 3 dwelling unit in the R1, R2, and R4 zones.
3. Minimum lot area in conjunction with a land division application where the resulting average lot size within the land division is no less than the minimum lot size of the zone. Refer to Section 40.45.
4. R4 lots that abut property zoned R5, R7, or R10 shall provide the abutting district setbacks for any setback, which abuts that district.
7. Carports shall meet the same yard setbacks as the dwelling. Garage setbacks shall be measured from the elevation containing the garage door and vehicle entrance of carports to the property line. For all other garage elevations, the building setback applies.
9. Measured from garage door elevation to opposite side of the alley right-of-way, common accessway, common driveway, or access easement line.
10. Minimum spacing between buildings on the same parcel or in the same development.
11. Upon approval of Flexible Setback 40.30 application.

Response: As illustrated in Table 1 below, all nine lots will satisfy the minimum area and dimensional standards for single-family residential lots in the R-7 District (see Exhibit A, Sheet P03). New home construction is not included in this application. Subsequently, building-related standards, such as yard setbacks and building height will be confirmed by City staff at the time of building permit review. The criteria can be met.

Table 1 Proposed Lot Dimensions

Lot	Min. Area	Min. Width	Min. Depth	Front Setback	Side Setback	Rear Setback	Garage Setback	Max. Height
1	7,456	70	102	17	5	25	20	n/a ¹
2	7,091	70	101	17	5	25	20	n/a
3	7,102	70	101	17	5	25	20	n/a
4	7,135	70	101	17	5	25	20	n/a
5	7,146	70	102	17	5	25	20	n/a
6	7,010	67	101	17	5	25	20	n/a
7	7,090	66	107	17	5	25	20	n/a
8	7,360	68	106	17	5	25	20	n/a
9	7,857	68	102	17	5	25	20	n/a
Standard	7,000	65/70	90/80	17	5	25	20	35

20.05.20. Land Uses.

The following Land Uses are classified in the following three categories: Permitted (P) including their accessory uses and structures, Conditional Uses (C), or Prohibited (N) uses as identified in the table below for Residential Zoning Districts. All superscript notations refer to applicable Use Restrictions Section 20.05.25.

Category and Specific Use	
Residential	R7 ¹¹
2. Dwellings	
A. Accessory Dwelling Units	P
B. Attached ¹	N
C. Detached ¹²	P

¹ No structures are proposed with this application.

1. Existing duplexes as of June 17, 2010 in the R10, R7, and R5 zones are Permitted uses
11. A Conditional Use Permit-Planned Unit Development pursuant to 40.15.15.4 shall be required for residential development of a site equal to or greater than 10 acres and located within the boundary of the South Cooper Mountain Community Plan Area.
12. Compact Detached Dwellings on lots fronting common greens, shared courts, or public streets may be permitted on sites that are two acres or greater in size through a Conditional Use-Planned Unit Development process.

Response:

As illustrated in the table above, detached and accessory dwellings are permitted in the R-7 District. While no home construction is proposed as part of this application, the lots are intended to accommodate the future development of single-family detached residences. The criterion can be met.

20.25.05. Minimum Residential Density.

- A. New residential development in all Residential, Commercial, and Multiple Use districts which permit residential development must achieve at least the minimum density for the zoning district in which they are located. Projects proposed at less than the minimum density must demonstrate on a site plan or other means, how, in all aspects, future intensification of the site to the minimum density or greater can be achieved without an adjustment or variance. If meeting the minimum density will require the submission and approval of an adjustment or variance application(s) above and beyond application(s) for adding new primary dwellings or land division of property, meeting minimum density shall not be required.

For the purposes of this section, new residential development shall mean intensification of the site by adding new primary dwelling(s) or land division of the property. New residential development is not intended to refer to additions to existing structures, rehabilitation, renovation, remodeling, or other building modifications or reconstruction of existing structures.

Minimum residential density is calculated as follows:

1. Refer to the definition of Acreage, Net. Multiply the net acreage by 0.80.

Definition of Acreage, Net: "Net acreage: proposal size expressed in acreage minus any unbuildable area. The following are deemed undevelopable for purposes of calculating net acreage:

- i. Street dedications and areas for private streets and common driveways
- ii. Environmentally constrained lands
- iii. Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space
- iv. Topographical features with slope equal to or greater than:
 1. 25% within landslide area may deduct 100% of applicable area
 2. 15% and within landslide area may deduct 50% of applicable area"

2. Divide the resulting number in step 1 by the minimum land area required per dwelling for the applicable zoning district to determine the minimum number of dwellings that must be built on the site.

-
3. If the resulting number in step 2 is not a whole number, the number is rounded to the nearest whole number as follows: If the decimal is equal to or greater than 0.5, then the number is rounded up to the nearest whole number. If the decimal is less than 0.5, then the number is rounded down to the nearest whole number.

Response: The subdivision included in this application will include a total of nine lots (see Exhibit A, Sheet P03), exceeding the eight-lot minimum required per this Section. This residential density was calculated using the formula in Beaverton Development Code Section 20.25.05.A.1-3. as follows:

1. Total site area (2.59 acres) – undevelopable area (0.92 acres) = net area (1.67 acres)
2. Net area (1.67 acres) x 0.80 = 1.34 acres
3. 80 percent Net area (1.34 acres) / 7,000 square feet per lot = 8.29 lots
4. 8.29 lots are rounded to 1 significant digit = 8.3 lots
5. 8.3 lots are rounded down to 8 lots.

The criteria are met.

- B. **Residential Density Averaging.** Within a single land use zone, residential densities may be averaged across a property in order to allow for a variety of housing types, provided that the property is within a single, contiguous ownership, except that within a PUD may be averaged across multiple land use zones provided that the applicant demonstrates that the proposed development is compatible with existing and planned development on neighboring parcels. For the purposes of this standard, properties within a single, contiguous ownership also include those properties separated only by a street.

Response: The subdivision included in this application will achieve a total of nine lots (see Exhibit A, Sheet P03), exceeding the eight-lot minimum required per this Section. The application does not utilize the residential density averaging provision of this Section. The criterion does not apply.

20.25.15. Density Allowances.

- A. **Accommodating Residential and Floor Area Density.** Residential and Floor Area density may be accommodated on a site where undevelopable areas cannot practicably allow development. The density allowance may be transferred from undevelopable areas to developable areas. Where higher intensity is proposed greater than the Code allowance, a PUD approval is necessary.
- B. **Maximum Density.** Maximum Residential and Floor Area density is calculated based upon site gross acreage.

Response: Maximum residential density on this site is calculated as follows:

1. Gross site area = 2.59 acres
2. Gross site area (2.59 acres) / 7,000 square feet per lot = 16.12 lots
3. 16.12 lots are rounded to 1 significant digit = 16.1 lots
4. 16.1 lots are rounded down to 16 lots.

The application includes a total of nine lots, which is less than the 16 lot maximum allowed on this site. The criteria are met.

Chapter 40 – Applications

40.03. FACILITIES REVIEW COMMITTEE

Consistent with Section 10.95.4. (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, Public Transportation Facility Reviews, Street Vacations, and applicable Land Divisions. Applicable land division applications are Replats, Partitions, Subdivisions, Fee Ownership Partitions, and Fee Ownership Subdivisions. In making a recommendation on an application to the decision making authority, the Facilities Review Committee shall base its recommendation on a determination of whether the application satisfies all the following technical criteria. The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B., and all the following criteria have been met, as applicable:

1. All Conditional Use, Design Review Two, Design Review Three, and applicable Land Division applications:
 - A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.

Response:

Per Chapter 90 of the Beaverton Development Code, critical facilities include public water, public sanitary sewer, stormwater drainage, treatment and detention, transportation and fire protection. The Applicant's plans in Exhibit A, specifically the Preliminary Street and Preliminary Composite Utility Plan, reveal new critical facilities that will be installed to service future development on this site. A new 8-inch water main will connect with existing mains at the terminus of SW 75th Avenue and this street's future intersection with SW Canyon Lane. A new 8-inch sanitary sewer main will convey sanitary sewer from each lot to an existing line in SW 75th Terrace. Finally, a new 12-inch storm sewer main will convey stormwater runoff from the site to a new stormwater treatment and detention facility in Tract A, which has been designed to release stormwater runoff at the pre-development rate. Tualatin Valley Fire and Rescue provides fire protection to residents in this part of Beaverton. In addition to these on-site improvements, the City will collect, at time of building permit submittal, system development charges that will offset future capacity improvements to critical facilities that may be necessary to accommodate an expanding population.

