



**MEMORANDUM**  
**City of Beaverton**  
**Community Development Department**

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** Wednesday, November 16, 2016  
**Subject:** *Notice of Decision for 75th Terrace Subdivision*  
*LD2016-0017 TP2016-0010 SDM2016-0008*

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Please find attached the notice of decision for 75th Terrace Subdivision, casefiles LD2016-0017 TP2016-0010 SDM2016-0008 NOD. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for 75th Terrace Subdivision is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- 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.
- 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.
- The appeal fee of \$250, as established by resolution of the City Council.

The appeal closing date for 75th Terrace Subdivision LD2016-0017 TP2016-0010 SDM2016-0008 is Monday, November 28, 2016.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Current Planning Division, Community Development Department, 4<sup>th</sup> Floor, City Hall, 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through

Friday, excluding holidays. For more information about the case file, please contact Steve Regner, Associate Planner, at (503) 526-2675.



## Staff Report

**DATE:** November 16, 2016

**TO:** Interested Parties

**FROM:** Steve Regner, Associate Planner <sup>SR</sup>

**PROPOSAL:** **SW 75th Terrace Subdivision**  
**LD2016-0017 / TP2016-0010 / SDM2016-0008**

**LOCATION:** The site is located at 7470 & 7466 SW Canyon Lane, Tax Lots 4300, 4500, and 4703 of Washington County Assessor's Map 1S112AB.

**SUMMARY:** The applicant requests Preliminary Subdivision, Tree Plan Type 2, and a Sidewalk Design Modification for a proposed nine lot residential subdivision. The applicant requests Tree Plan Two approval to remove 169 Significant Grove Trees, and a Sidewalk Design Modification to construct curb tight sidewalks in two places on SW 75<sup>th</sup> Terrace.

**APPLICANT:** Mike Biggi  
11175 SW Ellson Lane  
Tigard, OR 97223

**APPLICANT'S REPRESENTATIVE:** AKS Engineering  
Mimi Doukas, AICP, RLA  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062

**PROPERTY OWNERS:** James and Kristie Rice McClurg  
7470 SW Canyon Lane  
Portland, OR 97225

**RECOMMENDATION:** **APPROVAL of SW 75th Terrace Subdivision**  
**LD2016-0017 / TP2016-0010 / SDM2016-0008**

## BACKGROUND FACTS

### Key Application Dates

Application	Submittal Date	Application Deemed Complete	Day 120	Day 240*
LD2016-0017	July 29, 2016	September 29, 2016	February 2, 2017	June 2, 2017
TP2016-0010	July 29, 2016	September 29, 2016	February 2, 2017	June 2, 2017
SDM2016-0008	July 29, 2016	September 29, 2016	February 2, 2017	June 2, 2017

### Existing Conditions Table

<b>Zoning</b>	R7 Residential Urban Standard Density District (R7)	
<b>Current Development</b>	Two Single Family Homes	
<b>Site Size &amp; Location</b>	The subject site is located at 7470 & 7466 SW Canyon Lane, north of the existing segment of SW 75 <sup>th</sup> Terrace and south of Canyon Lane, and is approximately 2.59 acres.	
<b>NAC</b>	West Slope	
<b>Surrounding Uses</b>	<b>Zoning:</b> <u>North:</u> R7 <u>South:</u> R7 <u>East:</u> R7 <u>West:</u> R7	<b>Uses:</b> <u>North:</u> Single Family Homes <u>South:</u> Single Family Homes <u>East:</u> Single Family Homes <u>West:</u> Single Family Housing



## DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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<b><u>Attachment A:</u> Facilities Review Committee Technical Review and Recommendation Report</b>	FR1 – FR11
<b><u>Attachment B:</u> LD2016-0017 <i>Preliminary Subdivision</i></b>	LD1-LD5
<b><u>Attachment C:</u> TP2016-0010 <i>Tree Plan Two</i></b>	TP1-TP7
<b><u>Attachment D:</u> SDM2016-0008 <i>Sidewalk Design Modification</i></b>	SDM1- SDM3
<b><u>Attachment E:</u> <i>Conditions of Approval</i></b>	COA1-COA6

