

The site has been redesigned to reflect the required Application Narrative Report

Proposal

Replace existing single family dwelling with 10 units of multi-family residential in one (1) building.

- Site address is 6780 SW Hall Blvd. – 1S122BC, Tax Lot 300;
- Size is 0.46 acre (approx. 20,000 square feet);
- Current zoning is R2 (Urban Medium Density Residential);
- Comp Plan designation is Neighborhood Center (NC).

- **Chapter 20 – Land Uses**
- **20.05 Residential Land Uses**

20.05.10 – Purpose

2. R2, Residential Urban Medium Density District (2,000)

The R2 District is intended to establish medium density residential developments where a minimum land area of 2,000 square feet is available for each dwelling unit.

Finding: The site is currently zoned R2, and no change of zoning is proposed. The proposed project will comply with all requirements of the R2 zoning district. The 10 units proposed for development is consistent with the density requirement of the R2 zone.

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. [ORD 4697; 4December2016]

Finding: The existing site currently meets all site development standards as set forth in the Table for the R2 zone. With the proposed site development, all dimensions for minimum land area, minimum width, minimum depth, side and rear yard setbacks, and building height are met.

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. [ORD 4584; June 2012]

Finding: In the Table under 20.05.20, the R2 zoning district allows “2. Dwelling. B. Detached” as a permitted use. Because multi-family housing is considered “attached” housing, the proposed 10-unit multi-family use of the subject site represents an allowed permitted use. Under 20.05.25, Use Restrictions, there are no listings of items in 1. through 12. that would apply to the proposed 10-unit multi-family project. In the end, the proposed project is an allowed permitted use in the R2 zoning district.

Process according to Beaverton Development Code (BDC) is set forth in Chapter 40, below:

- **Chapter 40 – Permits and Applications**
- **40.03 – Facilities Review Committee**

Consistent with Section 10.95.3.(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:[ORD 4265; October2003][ORD 4404; October2006] [ORD 4487; August2008]

1. All Conditional Use, Design Review Two, Design Review Three, and applicable Land Division applications:

Finding: This will be a Design Review Two process, which requires review by the Facilities Review Committee.

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.*

Finding: Because the city is the water provider to the subject site, water will be provided through the existing 12 inch line currently located in the Hall Blvd. right of way.

There is an 8 inch sanitary sewer in the Hall Blvd. right of way, as well as a 15 inch storm drainage line. Both should be adequate to accommodate the proposed 10 multi-family units on the subject site.

Hall Blvd. is a developed public street that will require 5 feet additional right-of-way width to be dedicated by this project. Current right of way is 86 feet, and required right of way is 96 feet. The remaining 5 feet will come from the property on the opposite side of Hall Blvd. at the appropriate time. It should be noted that Hall Blvd., while a designated

Arterial, is not a “Major Pedestrian Route”, as noted on the **Pre-Application Conference Worksheet for Design Review Standards**.

Fire service is provided through Tualatin Valley Fire and Rescue which is able to service the proposed 10-unit multi-family structure.

Please see attached Service Provider Letters (SPL) from the appropriate agencies for this project.

B. Essential services and facilities related to the proposed development

Finding: Essential services such as police, transit, schools, parks, and libraries are currently in place within the local vicinity to provide services to and for the proposed 10-unit multi-family development. According to the Service Provider Letters (SPL), these essential services can be provided by the various service providers.

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;

Finding: The proposed 10-unit multi-family development on the subject site is in conformance with the allowable uses in the R2 (Urban Medium Density Residential) zone. No zone change is required or requested. However, in order for the proposed project to meet the requirements of the city, the following applications are also required:

1. Design Review Two to address Threshold #3 in 40.20.15.2;
2. Tree Plan Two based on the existence of several trees on the site that must be removed to allow for development of the proposed 10-unit multi-family structure.

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

Finding: The various provisions of Chapter 60 as identified in the **Pre-Application Conference Worksheet for Design Review Standards** including 60.05.15, 60.05.20, and 60.05.25 have been addressed as part of this application narrative. The addressing provides evidence that the project will conform to those standards identified above.

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.

Finding: The 10-unit multi-family project will be privately owned and operated, with the property owner providing all necessary maintenance for onsite storm drainage, internal parking and circulation, the building structure itself, all site landscaping (including ground cover), any perimeter screening and fencing, garbage and recycling areas, bicycle parking area, and any onsite recreation facilities. As replacement may be required for any of the above referenced facilities, the property owner will provide such replacement.

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

Finding: Parking for vehicles is provided within the bounds of the site, as well as pedestrian pathways to the entries to the building and to the parking areas. See Sheets 4, 5, 6, and 8 of 8.

The site has been redesigned to reflect all of the required standards for interior pedestrian and vehicular circulation. The redesign of the site attempts to maintain a difference between the pedestrian circulation and the vehicular circulation, as much as possible. The driveway is located at the northerly side of the site, opposite from the living units that are located in the southeasterly portion of the site. Parking is located to the rear of the site and to the north of the units. A paved walkway will allow pedestrians to access the parking areas without having to walk through the parking areas or across the driveway.

Crossing the driveway can be accomplished safely by using the designated pedestrian crossing that will be made of permeable pavers and color differences to ensure that the pedestrian crossing area is clearly a different visual representation. With the driveway and parking areas separated from the living areas, pedestrian and vehicular access, as well as internal movements of pedestrians and vehicles will be safe and efficient.

The driveway is a full 24 feet in width, as required, and is a two-way traffic pattern, meaning that additional turning motions will not be necessary to change directions. Vehicles can turn around at the end of the driveway area. In addition, the driveway is set back from the northerly property line by the required setback dimension of ten (10) feet. The standard parking spaces meet the required dimensions of 8.5 feet in width and 18.5 feet in length for the 90 degree parking spaces. Also as required, no interior parking space is located less than 20 feet from the street (Hall Blvd.) right-of-way. Finally, parking spaces in the interior parking areas are not located along the outer boundaries, but a curb at least four (4) inches in height separates the pedestrian walkways from the parking stalls.

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

Finding: As illustrated on the Site Map, the vehicular access to/from Hall Blvd. is at a location where access is safe, efficient, and direct. This point of access will be in the same location as the access to the prior single family detached dwelling on the subject site. Pedestrian connections to the public sidewalk in Hall Blvd. provide the same safe, efficient, and direct connections for pedestrians going to and coming from the apartments on the site.

Access onto Hall Blvd. will utilize the pre-existing driveway from the prior residential development as the location of the driveway to the redeveloped site. The 24-foot wide driveway meets the required standards, and is separated from the northerly property line by ten (10) feet. Within this 10 foot separation, the pedestrian connection from the living units to the pedestrian sidewalk on Hall Blvd. is safe and clearly in evidence to those pedestrian who will be going from or coming to the living units. Noting the information for "F." above, much of that information may also apply to this criterion. The depiction of the circulation systems and the connections to the surrounding circulation systems is clearly illustrated on Sheets 4, 5, 6, and 8 of the plan set. Sight distance certification for the driveway has been provided by the project engineer. In addition, the driveway apron, or the connection between the on-site driveway and Hall Blvd., has been designed to applicable standards by the project engineer. The paved pedestrian walkway (sidewalk) along Hall Blvd. has been designed to city standards and connects directly with the pedestrian walkway accessing the site along the northerly property line. The design and location of the internal pedestrian walkway provides as direct a connection as may be possible, resulting in a safe and efficient connection between both the pedestrian and vehicular travel routes, on-site and off-site.

H. *Structures and public facilities serving the development are designed in accordance with the adopted City codes and standards and provide adequate fire protection, including but not limited to, fire flow.*

Finding: All connections to public facilities (i.e., water, sanitary sewer, storm drainage) have been designed by a registered professional civil engineer with NW Engineers. All designs have been designed according to accepted City codes, standards, and requirements, and are shown on the various plans and drawings for the project as prepared by NW Engineers.

The service provider letter from Tualatin Valley Fire & Rescue indicates that adequate fire protection service is available to the site. This includes fire flow, or TVFR would not have responded in the positive. The water meter on Hall Blvd. that serves this site may be inadequate for 10 units, as opposed to a single dwelling being served previously, but it will be replaced with a new meter that will better suit the proposed development. All sizes are shown on the engineer's plan set, based on city standards, requirements, and

input by city staff. Based on these standards, requirements and comments, city standards have been met and are satisfactory for the proposed development. Further technical review by city staff of the complete application package will reveal compliance with the city's standards, requirements, comments, and recommendations.

I. Structures and public facilities serving the development site are designed in accordance with the 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.

Finding: Again, the necessary and required facilities and services for the site have been designed in accordance with City codes and standards by a registered professional civil engineer with NW Engineers. Site distances, storm drains, plus trees and vegetation have all been designed to provide as much protection as possible for residents of and visitors to the site.

The entire design of the proposed development has been done within the criteria, standards, requirements, and recommendation from city staff that has been utilized by the project engineer. Since all structures and public facilities serving the subject site are required to be designed and built to city standards, the designs provided by the project engineer meet the requirements of the Code. When taken together, the preliminary plans and the project narrative combine to provide the information on compliance and conformance.

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 rights-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Finding: No new site grading has taken place for the proposed 10-unit multi-family redevelopment. Preliminary grading plans have been submitted showing that the project closely matches existing grades. Surface water will be conveyed to proposed catch basins then into the extended public storm system in SW Hall Boulevard. No impacts to surrounding properties is anticipated with this project. At the appropriate time, the final grading plans prepared by the project engineer will be submitted.

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.

Finding: The ground floor units are handicapped accessible. There will be at least one (1) handicapped parking space within the grade level parking area on the site. The bicycle parking area, as well as the garbage and recycling area, are also handicapped accessible. The internal pedestrian pathways will be hard surfaced and will meet ADA requirements in providing access to the public right of way in Hall Blvd.

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

Finding: In accordance with 50.25.1 of the Code, all required materials and information have been provided, as noted in the addressing of 50.25.1 of this application narrative.

40.45.15.5 – Design Review Two

Finding: The Pre-Application Summary Notes identifies a Code Reference of 40.45.15.5, Threshold #3 for determination of a Design Review Two process. However, on page AP-107 of the Code, there is no 40.45.15.5.A.3, which would identify the Threshold #3. Since this application does not involve a “Preliminary Subdivision”, it does not apply to this application. However, Design Review Two is found under 40.20.15.2. on page AP-45 of the Code. Assuming a mistake was made in identifying which section number is appropriate, we have proceeded in addressing 40.20.15.2.

40.20.15.2 - Design Review Two

A. Threshold: *An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal*

Finding: Because the proposed project involves “New construction of attached residential dwellings excluding duplexes, in any zone where attached dwellings are a Permitted or Conditional Use”, this application will be a Design Review Two.

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

Finding: As stated, this Design Review Two will be a Type 2 procedure.

C. Approval Criteria: *In order to approve a Design Review 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 Design Review Two application.*

Finding: Because the proposed use is a permitted use in the R2 zone, and is attached residential housing, it meets the threshold requirements for a Design Review Two.

2. *All City application fees related to the application under consideration*

Finding: The appropriate application fee for a Design Review Two has been paid with the submittal of this application package.

3. *The proposal contains all applicable application submittal requirements*

Finding: Section 50.25.1 has been addressed elsewhere in this narrative. Because all submittal requirements have been met, this criterion has been satisfied.