- B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.

Response:

Per Chapter 90, essential facilities include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way. The application includes a new public street connection between the existing terminus of SW 75th Terrace and SW Canyon Lane. This new street connection is designed to the City's L2 local street standard and includes sidewalks on both sides of the street. Due to the

relatively low vehicular volume on these streets, the City's L2 standard anticipates that bicyclists will share the travel lane with motor vehicles. Transit service to future residents on the site will be provided by TriMet which currently operates fixed-route bus service along SW Canyon Road.

Future residential construction on these lots will contribute system development charges to the City for the purpose of increasing the capacity of the City's Police and other essential services necessary to accommodate this development.

- C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).

Response: As demonstrated in this narrative and supplemental exhibits, all applicable provisions of Chapter 20 are or can be met.

- D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.

Response: As demonstrated in this narrative and supplemental exhibits, all applicable provisions of Chapter 60 are or can be met. Additionally, the application includes new public facilities that are in rough proportion to the impacts of the development and which will be dedicated to the City.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.

Response: The application includes a stormwater detention pond in Tract A, a tree preservation area located in Tract B, and a new local street connection within a public right-of-way extending from SW Canyon Lane to the existing terminus of SW 75th Terrace. The public right-of-way and stormwater facility in Tract will be dedicated to the City while Tract B will be owned and maintained in common by a home owners' association established for the subdivision.

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

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- G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

Response: As mentioned above and later in this narrative, the application includes a new local street connection between the existing terminus of SW 75th Terrace and SW Canyon Lane. This new local street connection is designed to the City's L2 standard and will improve safety and circulation for all travel modes.

- H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.
- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

Response: Public facilities included in this application are limited to the new local street connection of SW 75th Terrace, street improvements along the site frontage with SW Canyon Lane, and a new stormwater treatment and detention facility in Tract A. These facilities have been designed pursuant to all applicable City standards. Additionally, the stormwater detention facility in Tract A will be constructed with a 6-foot tall chain link fence at its perimeter to minimize the potential for accidental injury.

- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Response: As shown in Exhibit A, Sheet P08, the application includes only minor grading to accommodate the new public street connection.

- K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.

Response: The new SW 75th Terrace connection will be constructed to the City's L2 Local Street standard and will include 5- and 6-foot wide sidewalks on both sides of the roadway. The criterion is met.

- L. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code.

Response: The application includes all required submittal materials as specified in Section 50.25.1.

- 2. Public Transportation Facility Improvements or Modifications, including Street Vacations.
 - A. The transportation facility, as proposed or modified, conforms to the Transportation System Plan.
 - B. There are safe and efficient vehicular and pedestrian circulation patterns within the project boundaries.

-
- C. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are in place.
 - D. Adequate means are provided or proposed to be provided in a satisfactory manner, to ensure continued periodic maintenance and replacement of the following, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities.
 - E. The proposed transportation facility connects to the surrounding circulation systems in a safe, efficient, and direct manner.
 - F. The proposed transportation facility or modification thereof will provide adequate fire equipment facility access and turnaround area, as well as adequate street lighting for crime and accident prevention as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

Response: The connection of SW 75th Terrace is designed to the City's L2 Local Street standards and will provide a more efficient, convenient, and safer means of travel to and through this part of Beaverton. This new roadway will be dedicated to the City of Beaverton who will be responsible for its long-term maintenance. Improvements on SW Canyon Lane will similarly be dedicated to the City who will subsequently be responsible for ongoing maintenance. All transportation improvements provide adequate street lighting and access for fire apparatus.

The stormwater management facility in Tract A will be dedicated to the City of Beaverton and the tree preservation tract, located on Tract B, will be owned and maintained in common by a home owners' association established for the subdivision. The criteria are met.

- G. Grading and contouring are the minimum necessary to accommodate the proposed transportation facility, while mitigating adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Response: As shown in Exhibit A, Sheet P08, only minor grading is proposed to accommodate the new connection of SW 75th Terrace. The grading plan illustrates that this minor grading will not adversely affect neighboring properties or other private or public facilities. The criterion is met.

- H. Access and facilities for physically handicapped people are maintained and/or incorporated into the subject transportation facility, with particular attention to providing continuous, uninterrupted access routes.

Response: The new SW 75th Terrace connection will be constructed to the City's L2 Local Street standard and will include 5- and 6-foot wide sidewalks on both sides of the roadway. The criterion is met.

- I. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code.

Response: The application includes all applicable materials as per Beaverton Development Code Section 50.25.1. The criterion is met.

40.45 LAND DIVISION AND RECONFIGURATION

40.45.15. Application.

There are nine (9) types of applications under this Section, as follows: Property Line Adjustment; Replat One; Replat Two; Preliminary Partition; Preliminary Subdivision; Preliminary Fee Ownership Partition; Preliminary Fee Ownership Subdivision; Final Land Division; and Expedited Land Division.

5. Preliminary Subdivision.

A. **Threshold.** An application for Preliminary Subdivision shall be required when the following threshold applies:

1. The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year.

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

Response: The application includes the creation of nine lots and two tracts from three existing legal lots of record. Six net new lots and two tracts will result from this subdivision, which satisfies the threshold of four new lots in 5.A.1. above. Pursuant to 5.B. above, this subdivision will be reviewed as a Type 2 procedure.

C. **Approval Criteria.** In order to approve a Preliminary Subdivision 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 application satisfies the threshold requirements for a Preliminary Subdivision application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met.

Response: The application includes the creation of nine lots and two tracts from three existing legal lots of record. Six net new lots and two tracts will result from this subdivision, which satisfies the threshold of four new lots in 5.A.1. above. None of the affected parcels are subject to a pending legal lot determination. The criterion is met.

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

Response: The application includes a Preliminary Subdivision, Type Two Tree Plan, and a Sidewalk Design Modification. Based on the City's pre-application summary dated May 13, 2016, the fees for these applications are \$5,193, \$1,062, and \$116, respectively. A check in the amount of \$6,371 was submitted to the City with this application. The criterion is met.

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3. The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the subdivision process to comply with current Code standards and requirements.

Response: Based on information available to the Applicant, the proposed development does not conflict with any existing City approval. Further, the application is wholly consistent with the adopted R-7 zoning on these properties. The criterion is met.

4. Oversized lots resulting from the subdivision shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed subdivision and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.

Response: The application does not create any oversized lots that could be further divided under the current zoning regime. The criterion does not apply.

5. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.

Response: The application does not request phased implementation of the subdivision. The criterion does not apply.

6. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:
 - a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,
 - b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.

7. Applications that apply the lot area averaging standards of Section 20.05.15.D. do not require further Adjustment or Variance approvals for the Land Division.

Response: The application does not utilize the lot averaging standards of Section 20.05.15.D. The criteria do not apply.

8. The proposal does not create a lot which will have more than one (1) zoning designation.

Response: The approved application will result in nine residential lots and two tracts, all of which will be entirely located within the R-7 Zoning District. The criterion is met.

9. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

Response: Following approval of this application, the Applicant will submit a final subdivision plat application, public works and building permit applications, and all necessary documents required for City approval in the proper sequence. The criterion can be met.

40.58. SIDEWALK DESIGN MODIFICATION

40.58.05. Purpose.

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.

40.58.10. Applicability.

The Sidewalk Design Modification application shall be applicable to all streets in the City.

40.58.15. Application.

There is a single Sidewalk Design Modification application which is subject to the following requirements.

- A. **Threshold.** An application for Sidewalk Design Modification shall be required when one of the following thresholds applies:
 1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.
 2. The dimensions or locations of street tree wells specified in the Engineering Design Manual are proposed to be modified.

Response: The application includes a new connection to SW 75th Terrace, from its current terminus immediately south of this site to SW Canyon Lane. Southwest 75th Terrace is classified as a Local Street. The City's L2 Local Street Standard Section includes 28 feet of pavement and either a 5-foot wide sidewalk (where separated from the travel lane by a planter strip) or 6-foot wide sidewalk (where the sidewalk is curb tight) on both sides of the roadway.

Per the L2 Local Street Standard, the application includes a 5-foot wide, planter-strip-buffered sidewalk along the east side of SW 75th Terrace. To minimize loss of significant trees, an approximately 170-foot stretch of non-buffered, 5-foot wide sidewalk will be located on the west side of the SW 75th Terrace connection. The remaining distance will comply with the City's L2 Local Street Standard. This Sidewalk Design Modification applies to that non-buffered stretch of sidewalk on the west side of the new SW 75th Terrace connection.

