

December 13, 2023

APPLICANT'S STATEMENT

APPLICANT/OWNER: Kim-Hien Nguyen
15 Duberstein Drive
San Ramon, CA 94583

**APPLICANT'S
REPRESENTATIVE:** Danelle Isenhardt, AICP
Isenhardt Consulting, LLC
P.O. Box 2364
Beaverton, Oregon 97075

REQUEST: 2-parcel partition with existing single-detached
dwelling to remain on front lot

**SITE LEGAL
DESCRIPTION:** Tax Lot 03000; Tax Map 1S1 16CA
Washington County, Oregon

SIZE: ~0.35 acres

LOCATION: 4975 SW 139th Avenue

LAND- USE DISTRICT: RMC

I. APPLICABLE REGULATIONS

- A. City of Beaverton Comprehensive Plan
- B. City of Beaverton Development Code:
 - Section 20.05 Residential Land Use Districts
 - Section 20.25 Density and Bulk
 - Section 40.03 Facilities Review Committee
 - Section 40.21 Single-Detached and Middle Housing Design Review One
 - Section 40.45 Land Division and Reconfiguration
 - Section 40.47 Legal Lot Determination
 - Section 50.20 Pre-Application Conference
 - Section 60.05 Design Review Principles Standards and Guidelines
 - Section 60.15 Land Division Standards
 - Section 60.30 Off-Street Parking
 - Section 60.55 Transportation Facilities
 - Section 60.60 Trees and Vegetation
 - Section 60.65 Utility Undergrounding

II. AFFECTED JURISDICTIONS

- Domestic Water: City of Beaverton
- Drainage: City of Beaverton and Clean Water Services
- Erosion Control: Clean Water Services
- Fire Protection: Tualatin Valley Fire and Rescue
- Parks: Tualatin Hills Park & Recreation District
- Police Protection: Beaverton Police Department
- Schools: Beaverton School District
- Sewer: Clean Water Services
- Streets: City of Beaverton
- Water Quality/Quantity: Clean Water Services

III. BACKGROUND:

The applicant is requesting a preliminary partition application and legal lot determination application for a 2-parcel partition. The existing dwelling and existing shop are proposed to remain on Parcel 1. The wood steps on the north side of the existing dwelling will be removed as they encroach into the proposed access and utility easement. A duplex is proposed on Parcel 2. The subject property is identified by the Washington County assessor as Tax Lot 3000 of Tax Map 1S1—16CA and is further defined as 4975 SW 139th Avenue.

All necessary utilities (i.e., power, sanitary sewer, water, etc.) are presently available to the site, as illustrated on the preliminary site/utility plan. No new utilities are proposed to the existing dwelling as all services exist. New service laterals for sanitary sewer and water meter connections are proposed for the duplex on Parcel 2 (See Sheet 5 of 9 - Preliminary Utility Plan).

County maps, in addition to other sources—e.g., Clean Water Services’ pre-screen analysis show that no portion of the site is impacted by wetlands or 100-year flood plain.

IV. FINDINGS

A. BEAVERTON COMPREHENSIVE FRAMEWORK PLAN

COMMENT:

Except where required by the Beaverton Development Code, this application is not required to address the city’s goals and policies related to the development of land, since the Beaverton Comprehensive Plan is implemented by the code.

B. BEAVERTON DEVELOPMENT CODE

SECTION 20.05: RESIDENTIAL LAND USE DISTRICTS

20.05.10 Purpose

4. RMC Residential Mixed C

The RMC District is intended to allow a mix of housing types, including detached and attached housing, at the lowest number of units per acre of Beaverton’s residential zones.

20.05.15 Site Development Standards

20.05.15 Residential Site Development Standards	
	RMC
A. Minimum Land Area	N/A
B. Minimum Lot Area (sq. ft.)	
Single-Detached and Duplex	5,000
C. Maximum Residential Density	N/A
D. Minimum Residential Density (units per acre)	7
E. Minimum Lot Width	20
F. Minimum Yard Setbacks	
1. Front	10
2. Side	0, 3 or 5
3. Rear	15
4. Garage	18.5
5. Garage Door to Rear	22
6. Minimum Between Buildings	6
G. Building Height	35
1. Maximum	
H. Maximum FAR	
1. Single-Detached Dwelling	0.60
2. Duplex	0.65

COMMENT:

Each of the proposed parcels is greater than 5,000 sq. ft. in area. The site is 0.3188 acres after the required street dedication along SW 139th Avenue. The minimum density is $0.3188 * 7$, which equals 2.23 or 2 units minimum. The applicant is proposing 3 units. Each lot is 83.46 feet in width. The proposed duplex has been designed to meet the required setbacks. The existing dwelling will continue to meet setbacks even after the dedication. The existing shop is in the side setback (south side) and is a non-conforming setback. The proposed partition line will not change the non-conforming setback. The proposed duplex is 2 stories and will meet the maximum height during building permit review. The existing house is less than 35 feet in height as it is a one story dwelling. The proposed duplex has a proposed FAR of 0.647 or 0.65, which is the maximum allowed in the RMC zone. The existing detached dwelling has a floor area of 1,215 sf, therefore, the FAR is 0.18. These standards are satisfied.