4. *The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).*

Finding: Sections 60.05.15 through 60.05.30 have been addressed later in this narrative, thus satisfying this requirement.

5. *For additions to or modifications of existing development,*

Finding: This criterion does not apply because the project does not involve any additions to or modifications of any existing development. The previous single family dwelling on the site has been demolished and a new 10-unit multi-family building will be constructed.

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

Finding: This application package includes a Design Review Two and a Tree Plan Two, in addition to review of civil plans prepared by NW Engineers. All of these parts of the application package comprise the whole package, thus satisfying this criterion.

D. Submission Requirements: *An application for a Design Review 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 Design Review 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.*

Finding: The application for Design Review Two has been made on the proper city application form, signed by the property owner, and accompanied by all required parts of Section 50.25, and all information identified in the "Pre-Application Summary Notes". Thus this criterion has been fulfilled.

40.90.15.2 – Tree Plan Two: *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*

Finding: Based on the Existing Conditions map (Sheet 3 of 8), the trees identified for removal as shown on the Preliminary Grading Plan, Tree Removal & Erosion Control Plan (Sheet 5 of 8), the Preliminary Landscape Plan (Sheets 8 and 8a), and the Tree Inventory, a total of nine (9) trees of the total of 19 inventoried trees on the subject site will be removed. These are trees #1, #2, #3, #4, #%, #10, #13, #16, and #17 as listed on the Tree Inventory. Eight (8) of the nine (9) trees are classified as “Community Trees”. According to 40.90.15.A.1., Threshold 1 includes the “Removal of five(5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater,”. Because this proposed development plan meets both of these standards, this action will be a Tree Plan Two. This will be a Type 2 procedure (40.90.15.B.).

40.90.15.2.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.*

Finding: This application meets the requirements for a Threshold 1 for a Tree Plan Two.

2. *All application fees related to the application*

Finding: The proper fee for a Tree Plan Two has been submitted with the total application package.

3. *If applicable, removal of any tree is necessary*

Finding: Please see “Comments” by the project arborist, Teragan & Associates, Inc. on the inventory spreadsheet for need to observe good forestry practices.

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

Finding: Removal of trees numbers 1, 2, 3, and 4 across the frontage of the site must be removed in order to allow for the additional five (5) foot for right-of-way dedication. Tree 5 must be removed to allow for the placement of the proposed building, while trees 10 and 13 must be removed to allow for the proposed parking area to be properly located. Trees 17 must be removed to make way for the refuse area, and tree 16 should be removed because it is on the property/fence line, is in fair condition, and has “multiple leaders at ground level”. As such, the removal of all nine (9) trees is justified and no viable and practical alternatives exist for any of the trees.

5. *If applicable, removal of any tree is necessary because it has become a nuisance*

Finding: No tree on the site is truly a nuisance, but tree #8 is classified as “poor”, but is not scheduled for removal. Other trees, classified as “fair”, have issues as noted under "Comments" on the inventory.

6. *If applicable, removal is necessary to accomplish public purposes,*

Finding: Trees 1, 2, 3, and 4 must be removed to allow for the expansion of the right-of-way for Hall Blvd. and the 8-foot public utility easement along the frontage of the subject site. There is no alternative to removing these specific trees.

7. *If applicable, removal of any tree is necessary to enhance the health*

Finding: Removal of tree 5 is necessary to allow for location of the proposed building, while trees 10 and 13 are necessary to allow for the required parking area to serve the residents of the proposed 10-unit building. Tree 17 must be removed to allow for the location of the refuse collection area.

8. *If applicable, removal of tree(s) within a SNRA or Significant Grove*

Finding: Because there is no SNRA or designated Significant Grove on the subject site, this criterion does not apply.

9. *If applicable, removal of a tree(s) within a SNRA or Significant Grove*

Finding: Because there is no SNRA or designated Significant Grove on the subject site, this criterion does not apply.

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

Finding: See addressing of Section 60.60 elsewhere in this narrative. Section 60.67 does not apply because there is no designated Significant Natural Resource area on the subject site.

11. *Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse impacts on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.*

Finding: The site has previously been developed for a single family dwelling which was recently demolished. A preliminary grading plan has been prepared for this

application. Because the site is already basically flat and level, with little topographic relief, it will not be difficult to design the final site configuration to mitigate any potential adverse impacts. With the new use of the site, local storm drainage will be directed to the local public system via an upgraded storm drainage line in Hall Blvd. Direction of flow on the site will be towards the collection area and new onsite catch basins. Curbs within the site will assist in directing the flow of onsite stormwater. Overall, the development of the subject site will lead to less and fewer potential adverse impacts than is the existing situation resulting from prior development for the single family detached dwelling.

12. *The proposal contains all applicable application submittal requirements*

Finding: All application materials, with required signatures, fees, and engineering design have been submitted as part of the total application package, as required.

13. *Applications and documents related to the request, which require*

Finding: The application for review and approval of a Tree Plan Two has been included in the total application package which will be reviewed and approved by the city as part of the Type 2 procedure.

40.90.15.2.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.*

Finding: As required under this standard, the application for a Tree Plan Two is made by the owner of the property, on the required form, and accompanied by the required fee for a Tree Plan Two. Because the Tree Plan Two is part of a greater application package which includes Design Review Two, the total application package meets all submission requirements as set forth in this section.

- **Chapter 50 – Procedures**
- **50.05 – Initiation of an Application:** *An application subject to a Type 1, Type 2, or Type 3 procedure may be filed by: A. The owner or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser. B. The City Council, Mayor, or Director, as to property owned by the City, including public right of way and easements, or which the City intends to acquire. C. Public agencies that own the property or have passed a resolution declaring that they intend to exercise their statutory authority to condemn the property.*

Finding: In accordance with subsection 1., an application subject to a Type 1, Type 2, or Type 3 procedure may be filed by “A. *The owner or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser.*”. In the case of this application for the 10-unit multi-family development on the subject site, the application is filed by the property owner. Thus, the requirement of this standard is met.

- **50.15 – Classification of Applications:** *An application shall be subject to the procedure type specified in the Code, if any. If the Code does not specify a procedure type for a given application and another procedure is not required by law, the Director shall determine the appropriate procedure based on the following guidelines. Where two or more procedure types could be applied to a particular application, the selected procedure will be the type providing the broadest notice and opportunity to participate.*

A. *A Type 1 procedure typically involves an application that is subject to non-discretionary criteria or criteria that require the exercise of professional judgment only about technical issues.*

B. *A Type 2 procedure typically involves an application that is subject to criteria that require the exercise of limited discretion about non-technical issues and about which there may be limited public interest.*

C. *A Type 3 procedure typically involves an application that is subject to criteria that require the exercise of substantial discretion and about which there may be broad public interest, although the application applies to a limited number of land owners and properties.*

D. *A Type 4 procedure typically involves the adoption, implementation or amendment of policy or law by ordinance. The subject of a Type 4 procedure generally applies to a relatively large geographic area containing many property owners.*

Finding: The Design Review Two and the Tree Plan Two are both Type 2 procedures, as identified in 50.15.1.B of this subsection. There are no Type 3 procedures as part of this application package. Under 50.15.3., more than one application requires that the total package be considered under the highest procedure. In this case, since both the Design Review Two and the Tree Plan Two are both Type 2 procedures, the total package is considered under the Type 2 procedure.

- **50.20 – Pre-Application Conference:** *With the exception of City initiated or Wireless Facility applications, a pre-application conference shall be required for all proposals which require Type 2, Type 3, or Type 4 applications. An applicant may choose to forgo the required pre-application conference for a Type 2 application upon completion of a form for that purpose provided by the Director. A pre-application conference is optional for an applicant for proposals which require only Type 1 applications.*

Finding: As required by this section, “. . . . a pre-application conference shall be required for all proposals which require a Type 2, Type 3, or Type 4 applications.”. In keeping with this requirement, a pre-application conference was held on June 5, 2019 with appropriate City of Beaverton staff. As required, a copy of the “Pre-Application Summary Notes for Hall 10-unit (PA2019-0036)” have been included with the total application package, thus fulfilling this requirement.

- **50.25 – Application Completeness:** *A complete application is one which contains the information required by the Director to address the relevant criteria, development requirements, and procedures of this Code. Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement. All other complete application shall consist of the requisite number of copies of the following:*
 - A. *A completed original application form provided by the Director and application checklist provided by the Director, signed by:*
 - 1. *The applicant.*
 - B. *A written statement, supported by substantial evidence, that identifies the criteria and development regulations considered relevant to the application, states the facts alleged to show that the application complies with applicable criteria and development regulations, and explains why the application should be approved based on the criteria and development regulations and facts set forth in the application. In addition to addressing applicable criteria and development regulations relevant to the application type, the written statement shall address all the applicable technical criteria specified in Section 40.03. (Facilities Review Committee) of the Code.[ORD 4265; October2003] [ORD 4404; October2006] [ORD 4487; August2008] [ORD 4584; June 2012]*
 - C. *The Director may require an applicant to submit information in addition to that required on the form to aid in deciding whether an application satisfies applicable criteria and development regulations. The Director shall attempt to identify additional necessary information in the pre-application conference.*
 - D. *The information required by Section 50.30.4. regarding Neighborhood Meeting requirements, if applicable.*
 - E. *For a Type 2, Type 3, or Type 4 application, a copy of the pre-application conference summary.*
 - F. *Documentation from Clean Water Services stating that water quality will not be adversely affected by the proposal.*
 - G. *The applicable fee in effect at the date of submittal.*

Finding: Based on the listing of items required for a complete application (50.25.1.A. through G.), this application package is complete.

2. *To enable the Director to determine whether an application is complete, an applicant shall submit the requisite number of copies, as determined by the Director.*

3. *The Director may defer collection of application fees during review of the application for completeness; provided, an application shall not be deemed complete until the City has received all required fees.*

4. *The Director shall advise the applicant in writing whether an application is complete by sending a completeness notice by first class mail within thirty (30) calendar days after the City receives an application. To comply with this completeness notice requirement, the completeness notice must be postmarked by the thirtieth day.*

A. *If an application is incomplete, the completeness notice shall list what information is missing.*

B. *The completeness notice shall include a form, designed to be returned to the Director by the applicant indicating whether or not the applicant intends to amend or supplement the application, and instructing the applicant to mail, facsimile, or deliver the form or written equivalent to the Director so that the Director receives it before the thirty (30) calendar day completeness review period expires.*

5. *Incompleteness shall be based solely on failure to pay required fees, failure to address the relevant criteria or development regulations, or failure to supply required information and shall not be based on differences of opinion as to quality or accuracy. Determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.*

6. *The Director may waive application requirements that in the Director's opinion are not necessary to show an application complies with relevant criteria and development regulations and may modify application requirements based on the nature of the proposed application, development, site, or other factors. The City shall specifically identify any such waiver in the pre-application conference written summary or other written correspondence.*

7. *The application will be deemed complete for the purpose of this section upon receipt by the Community Development Department of:*

a. *All missing information;*

b. *Some of the missing information and written notice from the applicant that no other information will be provided; or*

c. *Written notice from the applicant that none of the missing information will be provided.*

8. *Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise. [ORD 4282; February2004] [ORD 4498; January 2009]*

9. *The 120 calendar day time line specified in Section 50.25.8. may be extended at the written request of the applicant. The total of all extensions may not to exceed 240 calendar days from the date the application was deemed complete. [ORD 4282; February2004]*

10. *The applicant may amend the application up to and including fourteen (14) calendar days after the application has been deemed complete. Amendments to an application*

11. *For any application which has been on file with the City for more than 180 calendar days and the applicant has not met the obligations of Section 50.25.7., the application will be deemed withdrawn.*

Finding: It is incumbent upon the City to fulfill items 2. through 8, and the applicant will participate with the city on items 9, 10 and 11.