### Exhibits

#### **Exhibit 1. Materials submitted by Staff**

- Exhibit 1.1 Zoning Map (page SR-5 of this report)
- Exhibit 1.2 Aerial Map (page SR-6 of this report)
- Exhibit 1.3 Vicinity Map (page SR-7 of this report)
- Exhibit 1.4 Significant Tree Grove NX17 (page SR-8 of this report)

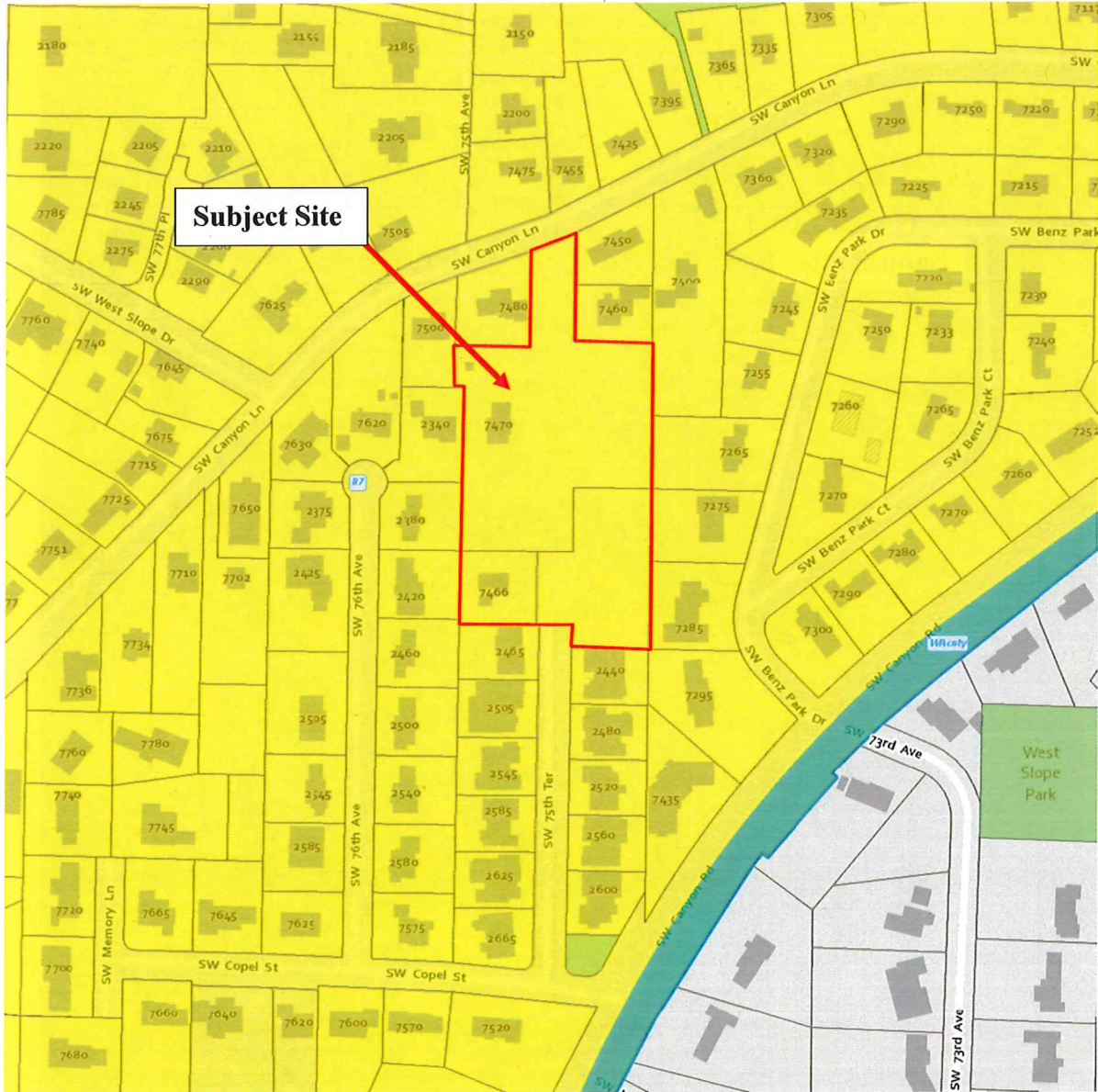
#### **Exhibit 2. Engineering Design Manual Modification Approval**