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- B. Procedure Type. The Type 1 procedure, as described in Section 50.35. of this Code, shall apply to an application for Sidewalk Design Modification. The decision making authority is the Director.
 - C. Approval Criteria. In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.
 - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.

Response: As discussed under A. above, the width of the sidewalk along the west side of the new SW 75th Terrace connection, for a span of approximately 170 feet, will be 1 foot narrower than the required 6-foot width for sidewalks that are not buffered by a planter strip. The threshold criteria are met. Additionally, the appropriate City application fees were submitted to the City with this application. The criteria are met.

- 3. One or more of the following criteria are satisfied:
 - a. That there exist local topographic conditions, which would result in any of the following:
 - i. A sidewalk that is located above or below the top surface of a finished curb.
 - ii. A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.
 - b. That there exist local physical conditions such as:
 - i. An existing structure prevents the construction of a standard sidewalk.
 - ii. An existing utility device prevents the construction of a standard sidewalk.
 - iii. Rock outcroppings prevent the construction of a standard sidewalk without blasting.
 - c. That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.
 - d. That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.

Response: The non-standard sidewalk width as described above is included in this subdivision layout in an effort to minimize significant tree removal. Section C.3.c. above permits Sidewalk Design Modifications where environmental conditions, such as a Significant Tree Grove,

warrant. As shown on the City of Beaverton's Significant Tree Inventory, the site is located within Significant Tree Grove NX-17. The criterion is met.

4. The proposal complies with provisions of Section 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements) and 60.55.30 (Minimum Street Widths).

Response: As discussed below, the proposed project complies with the provisions of Section 60.55.25. The criterion is met.

5. Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.

Response: Following approval of this Preliminary Subdivision application, the Applicant will submit all necessary public works/improvement permit applications and final plat documentation. The criterion can be met.

6. The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.

Response: The requested Sidewalk Design Modification will create a new stretch of sidewalk on the west side of the new SW 75th Terrace connection for approximately 170 feet that will be 5 feet wide and curb tight. The City's standard sidewalk width for local streets is 6 feet wide if curb tight and 5 feet wide if buffered by a planter strip. Because of the need to protect significant trees in the location of the requested Sidewalk Design Modification, the application eliminates the planter strip while keeping the sidewalk to the minimum possible footprint. Because SW 75th Terrace will be a low-volume local street a 5-foot wide curb tight sidewalk affords sufficient pedestrian safety along this limited stretch of SW 75th Terrace. The criterion is met.

- D. Submission Requirements. An application for a Sidewalk Design Modification 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 Sidewalk Design Modification 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.

Response: As reflected in the attached application forms in Exhibit B, the application has been endorsed by the property owner and initiated by their authorized agent. Additionally, all pertinent information is included in this narrative or in the attached exhibits. The criterion is met.

40.90. TREE PLAN

40.90.15. Application.

There are four (4) Tree Plan applications which are as follows: Tree Plan One, Tree Plan Two, Tree Plan Three, and Commercial Timber Harvest.

1. Tree Plan One

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

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1. Major pruning of Protected Trees one within a one year period.

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Response: The application includes limited root pruning and tree removal as shown in Exhibit A, discussed in the September 27 memo from the Applicant's arborist, and as discussed in greater detail below. For this reason, the application includes all relevant documentation in response to a Tree Plan Two. The threshold criteria are met.

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

1. The proposal satisfies the threshold requirements for a Tree Plan One application.

Response: As discussed above, the threshold requirements for a Tree Plan One application are met.

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

Response: All necessary application fees were submitted to the City with this application. The criterion is met.

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

Response: The application includes all applicable submittal requirements. The criterion is met.

4. If applicable, pruning is necessary to improve tree health or to eliminate conflicts with vehicle or structures which includes, but is not limited to, underground utilities and street improvements.
5. If applicable, the removal or vegetation or clearing and grubbing is necessary to accommodate physical development in the area in which the removal is proposed.

Response: As shown in Exhibit A and discussed in the September 27 memo from the Applicant's arborist, limited root pruning is necessary to accommodate future residential development on Lot 6. Also as explained in the September 27 memo, trees which will undergo root pruning are of sufficient condition and health to survive after root pruning. The criteria are met.

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

Response: The application includes all applicable submittal requirements specified in Section 50.25.1. and elsewhere.

2. 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.
 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.
 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.
 4. Removal of a Significant Individual Tree(s).

Response: As documented in Exhibit A, Sheets P05-P07, the application includes the removal of 74% of the total DBH of the portion of Significant Grove NX-17 located on the subject site. The application, therefore, satisfies the threshold in 3. above.

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

Response: As described above, the application satisfies the threshold criteria for a Tree Plan Two application. Additionally, all requisite fees were included with the submittal of this application. The criteria are met.

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.

Response: The Applicant's arborist has confirmed (Exhibit A) that the proposed Tree Removal Plan is the minimum necessary to accommodate future home construction on each of the nine lots included in this application in a manner that will promote long-term survivability. The criterion is met.

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

Response: As described earlier in this narrative, per the minimum density and use standards of the R-7 District, at least eight single-family detached dwelling units must be located on this site. The application seeks to strike a balance between achieving a reasonable return on the total investment that will be made in this property and the preservation of significant trees. The Site Plan included in the application materials commits 42% of the total site area to tree preservation, stormwater tracts, and public rights-of-way, with the remaining 58% allocated to nine (six net new) residential lots.

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.

Response: A number of trees near the interior of the site must be removed as they are likely to become hazardous following the removal of trees near the perimeter of the site. According to the Applicant's arborist, these interior trees will be susceptible to wind throw following the removal of trees at the perimeter of the grove. The criterion is met.

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.

Response: The new street connection has been designed to preserve significant trees to the extent practicable, as is evidenced by the inclusion of the Sidewalk Design Modification included with this application. Nonetheless, forty-two significant trees will be removed to accommodate the new SW 75th Terrace Local Street connection. There is no practical alternative to the proposed new street connection that would preserve a greater number of significant trees. The criterion is met.

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.

Response: According to the Applicant's arborist a number of trees near the interior of the site need to be removed, as they are likely to become hazardous following the removal of trees at the perimeter of the site. The criterion is met.

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.

Response: The application does not seek to reverse the designation of Grove NX-17 as a significant grove. The criterion is met.

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.

Response: The Tree Plan includes the removal of those significant trees that are likely to pose a safety risk due to the effects of windthrow. The criterion is met.

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

Response: As discussed below, the application complies with all applicable provisions of Sections 60.60. and 60.67. The criterion is met.

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.

Response: The site currently slopes at an average grade of 8% between SW Canyon Lane and the existing terminus of SW 75th Terrace. As shown in Exhibit A, Sheet P08, grading has been designed to accommodate new single-family dwelling sites while minimizing impacts to significant trees and adverse effects on neighboring properties, public rights-of-way, and stormwater runoff. The criterion is met.

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

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

Response: The application includes all applicable submittal requirements specified in Section 50.25.1. and elsewhere. Further, all requisite fees were submitted with this application. The criteria are met.

- 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.

Response: As reflected on the attached application forms in Exhibit B, the application has been endorsed by the property owner and initiated by their authorized agent. Additionally, all pertinent information is included in this narrative or in the attached exhibits. The criterion is met.

Chapter 60 – Special Requirements

60.15. LAND DIVISION STANDARDS.

60.15.10. Grading Standards.

1. **Applicability.** The on-site surface contour grading standards specified in Section 60.15.10.3. are applicable to all land use proposals where grading is proposed, including land division proposals and design review proposals, as applicable. This Section does not supersede Section 60.05.25. (Design Review) and the exemptions listed in Section 60.15.10.2. will apply equally to design review proposals.
2. **Exemptions.** The following improvements will be exempted from the on-site surface contour grading standards specified in Section 60.15.10.3.:
 - A. **Public right-of-way road improvements** such as new streets, street widening, sidewalks, and similar or related improvements.
 - B. **Storm water detention facilities** subject to review and approval of the City Engineer.
 - C. **On-site grading** where the grading will take place adjacent to an existing public street right-of-way, and will result in a finished grade that is below the elevation of the subject public street right-of-way; provided such grading is subject to the approval of the City Engineer, who may require appropriate erosion and sediment control mitigation measures.