20.05.20 Land Uses

COMMENT:

Per the table in this section (20.05.20.A) single-detached dwellings and duplexes are a permitted use in the RMC zone.

SECTION 20.25: DENSITY AND BULK

20.25.05 Minimum Residential Density

- A. New residential development in all Residential, Commercial, and Multiple Use districts which permit residential development must achieve at least the minimum density for the zoning district in which they are located.**

Minimum residential density is calculated as follows:

- 2. For the RMA, RMB, and RMC zoning districts, except for multi-dwellings:
 - a. Refer to the definition of Acreage, Net.**
 - b. Multiple the net acreage by the minimum residential density provided in Section [20.05.15](#). to determine the minimum number of dwellings that must be built on the site.****
- 3. If the resulting number in step 1.b or 2.b is not a whole number, the number is rounded to the nearest whole number as follows: If the decimal is equal to or greater than 0.5, then the number is rounded up to the nearest whole number. If the decimal is less than 0.5, then the number is rounded down to the nearest whole number.**

COMMENT:

The site is 0.3188 acres after the required street dedication along SW 139th Avenue. The minimum density is $0.3188 * 7$, which equals 2.23 or 2 units minimum. The applicant is proposing 3 units. Therefore, minimum density is met.

20.25.10 **Floor Area Ratio**

A. Floor Area. **Mixed Use Development**, non-residential development, and residential development in certain zones are governed by minimum and maximum Floor Area Ratios. Generally, Floor Area Ratio (FAR) is the ratio of gross floor area to net acreage on a site. In the RMA, RMB and RMC zones, FAR is the ratio of gross floor area to net acreage on a lot. Residential-only development is also governed by minimum densities, and in some zones, maximum densities. For Mixed Use Developments, no maximum limitation shall be placed on the number of **dwelling units** permitted. Multiple Use Developments with single-use residential buildings are governed by residential density and FAR provisions, as calculated by 20.25.10.C, below.

COMMENT:

The proposed duplex has a proposed FAR of 0.647, which is slightly less than the maximum allowed (0.65) in the RMC zone. The proposed floor area is 4,727 sq. ft. Therefore, the proposed FAR calculation is 4,727/7,306 or 0.647. The existing detached dwelling has a floor area of 1,215 sf, therefore, the FAR is 0.18. This standard is satisfied.

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

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

COMMENT:

The existing dwelling and shop are proposed to remain on proposed Parcel 1. The only exterior change to the dwelling is the removal of the stairs on the north side. A duplex is proposed on the rear parcel (Parcel 2). The site is currently served by all critical facilities

and services and will continue to be served with existing services to Parcel 1. Parcel 2 will have critical services provided during the building permit phase. Water meters and services are proposed to serve the duplex. Sanitary laterals are proposed to serve the duplex. The applicant for the partition is proposing to pay the fee-in-lieu for stormwater for the site instead of providing storm planters on the site. The duplex will be constructed with fire suppression system (sprinklers) as the lot is to the rear of the existing house with a 12' wide access easement. This criterion is satisfied.

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

COMMENT:

The existing dwelling and shop are proposed to remain on Parcel 1. A duplex is proposed on Parcel 2. The site is currently served by all essential facilities and services and will continue to be served with the proposed partition. The site is served by the Beaverton School District. The school district should be able to serve 2 additional units and the potential additional students. Transit is provided by Tri-Met in Beaverton. The site is not on a transit line. The site is near bus route 52 with stops to the north along Farmington Road. The 2nd closest bus line (route 57) is on Canyon Road to the north of the site. The 3rd closest bus line (route 62) is on Murray Blvd. to the west of the site. The site is served by the Beaverton Police Department. The addition of 2 new units will add very minimal change to the police service times and availability. SW 139th Avenue currently has no sidewalks or bike lanes. The site will provide a sidewalk along the site frontage at time of building permit/development of Parcel 2. Bicycles will continue to share the road with vehicles on SW 139th Avenue (local street). This criterion is satisfied.

- C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses), or Sections 20.25 and 70.15 if located within the Downtown Design District, unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses) or Sections 20.25 and 70.15 if located within the Downtown Design District.**

COMMENT:

The existing dwelling and shop and proposed partition are consistent with all of the applicable provisions of Chapter 20, as addressed above. The site is not in the Downtown Design District. This criterion is satisfied.