Dated September 9, 2016

#### **Exhibit 3. Public Comment**

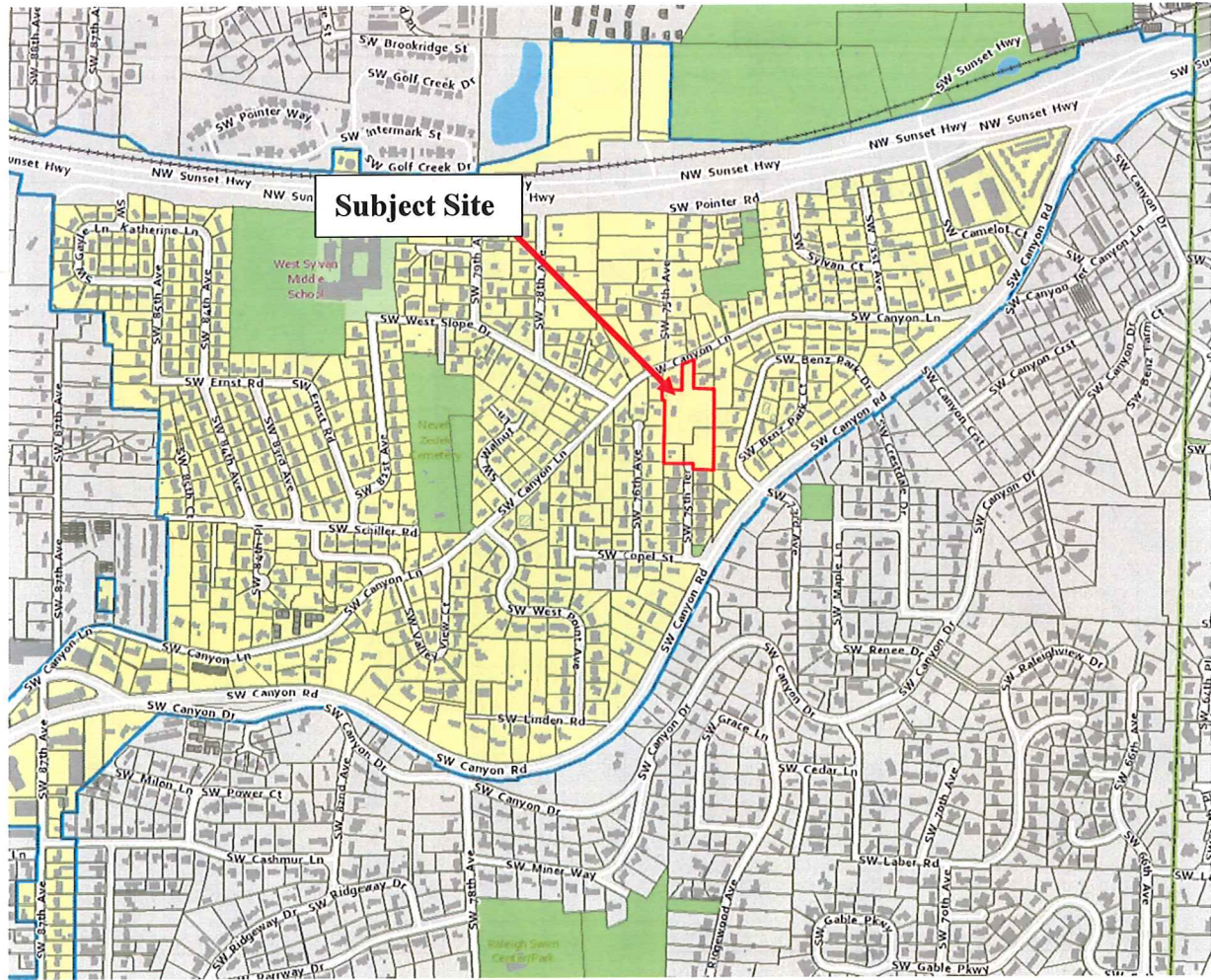
- Exhibit 3.1 Correspondence series dated June 16, 2015, May 17, 2016, and October 17, 2016 from Bullivant House Bailey, representing a concerned group neighbors expressing various concerns related to increased traffic caused by the proposed subdivision and extension of SW 75<sup>th</sup> Terrace.
- Exhibit 3.2 E-Mail from Staige Davis Hodges, dated October 21, 2016, expressing concern about traffic cut through with the extension of SW 75<sup>th</sup> Terrace, questioning the accuracy of the traffic study, and the safety of the intersection of SW Copel Street and SW Canyon Road.
- Exhibit 3.3 E-Mail and petition from Rodd Miller, dated October 24, 2016, expressing concern about traffic cut through with the extension of SW 75<sup>th</sup> Terrace. Petition includes 46 signature stating opposition to SW 75<sup>th</sup> Terrace being extended to SW Canyon Lane.
- Exhibit 3.4 E-Mail from Jolinda Osborne, dated October 25, 2016, expressing concern about traffic cut through with the extension of SW 75<sup>th</sup> Terrace, and the possible increase in accidents at SW Copel Street and SW Canyon Road intersection.