Response:

As shown in Exhibit A, Sheet P08, minor grading will occur throughout the site in order to accommodate new public streets, stormwater facilities, and residential building sites. Per 2. above, grading associated with new streets and stormwater facilities is exempt from the provisions of this Chapter. For this reason, the responses below focus on grading associated with the residential lots only.

3. **On-site surface contouring.** When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:
 - A. **0 to 5 feet from property line:** Maximum of two (2) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable.
 - B. **More than 5 feet and up to and including 10 feet from property line:** Maximum of four (4) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable.
 - C. **More than 10 feet and up to and including 15 feet from property line:** Maximum of six (6) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable.
 - D. **More than 15 feet and up to and including 20 feet from property line:** Maximum of eight (8) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable.
 - E. **More than 20 feet and up to and including 25 feet from property line:** Maximum of ten (10) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable.
 - F. **Where an existing (pre-development) slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, above, the slope after**

grading (post-development) shall not exceed the pre-development slope.

- G. The on-site grading contours standards above apply only to the property lines of the parent parcel of a development. They do not apply to internal property lines within a development.

Response: This application does not include any non-exempt grading within 25 feet of the property line of a residentially zoned property. The criteria do not apply.

The Grading Plan (Exhibit A, Sheet P08) does however show a maximum area of disturbance that in many cases is nearer than 25 feet to residentially zoned properties. This boundary however, reflects disturbances associated with tree removal (and not grading) in these areas.

4. Significant Trees and Groves. Notwithstanding the requirements of Section 60.15.10.3, above, grading within 25 feet of a significant tree or grove, where the tree is located on- or off-site, shall observe the following:
- A. 0 to 10 feet from the trunk of a significant tree or grove: No change in pre-development ground elevation;
 - B. More than 10 feet, and up to and including 25 feet, from the trunk of a significant tree or grove, or to the outside edge of the tree's drip line, whichever is greater: Maximum 10% slope gradient difference from the pre-development ground elevation;
 - C. Based on a recommendation of the City Arborist, the decision making body may require additional setbacks and/or other tree protection measures to protect the public health, safety and welfare.

Response: As shown in Exhibit A, Sheet P08, no non-exempt grading will occur within 25 feet of a significant tree and/or tree grove. Exempt grading (to accommodate a new street connection) will occur within 25 feet of the significant tree grove located on Tract B and Lot 6; however, this grading complies with the standards in 4.A. through C. above. The criteria do not apply.

60.30. OFF-STREET PARKING.

60.30.05. Off-Street Parking Requirements.

Parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building or use which is erected, enlarged, altered, or maintained in accordance with the requirements of Sections 60.30.05. to 60.30.20.

- 1. Availability. Required parking spaces shall be available for parking operable passenger automobiles and bicycles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for parking of trucks used in conducting the business or use.
- 2. Vehicle Parking. Vehicle parking shall be required for all development proposed for approval after November 6, 1996 unless otherwise exempted by this ordinance. The number of required vehicle parking spaces shall be provided according to Section 60.30.10.5.
- 3. Bicycle Parking. Bicycle parking shall be required for all multi-family residential developments of four units or more, all retail, office and institution developments, and at all transit stations and park and ride lots which are

proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and the Engineering Design Manual.

Response: As demonstrated in the responses below and in Exhibit A, sufficient off-street parking for motor vehicles and bicycles can be accommodated. Single-family residential development is exempt from the off-street bicycle parking standards. The criteria are met.

60.30.10. Number of Required Parking Spaces.

Except as otherwise provided under Section 60.30.10.11., off-street vehicle, bicycle, or both parking spaces shall be provided as follows:

1. **Parking Calculation.** Parking ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.
2. **Parking Categories.**
 - A. **Vehicle Categories.** Contained in the table at Section 60.30.10.5. are vehicle parking ratios for minimum required parking spaces and maximum permitted number of vehicle parking spaces to be provided for each land use, except for those uses which are located in the RC-OT zoning district which are governed by Section 60.30.10.6. These requirements reflect the parking requirements of Title 4 of Metro's Regional Transportation Functional Plan.
 1. **Minimum number of required parking spaces.** For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.
 2. **Parking Zone A.** Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter mile walking distance of bus transit stops that have 20 minute peak hour transit service or one-half mile walking distance of light rail station platforms that have 20 minute peak hour transit service.
 3. **Parking Zone B.** Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located within one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both, or that have a greater than 20 minute peak hour transit service. Parking Zone B areas also include those parcels that are located at a distance greater than one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both.

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4. Dual parking zones. If a parcel is partially located within Parking Zone A, then the use(s) located on the entire parcel shall observe the Parking Zone A parking ratios. Specifically exempted from this requirement are parcels located within the Regional Center—East zoning district. In the cases in the Regional Center—East zoning district where parcels are bisected by the boundary of Parking Zones A and B, the applicable maximum parking ratios may be averaged, and that average may be applied over the whole parcel.
 5. Old Town Parking Districts 1 and 2. Located within the boundary of the Regional Center - Old Town zoning district are two (2) parking districts. Within these two districts, the parking requirements of Section 60.30.10.5.A. do not apply. The required number of parking spaces for the Old Town Parking Zones 1 and 2 shall be governed by Section 60.30.10.6.

Response:

Per the table below, single-family detached residences in the R-7 District are required to provide one off-street parking space per dwelling unit. Although no home construction is included with this application, the Applicant anticipates that each of the homes that are ultimately constructed will include, at a minimum, a one-car garage with parking for at least one additional car in the driveway. Additionally, there is no maximum parking cap on single-family detached residences and the site is not located in the Old Town Parking District.

At the time of building permit review, the City will ensure that at least one off-street parking space has been provided. The criteria can be met.

- B. Bicycle Categories. The required minimum number of short-term and long-term bicycle parking spaces for each land use is listed in Section 60.30.10.5.
 1. Short-Term parking. Short-term bicycle parking spaces accommodate persons that can be expected to depart within two hours. Short-term bicycle parking is encouraged to be located on site within 50 feet of a primary entrance, or if there are site, setback, building design, or other constraints, bicycle parking shall be located no more than 100 feet from a primary entrance in the closest available area to the primary entrance as determined by the decision-making authority.
 2. Long-Term parking. Long-term bicycle parking spaces accommodate persons that can be expected to leave their bicycle parked longer than two hours. Cover or shelter for long-term bicycle parking shall be provided. School buildings are exempted from the requirement to cover long-term bicycle parking.
 3. Bicycle parking shall be designed, covered, located, and lighted to the standards of the Engineering Design Manual and Standard Drawings.
 4. Bicycle parking in the Old Town Parking Zones 1 and 2 shall be governed by the bicycle parking requirements listed in Section 60.30.10.5.

Response: There are no minimum short- or long-term parking requirements for single-family residential dwellings, which is the anticipated future use on this site. The criteria do not apply.

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PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES				
Land Use Category	Required Parking Spaces		Maximum Permitted Parking Spaces	
	Multiple Use Zones	All Other Zones	Zone A	Zone B
Residential Uses				
Detached dwellings (per unit)	1.0	1.0	n/a	n/a
Attached dwellings				
One bedroom (per unit)	1.0	1.25	1.8	1.8
Two bedroom (per unit)	1.0	1.50	2.0	2.0
Three or more bedrooms (per unit)	1.0	1.75	2.0	2.0

Notes:

1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.
2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.
3. Refer to Section 60.30.10.10. for exceptions.
4. In calculating the required number of vehicle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.

PARKING RATIO REQUIREMENTS FOR BICYCLES		
Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
Residential Uses		
Detached dwellings	Not required	Not required
Single family attached dwellings	Not required	Not Required

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10. **Location of Vehicle Parking.**
 - A. All parking spaces provided shall be on the same lot upon which the use requiring the parking is located. Upon demonstration by the applicant that the required parking cannot be provided on the same lot upon which the use is located, the Director may permit the required parking spaces to be located on any lot within 200 feet of the lot upon which the use requiring the parking is located.
 - B. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by an access that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.



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- C. In R10, R7, R5 and R4 zones parking and loading spaces may be located in side and rear yards and may be located in the front yard of each dwelling unit only if located in the driveway area leading to its garage.
 - D. Parking in the front yard is allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard and closest to the driveway subject to the following conditions:
 - 1. The owner of the lot upon which the space is sought shall enter into a written agreement allowing the space with the owner of the property on that side closest to the proposed additional space. This agreement shall be binding on the successors in interest to the property of both parties and shall be recorded with the Washington County Department of Records and Elections.
 - 2. Notwithstanding the agreement of the property owners, the additional space shall not be allowed if it creates a traffic sight obstruction.
 - 3. The additional space shall be hard surfaced.