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

COMMENT:

The proposal is consistent with the applicable provisions of Chapter 60. Off-street parking is addressed below. Dedication along the site's SW 139th Avenue frontage are proposed. The required improvements are shown on the plans and the applicant is requesting that the street improvements be required at the time of building permit for the rear lot, not prior to final plat. This criterion is satisfied.

- 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.**

COMMENT:

The owners of each parcel will maintain each property and the structure and improvements on each lot. The shared access and utility easement will be maintained by both parcel owners and will have a maintenance agreement drafted during final plat review. This criterion is satisfied.

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

COMMENT:

The proposed 2-parcel partition includes a dwelling that is proposed to be retained on the front parcel (Parcel 1). A duplex is proposed on the rear lot (Parcel 2). There is no sidewalk along the site. The proposed partition includes dedication and improvements along the site frontage, including sidewalk. A shared access and utility easement is proposed along the north side of Parcel 1, which will provide safe and efficient vehicular and pedestrian circulation for the new duplex on Parcel 2. This criterion is satisfied.

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

COMMENT:

The new driveway at the north side of Parcel 1 will intersect with SW 139th Avenue at a right angle. This intersection will provide connection and circulation in a safe, efficient, and direct manner. This criterion is satisfied.

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

COMMENT:

The proposed partial street improvements are designed in accordance with City codes and standards. There is a fire hydrant across the street from the site. This criterion is satisfied.

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.**

COMMENT:

The proposed partial street improvements are designed in accordance with City codes and standards. The duplex will have lighting that provides protection from crime. There are no existing hazardous conditions on the site due to inadequate, substandard or ill-designed development. This criterion is satisfied.

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

COMMENT:

The existing dwelling and shop are proposed to remain on Parcel 1. Minor grading is proposed for the partial street improvements along the site frontage (proposed at time of building permit). Minor grading will be proposed for the new duplex during building permit. This criterion is satisfied.

- 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.**

COMMENT:

The existing dwelling and shop are proposed to remain on Parcel 1. The partial street improvements will add a sidewalk along the site frontage and the intersection of the new driveway and sidewalk will be designed to meet ADA standards. This criterion is satisfied.

- L. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code. [ORD 4265; October 2003]**

COMMENT:

The required application materials have been submitted as part of the partition application to the City. This criterion is satisfied.

SECTION 40.21: SINGLE-DETACHED AND MIDDLE HOUSING DESIGN REVIEW

40.21.10 Applicability

- 1. Development of single-detached dwellings (including manufactured homes) and middle housing in the RMA, RMB, and RMC zoning districts shall be subject to Single-Detached and Middle Housing Design Review. For Design**

Review of attached forms of middle housing outside of the RMA, RMB, and RMC districts, refer to Section **40.20** (Design Review).

2. The scope of Single-Detached and Middle Housing Design Review shall be limited to the exterior of **buildings, structures, and other development and to the site** on which the buildings, structures, and other development are located.

COMMENT:

The existing single-detached dwelling and associated shop are proposed to remain on Parcel 1. The proposed duplex on Parcel 2 will go through Single-Detached and Middle Housing Design Review after final plat review.

40.21.15 Application

There are three (3) Single-Detached and **Middle Housing Design Review** applications which are as follows: Single-Detached and Middle Housing Design Review One, Single-Detached and Middle Housing Design Review Two, and Single-Detached and Middle Housing Design Review Three.

1. Single-Detached and Middle Housing Design Review One.

A. **Threshold**. An application for Single-Detached and Middle Housing Design Review One shall be required when one or more of the following thresholds describe the proposal:

1. Addition, elimination, or change in location of windows.
2. Addition, elimination, or change in location of doors.
3. Demolition or other reduction in **square footage** of an existing **building**.
4. Removal of **Landscape Trees**.
5. New construction of single-detached **dwellings** or middle housing in the RMA, RMB, or RMC **zoning district**.
6. Building additions for single-detached dwellings or middle housing in the RMA, RMB, or RMC zoning districts.

COMMENT:

The existing single-detached dwelling and associated shop are proposed to remain on Parcel 1. The proposed duplex on Parcel 2 will go through Single-Detached and Middle Housing Design Review One after final plat review.

SECTION 40.45: LAND DIVISION AND RECONFIGURATION

40.45.10 Applicability

The provisions of this section apply to all subdivisions, partitions, developments involving the dedications of public right-of-way, and the reconfiguration of existing property lines. Code requirements for the vacation of public rights-of-way are in Section 40.75. (Street Vacations).

COMMENT:

The applicant is proposing a 2-parcel partition. Therefore, this Section is applicable.

40.45.15 Application

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

COMMENT:

The proposal is for a 2-parcel preliminary partition.

4. Preliminary Partition.

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

- 1. The creation of up to and including three (3) new parcels from at least one (1) lot of record (parent parcel) in one (1) calendar year.**

COMMENT:

The proposal is for a 2-parcel preliminary partition.