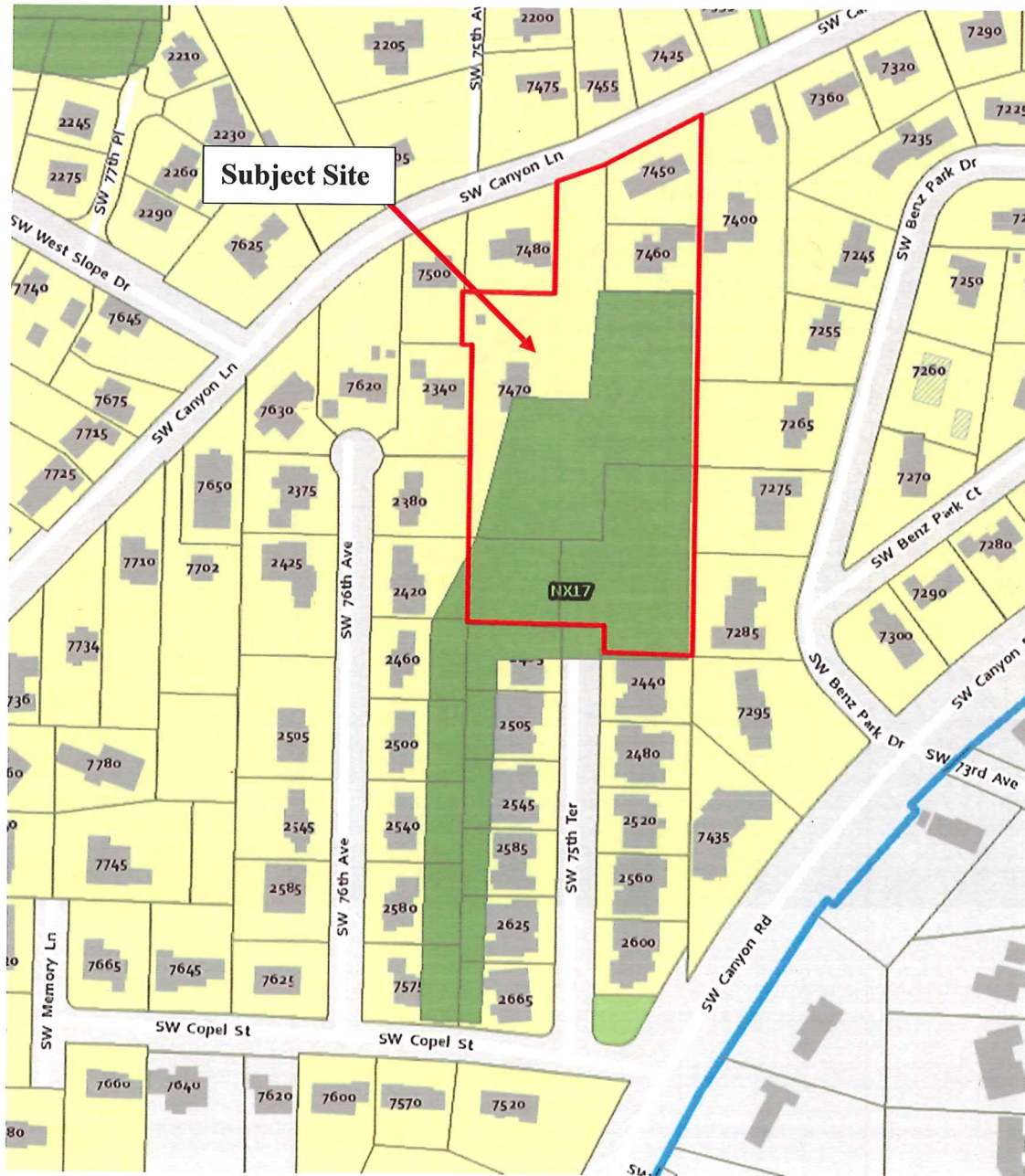
- Exhibit 3.5 Letter from Robert Klonoff, dated December 12, 2015, stamped received October 28, 2016, expressing concerns about the impact on traffic flow, the impact of tree removal on the remaining trees, and the impact of tree removal on the pool foundation of his property.
- Exhibit 3.6 Letter from Sanna Bunnell, dated November 30, 2015, stamped received October 28, 2016, expressing concern about the impact of tree removal on the remaining trees.
- Exhibit 3.7 Letter from Jolinda Osborne and Paul & Linda Johnson, dated October 31, 2016, stamped received November 1, 2016, expressing concern about the impact of tree removal on the remaining trees.