Response:

Although no home construction is included in this application, it is anticipated that at least two off-street parking spaces will be provided per lot via a combination of a garage and a driveway. The criteria are met.

60.45.10. Solar Access for New Development.

- 1. Purpose. The purposes of the solar access ordinance for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.
- 2. Applicability. The solar design standard in subsection 3., below, shall apply to subdivisions and partitions in the R10, R7 and R5 zones, except to the extent the Director finds that the applicant has shown one or more of the conditions listed in subsections 4. and 5., below, exist, and exemptions or adjustments provided for therein are warranted.
- 3. Design Standard. At least 80 percent of the lots in a development subject to this ordinance shall comply with one or more of the options in this section.
 - A. Basic Requirement (see Figure 9). A lot complies with this Section if it:
 - 1. Has a north-south dimension of 90 feet or more; and
 - 2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.
 - B. Protected Solar Building Line Option (see Figure 10). In the alternative, a lot complies with this Section if a solar building line is used to protect solar access as follows:
 - 1. A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat; and
 - 2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and

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3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
 4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.
- C. Performance Option. In the alternative, a lot complies with this Section if:
1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80% of their ground floor south wall protected from shade by structures and non-exempt trees; or
 2. Habitable structures built on that lot will have at least 32% of their glazing and 500 square feet of their roof area which faces within 30 degrees of south and is protected from shade by structures and non-exempt trees.
4. Exemptions from Design Standard. A development is exempt from this Section if the Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from this Section to the extent the Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with this Section.
- A. Slopes. The site or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.
- B. Off-Site Shade. The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.
1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
 2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
 3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.

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4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

C. On-Site Shade. The site, or a portion of the site for which the exemption is requested, is:

1. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or
2. Contains non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80% of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph.

Response: Significant trees on Tract B and an existing residence located on Lot 8 (which is intended to remain on site) preclude the implementation of any of the three solar access options for Lots 6-9. For this reason, the application requests an on-site shade exemption to the solar access standard for Lots 6-9.

If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50% of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The City of Beaverton shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written City approval.

5. Adjustments to Design Standard. The Director shall reduce the percentage of lots that must comply with this Section to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply.

A. Density and Cost. If the design standard in this Section is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g. grading, water, storm drainage and sanitary systems, and roads) and solar related offsite site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with this Section would reduce density or increase per lot costs in this manner. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.

1. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by a professional land surveyor.
2. There is a significant natural feature on the site, identified as such in the comprehensive plan that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.

3. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
4. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.

Response:

The northerly extension of SW 75th Terrace to SW Canyon Lane is a desirable public facility as it promotes more efficient and convenient movement to and through this part of the City. The existing terminus of SW 75th Terrace and the configuration of the three existing properties that are subject to this application substantially limit the ability to orient new lots in a manner that would provide improved solar access while at the same time making the connection to SW Canyon Lane.

The significant tree grove, an existing residence that will remain on site, and the need to accommodate a stormwater detention facility at the south end of the site, present additional site design challenges in the implementation of these solar access standards. The proposed site layout protects the required 25 percent of the significant tree grove on site within Tract B. Tract B, and the protected trees within it, surround Lot 6 and create sufficient on-site shade for Lots 6 and 7 whereby implementation of the solar access standards is infeasible. The existing residence, located on Lot 8, will likely shade at least a portion of the southerly facing wall of a future home on Lot 9. Due to the relatively small footprint of the existing home on Lot 8, it is possible that Lot 9 can be developed pursuant to the performance option in 4.C.2 above; however, maintaining this solar access would require restrictive encumbrances placed on Lot 8 that would likely reduce the desirability and subsequently the price potential buyers would be willing to pay for this Lot.

New lots on the east side of the new SW 75th Terrace connection do not face the same on-site shade challenges posed west of the new street, however, applying even the least restrictive solar access alternative (80 percent of Lots 1 through 5 developed pursuant to the performance option in 4.C.2) would require restrictive encumbrances on at least 4 of these lots.

- B. **Development Amenities.** If the design standard in this Section applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with this Section is relevant to whether a significant development amenity is lost or impaired.
- C. **Existing Shade.** Non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground have a crown cover over at least 80% of the lot and at least 50% of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of non-exempt trees on the site or using an aerial photograph.

1. Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and they do not need to be removed for a driveway or other development.
2. Also, to the extent the shade is caused by on-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.
6. Protection from Future Shade. Structures and non-exempt vegetation must comply with the Solar Balance Point requirements for existing lots (Section 60.45.15.) if located on a lot that is subject to the solar design standard in this Section, or if located on a lot south of and adjoining a lot that complies with this Section. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection
7. Process for Approval. Requirements for meeting the provisions of solar access protection shall be processed simultaneously with other application requirements as provided by this ordinance.

60.55. TRANSPORTATION FACILITIES.

60.55.10. General Provisions.

1. All transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies.

Response:

The application includes a new Local Street connection between the existing terminus of SW 75th Terrace and SW Canyon Lane. This new street connection has been designed in accordance with the City's L2 Local Street Standard. Except for an approximately 170-foot long span along the west side of the new street connection, for the purpose of minimizing impacts to significant on-site trees, all street elements conform to City standards. A Sidewalk Design Modification request is included in this application to accommodate the non-standard sidewalk width near the tree preservation tract. The criteria can be met.

2. In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in rough proportion to the identified impacts of the development.

Response:

The application includes improvements along the site's SW Canyon Lane frontage and a full-street improvement, designed to the City's L2 standard, connecting the existing terminus of SW 75th Terrace with SW Canyon Lane. These transportation improvements will serve to provide capacity and safety to area travelers and will be proportional to the

relatively minor transportation impact generated by future residential development on this site. The criterion is met.

3. For applications that meet the threshold criteria of section 60.55.15. (Traffic Management Plan) or of section 60.55.20. (Traffic Impact Analysis), these analyses or limited elements thereof may be required.

Response: The application meets the threshold criteria for a Traffic Management Plan. See the responses to the traffic management plan requirements above. The application does not meet the threshold criteria for a Traffic Impact Analysis. The applicable criteria are met.

4. The decision-making authority may impose development conditions of approval per Section 10.65.1. of this code. Conditions of approval may be based on the Traffic Management Plan and Traffic Impact Analysis. Additional street, bicycle, and pedestrian connections may also be required per 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements).
5. Dedication of right-of-way shall be determined by the decision-making authority.
6. Traffic calming may be approved or required by the decision-making authority in a design of the proposed and/or existing streets within the Area of Influence or any additional locations identified by the City Engineer. Traffic calming measures shall be designed to City standards.

Response: As shown in Exhibit A, Sheets P03 and P09, the application includes the dedication of land necessary to accommodate the new SW 75th Terrace connection.

Additionally, because the site will generate fewer than 100 ADT, the proposed transportation improvements are proportional to the impacts from future development on this site. The design of the new SW 75th Terrace connection incorporates traffic calming techniques (narrowed pavement width near the tree preservation tract) that will discourage non-essential motor vehicle travel through this area. All transportation improvements included in this application have been designed to City standards.

7. Intersection performance shall be determined using the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual 2000.

At a minimum, the impacts of development on a signalized intersection shall be mitigated to peak hour average control delay no greater than 65 seconds per vehicle using a signal cycle length not to exceed 120 seconds. The volume-to-capacity ratio for each lane group for each movement shall be identified and considered in the determination of intersection performance. The peak hour volume-to-capacity ratio for each lane group shall be no greater than 0.98. Signal progression shall also be considered.

At a minimum, the impacts of development on a two-way or an all-way stop-controlled intersection shall be mitigated to a peak hour average control delay of no greater than 45 seconds per vehicle.

If the existing control delay or volume-to-capacity ratio of an intersection is greater than the standards of this subsection, the impacts of development shall be mitigated to maintain or reduce the respective control delay or volume-to-capacity ratio.

Response:

The evaluation of impacts to the nearest signalized intersection is beyond the scope of this review as the criteria for a traffic impact analysis are not met by this application. The criteria do not apply.

60.55.15. Traffic Management Plan.

Where development will add 20 or more trips in any hour on a residential street, a Traffic Management Plan acceptable to the City Engineer shall be submitted in order to complete the application. A residential street is any portion of a street classified as a Local Street or Neighborhood Route and having abutting property zoned R2, R4, R5, R7, or R10.