- **50.30 – Neighborhood Review Meeting**

1. *The purpose of the Neighborhood Review Meeting is to allow neighbors, representatives from the Neighborhood Association Committee (hereinafter referred to as NAC), and interested persons an opportunity to become familiar with the proposal and to identify any associated issues. The Neighborhood Review Meeting is intended to assist in producing applications that are responsive to neighborhood concerns, and to reduce the likelihood of delays and appeals. The City expects an applicant to take into consideration the reasonable concerns and recommendations of the neighborhood when preparing an application. The City expects the neighbors and NAC to work with the applicant to provide reasonable concerns and recommendations.*

2. *Prior to submittal of an application subject to a Type 3 procedure, the applicant shall provide an opportunity to meet with neighboring property owners, residents and businesses (hereinafter collectively referred to as “neighbors”) as well as representatives from the NAC within whose boundaries the site is located or within the notice radius to review the proposal. The applicant shall not be required to hold more than one Neighborhood Review Meeting provided such meeting is held within six months prior to submitting an application for one specific site. This requirement does not apply to applications required by Design Review Three threshold number 7 (Section 40.20.15.3.A.7.) or applications for Quasi-Judicial Zoning Map Amendment (Section 40.97.15.1.), Discretionary Annexation Related Zoning Map Amendment (Section 40.97.15.4.). [ORD 4332; January 2005] [ORD 4483; June2008] [ORD 4584; June 2012]*

3. *Procedures.*

A. *Except as otherwise provided in this section, the applicant shall select the meeting time and place according to the preference indicated by the relevant NAC. Preference should be given to a regularly scheduled meeting time of the NAC in which the project is located. The starting time selected shall be limited to a weekday evening after 6:00 p.m. or a weekend at any reasonable time and shall not occur on a National holiday. The meeting shall be held at a location open to the public and in compliance with the Americans with Disabilities Act within the boundaries of the NAC or at a similar location within the City of Beaverton.*

A sign at least 22" x 28" in size with minimum 2" lettering shall be placed at the main entrance of the building where the meeting will take place at least one hour prior to the meeting. Such sign will announce the meeting, that the meeting is open to the public, and that interested persons are invited to attend. This sign shall be removed upon conclusion of the meeting by the applicant.

B. *The applicant shall send by regular mail a written notice announcing the Neighborhood Review Meeting to: the Director, property owners within 500 feet of the property involved in the anticipated application and to representatives of all NACs whose boundaries are within 500 feet of the subject property. The notice shall include the date, time and location of the meeting and briefly discuss the nature and location of the proposal. The notice shall be mailed not less than 20 calendar days prior to the meeting date. The Director shall maintain on file in the Community Development Department, current addresses of NAC Officers and/or representatives and related NAC information, including regularly scheduled or monthly meeting dates, times and locations. The mailing list shall be based on the most recent property tax assessment rolls of the Washington County Department of Assessment and Taxation. At the request of the applicant, and upon payment of the applicable fee, the City will provide the required mailing list.*

C. *Not less than 20 calendar days prior to the Neighborhood Review Meeting, the applicant shall post a notice on the property which is subject of the proposed application. The notice shall be posted within 50 feet of an adjoining public right-of-way in a manner that can be read from the right-of-way. The notice shall state that the site may be subject to a proposed development and shall set forth the name of the applicant and a telephone number where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the Neighborhood Review Meeting. The applicant may purchase a second sign from the City or create a sign to post at the Neighborhood Review Meeting location. [ORD 4312; July2004] Standard signs are available from the City upon payment of a fee. The City will not be responsible for posting of any signs.*

D. *At the Neighborhood Review Meeting, the applicant shall describe the proposed application to persons in attendance. The attendees may identify any issues that they believe should be addressed in the proposed application and recommend that those issues be submitted for City consideration and analysis.[ORD 4462; January 2008]*

E. *At the Neighborhood Review Meeting, the applicant shall take notes of the discussion on the proposed application. After the meeting and before submitting an application to*

the City, the applicant shall send a copy of the meeting notes to the Chairperson of the NAC in which the project is to be located by certified mail.

4. To comply with this section, an applicant shall submit the following information with the application:

A. A copy of the notice sent to surrounding property owners and the NAC Representatives as described in Section 50.30.3.B.

B. A copy of the mailing list used to send out meeting notices as described in Section 50.30.3.B.

C. A written statement containing the information posted on the property as described in Section 50.30.3.C.

D. An affidavit of mailing and posting notices as described in Sections 50.30.3.A through C.

E. Copies of written materials and 8.5" x 11" size plans presented at the Neighborhood Review Meeting.

F. Notes of the meeting, including the meeting date, time, and location, the name and address of those attending, and a summary of oral and written comments received.

G. A certified mail receipt indicating mailing of the meeting notes to the Chairperson of the NAC.

H. If responses to the meeting notice were not received by the applicant and no one attended the Neighborhood Review Meeting or persons in attendance made no comments, the applicant shall submit evidence as indicated above, with the notes reflecting the absence of comment, attendance, or both. Failure of a property owner to receive notice shall not invalidate the Neighborhood Review Meeting proceedings.

Finding: All required parts of the application, as listed above, have been submitted, where applicable and appropriate.

5. Failure of a property owner to receive notice shall not invalidate the Neighborhood Review Meeting proceedings.

Finding: In accordance with this subsection, a Neighborhood Review Meeting for these Type 2 applications is optional, rather than being required as it would for any Type 3 procedure(s). As such, no neighborhood review meeting was held, at the discretion of the applicant.

• **50.40 – Type 2:**

1. The decision making authority for a Type 2 application shall be the Director.

2. Approximately seven (7) calendar days after the application has been determined to be or deemed complete, the Director shall mail a written notice to:

A. The applicant and the property owner.

B. The Chair of the NAC in which the subject property is located and the Chair of any other NAC's whose boundaries are within three hundred (300) feet of the subject property. [ORD 4397; August2006]

C. Owners of property within three hundred (300) feet of any property line that is the subject of the application. The most recent property tax assessment roll of the

Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.

3. The written notice of the pending application shall include the following information:

- A. The case file number for the application.
- B. A description of the site reasonably sufficient to inform the reader of its location including map and tax lot number, and if available, site address, site zoning, and name of the NAC in which the proposal is located.
- C. A map showing the subject property in relation to other properties.
- D. A summary of the application.
- E. A listing of the applicable approval criteria by Development Code section number.
- F. When and where information about the application may be examined and the name and telephone number of the City representative to contact about the application.
- G. A statement that a meeting of the Facilities Review Committee will occur on a specified date with the applicant to discuss technical issues associated with the application and the date of such meeting.
- H. A statement that interested parties can submit written comments, but, to be considered, the City must receive those comments no later than the comment closing date, which is a specific date established by the Director and which is approximately twenty eight (28) calendar days from the date the application is determined to be or deemed complete. The comment closing date shall be listed in boldface type.
- I. A statement that the decision shall be made after the comment closing date.

4. Within approximately seven (7) calendar days after the application has been determined to be or deemed complete and in no case less than twenty (20) calendar days before the decision making authority's decision, the Director shall publish in a newspaper of general circulation in the City of Beaverton a summary of the application, the comment closing date on the application, the date of the Facilities Review Committee meeting with the applicant, and the date on which a decision will be made on the application. [ORD 4404; October2006]

5. Not more than ten (10) calendar days after the application has been determined to be or deemed complete, the applicant shall post on the site at least one (1) notice signboard provided by the Director for that purpose. The signboard shall be posted in a conspicuous place visible to the public on or in the vicinity of the property subject to the application. The signboard shall state with minimum two (2)-inch high letters the case file number and the telephone number where City staff can be contacted for more information.

6. Subject to the limitations set forth in Section 50.25.10., the applicant may amend the application during a period of time of up to and including fourteen (14) days after the application has been determined to be or deemed complete.

7. Approximately twenty eight (28) calendar days after the application has been determined to be or deemed complete, the Director shall convene the Facilities Review Committee to review the application with the applicant. [ORD 4404; October2006]

8. Within approximately thirty five (35) calendar days after the application has been determined to be or deemed complete, the applicant shall submit to the Director an

affidavit certifying where and when the notices referred to in Section 50.40.5. were posted.

9. *Within approximately seven (7) calendar days after the Facilities Review Committee meeting, the Facilities Review Committee shall forward a written report to the Director. [ORD 4404; October2006]*

10. *Within approximately fourteen (14) calendar days after the Facilities Review Committee meeting, the Director shall issue a written decision on the application to the applicant, the property owner, the NAC in which the subject property is located, and interested parties that submitted written comments prior to or on the comment closing date; provided, [ORD 4265; October2003] [ORD 4404; October2006]*

A. *The decision making authority shall consider the application, the applicant's supplement to or amendment of the application, if any, and the timely and relevant comments on the application. The decision making authority may consider comments and responses received from the applicant, the public, or both after the comment closing period on the proposal; and*

B. *An applicant may request in writing a continuance of time, not to exceed a total of 240 calendar days from the date the application was determined to be or deemed complete. The decision making authority shall issue a decision prior to the conclusion of the continuance of time. [ORD 4365; October2005]*

11. *A decision shall include:*

A. *A brief summary of the proposal and the application which is the subject of the decision, the decision, and any conditions of approval.*

B. *A description of the site reasonably sufficient to inform the reader of its location including site address, and if available, map and tax lot number, site zoning, and the NAC in which the proposal is located.*

C. *A statement of the facts upon which the decision making authority relied to determine whether the application satisfied or failed to satisfy each applicable approval criterion and assurance of compliance with the approval criteria.*

D. *The decision to approve or deny the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.*

E. *A statement that the decision is final, unless appealed as provided in Section 50.65. within twelve (12) calendar days after the date of the decision or may be modified pursuant to Section 50.95. The notice shall state in boldface type the date and time by which an appeal must be filed. The statement shall describe the requirements for filing an appeal of the decision.*

F. *A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.*

Finding: Recognizing this will be a Type 2 process for the combined applications for Design Review two and Tree Plan Two, the applicant knows the process for a Type 2 consideration and decision as set forth in this subsection (50.40.1. through 11., inclusive).

- **50.53 – Expedited Land Division**

Finding: There will be no land division of any type, expedited or otherwise, for this application package. Therefore, this subsection does not apply.