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

COMMENT:

The proposal is for a 2-parcel preliminary partition. The application will be processed as a Type 2 procedure.

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

- 1. The application satisfies the threshold requirements for a Preliminary Partition. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47, further division of the parent parcel shall not proceed until all provisions of Section 40.47.15.1.C have been met.**

COMMENT:

The proposed 2-parcel partition meets the threshold requirements for a Preliminary Partition, as noted above. A Legal Lot Determination has been submitted concurrently with the preliminary partition application. This criterion is satisfied.

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

COMMENT:

The application fees for the preliminary partition and legal lot determination applications have been submitted/paid. This criterion is satisfied.

- 3. The application is consistent with applicable requirements of CHAPTER 20 and CHAPTER 60, 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.**

COMMENT:

The proposed 2-parcel partition complies with all applicable requirements of Chapter 20 and Chapter 60, as addressed in this narrative and supporting documents. This criterion is satisfied.

- 4. The proposed partition does not conflict with any existing City approval, except the City may modify prior approvals through the partition process to comply with current Code standards and requirements.**

COMMENT:

The proposed 2-parcel partition does not conflict with any existing City approvals as there are no previous land use cases for this site. This criterion is satisfied.

- 5. Oversized parcels (oversized lots) resulting from the Partition shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed partition and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot. Oversized parcels in the RMA (except for multi-dwelling structures, RMB and RMC zones shall be subject to provisions in Section 20.25.05.d.**

COMMENT:

There are no oversized parcels proposed in the 2-parcel partition. Therefore, this criterion is not applicable.

- 6. For proposals which create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district.**

COMMENT:

The site is in one zoning district (RMC). This criterion is not applicable.

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

COMMENT:

All applications and documents related to the preliminary partition and legal lot determination applications have been submitted to the City. Any documents will be submitted to the city in the proper sequence. This criterion is satisfied.

SECTION 40.47: LEGAL LOT DETERMINATION

40.47.15 Application.

There is a single Legal Lot Determination application which is subject to the following requirements.

1. Legal Lot Determination.

A. Threshold. An application for Legal Lot Determination shall be required when any of the following thresholds apply:

- 1. The owner of a lot or parcel, or the owner's authorized representative or contract purchaser, has requested the Legal Lot Determination for one or more contiguous lots or parcels under the same ownership.**
- 2. The owner or contract purchaser of a lot or parcel requests a Legal Lot Determination to validate a unit of land alleged to be improperly created by sale. Under this threshold, fewer than all the owners of a unit of land may apply for a Legal Lot Determination, provided the applicant is the purchaser of an interest in the subject lot or parcel and the purchase occurred prior to January 1, 2007.**
- 3. The Director requires a Legal Lot Determination be made as a prerequisite to, or concurrently with, the filing of a land use application.**

COMMENT:

A Legal Lot Determination application is required to validate the site a legal lot of record for the proposed 2-parcel preliminary partition.

B. Procedure Type. The Type 1 procedure, as described in Section [50.40](#) of this Code, shall apply to an application for Legal Lot Determination. The decision making authority is the Director.

COMMENT:

The proposal is for a legal lot determination for the site. The application will be processed as a Type 1 procedure.

C. Approval Criteria. In determining if the subject lot or parcel is a Legal Lot, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The application satisfies the threshold requirements for a Legal Lot Determination.

COMMENT:

The proposed legal lot determination meets the threshold requirements for a Legal Lot Determination, as noted above. This criterion is satisfied.

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

COMMENT:

The application fees for the preliminary partition and legal lot determination applications have been submitted/paid. This criterion is satisfied.

3. The unit of land conforms to the lot area and dimensional standards of CHAPTER 20 (Land Use) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District; except where a unit of land was created by sale prior to January 1, 2007 and was not lawfully established, the Director may deem the unit of land a Legal Lot upon finding: [ORD 4799; January 2021]

a. The unit of land could have complied with the applicable criteria for creation of a lawful parcel or lot in effect when the unit of land was sold; or

b. The City, or County prior to annexation, approved a permit as defined in ORS 215.402 or 227.160(2) for the construction or placement of a dwelling or other structure on the unit of land after the sale, and such dwelling has all of the features listed in ORS 215.755(1)(a)-(e). [ORD 4659; July 2015]

COMMENT:

The existing site conforms to the dimensional standards of Chapter 20. There is not lot area standard in the RMC zone. The site is not within the Downtown Design District. This criterion is satisfied.

4. The application contains all applicable submittal materials as specified in Section 50.25.1. of the Development Code. [ORD 4584; June 2012]

COMMENT:

All applications and documents related to the preliminary partition and legal lot determination applications have been submitted to the City. This criterion is satisfied.

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

COMMENT:

All applications and documents related to the preliminary partition and legal lot determination applications have been submitted to the City. Any documents will be submitted to the city in the proper sequence. This criterion is satisfied.