1. For each development application that requires a Traffic Management Plan, the Plan shall identify:
 - A. The hours when the added trips from the development will be 20 or more vehicles per hour.
 - B. The existing volume of trips on the residential street during each of those same hours.
 - C. The volume of trips that the development will add on the residential street during each of those same hours.
 - D. Recommended traffic management strategies designed to City standards to mitigate the impacts of the increased trips attributed to the development. Potential traffic management strategies include, but are not limited to, any combination of speed humps, curb extensions, intersection treatments, and traffic control devices.
2. The Traffic Management Plan shall discuss whether the recommended improvements both on-site and off-site are justified, reasonably related to, and roughly proportional to the impacts of the proposed development and shall include information sufficient for the City to assess whether the proposed mitigation strategies are reasonably related and roughly proportional to the level of impact.

Response:

Although no home construction is included as part of this application, the lots are anticipated to host single-family detached homes at some point in the future. By the time this subdivision is completely developed, eight new single-family homes are expected to be located on this site. Per the Institute of Transportation Engineers (ITE) Trip Generation Manual (8th Edition), single-family detached homes generate an average of 9.57 trips per weekday (ADT), including 0.75 trips per morning peak hour (AM Peak) and 1.01 trips per evening peak hour (PM Peak). Eight new homes will therefore generate fewer than 77 ADT, six AM Peak hour trips, and eight PM Peak hour trips. At no point during the day will the site add 20 or more vehicles per hour to area roadways.

While the number of trips that will be generated by this project is relatively low, and as such does not warrant traffic management, tree preservation efforts on the site will provide an opportunity to install curb extensions that will discourage non-essential traffic through this area. The new Local Street connection between SW 75th Terrace and SW Canyon Lane will be constructed to the City's L2 standard. These improvements will be proportional to the relatively minor traffic impacts that are expected to be generated by future development of this subdivision. The criteria are met.

60.55.20. Traffic Impact Analysis.

For each development proposal that exceeds the Analysis Threshold of 60.55.20.2, the application for land use or design review approval shall include a Traffic Impact Analysis as required by this code. The Traffic Impact Analysis shall be based on the type and intensity of the proposed land use change or development and its estimated level of impact to the existing and future local and regional transportation systems.

1. Engineer Certification. The Traffic Impact Analysis shall be prepared and certified by a traffic engineer or civil engineer licensed in the State of Oregon.
2. Analysis Threshold.
 - A. A Traffic Impact Analysis is required when the proposed land use change or development will generate 200 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer.
 - B. A Traffic Impact Analysis or some elements of a Traffic Impact Analysis may be required when the volume threshold under subsection A. of this section is not met but the City Engineer finds that the traffic impacts attributable to the development have the potential to significantly impact the safe and efficient operation of the existing public transportation system.

Response:

Based on the anticipation that the site will accommodate the future development of eight new single-family detached homes, the site will generate fewer than 77 ADT, including six AM Peak hour trips and eight PM Peak hour trips. Therefore, the application does not trigger the threshold for a traffic impact analysis. The criteria do not apply.

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60.55.25. Street and Bicycle and Pedestrian Connection Requirements.

1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.
2. The Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future potential street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel.
3. Where a future street or bicycle and pedestrian connection location is not identified in the Comprehensive Plan Transportation Element, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.
4. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.

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5. Whenever existing streets and bicycle and pedestrian connections adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.
 6. Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.
 7. Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.
 8. To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.

Response: The transportation improvements shown in Exhibit A, Sheets P09-P11, are consistent with the L2 (SW 75th Terrace) street standards established in the City's Comprehensive Plan and Engineering Design Manual. The connection between SW 75th Terrace and SW Canyon Lane will improve pedestrian, bicycle, and vehicle access and will eliminate out-of-direction travel for all modes. The criteria are met.

9. Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street connections are not possible due to the conditions described in Section 60.55.25.13.

An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.

A. Accessways shall be provided as follows:

1. In any block that is longer than 600 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, an accessway shall be required through and near the middle of the block.
2. If any of the conditions described in Section 60.55.25.13. result in block lengths longer than 1200 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, then two or more accessways may be required through the block.
3. Where a street connection is not feasible due to conditions described in Section 60.55.25.13., one or more new accessways to any or all of the following shall be provided as a component of the development if the accessway is reasonably direct: an existing transit stop, a planned transit route as identified by TriMet and the City, a school, a shopping center, or a neighborhood park.
4. The City may require an accessway to connect from one cul-de-sac to an adjacent cul-de-sac or street.

5. In a proposed development or where redevelopment potential exists and a street connection is not proposed, one or more accessways may be required to connect a cul-de-sac to public streets, to other accessways, or to the project boundary to allow for future connections.

6. Within the South Cooper Mountain Community Plan area, the City may require an accessway to connect from multi-use paths or trails to streets, multi-use paths, or trails.

B. Accessway Design Standards.

1. Accessways shall be as short as possible and wherever practical, straight enough to allow one end of the path to be visible from the other.

2. Accessways shall be located to provide a reasonably direct connection between likely pedestrian and bicycle destinations.

Response: The application does not include any non-street accessways. Additionally, existing development east and west of this site preclude future access to Benz Park Drive and/or SW 76th Avenue. The criteria do not apply.

10. Pedestrian Circulation.

A. Walkways are required between parts of a development where the public is invited or allowed to walk.

B. A walkway into the development shall be provided for every 300 feet of street frontage. A walkway shall also be provided to any accessway abutting the development.

C. Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. Walkways shall connect the development to walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development.

D. Walkways shall be reasonably direct between pedestrian destinations and minimize crossings where vehicles operate.

E. Walkways shall be paved and shall maintain at least four feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided where necessary to provide a reasonably direct route. The slope of walkways without stairs shall conform to City standards.

F. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. The ADA applies to the walkway that is the principal building entrance and walkways that connect transit stops and parking areas to building entrances. Where the ADA applies to a walkway, the stricter standards of ADA shall apply.

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- G. On-site walkways shall be lighted to 0.5 foot-candle level at initial luminance. Lighting shall have cut-off fixtures so that illumination does not exceed 0.5 foot-candle more than five (5) feet beyond the property line.

Response: The application does not include any non-street walkways that will be open to the public. The criteria do not apply.

11. Pedestrian Connections at Major Transit Stops. Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures:

A. For development within 200 feet of a Major Transit Stop:

1. Either locate buildings within 20 feet of the property line closest to the transit stop, a transit route or an intersecting street, or provide a pedestrian plaza at the transit stop or a street intersection;
2. Provide a transit passenger landing pad accessible to persons with disabilities if required by TriMet and the City;
3. Provide a reasonably direct pedestrian connection between the transit stop and building entrances on the site;
4. Where substantial evidence of projected transit ridership or other transit impacts is presented to conclude both that a nexus exists between the proposed development and public transit and that the degree of impact provides reasonable justification, the City may require the developer to grant a public easement or dedicate a portion of the parcel for transit passenger bench(es), shelter, or both, and, if appropriate, the construction of a transit passenger bench, shelter, or both; and,
5. Provide lighting at the transit stop to City standards.

B. Except as otherwise provided in subsection A. of this section, for development within 300 feet of a Major Transit Stop, provide walkways connecting building entrances and streets adjoining the site, and pedestrian connections to adjoining properties, except where such a connection is impracticable pursuant to subsection 14. of this section.

Response: The application does not include any commercial or institutional buildings nor is the site within 300 feet of a Major Transit Stop. The criteria do not apply.

12. Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs.

“Assessment” for the purposes of this section means to assess the site-specific development compatibility issues. Site-specific compatibility issues include but are not limited to lighting, construction methods, design elements, rare

plants, and human/pet impacts on the resource. "Review" for the purposes of this section includes but is not limited to obtaining appropriate permits from appropriate resource agencies. Mitigation measures, including appropriate use restrictions, required by local, state, and federal agencies shall be completed as part of the construction project. If the project will irreparably destroy the resource, then the resource will take precedence over the proposed bicycle and pedestrian connection.

Response: The application does not include any transportation improvements for the exclusive use of bicycles and pedestrians. All on-site transportation improvements will be in the form of a new SW 75th Terrace Local Street extension and a half-street improvement along the site's frontage at SW Canyon Lane. The criteria do not apply.