- **50.65 – Appeal of a Type 2 Decision**

1. *The decision making authority's decision on a Type 2 application may be appealed only by the applicant or by any other person who submitted written evidence prior to the decision of the Director. The appeal must be on an Appeal Form provide by the Director and must be received within twelve (12) calendar days after written notice of the decision was dated and mailed. [ORD 4312; July2004]*

2. *Within seven (7) calendar days after an appeal has been filed, the Director shall determine whether an appeal contains at least the following information:*

A. *The case file number designated by the City.*

B. *The name and signature of each appellant.*

C. *Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.*

D. *If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.*

E. *The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.*

F. *The appeal fee, as established by resolution of the City Council.*

3. *Failure to comply with the requirements of Sections 50.65.1 and 50.65.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.*

4. *Except for the appeals of Director's Interpretation (Section 40.25.), the appellate decision making authority on appeal of Type 2 decisions shall be the Planning Commission. The appeal hearing for Type 2 decisions shall be de novo, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Sections 50.80. through 50.83. The decision of the appellate decision making authority for appeal of Type 2 decisions shall be the final decision and shall not be subject to further appeal to the City Council. [ORD 4532; April2010]*

5. *The appellate decision making authority for Director's Interpretation (Section 40.25.) shall be the City Council. The appeal hearing for Director's Interpretation shall be de novo, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in accordance with Sections 50.85. through 50.88. except as otherwise required by statute.*

6. *For appeals of Type 2 decisions filed under Section 50.65., the Director shall mail written notice of an appeal hearing to parties listed in Section 50.65.1. not less than*

twenty (20) calendar days prior to the appeal hearing, but need not post or publish the notice in a newspaper.

7. Not less than seven (7) calendar days before the date of the appeal hearing, the Director shall prepare and make available to the public, for review and inspection, a copy of the staff report and shall provide a copy of the staff report to the appellate decision making authority and to the appellant. The Director shall provide a copy of the staff report to members of the public at reasonable cost upon request.

8. Appeal hearings before the Planning Commission shall be conducted in accordance with Sections 50.80. through 50.83. of this Code. Appeal hearings shall be recorded on audio only or audio and video tape.

9. At the conclusion of the hearing on the appeal, the appellate decision making authority shall take one of the following actions:

A. Continue the hearing to a date, time, and location certain, which shall be announced by the Chair. Notice of the date, time, and location certain of the continued hearing is not required to be mailed, published, or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.

B. Reverse or affirm the decision under appeal, with or without conditions or changes.

1. If the decision making authority takes action pursuant to Section 50.65.9.B., the decision making authority shall announce a brief summary of the basis for the decision, and that a land use order will be issued as provided in Section 50.65.10.; provided, the proceedings may be continued for the purpose of considering such land use order without taking new testimony or evidence.

2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763 (6) shall apply under this Ordinance in a manner consistent with state law.

10. After the public record on the appeal closes, a written decision in the form of a land use order regarding the application shall be prepared and contain, at a minimum, the following:

A. A statement of the facts that the appellate decision making authority has relied on which demonstrate the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal.

B. A statement of conclusions based on the findings.

C. If the appellate decision making authority changes conditions of approval, changes denial to approval, changes denial to approval subject to conditions, or changes approval to denial, the order shall include findings explaining the basis for such change and condition.

11. Within approximately seven (7) calendar days from the date that the appellate decision making authority adopts a land use order, the Director shall cause the order to be signed, dated, and mailed to the appellant and other persons who appeared orally or in writing before the public record closed.

12. A decision on an appeal is final on the date the signed land use order is dated and mailed.

13. Only one appeal of a Type 2 decision is permitted before the City. Therefore the notice of a Type 2 decision on appeal shall indicate the decision may be appealed to the Land Use Board of Appeals as provided in ORS 197.805 through ORS 197.860.

14. If a decision of the appellate decision making authority is remanded to the City by the State of Oregon Land Use Board of Appeals (LUBA), the appellate decision making authority shall either:

- A. Hold a hearing on the issue upon which LUBA remanded the decision without opening the record for additional evidence. Notice thereof shall be given to all persons who testified either orally or in writing before the appellate decision making authority at the hearing that led to the decision remanded by LUBA. The notice shall set forth issues on remand that will be considered by the appellate decision making authority. Testimony shall be allowed at the hearing before the appellate decision making authority, except that testimony shall be limited to the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the appellate decision making authority based its decision regarding an issue or issues not remanded, testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the appellate decision making authority shall render a written decision; or
- B. Hold a hearing on the issue upon which LUBA remanded the decision and open the record for additional evidence. Notice of the hearing on remand shall be given in the same manner in which the appeal hearing notice was provided. The notice shall list the applicable approval criteria and state that testimony will be limited to the criteria or the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the appellate decision making authority based its decision regarding an issue or issues not remanded, the notice shall list the applicable approval criteria and state that testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the appellate decision making authority shall render a written decision.

Finding: The applicant recognizes that an appeal of the Type 2 decision for this application package is possible. Any such appeal, whether by the applicant, opponent, or other involved party, must follow the guidelines set forth in this subsection.

- **50.90 – Expiration of a Decision**

Finding: As noted under 50.90.1.B., both the Design Review Two and the Tree Plan Two will expire two (2) years from the effective date of decision. There are no other applications in this package and, therefore, no other expiration dates. The applicant recognizes and understands these application decision dates. As noted under 50.90.2., “The effective date of the decision for Type 1, Type 2, or Type 3 applications shall be the date that the signed land use order is dated and mailed, unless appealed. If a Type 1, Type 2, or Type 3 application is appealed, the effective date of the decision shall be the

date of the appellate decision making authority's signed land use order is dated and mailed."

- **50.93 – Extension of a Decision**

Finding: The applicant recognizes and understands that a decision may be extended under the terms and conditions set forth in this subsection, and that a land use decision may be extended no more than two (2) times.

- **Chapter 60 – Special Requirements**

- **60.05 – Design Review Design Principals, Standards and Guidelines**

60.05.05 – Purpose: *The following design principles, standards and guidelines shall be met by new development and redevelopment where applicable, throughout the City.[ORD 4584; June 2012]*

Finding: As required by this section, the required design principles, standards and guidelines shall be met by new development and redevelopment where applicable. This project meets the appropriate and applicable principles, standards and guidelines that were noted in the “*Pre-Application Conference Worksheet for Design Review Standards*”, thus meeting the purpose and intent of this Chapter.

60.05.10 – Design Principles: *The following design principles are general statements to guide the development of the built environment, the appearance of that development, and the effect of that development on the existing surroundings. The design guidelines and standards implement these principles.[ORD 4584; June 2012]*

60.05.10.1 – Building Design and Orientation: *Design buildings that enhance the visual character of the community and take into account the surrounding neighborhoods, provide permanence, and create a sense of place. In Residential, Commercial and Multiple Use districts, design buildings that contribute to a safe, high quality pedestrian-oriented streetscape.*

Finding: The new building will enhance the local neighborhood in that it will fit into the general design and visual character, and will provide a sense of place for not only the residents but others in the local neighborhood.

60.05.10.2 – Multiple Use District Building Orientation and Design: *Locate buildings so they are conveniently and safely accessible from on-site and off-site sidewalks and streets, and so buildings near the edge of a right of way provide a high quality, pedestrian oriented streetscape, contribute to safety by offering “eyes on the street” and promote pedestrian safety and use. Provide a pedestrian-friendly environment through building and site design treatments that may vary in nature and degree depending on the character of the urban area, the characteristics of the street, and the type of use and development proposed.*

Finding: The new building will be safely accessible from Hall Blvd. by virtue of the pedestrian connection and designed streetscape which will contribute to safety for residents and pedestrians. The overall site design will lead to pedestrian safety and orientation, as well as vehicular circulation and access.

60.05.10.3 – Circulation and Parking Design: *Provide integrated multi-modal circulation and parking improvements that are safe and convenient, connect to surrounding neighborhoods and streets, and serve the needs of development.*

Finding: Because the site is long and slender, the design must accommodate vehicular access and circulation. The design of the site allows for internal circulation and on-site parking as required. Access to/from Hall Blvd. is safe, convenient and efficient, and serves the needs of the overall development.

60.05.10.4 – Landscape, Open Space, and Natural Areas Design: *Create landscape areas that contribute to the aesthetics of the community, conserve, protect, enhance or restore natural features and the natural environment, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents, customers, employees, and the community. Whenever possible, utilize native vegetative species which are disease and drought tolerant.*

Finding: The overall site design provides landscaped areas that serve a variety of purposes. It also serves to conserve and protect natural features, such as trees, and contributes to the improved aesthetics of the local neighborhood. Safe and interesting outdoor spaces for the residents are provided, and the building “fits” the site well.

60.05.10.5 – Lighting Design: *Provide exterior lighting for buildings, parking lots, pedestrian pathways, vehicular areas, pedestrian plazas, public open spaces to ensure public safety and convenience, and to minimize excessive illumination on environmentally sensitive areas, adjoining properties, and streets.*

Finding: Exterior lighting for the pedestrian pathways, vehicular and bicycle parking areas, and public access on Hall Blvd. will contribute to the safety of all. Exterior lighting will not adversely impact adjacent and surrounding properties or environmentally sensitive areas, and will enhance the visual quality of the project.

- **60.05.15 – Building Design and Orientation Standards**

- **60.05.15.1. – Building articulation and variety.**

- A. *Attached residential buildings in Residential zones shall be limited in length to two hundred (200) feet.[ORD4542; June2010]*

Finding: Because the site itself is only approximately 200 feet in length (rough midpoint average), the building is considerably less than 200 feet in length (approximately 80-ft).

B. Buildings visible from and within 200 feet of an adjacent public street shall have a minimum portion of the street-facing elevation(s) and the elevation(s) containing a primary building entrance or multiple tenant entrances devoted to permanent architectural features designed to provide articulation and variety. These permanent features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18”), recessed entrances, loading doors and bays, and changes in material types. Changes in material types shall have a minimum dimension of two feet and minimum area of 25 square feet. The percentage of the total square footage of elevation area is:[ORD 4584; June 2012]

1. Thirty (30) percent in Residential zones, and all uses in Commercial and Multiple Use zones.[ORD 4584; June 2012]

2. Fifty (50) percent in Commercial zones where glazing is less than thirty five (35) percent pursuant to Section 60.05.15.8.A.3.

3. Fifteen (15) percent in Industrial zones.[ORD 4462; January 2008]

In Industrial zones, where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities, the above standards shall apply only to elevations visible from and within 100 feet of an adjacent public street, and elevations that include a primary building entrance or multiple tenant entrances.[ORD4659; June 2015]

Finding: While the building is within and visible from 200 feet from the adjacent street (Hall Blvd.), there are no primary building entrances on the Hall Street side. Instead, there are architectural features and landscaping at the street side of the building. The changes in materials, variation of features, and other features achieve the required 30 percent as noted in 16.05.15.1.B.1. The drawings of the building illustrate these features, thus fulfilling this standard.

C. The maximum spacing between permanent architectural features shall be no more than:

1. Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones.[ORD 4584; June 2012]

2. Sixty (60) feet in Industrial zones.

3. Fifteen (15) feet in detached residential developments in Multiple Use zones for walls facing streets, common greens, and shared courts.[ORD4542; June2010]

Finding: The building has been designed by an architect using the features in this standard as set forth in 16.05.15.1.C.1. The design will meet this standard.

D. *In addition to the requirements of Section 60.05.15.1.B.and .C., detached and attached residential building elevations facing a street, common green or shared court shall not consist of undifferentiated blank walls greater than 150 square feet in area. Building elevations shall be articulated with architectural features such as windows, dormers, porch details, alcoves, balconies or bays.[ORD4542; June2010]*

Finding: The street facing wall has been designed with articulations including windows and other design features in accordance with this requirement.