D. Submission Requirements. An application for a Legal Lot Determination shall be made by the owner of the subject property, the owner's authorized agent, or contract purchaser on a form provided by the Director and shall be filed with the Director; provided, however, fewer than all the owners of a unit of land created by sale prior to January 1, 2007, may apply for a Legal Lot Determination. The Legal Lot Determination application shall be accompanied by a sworn statement that the applicant is the purchaser of an interest in the subject lot or parcel and that their interest was represented at the time of their purchase to be that of a discrete lot or parcel but that it appears the discrete lot or parcel may have been improperly created.

COMMENT:

The application for the Legal Lot Determination is requested by the owners of the subject property (see application form).

SECTION 50.20: PRE-APPLICATION CONFERENCE

1. With the exception of City initiated or Wireless Facility applications, a pre-application conference shall be required for all proposals which require Type 2 or Type 3 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.

COMMENT:

A pre-application conference was held for the proposed preliminary partition on August 17, 2022. This standard is satisfied.

SECTION 60.05: DESIGN REVIEW DESIGN PRINCIPLES, STANDARDS AND GUIDELINES

60.05.11 Applicability of Design Standards to Residential Uses.

COMMENT:

Per Table 60.05.11, the proposed duplex is subject to the design standards and guidelines in 60.05.60 during the design review application (later), as applicable for the likely Type 1 Design Review. The existing single-detached dwelling is not subject to these standards.

60.05.60 Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing.

1. Applicability.

- A. Unless otherwise noted, the standards and guidelines in this section apply to single-detached dwellings (including manufactured homes but excluding compact detached housing) and middle housing in the RMA, RMB, and RMC zoning districts. Compact detached housing is subject to the standards in Sections 60.05.15 – 60.05.30.
- B. These standards and guidelines do not apply to middle housing created through conversion of, or addition to, an existing single-detached dwelling; however, the conversion or addition shall not increase nonconformance with these standards or guidelines.
- C. If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the standards and guidelines that are applicable to the lot or applicable on a per-lot basis shall apply to the middle housing parent lot, not to the middle housing child lots.

COMMENT:

Per Table 60.05.11, the proposed duplex is subject to the design standards and guidelines in 60.05.60 during the design review application (later). The existing single-detached dwelling is not subject to these standards.

SECTION 60.15: LAND DIVISION STANDARDS

60.15.10 Grading Standards.

- 1. **Applicability.** The on-site surface contour grading standards specified in Section 60.15.10.3. are applicable to all land use proposals where grading is proposed, including land division proposals and design review proposals, as applicable. This Section does not supersede Section 60.05.25. (Design Review) and the exemptions listed in Section 60.15.10.2. will apply equally to design review proposals.
- 2. **Exemptions.** The following improvements will be exempted from the on-site surface contour grading standards specified in Section 60.15.10.3.:
 - A. Public right-of-way road improvements such as new streets, street widening, sidewalks, and similar or related improvements.
 - B. Storm water detention facilities subject to review and approval of the City Engineer.
 - C. On-site grading where the grading will take place adjacent to an existing public street right-of-way, and will result in a finished grade that is below the elevation of the subject public street right-of-way; provided such grading is subject to the approval of the City Engineer, who may require appropriate erosion and sediment control mitigation measures.
- 3. **On-site surface contouring.** When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:

- A. 0 to 5 feet from property line: Maximum of two (2) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]
 - B. More than 5 feet and up to and including 10 feet from property line: Maximum of four (4) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]
 - C. More than 10 feet and up to and including 15 feet from property line: Maximum of six (6) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]
 - D. More than 15 feet and up to and including 20 feet from property line: Maximum of eight (8) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]
 - E. More than 20 feet and up to and including 25 feet from property line: Maximum of ten (10) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]
 - F. Where an existing (pre-development) slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, above, the slope after grading (post-development) shall not exceed the pre-development slope.
 - G. The on-site grading contours standards above apply only to the property lines of the parent parcel of a development. They do not apply to internal property lines within a development. [ORD 4584; June 2012]
4. **Significant Trees and Groves.** Notwithstanding the requirements of Section 60.15.10.3, above, grading within 25 feet of a significant tree or grove, where the tree is located on- or off-site, shall observe the following:
- A. 0 to 10 feet from the trunk of a significant tree or grove: No change in pre-development ground elevation;
 - B. More than 10 feet, and up to and including 25 feet, from the trunk of a significant tree or grove, or to the outside edge of the tree's drip line, whichever is greater: Maximum 10% slope gradient difference from the pre-development ground elevation;
 - C. Based on a recommendation of the City Arborist, the decision making body may require additional setbacks and/or other tree protection measures to protect the public health, safety and welfare.