13. New construction of bicycle and pedestrian connections along residential rear lot lines is discouraged unless no comparable substitute alignment is possible in the effort to connect common trip origins and destinations or existing segment links.
14. Street and Bicycle and Pedestrian Connection Hindrances. Street, bicycle, and/or pedestrian connections are not required where one or more of the following conditions exist:
 - A. Physical or topographic conditions make a general street, bicycle, or pedestrian connection impracticable. Such conditions include but are not limited to the alignments of existing connecting streets, freeways, railroads, slopes in excess of City standards for maximum slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
 - B. Existing buildings or other development on adjacent lands physically preclude a connection now and in the future, considering the potential for redevelopment; or,
 - C. Where streets, bicycle, or pedestrian connections would violate provisions of leases, easements, covenants, or restrictions written and recorded as of May 1, 1995, which preclude a required street, bicycle, or pedestrian connection.

Response: The application does not include any transportation improvements for the exclusive use of bicycles and pedestrians. All on-site transportation improvements will be in the form of a new SW 75th Terrace Local Street extension and improvements along the site's frontage at SW Canyon Lane. The criteria do not apply.

60.55.30. Minimum Street Widths.

Minimum street widths are depicted in the Engineering Design Manual.

1. Any project-specific modifications of the standards contained in the Engineering Design Manual regarding the widths of features relating to the movement of vehicles, including but not limited to rights of way, travel lanes, parking lanes, bike lanes, driveway aprons, curb radii, or other such features shall be processed in accordance with the provisions contained in the Section 145 Design Modifications of the Engineering Design Manual.
2. Any project-specific modifications of the standards of the Engineering Design Manual relating to the location and dimensions of required street landscaping and pedestrian features including, but not limited to, sidewalks, planter strips, street trees, street tree wells, street tree easements, or street furniture are subject to the procedures contained in Chapter 40

(Applications). The required application will depend on the scope of the proposed project and the type of application filed with the City.

Response: The application includes a new public street connection designed to the City's L2 standard between the existing northern terminus of SW 75th Terrace and SW Canyon Lane. As shown in Exhibit A, Sheets P09-11, these new street improvements have been designed consistent with the City's Engineering Design Manual.

To minimize tree loss, the application includes a request for a Sidewalk Design Modification that will result in a 5-foot wide sidewalk for a span of approximately 170 feet on the west side of this new street connection, which will not be separated from the roadway pavement by a landscape strip. This sidewalk configuration is appropriate given the relatively low anticipated volume of motor vehicles that are expected to use this new connection and considering the Applicant's desire to protect the greatest number of mature trees. The criteria can be met.

60.55.35. Access Standards.

1. The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved

Response: Exhibit A, Sheet P09 illustrates proposed public and private circulation on site. The criterion is met.

2. No more than 25 dwelling units may have access onto a closed-end street system unless the decision-making authority finds that identified physical constraints preclude compliance with the standard and the proposed development is still found to be in compliance with the Facilities Review criteria of Section 40.03.

Response: The application includes a new public street connection between the existing SW 75th Terrace and SW Canyon Lane. Future homes constructed on these lots will not gain access from a closed-end street system. The criterion does not apply.

3. Intersection Standards.

- A. Visibility at Intersections. All work adjacent to public streets and accessways shall comply with the standards of the Engineering Design Manual except in Regional and Town Centers.

1. The sight clearance area requirements for Town Centers and Regional Centers shall be determined on a case-by-case basis by the decision-making authority. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists, and motorists), design speeds, the intersection sight distance standards of the Engineering Design Manual and Standard Drawings, and other applicable criteria.

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2. The requirements specified in 60.55.35.3.A. may be lessened or waived by the decision-making authority if the project will not result in an unsafe traffic situation. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists and motorists), design speeds, the intersection sight distance standards of the Engineering Design Manual, and other applicable criteria.

Response: Existing screening vegetation at 7450 SW Canyon Lane precludes adequate sight distance east on SW Canyon Lane when viewed from its intersection with SW 75th Terrace. This vegetation will be removed prior to the completion of the SW 75th Terrace improvements. Adequate sight distance south on SW Canyon Lane is available from its future intersection with SW 75th Terrace. The criteria are met.

- B. Intersection angles and alignment and intersection spacing along streets shall meet the standards of the Engineering Design Manual and Standard Drawings.
 1. Local street connections at intervals of no more than 330 feet should apply in areas planned for the highest density multiple use development.
 2. When a highway interchange within the City is constructed or reconstructed, a park and ride lot shall be considered.

Response: As shown in Exhibit A, Sheet P09, the application will result in a new local street intersection at SW Canyon Lane and SW 75th Terrace that is approximately 75-foot east of the existing intersection of SW Canyon Lane and SW 75th Avenue. The location of this new intersection is the only alternative that simultaneously provides a new through-street connection for SW 75th Terrace and that maximizes the spacing between existing driveways east and west of this intersection. Because this intersection will be located less than the required 100 feet away from the nearest street intersection, and because this intersection will be located closer than the 50-foot minimum distance from the nearest driveway, the Applicant will request two Design Exceptions to the City Engineer to permit reduced intersection and driveway spacing distances. The criteria can be met.

- C. Driveways.
 1. Corner Clearance for Driveways. Corner clearance at signalized intersections and stop-controlled intersections, and spacing between driveways shall meet the standards of the Engineering Design Manual and Standard Drawings.
 2. Shared Driveway Access. Whenever practical, access to Arterials and Collectors shall serve more than one site through the use of driveways common to more than one development or to an on-site private circulation design that furthers this requirement.

Consideration of shared access shall take into account at a minimum property ownership, surrounding land uses, and physical characteristics of the area.

Where two or more lots share a common driveway, reciprocal access easements between adjacent lots may be required.

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3. No new driveways for detached dwellings shall be permitted to have direct access onto an Arterial or Collector street except in unusual circumstances where emergency access or an alternative access does not exist. Where detached dwelling access to a local residential street or Neighborhood Route is not practicable, the decision-making authority may approve access from a detached dwelling to an Arterial or Collector.

Response: As shown in Exhibit A, Sheet P09, sufficient corner vision clearance can be provided at the intersection of SW 75th Terrace and SW Canyon Lane following the removal of existing vegetation near the immediate southeast corner of the future intersection.

As shown in Exhibit A, Sheet P09, new driveways serving Lots 1 through 9 will meet the applicable requirements of the City's Engineering Design Manual. No shared accesses or access onto Arterial or Collector roadways are included in this application. The applicable criteria are met.

60.60. TREES AND VEGETATION.

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.

Response: The site is located within a portion of Significant Tree Grove NX-17. The applicable criteria of this Section are responded to below.

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.

Response: As illustrated in Exhibit A, Sheet P05-P07 and the September 27, 2016, memo from the Applicant's arborist, preserved trees within the Significant Tree Grove are in good health and condition. This memo also confirms that root pruning, on selected trees, will not result in adverse impact to these 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.
- B. Removal of Landscape Trees and Protected Trees shall be mitigated, as set forth in section 60.60.25.
- 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
 - 2. DBH to be retained shall be preserved in cohesive areas, termed Preservation Areas, when development is proposed in SNRAs or Significant Groves.
 - 3. Native understory vegetation and trees shall be preserved in Preservation Areas.
 - 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.
 - 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.
 - 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.
 - 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.

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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.

Response: As shown in Exhibit A, Sheets P05-07, the application includes the removal of 74.4% of the DBH of non-exempt existing significant trees on site. Per 6. above, the majority of protected trees are located within a tree preservation tract (Tract B).

Outside of Tract B, a total of 14 preservation trees are loosely distributed across Lots 1, 2, 6, 7, 8, and 9. The application proposes that these trees be protected within a preservation easement (that would include nearby signage to remind future property owners of their ongoing obligation to maintain these trees) on each of these lots, rather than a discrete and cohesive preservation tract (as per 2. and 6. above), as the latter would sufficiently encumber the site to the point where a subdivision would be infeasible. The authority to preserve these trees in an easement is provided in C.6. above, "Preservation areas... shall be set aside in tracts... unless otherwise approved by the City." The criteria can be met.

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. 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

Response:

Exhibit A, Sheet P05 shows the extent of tree protection fencing that will be installed prior to and during new home construction on site. Tree protection fencing will be of the type described in A.1. above. Sheet P05 illustrates the extent of root pruning that will occur on Lots 6 and 7. As discussed in the September 27, 2016 memo from the Applicant's arborist, this root pruning is not anticipated to adversely impact preserved trees. The criteria are met.