60.05.15.2. Roof forms.

A. *All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch*

Finding: All roof pitches will be at least 4:12, as shown on the plans and drawings submitted with this application. This will satisfy this requirement.

B. *Sloped roofs on residential uses in residential zones and on all uses in multiple use and commercial zones shall have eaves, exclusive of rain gutters, that must project from the building wall at least twelve (12) inches.[ORD 4584; June 2012]*

Finding: Because all roofs on the building will be sloped, there are eaves that project from the building at least 12 inches, as shown on plans and drawings submitted with this application, thus fulfilling this standard.

C. *All roofs with a slope of less than 4/12 pitch shall be articulated with a parapet wall that must project vertically above the roof line at least twelve (12) inches or architecturally treated, such as with a decorative cornice.[ORD 4584; June 2012]*

Finding: Because all roofs on the proposed building have a pitch of 4:12 or better, this standard does not apply.

D. *When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as existing roofs.*

Finding: This standard does not apply to this project because the building is a new building and not an addition to an existing building, nor is it a building within an existing development.

E. *Smaller feature roofs are not subject to the standards of this Section.*

Finding: The roofs of this building may not be “smaller feature roofs” as identified in this standard. Therefore, this standard may not apply to this project.

60.05.15.3. Primary building entrances.

A. *Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least six (6) feet wide and four (4) feet deep.*

Finding: All primary entrances to each of the 10 units in the proposed building are covered and/or recessed which provides weather protection for the residents. Each covered/recessed entryway is at least six (6) feet in width and four (4) feet in depth, as illustrated on the plans and drawings submitted with this application.

60.05.15.4. Exterior building materials.

A. *For attached residential uses in Residential zones and all residential uses in Multiple Use zones, a minimum of seventy-five (75) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances shall be double wall construction.[ORD4542; June2010][ORD 4584; June 2012]*

Finding: This standard requires that much of the building must be double wall construction. The construction type for this building will include double wall construction, as required, thus satisfying this standard.

B. and
C.

Finding: Both of these standards relate to conditional uses in residential zones. However, this project is not a conditional use, nor is a conditional use required for this project. Therefore, these two standards, B. and C., do not apply to this project.

60.05.15.5. Roof-mounted equipment.

A. *All roof-mounted equipment shall be screened from view from adjacent streets or adjacent properties in one of the following ways:*

1. *A parapet wall; or*
2. *A screen around the equipment that is made of a primary exterior finish material used on other portions of the building; or*
3. *Setback from the street-facing elevation such that it is not visible from the public street(s).*

Finding: There will be no roof-mounted equipment for this building. All mechanical equipment will be either grade level mounted or within each individual unit.

B. *The vertical measuring distance for required screening shall be measured at five (5) feet above the finished or existing grade of the property line or public right-of-way abutting the development site's front yard setback for a distance of one hundred (100) lineal feet measured outward from the development site's front property line. Once the vertical measuring distance is established for the site's front yard, this same vertical measuring distance shall be applied to all sides of the development site's perimeter property lines.*[ORD4531; April2010]

Finding: Because there will be no roof-mounted equipment, any grade level equipment will be screened as required. However, no such equipment is shown as part of the architectural plans for this project.

C. *Solar panels, dishes/antennas, pipes, vents, and chimneys are exempt from this standard.*

Finding: Although no solar panels, dishes/antennas, pipes, vents, and chimneys are shown on the plans, and of these features that may be added as part of the finish construction of the building are exempt and need not be screened.

60.05.15.6. Building location and orientation along streets in Commercial and Multiple Use zones.

Finding: This standard (60.05.15.6.A. through F.) does not apply because the site is not within a Commercial and Multiple Use zones.

60.05.15.7. Building scale along Major Pedestrian Routes.

Finding: This standard (60.05.15.7.A. through C.) does not apply because Hall Blvd. at this point is not a Major Pedestrian Route.

60.05.15.8. Ground floor elevations on commercial and multiple use buildings.

Finding: This standard does not apply because the proposed building on the subject site is neither a commercial nor a multiple use building.

60.05.15.9. Compact Detached Housing design.

Finding: This standard does not apply because the proposed building on the subject site is not a Compact Housing structure.

60.05.15.10. Ground floor elevations on eligible residential-only buildings.

Finding: This standard does not apply because the proposed building on the subject site is not within the RC-OT zoning district.

60.05.20. Circulation and Parking Design Standards. Unless otherwise noted, all standards apply in all zoning districts.

1. Connections to the public street system:

A. Pedestrian, bicycle, and motor vehicle connections shall be provided between the on-site circulation system and adjacent existing and planned streets as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element.[ORD4531; April2010]

Finding: As required in the referenced Tables and Figures of the Comprehensive Plan, connections between the subject site and Hall Blvd. have been designed appropriately. See Sheets 4, 5, and 6 of 8 of the plans prepared by NW Engineers. It should be noted that the required setback of the drive access to the property line should be 10 feet, as noted on page 3 in the city's letter dated April 10, 2020. The applicant's plans showed a 5-foot separation, or setback, which has now been revised to be 10 feet.

2. Loading areas, solid waste facilities and similar improvements.

A. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.[ORD4531; April2010]

B. Except for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, all loading docks and loading zones shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.

C. Screening from public view for service areas, loading docks, loading zones and outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be fully sight-obscuring, shall be constructed a minimum of one foot higher than the feature to be screened, and shall be accomplished by one or more of the following methods:

1. Solid screen wall constructed of primary exterior finish materials utilized on primary buildings,

2. Solid hedge wall with a minimum of ninety-five (95) percent opacity within two (2) years.

3. Solid wood fence[ORD4531; April2010]

Finding: Loading, solid waste facilities, and recycling areas for the 10-unit apartment building proposed for this site have been included and designed according to required standards contained in 60.05.20.2.A., B., and C., See Sheet 4 of 8, and Civil Plans prepared by NW Engineers. As required, the waste/recycling bin area is at the

rear of the site, and although it may be seen from the street (Hall Blvd.), it is far enough removed from the street, and there are building and vehicular features that help to obscure the view, the area is screened as required by 2.C., above.

D. Screening from public view by chain-link fence with or without slats is prohibited.

E. Screening of loading zones may be waived in Commercial and Multiple Use zones if the applicant demonstrates the type and size of loading vehicles will not detract from the project's aesthetic appearance and the timing of loading will not conflict with the hours or operations of the expected businesses.[ORD 4584; June 2012]

3. Pedestrian circulation.

A. Pedestrian connections shall be provided that link to adjacent existing and planned pedestrian facilities as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element, and to the abutting public street system and on-site buildings, parking areas, and other facilities where pedestrian access is desired. Pedestrian connections shall be provided except when one or more of the following conditions exist:

- 1. Where physical or topographic conditions, such as a grade change of ten (10) feet or more at a property line to an adjacent pedestrian facility, make connections impractical,*
- 2. Where uses including manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts occur,*
- 3. Where on-site activities such as movement of trucks, forklifts, and other large equipment would present potential conflicts with pedestrians, or*
- 4. Where buildings or other existing development on adjacent lands physically preclude a connection now or in the future.*

Finding: It is required that pedestrian connections to the abutting street (Hall Blvd.) be provided, unless circumstances in 1., 2., 3., or 4. exist. Since these circumstances do not exist, pedestrian connections will be made, as shown on Sheets 4, 5, and 6 of 8, and the Civil Plans prepared by NW Engineers.

B. A reasonably direct walkway connection is required between primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, and public and private streets, transit stops, and other pedestrian destinations.

Finding: The pedestrian pathway system on the site serves all primary entrances and connects with the public sidewalk on Hall Blvd. See Sheets 4, 5, and 6 of 8, and the Civil Plans prepared by NW Engineers.

C. A reasonably direct pedestrian walkway into a site shall be provided for every 300 feet of street frontage or for every eight aisles of vehicle parking if parking is located between the building and the street. A reasonably direct walkway shall also be provided

to any accessway abutting the site. This standard may be waived when topographic conditions, man-made features, natural areas, etc. preclude walkway extensions to adjacent properties.

Finding: Since the subject site contains less than 100 feet of frontage on Hall Blvd., only one pedestrian connection, or “reasonably direct pedestrian walkway”, is required. This one pedestrian walkway has been provided, thus satisfying this standard. See Sheets 4, 5, and 6 of 8, and the Civil Plans prepared by NW Engineers.

D. *Pedestrian connections through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees, and lighting, if not otherwise provided in the parking lot design.*

Finding: The pedestrian connection between the building and Hall Blvd. crosses the 24-foot wide vehicular driveway at one point, which will be clearly marked, as shown on Sheets 4, 5, 6, and 8 of 8, and the Civil Plans prepared by NW Engineers. In addition, the pedestrian walkway will be separated from the vehicular driveway by a raised curb adjacent to the building. The pedestrian walkway through the parking areas have been re-designed to illustrate a different paving material for the walkway.

E. *Where pedestrian connections cross driveways or vehicular access aisles a continuous walkway shall be provided, and shall be composed of a different paving material than the primary on-site paving material.*

Finding: Where the pedestrian pathway crosses the vehicular driveway, that crossing location will be marked with painted striping that clearly identifies the pedestrian crossing. See Sheets 4, 5, 6, and 8 of 8, and the Civil Plans prepared by NW Engineers.

F. *Pedestrian walkways shall have a minimum of five (5) foot wide unobstructed clearance and shall be paved with scored concrete or modular paving materials. In the event that the Americans with Disabilities Act (ADA) contains stricter standards for any pedestrian walkway, the ADA standards shall apply.[ORD4531; April2010]*

Finding: All portions of the pedestrian walkway throughout the subject site will be at least five (5) feet in width, and will be composed of different materials than the vehicular driveway. The pedestrian pathway will have an unobstructed clearance for the entire length.

4. Street frontages and parking areas.

A. *Surface parking areas abutting a public street shall provide perimeter parking lot landscaping which meets one of the following standards:*

1. *A minimum six(6)-foot wide planting strip between the right-of-way and the parking area. Pedestrian walkways and vehicular driveways may cross the planting strip. Trees*

shall be planted at a minimum 2 1/2 inch caliper at a maximum of thirty (30) feet on center. Planting strips shall be planted with an evergreen hedge that will provide a 30-inch high screen and fifty (50) percent opacity within two years. The maximum height shall be maintained at no more than thirty-six (36) inches. Areas not covered by trees or hedge shall be landscaped with live ground cover. Bumper overhangs which intrude into the planting strip shall not impact required trees or hedge; or

2. A solid wall or fence 30 to 36 inches in height parallel to and not nearer than four (4) feet from the right-of-way line. The area between the wall or fence and the street line shall be landscaped with live ground cover. Pedestrian walkways and vehicular driveways may cross the wall or fence.

Finding: Because the parking area for this site does not directly abut the public street (Hall Blvd.), this standard does not apply. The entire parking area for the project is set back away from Hall Blvd., with only the landscaped front yard setback area, the pedestrian pathway connecting to the sidewalk on Hall Blvd., and the vehicular driveway access to/from Hall Blvd. at the front portion of the site.