COMMENT:

A preliminary grading plan is included with this submittal. There are not significant trees or grove on the site. This criterion is satisfied.

SECTION 60.30: OFF-STREET PARKING

60.30.05 Off-Street Parking Requirements

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

- 1. Availability.** Required parking spaces shall be available for parking operable passenger automobiles and bicycles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for parking of trucks used in conducting the business or use.
- 2. Vehicle Parking.** Vehicle parking shall be required for all development proposed for approval after November 6, 1996 unless otherwise exempted by this ordinance. The number of required vehicle parking spaces shall be provided according to Section 60.30.10.5.
- 3. Bicycle Parking.** [ORD 3965; November 1996] Bicycle parking shall be required for all quadplexes, townhouses (with 4 or more units), cottage clusters, multi-dwellings, 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.

COMMENT:

The applicant proposes off-street parking for each unit. The existing dwelling will have a parking space in the rear yard off the new driveway that will also access Parcel 2. Parcel 2 is proposed to have a duplex with garages for each unit. Bicycle parking is not required for single-detached or duplex dwellings. This standard is satisfied.

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; February 2008] [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.

COMMENT:

Per Table 60.30.10.5.A, 1.0 vehicle parking space is required per unit for single-detached dwellings and duplex units in the RMC zone. A parking space/pad for the existing single-detached dwelling is proposed on Parcel 1 in the rear yard off the new driveway/access easement. Each unit of the duplex is proposed to have a garage. Therefore, at least 1 off-street parking space will be provided for each unit. This standard is satisfied.

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.

COMMENT:

Bicycle parking is not required for single-detached or duplex dwellings. Therefore, this standard is not applicable.

SECTION 60.55: TRANSPORTATION FACILITIES

60.55.15 Traffic Management Plan.

COMMENT:

The proposed 2-parcel partition will not add 20 or more trips onto a residential street (SW 139th Avenue). Therefore, this section is not applicable.

60.55.20 Traffic Impact Analysis.

COMMENT:

The proposed 2-parcel partition does not exceed the threshold of 60.55.20.2. Therefore, this section is not applicable.

60.55.25 Street and Bicycle and Pedestrian Connection Requirements.

1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.

2. The ***Comprehensive Plan Transportation Element*** Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future potential street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel. For properties within the South Cooper Mountain Community Plan area, Figure 10: Community Plan Street Framework and Figure 11: Community Plan Bicycle & Pedestrian Framework of the South Cooper Mountain Community Plan shall be used to identify functional classifications of streets, future streets, bicycle, and pedestrian connections. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. Trails identified in Figure 11: Community Plan Bicycle & Pedestrian Framework shall be designed to meet applicable Tualatin Hills Parks & Recreation (THPRD) District trail design standards, unless otherwise approved by THPRD. Deviations from Figure 10: Community Street Framework or Figure 11: Community Plan Bicycle & Pedestrian Framework shall be reviewed through the Planned Unit Development application. [ORD 4822; June 2022]
3. Where a future street or bicycle and pedestrian connection location is not identified in the ***Comprehensive Plan Transportation Element***, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.
4. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.
5. Whenever existing streets and bicycle and pedestrian connections adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.
6. Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.
7. Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.
8. To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.

9. **Accessways** are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by **this code** and where full street connections are not possible due to the conditions described in Section 60.55.25.14. [ORD 4397; August 2006] [ORD 4697, December 2016]

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

A. Accessways shall be provided as follows:

1. In any block that is longer than 600 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, an accessway shall be required through and near the middle of the block.
2. If any of the conditions described in Section 60.55.25.14. result in block lengths longer than 1200 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, then two or more accessways may be required through the block. [ORD 4397; August 2006] [ORD 4697; December 2016]
3. Where a street connection is not feasible due to conditions described in Section 60.55.25.14. one or more new accessways to any or all of the following shall be provided as a component of the development if the accessway is reasonably direct: an existing transit stop, a planned transit route as identified by TriMet and the City, a school, a **shopping center**, or a neighborhood park. [ORD 4397; August 2006] [ORD 4697; December 2016]
4. The City may require an accessway to connect from one **cul-de-sac** to an adjacent cul-de-sac or street.
5. In a proposed development or where **redevelopment potential** exists and a street connection is not proposed, one or more accessways may be required to connect a cul-de-sac to public streets, to other accessways, or to the project boundary to allow for future connections.
6. Within the South Cooper Mountain Community Plan area, the City may require an accessway to connect from multi-use paths or trails to streets, multi-use paths, or trails. [ORD 4652; March 2015]

B. Accessway Design Standards.

1. Accessways shall be as short as possible and wherever practical, straight enough to allow one end of the path to be visible from the other.
2. Accessways shall be located to provide a reasonably direct connection between likely pedestrian and bicycle destinations. [ORD 4332; January 2005]