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.
 - A. All mitigation tree planting shall take place in conformance with accepted arboricultural practices and shall be spaced a minimum of ten (10) feet apart.
 - B. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be maintained in accordance with the approved mitigation plan. Monitoring of mitigation planting shall be the ongoing responsibility of the property owner where mitigation trees are located, unless otherwise approved through Development Review. Monitoring shall take place for a period of two (2) years. Trees that die shall be replaced in accordance with the tree replacement standards of this section.
 - C. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be set aside in a conservation easement or a separate tract and shall be designated as "Mitigation Trees" and recorded with a deed restriction identifying the trees as "Mitigation Trees".
60.60.25.1.
 - D. Each Mitigation Tree planted shall be insured through a performance security, equal to 110 percent of the cost of the landscaping, filed with the City for a period of two (2) years to ensure establishment of the mitigation planting.
 - E. Street trees shall not be counted as providing mitigation of a SNRA or Significant Grove.
 - F. Transplanting trees within the project site is not subject to mitigation. However, a performance security is required for transplanted tree(s) to insure that the tree(s) will be replaced if the tree(s) is dead or dying at the end of two (2) years.

Response:

As discussed below, mitigation for the removal of significant on-site trees will be completed in the form of a fee-in-lieu payment to the City. The applicable criteria are met.

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.

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- 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.

Response: As shown in Exhibit A, Sheets P07, the total DBH for on-site mitigation is 531 inches and the total DBH for off-site mitigation is equal to 1,062 inches.

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:
1. Deciduous trees shall be replaced with native deciduous trees that are no less than two caliper inches (2") in diameter.
 2. 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.
 3. 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.

Response: As discussed below, mitigation for the removal of significant on-site trees will be completed in the form of a fee-in-lieu payment to the City. The applicable criteria are met.

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.
- 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.

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.
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.
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.

Response: The project will result in a total DBH of 1,062 inches requiring mitigation, comprising 94% coniferous trees and 6% deciduous trees. Per the 2-inch caliper tree mitigation size from the City's In-Lieu Fee Schedule, this total DBH equates to 499 coniferous trees and 32 deciduous trees worth of in-lieu mitigation. At a rate of \$90 per coniferous tree and \$175 dollars per deciduous tree, the total in-lieu fee for tree mitigation resulting from the removal of significant trees on this site will equal \$50,510. The criteria can be met.

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:

Replacement Table for Significant Deciduous Trees	
Caliper-inches removed	Minimum total caliper-inches of replacement trees
6-12"	4"
13-18"	6"
19-24"	8"
Over 25"	9"

Minimum replacement tree size is 2 caliper-inches for deciduous trees

Replacement Table for Significant Coniferous Trees	
Caliper-inches removed	Minimum number of replacement trees
6-12"	1
13-24"	2
Over 25"	3

Minimum replacement tree size is 3-feet minimum for coniferous trees

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.

Response: The application does not include the removal of any landscape trees. The criteria do not apply.

60.65. UTILITY UNDERGROUNDING.

60.65.10. Authority.

The provisions of private utility undergrounding shall pertain to all activities subject to Design Review (Section 40.20.), as well as Land Divisions (Section 40.45.).

60.65.15. Regulation.

All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities shall be

placed underground as specified herein. The utilities required to be placed underground shall be those existing overhead utilities which are impacted by the proposed development and those utilities that are required to be installed as a result of the proposed development.

1. At the option of the applicant and subject to rules promulgated by the Oregon Public Utility Commission (PUC), this requirement does not apply to surface mounted transformers, surface mounted connection boxes and meter cabinets, which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and that portion of a project where undergrounding will require boring under a Collector or Arterial roadway, and City funded roadway projects which the City Council has specifically considered and declined to fund utility undergrounding as a component of the roadway project, Washington County funded roadway projects, such as MSTIP projects, and Oregon Department of Transportation funded roadway projects.
2. The developer shall make all necessary arrangements with the serving private utility to cause the utility service(s) to be placed underground;
3. The City reserves the right to approve surface mounted facilities;
4. All underground public and private utilities shall be constructed or installed prior to the final surfacing of the streets; and
5. Stubs for service connections and other anticipated private extensions at street intersections shall be long enough to avoid disturbing street surfaces and right-of-way improvements such as sidewalks and landscaping areas when service connections are made.
6. Unless otherwise specifically required in an existing franchise between the City and the particular private utility, or PUC rule, the applicant or developer responsible for initiating the requirement for placing overhead utilities underground is responsible for the cost of converting all existing customer equipment and private utilities on private or public property, or both to meet utility undergrounding requirements.
7. If the private utility service provider requires an applicant, as a component of the applicant's placing private utilities underground, to install facilities to accommodate extra capacity beyond those necessitated by the proposed development, the private utility service provider shall be financially responsible for providing the means to provide such extra capacity.

Response: All public and franchise utilities will be located underground within the public right-of-way or within public utility easements. The criteria are met.

60.65.20. Information on Plans.

The applicant for a development subject to design review, subdivision, partition, or site development permit approval shall show, on the proposed plan or in the explanatory information, the following:

1. Easements for all public and private utility facilities;
2. The location of all existing above ground and underground public and private utilities within 100 feet of the site;
3. The proposed relocation of existing above ground utilities to underground; and
4. That above ground public or private utility facilities do not obstruct vision clearance areas pursuant to Section 60.55.50. of this Code.

Response: Exhibit A, Sheet P12 includes the information as required above. The criteria are met.

60.65.25. Optional Fee In Lieu of the Undergrounding Requirement.

If any of the following criteria are met as determined by the City, after receiving a recommendation from the Facilities Review Committee, at the applicant's option, applicant shall either immediately place the private utilities underground or pay a fee to the City toward future undergrounding in lieu of immediately placing private utilities underground.

Criteria. An applicant may request an optional fee in-lieu of the undergrounding requirement by submitting a written request to the Director that addresses how one or more of the following criteria are met. The written request shall include the information required in Sections 60.65.20.2. and 3., shall identify the segment of the required utility undergrounding that meet the criteria below, and shall explain in narrative and graphic form how one or more of the criteria are met.

1. Placement of private utilities underground would conflict with the current City of Beaverton Engineering Design Manual and Standard Drawings or the Clean Water Service's Design and Construction Manual, as applicable;
2. An improvement project(s), which would include placement of said private utilities underground, other than as a part of the proposed development, are funded in the City's or another public agency's current fiscal year budget, are under design, or are under construction, and the City has determined that utility undergrounding can be accomplished more efficiently as part of such other improvement project(s).
3. Excluding service connection(s) of private utility(s) to structure(s), the length of any one of the three private utilities within or contiguous to the subject property to be placed underground is less than the corresponding threshold distance outlined in Table 60.65.25.3. If any of the existing or proposed utilities meets the corresponding threshold, as specified in this criterion, then, at the option of the applicant, the applicant shall either pay a fee in-lieu for undergrounding all of said utilities that are not already underground or place all of said utilities underground. If any of the utilities exist and are deemed exempt from the undergrounding requirement, as specified in Section 60.65.15.1., only that exempt utility shall not be required to pay an in-lieu fee. All other existing utilities that share the location of the exempt utility shall either pay an in-lieu fee or be placed underground.

Threshold	Electric
500 feet	Tap lines with at least 2 poles
600 feet	Sub-feeder with at least 3 poles
800 feet	Feeder with at least 5 poles

60.65.30. Fees to be Paid In-Lieu of Undergrounding.

1. Applicants subject to the undergrounding in-lieu fee shall pay to the City an amount per linear foot of each private utility that is subject to underground relocation which is not placed underground. The amount of the fee shall be established by the City Council by resolution and shall be based on average costs of undergrounding by the private utility providers.
2. All in-lieu fees paid to the City shall be dedicated to future private utility undergrounding projects in which the City takes part. Any in-lieu fees paid on behalf of a particular property shall not have such property subject to future

assessment or other City charge for the same work unless a credit is given for the fee having been paid.

3. By accepting an in-lieu fee, the City is not thereby assuming responsibility for placing overhead private utilities underground. In the event that an in-lieu fee has been paid to the City, the City shall credit all properties as to which the owner has paid in-lieu fees for undergrounding private overhead utilities against any future public assessment(s) or charge(s) in connection with such private utility undergrounding project(s).
4. All in-lieu fees shall be paid prior to the issuance of a Site Development Permit.

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Response: The application will place all new public and franchise utilities below ground. The criteria do not apply.

IV. Conclusion

These findings and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Beaverton Development Code.