5. Parking area landscaping

A. *Landscaped planter islands shall be required according to the following:*

1. *Residential uses in residential zones, one for every eight (8) contiguous parking spaces.*

2. *All uses in Commercial and Multiple Use zones, one for every ten (10) contiguous parking spaces.[ORD 4584; June 2012]*

3. *All Conditional Uses in Residential zones one for every twelve (12) contiguous parking spaces. [ORD 4584; June 2012]*

4. *All uses in Employment / Industrial zones, one for every twelve (12) contiguous parking spaces.[ORD 4584; June 2012]*

Finding: The parking area on the subject site is separated into three areas, containing seven (7), four (4) and four (4) contiguous spaces. In the area with seven (7) parking spaces, one is a handicapped space. Because no area contains eight (8) contiguous spaces, this standard does not apply to this project. Further, this project is not in a Commercial or Multiple Use zone, nor is a Conditional Use, nor is the site located in an Employment or Industrial zone.

This project does not have any landscaped islands within the site as defined by this standard (60.05.20.5.B.). Also, credit for landscaping requirements is not taken for the pedestrian walkways throughout this site (60.05.20.5.C.). Finally, because there are no landscaped islands within the parking areas of the project, no trees are planted that do not meet city standards from the Beaverton Street Tree List (60.05.20.5.D.).

6. Off-street parking frontages in Multiple Use zones.

A. Off-Street surface parking areas shall be located to the rear or side of buildings. Surface parking areas located adjacent to public streets are limited to a maximum of:

- 1. 50% of the street frontage along Class 1 Major Pedestrian Routes,*
- 2. 65% along Class 2 Major Pedestrian Routes, and*
- 3. 50% of the street frontage for detached residential projects along any street. [ORD 4542; June2010]*

Finding: Because the site is not within a Multiple Use zone, this standard does not apply.

7. Sidewalks along streets and primary building elevations in Commercial and Multiple Use zones.

Finding: This standard does not apply because the site is not within either a Commercial or Multiple Use zone.

8. Connect on-site buildings, parking and other improvements with identifiable streets and drive aisles in Residential, Commercial, and Multiple Use zones.

A. Parking lot drive aisles that link public streets and/or private streets with parking stalls shall be designed as private streets consistent with the standard as described under Section 60.05.20.8.B., unless one of the following is met:

- 1. The parking lot drive aisle is less than 100 feet long;*
- 2. The parking lot drive aisle serves 2 or less residential units; or*
- 3. The parking lot drive aisle provides direct access to angled or perpendicular parking stalls.*

Finding: The parking lot drive aisle for this project has been designed to private street standards consistent with city standards. Because the drive aisle is more than 100 feet in length, serves all 14 parking spaces and all 10 residential units within the building, and provides direct access to perpendicular parking spaces, this standard is applicable. This standard is satisfied because the design satisfies the requirement that on-site buildings, parking and other improvements are directly connected with Hall Blvd.

B. Private streets, common greens, and shared courts shall meet the following standards:

Finding: 60.05.20.8.B. does not apply because the project does not contain any private streets, common greens, or shared courts.

9. Ground floor uses in parking structures.

Finding: This standard does not apply because there are no parking structures as part of the project.

60.05.25 Landscape, Open Space, and Natural Areas Design Standards.

Unless otherwise noted, all standards apply in all zoning districts.

1. Minimum landscape requirements for residential developments consisting of two (2) or three (3) units of Attached Housing or Compact Detached Housing.

A. All areas of the lot not occupied by structures or pavement shall be landscaped as defined in Section 60.05.25.4.

2. Minimum landscape requirements for residential developments consisting of four (4) to seven (7) units of Attached Housing or Compact Detached Housing.

Finding: These two standards do not apply because the project consists of 10 units of attached multi-family housing.

3. Minimum landscape requirements for residential developments consisting of eight (8) or more units of Attached Housing or Compact Detached Housing.

A. Common open space shall consist of active, passive or both open space areas, and shall be provided as follows:

- 1. A minimum of 15% of the gross site area shall be landscaped as defined in 60.05.25.4.*

Finding: Sheet 4 of 8 provides a table titled "Open Space Information" that indicates that 3,028 square feet of Common Open Space is required, but 7,273 square feet is provided on the total site. The table also indicates that 25% of the Common Open Space should be Active Open Space. Based on a total of 7,273 square feet of Common Open Space, 25% is equal to a minimum of 757 square feet. However, 810 square feet is provided for Active Open Space. Both of these totals, 7,273 square feet and 810 square feet exceed the minimum required amounts, thus satisfying this standard.

- 2. For developments that are part of a Planned Unit Development*

Finding: This standard does not apply because the project is not a Planned Unit Development.

B. At least twenty-five (25) percent of the total required open space shall be active open space.

Finding: As noted in A.1. above, 25% of the total open space shall be active open space. This is met because 810 square feet of 7,273 square feet is active open space, thus exceeding the required minimum amount.

C. *For the purposes of this Section, environmentally sensitive areas shall be counted towards the minimum common open space requirement. Aboveground landscaped water quality treatment facilities shall be counted toward the minimum common open space requirement.*

Finding: There are no environmentally sensitive areas on the subject site. Therefore, this standard does not apply to this application.

D. *. . . . vehicular circulation areas and parking areas, unless provided as part of a common green or shared court, shall not be considered common open space.*

Finding: In the calculations and determination of common open space, no vehicular circulation area or parking area are considered to be part of the total common open space area. As such, this standard does not apply to this application.

E. *Individual exterior spaces such as outdoor patios and decks constructed to serve individual units shall count toward the common open space requirement, with the following restrictions:*

1. *only a maximum of 120 square feet per unit may count toward the requirement.*
2. *only patios and decks provided on the ground floor elevation level may count toward the requirement*

Finding: The applicant has taken credit for the ground floor patios designed as part of those particular units. Otherwise, most of the common open space is contained in the open space gazebo and bench seating areas.

F. *Common open space shall not abut a Collector or greater classified street as identified in the City's adopted Functional Classification Plan, unless that common open space shall be allowed adjacent to these street classifications where separated from the street by a constructed barrier at least three (3) feet in height.*

Finding: None of the common open space is located at any point abutting or directly adjacent to Hall Blvd. All common open space is generally located toward the rear of the site, or adjacent to the proposed building. Thus, this standard is met.

G. *Common open space shall be no smaller than 640 square feet in area, shall not be divided into areas smaller than 640 square feet, and shall have minimum length and width dimensions of 20 feet.[ORD4515; September2009]. . . .*

Finding: The common open space area, which includes a common space gazebo and a bench seating area is a single area exceeding the minimum requirement of 640 square feet. Other open space areas, such as patios and decks, add to the total amount of open space, and, under E. above, are allowed inclusions in the common open space total.

H. In phased developments,

Finding: This standard does not apply since this project will be developed in a single phase and no phasing of any type is proposed.

I. Active common open spaces shall be included in all developments, and shall include at least two (2) of the following improvements:

- 1. A bench or other seating with a pathway or other pedestrian way;*
- 2. A water feature such as a fountain;*
- 3. A children's play structure;*
- 4. A gazebo;*
- 5. Clubhouse;*
- 6. Tennis courts;*
- 7. An indoor or outdoor sports court; or*
- 8. An indoor or outdoor swimming and/or wading pool.*
- 9. Plaza.*

Finding: This project is designed with a gazebo (#4 above) and bench seating (item #1 above) in the common open space area, thus satisfying this standard.

J. The decision-making authority shall be authorized to consider other improvements in addition to those provided under subsection I, provided that these improvements provide a similar level of active common open space usage.

Finding: It is incumbent on the City to determine compliance with this standard. However, because this project provides two (2) of the features listed under subsection I, thus meeting the basic criteria. Therefore, it is not necessary for the City to require additional improvements.

4. Additional minimum landscape requirements for Attached Housing and Compact Detached Housing.

A. *All front yard areas and all required open space areas not occupied by structures, walkways, driveways, plazas, or parking spaces shall be landscaped.*

Finding: The entire front yard area and all other areas which are not occupied by other improvements have been designed to be landscaped, as required by this standard. See "Preliminary Landscape Plan", Sheet 8 of 8.

B. *Landscaping shall include live plants or landscape features such as fountains, ponds or other landscape elements. Bare gravel, rock, bark and similar materials are not a substitute for plant cover, and shall be limited to no more than twenty-five (25) percent of the landscape area.*

Finding: A review of the "Preliminary Landscape Plan", Sheet 8 of 8, illustrates that all landscaping meets this standard. See Sheet 8a of 8 for "Preliminary Planting Schedule".

C. *. . . . vehicular circulation areas and parking areas, unless provided as part of a shared court, shall not be considered landscape area.*

Finding: No part of the vehicular circulation and parking areas have been included as part of the calculated landscaped area, thus satisfying this standard.

D. *All street-facing building elevations shall have landscaping along their foundation. When a porch obstructs a foundation, landscaping shall be installed along the outer edge of the porch. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, or for plazas adjacent to the building. The foundation landscaping shall meet the following minimum standards:*

1. *The landscaped area shall be at least three (3) feet wide; and,*
2. *For every three (3) lineal feet of foundation, an evergreen shrub having a minimum mature height of twenty-four (24) inches shall be planted; and,*
3. *Groundcover plants shall be planted in the remainder of the landscaped area.*

Finding: As illustrated on the "Preliminary Landscape Plan", the entire frontage area on Hall Blvd. has been landscaped, except at the location of the two patio areas. See Sheet 8 of 8. This will fulfill this requirement.

E. The following minimum planting requirements for required landscaped areas shall be complied with. These requirements shall be used to calculate the total number of trees and shrubs to be included within the required landscape area:

- 1. One (1) tree shall be provided for every eight hundred (800) square feet of required landscaped area. Evergreen trees shall have a minimum planting height of six (6) feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting.*
- 2. One (1) evergreen shrub having a minimum mature height of forty-eight (48) inches shall be provided for every four hundred (400) square feet of required landscaped area.*
- 3. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.*

Finding: As required by sub-items 1, 2, and 3 of this standard have been complied with and made a part of the "Preliminary Landscape Plan", including trees, evergreen shrubs, and live ground cover. See Sheet 8 of 8 and Sheet 8a of 8.

F. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement. When a shared court is utilized in a residential development in a Multiple Use zone, hard surface areas shall not exceed seventy-five (75) percent of the minimum landscaping requirement. A hard surface area shall be comprised of the following:[ORD 4542; June2010][ORD 4584; June 2012]

- 1. Brick pavers, or stone, scored, or colored concrete; and,*
- 2. One (1) tree having a minimum mature height of twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,*
- 3. Street furniture including but not limited to benches, tables, chairs, and trash receptacles; and,[ORD 4542; June2010]*
- 4. Pedestrian scale lighting consistent with the City's Technical Lighting Standards.*

Finding: The common open space area where the gazebo and bench seating are located are part of a larger pedestrian plaza and pathway area that will be surfaced with permeable pavers, as required by sub-item 1. In the immediate vicinity of the common open space pedestrian plaza area, the "Preliminary Landscape Plan" illustrates both red maple and columnar zelkova trees planted there. The bench seating feature and the

enclosed refuse enclosure area contribute to fulfilling this standard because they are allowed features under sub-item 3.

For safety and security on the entire site, lighting that meets the City's Technical Lighting Standards will be provided. Some of this lighting will be building mounted at a height that will discourage tampering

5. Minimum landscaping requirements for non-residential developments and Mixed Use Development.

Finding: This standard does not apply because the proposed project is not a "non-residential development", nor is it a "Mixed Use Development".