10. Pedestrian Circulation. [ORD 4487; August 2008]

A. Standards for Single-Detached Dwellings and Middle Housing.

1. A pedestrian way is required to connect at least one main entrance of each residential structure to at least one adjacent public street.
 2. The pedestrian way required in subsection 1 shall be hard-surfaced and a minimum of five (5) feet wide. Any hard-surface path connecting entrances to the street (including a driveway) could meet this standard.
 3. In lieu of meeting the standards above, cottage clusters are subject to the pedestrian access standards in Section [60.05.60.3](#).
11. **Pedestrian Connections at Major Transit Stops.** Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures:
- A. For development within 200 feet of a Major Transit Stop:
 1. Either locate buildings within 20 feet of the property line closest to the transit stop, a transit route or an intersecting street, or provide a pedestrian plaza at the transit stop or a street intersection;
 2. Provide a transit passenger landing pad accessible to persons with disabilities if required by TriMet and the City;
 3. Provide a reasonably direct pedestrian connection between the transit stop and building entrances on the site;
 4. Where substantial evidence of projected transit ridership or other transit impacts is presented to conclude both that a nexus exists between the proposed development and public transit and that the degree of impact provides reasonable justification, the City may require the developer to grant a public easement or dedicate a portion of the parcel for transit passenger bench(es), shelter, or both, and, if appropriate, the construction of a transit passenger bench, shelter, or both; and,
 5. Provide lighting at the transit stop to City standards.
 - B. Except as otherwise provided in subsection A. of this section, for development within 300 feet of a Major Transit Stop, provide walkways connecting building entrances and streets adjoining the site, and pedestrian connections to adjoining properties, except where such a connection is impracticable pursuant to subsection 14. of this section.
12. **Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs.**
- "Assessment" for the purposes of this section means to assess the site-specific development compatibility issues. Site-specific compatibility issues include but are not limited to lighting, construction methods, design elements, rare plants, and human/pet impacts on the resource. "Review" for the purposes of this section includes but is not limited to obtaining appropriate permits from appropriate resource agencies. Mitigation

measures, including appropriate use restrictions, required by local, state, and federal agencies shall be completed as part of the construction project. If the project will irreparably destroy the resource, then the resource will take precedence over the proposed bicycle and pedestrian connection.

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

COMMENT:

SW 139th Avenue is a local street. Bicycles share the roadway on local streets. A sidewalk is proposed along the site's frontage, thus providing a safe walkway for pedestrians. The driveway crossing of the sidewalk has been designed to meet standards. The existing dwelling will have a pedestrian connection to the public street that connects to the proposed sidewalk. The proposed duplex will have a 12' wide driveway (shared with Parcel 1) that is paved that will provide for vehicle and pedestrian connection to the duplex. The site is not adjacent to or near a major transit stop. This criterion is satisfied.

60.55.30 Minimum Street Widths.

1. Any project-specific modifications of the standards contained in the Engineering Design Manual regarding the widths of features relating to the movement of vehicles, including but not limited to rights of way, travel lanes, parking lanes, bike lanes, driveway aprons, curb radii, or other such features shall be processed in accordance with the provisions contained in the Section 145 Design Modifications of the Engineering Design Manual. [ORD 4418; February 2007]
2. Any project-specific modifications of the standards of the Engineering Design Manual relating to the location and dimensions of required street landscaping and pedestrian features including, but not limited to, sidewalks, planter strips, street trees, street tree wells, street tree easements, or street furniture are subject to the procedures contained in CHAPTER 40 (Applications). The required application will depend on the scope of the proposed project and the type of application filed with the City. [ORD 4418; February 2007]

3. **Street trees shall be planted at a maximum linear spacing of 30 feet along street frontages or in accordance with an approved street tree plan approved by the City Arborist. Proposed tree wells shall be designed to meet standards in the City Engineering Design Manual.**

COMMENT:

The partial street improvements have been designed to meet City standards. The 9' dedication allows for the street improvements west of the centerline of SW 139th Avenue. There are no proposed modifications to the standards of the Engineering Design Manual. Street trees will be provided in the planter strip along the site frontage. These will be spaced as required above. Three street trees will be provided. Again, the applicant is requesting that the street improvements along SW 139th Avenue be required at the time of building permit for the duplex, not prior to final plat.