6. Common Greens.

Finding: This standard does not apply because there is no "common green" as part of the design of this project.

7. Shared Courts.

Finding: This standard does not apply because there is no "shared court" as part of the design of this project.

8. Retaining Walls. *Retaining walls greater than six (6) feet in height or longer than fifty (50) lineal feet used in site landscaping or as an element of site design shall be architecturally treated with contrasting scoring, or texture, or pattern, or off-set planes, or different applied materials, or any combination of the foregoing, and shall be incorporated into the overall landscape plan, or shall be screened by a landscape buffer. Materials used on retaining walls should be similar to materials used in other elements of the landscape plan or related buildings, or incorporate other landscape or decorative features exclusive of signs. If screening by a landscape buffer is utilized, a buffer width of at least five (5) feet is required, landscaped to the B3-High Screen Buffer standards.*

Finding: This standard does not apply because there is no "retaining wall" that would be greater than six (6) feet in height or longer than fifty (50) feet in length as part of the design of this project. See Civil Engineering plans prepared by NW Engineers.

9. Fences and Walls.

A. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, or brick, or other durable materials.

B. Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material. Slats may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.

C. Masonry walls shall be a minimum of six inches thick. All other walls shall be a minimum of three inches thick.

D. For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, the preceding standards apply when visible from and within 200 feet of a public street.

E. Fences and walls:

1. May not exceed three feet in height in a required front yard along streets, except required above ground stormwater facilities fencing which may be four feet in height in a required front yard, and eight feet in all other locations.[ORD 4659; June 2015]

2. May be permitted up to six feet in a required front yard along designated Collector and Arterial streets.

3. [ORD 4576; January 2012] For detached housing along streets and housing facing common greens and shared courts in Multiple Use zones, 3 feet high fences and walls are permitted in front of the building, and on corner lots abutting a street, along the side of the building. Higher fences and walls are permitted on corner lots along the side of the building beginning within 15 feet of the back end of the building nearest to the property line.

Finding: There is existing wood fencing (60.05.25.9.A.) around much of the subject site. On the south and east sides an existing 8-foot wooden fence will be retained, relocated and reconditioned as necessary. On the north side, that same existing wood fence extends about half way up the site from the east side. The balance of the north side is fenced by a 3-foot wire fence that is on the adjacent property, out of control of the applicant. No masonry walls are planned for the site (60.05.25.9.C.).

According to 60.05.25.9.E., fences are limited in height in front yard areas along streets. In this case, there will be no fence along the west, or front side of the site adjacent to Hall Blvd.

10. Minimize significant changes to existing on-site surface contours at residential property lines.

Exempting the circumstances listed in Section 60.15.10.2, the following standards shall apply to design review proposals where grading is proposed: [ORD 4487; August2008]

A. 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:

- 1. 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.*
- 2. 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 slope of the abutting property, whichever is applicable.*
- 3. 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 slope of the abutting property, whichever is applicable.*
- 4. 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 slope of the abutting property, whichever is applicable.*
- 5. 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 slope of the abutting property, whichever is applicable.*

Finding: The subject site exhibits very minimal slope, ranging from approximately 243 feet at the northeast corner to approximately 250 feet at the northwesterly portion. Being already developed with a single family detached dwelling (now demolished), the site requires relatively little grading. Thus, 60.05.25.10.A. will be easily satisfied, given that the local vicinity is relatively flat.

B. Notwithstanding the requirements of subsection A. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree.

Finding: While grading within 25 feet of the property lines to prepare the site, existing slopes will not be changed by more than 10% within tree root zones. This should provide protection for the existing trees that will remain, and for new trees to be planted).

C. The grading standards listed in subsection A. above shall not apply to the following:

- 1. Public right-of-way road improvements such as new streets, street widening, sidewalks, and similar or related improvements.*

2. *Storm water detention facilities subject to review and approval of the City Engineer.*

3. *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.*

Finding: In accordance with 60.05.25.10.C.1., 2., and 3., grading adjacent to the public right-of-way (Hall Blvd.) will be done in order to blend the existing right-of-way and the driveway access to the subject site. Also, the rear portion of the site will be graded and paved in order to direct flow to the inlet that is shown on the plans (Sheet 5 of 8, and Civil Plans prepared by NW Engineers).

11. Integrate water quality, quantity, or both facilities. *Non-vaulted surface stormwater detention and treatment facilities having a side slope greater than 2:1 shall not be located between a street and the front of an adjacent building.*

Finding: All on-site surface water detention and treatment facilities will be located away from the street right-of-way (Hall Blvd.) and the front of the proposed building in order to provide protection for those facilities and improvements.

12. Natural areas. *Development on sites with City-adopted natural resource features such as streams, wetlands, significant trees and significant tree groves, shall preserve and maintain the resource without encroachment into any required resource buffer standard unless otherwise authorized by other City or CWS requirements.*

Finding: Based on the “Sensitive Area Pre-Screening Site Assessment” provided by Clean Water Services, there are no sensitive natural resources or areas within this site, or within 200 feet of the site. Therefore, this standard does not apply.

13. Landscape buffering and screening. *All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2. and the following standards. For purposes of this Section, a landscape buffer is required along the side and rear of properties between different zoning district designations. A landscape buffer is required for non-residential land uses and parks in Residential zoning districts. Both buffering standards and side and rear building setback requirements shall be met. Only landscaping shall be allowed in the landscape buffer areas. Buffer areas and building setback standards are measured from the property line, they are not additive. Where a yard setback width is less than a landscape buffer width, the yard setback width applies to the specified buffer designation (B1, B2, or B3 as appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. In addition, the buffer area and landscape standard are intended to*

be continuously applied along the property line, except as authorized under Section 60.05.45.10.[ORD 4584; June 2012]

A. Applicability of buffer standards:

1. The buffer standards shall not be applicable to individual single-family buildings on individual parcels.

Finding: This standard does not apply because the project is not single family structures on individual parcels.

2. The buffer standards shall not apply to areas where emergency access is required.

Finding: There is no specific emergency access point or route on the subject site. All emergency access will be via the planned parking and accessway areas.

3. The buffer standards shall not apply to areas where a public utility easement exists. This exemption only applies to trees and does not exempt the requirement of shrubs and ground cover.

Finding: The only public utility easement(s) on the subject site will be at the frontage of the property, along Hall Blvd. There will be no PUE at any other location on the site. Where the PUE crosses the site at the front of the property, the appropriate landscape standards will be met. See Landscape Plan.

4. The buffer standards shall not apply along property lines where a non-residential use is already buffered by a natural feature or an open space dedication, if such a natural buffer or dedication is at least 40 feet in width, or if the width of the natural feature or open space dedication and the density and quality of landscaping meet or exceed the applicable landscape buffer standard.

Finding: A landscape plan meeting the required standards contained in this Chapter. All perimeter landscaping along the north, south and east property lines meet the requirements for such landscaping. See "Preliminary Landscape Plan", Sheet 8 o 8 and Sheet 8a.

5. The buffer standards shall not apply where required for visual access purposes as determined by the City Traffic Engineer or City Police. This exemption only applies to trees and shrubs and does not exempt the requirement of ground cover.

Finding: The only location where visual access may be necessary is where the driveway/accessway for the site (where it intersects Hall Blvd.). This has been taken into consideration by the landscape designer for the project. See Landscape Plan.

14. Community Gardens.

Finding: This standard does not apply because the project does not contain any “community gardens.

60.05.30 Lighting Design Standards

1. Adequate on-site lighting and minimal glare on adjoining properties
2. Pedestrian-scale on-site lighting.

Finding: This standard is being addressed by a professional lighting design consultant, and will be submitted at a later date.

60.30 Off-Street Parking *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.*[ORD 3965; November1996] 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. [ORD 4397; August2006]*

Finding: As required by 60.30.05.1 and 60.30.05.3, vehicle and bicycle parking is provided for this 10-unit multi-family project. Locations and number of spaces provided for each are shown on Sheet 5 of 8, and the Civil plans prepared by NW Engineers. In addition, calculations for parking requirements are on Sheet 4 of 8.

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 Regional Center 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.[ORD 4471; February2008][ORD 4584; June 2012] [ORD 4686; July 2016]

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.

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. [ORD 4107; May 2000]

5. Regional Center Parking Districts 1, 2, 3, 4, and 5. Located within the boundary of the Regional Center are five (5) parking districts. Within these five districts, the parking requirements of Section 60.30.10.5.A.do not apply. The required number of parking spaces for Regional Center Parking Zones 1, 2, 3, 4, and 5shall be governed by Section 60.30.10.6.[ORD4471; February2008][ORD 4584; June 2012][ORD 4686; July 2016]

Finding: In accordance with the requirements of 60.30.10.1 and 60.30.10.2.A., the requirements for vehicle parking spaces have been calculated to require a minimum of 14 spaces and a maximum of 19 spaces for Zone A and Zone B, respectively. The plan for this site identifies 14 vehicle spaces, one of which will be a handicapped space.

60.30.10.2.A.4. and 60.30.10.2.A.5 do not apply because the site is not within a “Dual parking zone”, nor is within a “Regional Center Parking Districts 1, 2, 3, 4, and 5”. For vehicles, the requirement ratios required under 60.30.10.3. have been calculated according to the “Parking Tables” under 60.30.10.5.A. as “Residential; Uses – Attached dwellings, one bedroom and two bedroom units”. This project contains no three bedroom units. See table for “Parking” on Sheet 4 of 8.

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. [ORD 4302, June2004]

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.[ORD4471; February2008]

*Finding: For bicycles, the requirement ratios required under 60.30.10.3. have been calculated according to the “Parking Tables” under 60.30.10.5.B. as “**Residential Uses** – Multi-dwelling structures containing 4 or more dwelling units”. See table for “Parking” on Sheet 4 of 8.*

In accordance with 60.30.10.7, no parking ratios have been exceeded on this site.

As required by 60.30.10.8, residential parking space dimensions must be not less than 8.5 feet in width and 18.5 feet in length for vehicles. As noted in the “Parking” table on Sheet 4 of 8, the dimensions of all parking spaces will be 8.5 feet in width and 18.5 feet in length, thus meeting the requirement.

60.30.10.10 requires that “*all required off-street parking spaces shall be provided on the same property as the use requiring the spaces*” Because all 14 vehicles parking spaces are on the same property as the building containing the 10 dwelling units, this standard is satisfied.

No reductions or exceptions as allowed by 60.30.10.11 have been proposed or calculated for this project. In addition, no calculation for compact cars as provided by 60.30.10.12 has been made, nor has any credit been taken for carpool or vanpool parking in as allowed by 60.30.10.13.

3. Ratios. *In calculating the required number of vehicle and bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number. In calculating the required number of vehicle and bicycle parking spaces, fractions less than 0.5 shall be rounded down to the nearest whole number. [ORD 3965; November 1996]*

Finding: Required bicycle parking has been calculated according to the table under 60.30.10.5.B., using the entry “**Residential Uses** – Multi dwelling structure containing 4 or more dwelling units”. See Sheet 4 of 8.

5. Parking Tables. *The following tables list the required minimum and maximum vehicle and bicycle parking requirements for listed land use types. [ORD 4584; June 2012]*

Finding: Both vehicle and bicycle parking for the proposed 10-unit multi-family development on the subject site has been calculated based on Tables 60.30.10.5.A (Motor vehicles) and 60.30.10.5.B (bicycles).