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]**
 1. **The sight clearance area requirements for Town Centers and Regional Centers shall be determined on a case-by-case basis by the decision-making authority. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists, and motorists), design speeds, the intersection sight distance standards of the *Engineering Design Manual and Standard Drawings*, and other applicable criteria. [ORD 4111; July 2000]**
 2. **The requirements specified in 60.55.35.3.A. may be lessened or waived by the decision-making authority if the project will not result in an unsafe traffic situation. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists and motorists), design speeds, the intersection sight distance standards of the *Engineering Design Manual*, and other applicable criteria.**
 - B. **Intersection angles and alignment and intersection spacing along streets shall meet the standards of the *Engineering Design Manual and Standard Drawings*.**

1. When a highway interchange within the City is constructed or reconstructed, a park and ride lot shall be considered. [ORD 4782; April 2020]

C. Driveways.

1. **Corner Clearance for Driveways.** Corner clearance at signalized intersections and stop-controlled intersections, and spacing between driveways shall meet the standards of the *Engineering Design Manual and Standard Drawings*.
2. **Shared Driveway Access.** Whenever practical, access to Arterials and Collectors shall serve more than one site through the use of driveways common to more than one development or to an on-site private circulation design that furthers this requirement. Consideration of shared access shall take into account at a minimum property ownership, surrounding land uses, and physical characteristics of the area. Where two or more lots share a common driveway, reciprocal access easements between adjacent lots may be required.
3. No new driveways for detached dwellings shall be permitted to have direct access onto an Arterial or Collector street except in unusual circumstances where emergency access or an alternative access does not exist. Where detached dwelling access to a local residential street or Neighborhood Route is not practicable, the decision-making authority may approve access from a detached dwelling to an Arterial or Collector.

COMMENT:

No new streets are proposed. The new proposed driveway will intersect with SW 139th Avenue at a right angle. The driveway can meet sight distance. SW 139th Avenue is a local street. This criterion is satisfied.

SECTION 60.60: TREES AND VEGETATION

60.60.10 Types of Trees and Vegetation Regulated.

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

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

COMMENT:

There are 2 trees on the property that will be removed for the construction of the duplex. None of these trees are significant individual trees, historic trees, in a significant natural resource area, in a significant grove, landscape tree, community tree or a mitigation tree. These 2 trees may be removed without a tree plan review.

60.60.20 Tree Protection Standards during Development.

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

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

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

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

- 1. Construction or placement of new buildings.**
- 2. Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval.**
- 3. New impervious surfaces.**
- 4. Trenching for utilities, irrigation, or drainage.**
- 5. Staging or storage of any kind.**
- 6. Vehicle maneuvering or parking.**

COMMENT:

There are no protected trees per this Section. However, tree protection for the off-site trees to the north and west are included on the plans and a report from the arborist is provided.

SECTION 60.65: UTILITY UNDERGROUNDING

60.65.10 Authority.

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

COMMENT:

The applicant is proposing a 2-parcel partition (land division). Therefore, this section is applicable.

60.65.15 Regulation.

All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities shall be placed underground as specified herein. The utilities required to be placed underground shall be those existing overhead utilities which are impacted by the proposed development and those utilities that are required to be installed as a result of the proposed development.

- 1. At the option of the applicant and subject to rules promulgated by the Oregon Public Utility Commission (PUC), this requirement does not apply to surface mounted transformers, surface mounted connection boxes and meter cabinets, which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and that portion of a project where undergrounding will require boring under a Collector or Arterial roadway, and City funded roadway projects which the City Council has specifically considered and declined to fund utility undergrounding as a component of the roadway project, Washington County funded roadway projects, such as MSTIP projects, and Oregon Department of Transportation funded roadway projects. [ORD 4343; April 2005] [ORD 4363; August 2005]**
- 2. The developer shall make all necessary arrangements with the serving private utility to cause the utility service(s) to be placed underground;**
- 3. The City reserves the right to approve surface mounted facilities;**
- 4. All underground public and private utilities shall be constructed or installed prior to the final surfacing of the streets; and**
- 5. Stubs for service connections and other anticipated private extensions at street intersections shall be long enough to avoid disturbing street surfaces and right-of-way improvements such as sidewalks and landscaping areas when service connections are made.**
- 6. Unless otherwise specifically required in an existing franchise between the City and the particular private utility, or PUC rule, the applicant or developer responsible for initiating the requirement for placing overhead utilities underground is responsible for the cost of converting all existing customer equipment and private utilities on private or public property, or both to meet utility undergrounding requirements.**
- 7. If the private utility service provider requires an applicant, as a component of the applicant's placing private utilities underground, to install facilities to accommodate extra capacity beyond those necessitated by the proposed development, the private utility service provider shall be financially responsible for providing the means to provide such extra capacity.**

COMMENT:

All existing utilities to the site with the exception of power (electricity) can likely cable are provided underground. All new utilities to the site will be provided underground. The

existing overhead utilities will be undergrounded with the street improvements if feasible. Moving the power pole will be up to PGE or the pole owner to determine if the span length can change.

V. SUMMARY AND CONCLUSIONS

Based upon the findings of this report and the submitted supplemental graphics material, the applicant has demonstrated compliance with the requirements of the relevant sections of the Beaverton Development Code and the Comprehensive Plan for the requested Preliminary Partition for middle housing and the Legal Lot Determination applications in the RMC zone. Therefore, the request should be approved.