8. Residential Parking Dimensions. *For all residential uses, any required parking space shall not be less than 8 1/2 feet wide and 18 1/2 feet long. (See also Section 60.30.15. (Off-Street Parking Lot Design) for other standards.) [ORD 4312; July 2004]*

Finding: All parking spaces planned for this project are at least 8.5 feet in width and 18.5 feet in depth (length).

10. Location of Vehicle Parking.

A. All required off-street parking spaces shall be provided on the same property as the use requiring the spaces, with the following exceptions:

Finding: As required under this standard, all parking for the proposed 10-unit multi-family development has been proposed in accordance with adopted standards, and no exceptions are requested or required.

60.30.15 Off-Street Parking Lot Design. *All off-street parking lots shall be designed in accordance with City Standards for stalls and aisles as set forth in the following drawings and tables:*

A=Parking Angle
B=Stall Width
C=Stall Depth (no bumper overhang)
D=Aisle Width
E=Stall Width (parallel to aisle)
F=Module Width (no bumper overhang)
G=Bumper Overhang
H=Backing Area
I=Module Intermesh

NOTE:

- 1) For one (1) row of stalls use "C" plus "D" as minimum bay width.
- 2) Public alley width may be included as part of dimension "D", but all parking stalls must be on private property, off the public right-of-way.
- 3) For estimating available parking area, use 350 sq. ft. per vehicle for stall, aisle and access areas.
- 4) The stall width for self-parking of long duration is 8.5 feet; for higher turnover self-parking is 9.0 feet; and for supermarkets and similar facilities (shoppers and packages) is 9.5-10 feet.
- 5) The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle access (one way traffic) is 20 feet.
- 6) Where appropriate, bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth. Dimensions of required recreational vehicle spaces are 10 feet by 25 feet.
- 7) Parking lots in conjunction with government and public buildings, as defined by Chapter 11 of the International Building Code, are to include parking for the handicapped as required in that chapter. These special spaces may be included within the total spaces required.[ORD3494; March 1986][ORD 4365; October2005][ORD 4697; December 2012]

Finding: All parking spaces will be 90 degree spaces. Under "A", 90 degree spaces must be 8.5 feet in width and 18.5 feet in length. Aisle width must be 24 feet. As designed, all sizes meet these minimum dimensions. See Sheets 4, 5, 6 and 8 of 8, plus the Civil plans prepared by NW Engineers. Thus, all requirements for the off-street parking lot have been satisfied.

- **60.55 Transportation Facilities**

60.55.05. Purpose and Intent. *It is the purpose and intent of this chapter to establish design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the City of Beaverton.*

60.55.30 Minimum Street Widths. *ORD4302; June2004] Minimum street widths are depicted in the Engineering Design Manual. [ORD 4418; February2007*

Finding: The site fronts on and takes access to/from Hall Blvd. which is currently 43 feet in right-of-way width. The required width of Hall Blvd. right-of-way is 48 feet. In order to achieve that required width, an additional 5 feet must be dedicated from the frontage of the subject site. As illustrated on Sheets 4, 5, and 6 of 8 and the Civil Plans prepared by NW Engineers, the required 5-foot dedication is identified. Further, a public utility easement (PUE) of an additional 8 feet is needed in order to accommodate all utilities. Thus the front of the building is set back a total of 13 feet from the existing right-of-way line.

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*

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.[ORD 4584; June 2012]*

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. [ORD 4462; January 2008*

Finding: Proposed access to the site will be taken at basically the same location as has been the point of access to the previous single family dwelling that is being removed from the site. This point of access will be widened from the existing width in order to have a 24-foot two way access to/from the site. As required in 60.55.35.2., “*no more than 25 dwelling units may have access onto a closed-end street system*”. Because this project proposes only 10 multi-family residential units, this standard will be satisfied.

This project does not propose a new intersection, but will utilize the existing intersection of the existing driveway for the single family detached unit that is being removed to make

way for the 10-unit multi-family building. Because Hall Blvd. is in a straight line at this point, site distances should be adequate. Of course, the intersection of the modified driveway with Hall Blvd. will be a 90 degree intersection. The modified driveway is not at a corner, nor is the driveway a shared access driveway. No other uses other than the 10-unit multi-family attached building will be using this modified driveway.

- **60.60 Trees and Vegetation**

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

Finding: A total of 19 trees were inventoried on the subject site by Teragan & Associates, Inc. However, two trees, tree tags nos. 18 and 19, "appear to be offsite". As such, there are 17 trees on the subject site that were actually considered to be on the subject site. Most trees are in "fair" to "good" condition, but one was in "poor" condition, and another was in "very poor" condition. A total of nine (9) trees are scheduled for removal from the site to make way for the proposed development, including the parking area.

60.60.10. Types of Trees and Vegetation Regulated. *Actions regarding trees and 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.*

Finding: Under **60.60.10 – Types of Trees and Vegetation Regulated**, it would be reasonable to assume that some, but not all inventoried trees are either "Significant Individual Trees" or "Community Trees", based on the inventory by Teragan & Associates. For example, tree tag no. 1 is a Douglas-fir with a 43-inch dbh, yet it is only considered to be in "fair" condition. Therefore, it should not be considered to be a "Significant Individual Tree", and thus a "Protected Tree", nor should it be considered a "Community Tree" because it does not meet the definition of either. On the other hand,

tree tag no. 15 is a Douglas-fir with a 56-inch dbh in “good” condition which could be considered to be a “Significant Individual Tree” since it would appear to meet the definition of a “Significant Tree” under the city’s definition found on page DF-47 of the Code. It would also be considered a “Protected Tree”. Of the 17 trees on the subject site that were tagged, only six (6) meet the city’s definition of a “Community Tree” (i.e., being at least 10 inches dbh and in “good” condition) and thus may be “Protected Trees”. These are trees tagged nos. 5, 7, 12, 15, 16, and 17. Only trees tagged nos. 5, 16, and 17 are scheduled for removal to make way for the proposed development.

It should be noted that there are no (zero) trees on the site that are determined to be “Landscape Trees” because there has been no prior approved landscape plan for the site. Further, there are no “Significant Natural Resource Areas” on the subject site, nor are there any “Significant Groves”, nor “Historic Trees” nor “Mitigation Trees”.

60.60.15 – Pruning, Removal, and Preservation Standards

Finding: While there may be some pruning of retained trees done as part of the overall site development, the standards of 60.60.15.1.A. and B. may apply since these standards apply to “Protected Trees”, and there will be three (3) of six (6) “Protected Trees” that will be retained (7, 12, and 15).

60.60.15.2. will apply to the remaining “Protected Trees” on the subject site. Removal of trees 5, 16 and 17 will be done in accordance with 60.60.15.2.A., and those removed trees will be mitigated in accordance with 60.60.15.2.B. 60.60.15.2.C. will not apply to any trees on the subject site because there is no identified “SNRA”, nor any “Significant Grove”.

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.

Finding: Any tree on the subject site that may be classified as a “Protected Tree” or a “Community Tree”, will be protected during development of the subject site by compliance with 60.60.20.1.A. As required by 60.60.20.1.B., the root protection zones of all retained trees shall be protected by limiting activities as noted in sub-items 1., 2., 3., 4., 5., and 6.

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”.*
 - 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.*

Finding: Mitigation requirements will follow those set forth in 60.60.25.1. It should be noted that because there is no SNRA on the subject site, nor any Significant Grove, the standards of 60.60.25.2., 60.60.25.3., 60.60.25.4., 60.60.25.5., or 60.60.25.6.

As required under 60.60.25.1.A., all tree planting will be in conformance with accepted arboricultural practices, and will be monitored and reviewed by the project arborist, Teragan & Associates during the planting process. Further, the property owner recognizes the responsibility for maintaining the trees that are planted for a period of two (2) years. Monitoring during this two year period shall be the responsibility of the property owner, as required in 60.60.25.1.B.

While some of the mitigation trees will be located in the landscape buffer areas in the perimeter of the site, there is no need for a separate tract as called for in 60.60.25.1.C. While the owner may record a deed restriction identifying which trees are mitigation trees, no separate tract will be provided other than the required landscape buffer along

the perimeter of the site. Similarly, because the mitigation trees will be located within the required landscape buffer along the perimeter of the subject site, no performance security will be provided, nor is any such security necessary. If the property owner records a deed restriction identifying the mitigation trees within the required landscape buffer, and will monitor and maintain the trees for a period of two years, the same purpose as the security deposit is served.

60.60.25.7. calls for a determination of required mitigation for “All Other Zones”. This has been done following the example in the table on pageSR-265 , as follows:

DBH of Surveyed Trees	460.0
DBH Proposed for Removal	245.0
Mitigation Threshold (50% Surveyed Tree DBH)	230.0
DBH to be Mitigated (25% Surveyed DBH)	115.0
On Site Mitigation (50% of DBH to be Mitigated)	57.5

Of the total of 460.0 inches of trees inventoried on the subject site, 245.0 inches of those to be removed, those that are deciduous (trees tagged nos. 4, 13, 16, and 17) total 89 inches. However, tree tagged no. 13 is a sweet cherry which measures only 7 inches dbh. Therefore, the final total for deciduous trees is 83 inches. Based on the “Replacement Table for Significant Deciduous Trees”, those 82 caliper inches result in a total of **24 inches** of trees (6 + 9 + 9).

Of the total of 460.0 inches of trees inventoried on the subject site, 245.0 inches of those to be removed, those that are coniferous (trees tagged nos. 1, 2, 3, 5, and 10) total 156 inches. Based on the “Replacement Table for Significant Coniferous Trees”, 156 caliper inches result in a total of **14 trees**.

So, the final total of mitigation trees is 24 inches of deciduous trees and 14 coniferous trees. The Preliminary Landscape Plan (Sheet 8 of 8) and the Planting Schedule (Sheet 8a of 8), proposes to plant enough trees to cover these requirements.

- **60.65 Utility Undergrounding**

60.65.05. Purpose. The purposes and objectives of locating existing and proposed private utilities underground are to:

- 1. Implement the policies, goals, and standards of the City Council and the adopted Comprehensive Plan of the City of Beaverton.*
- 2. Improve aesthetics of the community by reducing the number of utility poles and above ground wires.*
- 3. Provide consistency in management of the City’s rights-of-way.*

4. *Protect essential public services from natural and manmade accidental disruptions.*
5. *Improve public safety by reducing the possibility for injury from downed lines.*
6. *Allow fewer fixed obstructions in the public right-of-way.*

Finding: While the existing utilities serving the demolished dwelling that will be removed from the subject site may not be underground (i.e., electrical, telephone, cable TV, etc.), all new utilities will be placed underground. Thus the appropriate and applicable **Purposes** of this section will be achieved. As illustrated on the Civil Plans prepared by NW Engineers, these services will be underground in the proposed new public utility easement that is illustrated on the various plans. Once again, as required by 60.65.20, the necessary services are shown on the plans prepared by NW Engineers. As identified in 60.65.25 and 60.65.30., no fee-in-lieu of undergrounding is proposed.

- **60.70 Wireless Communications Facilities**

Finding: While there will be no wireless communications facilities located on the subject site, the various utilities that will be undergrounded will be co-located. 60.70.60 creates a process whereby the various services to be undergrounded might agree to be co-located in the same 8-foot public utility easement (PUE).