**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
SW 75TH TERRACE SUBDIVISION  
LD2016-0017 / TP2016-0010 / SDM2016-0008**

**Section 40.03 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

**The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:**

- **All twelve (12) criteria are applicable to the submitted Land Division application as submitted.**
- **Facilities Review criteria do not apply to the Tree Plan Type Two and Sidewalk Design Modification applications.**

***A. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes necessary on-site and off-site connections and improvements to public water and public sanitary sewer facilities. The applicant has provided a Service Provider Letter (SPL) from Clean Water Services which shows compliance with stormwater requirements.

**Water, Sanitary Sewer, and Stormwater**

Water Service will be provided to the site by West Slope Water District. An 8-inch water line will be extended south from SW Canyon Lane in the SW 75<sup>th</sup> Terrace right of way.

Sanitary sewer service will be provided by the City of Beaverton. The development proposes to connect each individual home to a new sanitary sewer line in SW 75<sup>th</sup> Terrace that will connect to the existing 8-inch sanitary sewer line in SW 75<sup>th</sup> Terrace south of the proposed development. Adequate capacity exists to serve the proposed development.

Proposed stormwater drainage has been identified and described in the applicant's

narrative and plans. The development proposes a 12-inch storm drain line to convey runoff to a storm treatment and detention pond in the southeast corner of the development. The applicant has provided a Clean Water Services Service Provider Letter (SPL) to show compliance with CWS standards. As such the applicant has shown that adequate stormwater facilities exist to serve the site.

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and detention, transportation and fire protection.

#### Transportation

The affected critical transportation facilities are the surrounding public streets, namely SW Canyon Lane and SW 75<sup>th</sup> Terrace. According to the Transportation System Plan in the Beaverton Comprehensive Plan, SW Canyon Lane is classified as a Neighborhood Route and SW 75<sup>th</sup> Terrace is classified as a Local Street. With the proposed development, the applicant will dedicate right-of-way (ROW) for the extension of SW 75<sup>th</sup> Terrace. North of proposed Lots 1 and 9, the applicant proposes to dedicate approximately 60 feet of ROW, which exceeds the L2 Local Street standard that the street is being designed to. In order to protect some of the trees within the Significant Grove, the ROW is proposed to narrow to 52 feet for a portion of the street. The applicant has applied for Sidewalk Design Modification approvals and Engineering Design Modification approvals to accommodate the modified sidewalks, street trees, and planters within easements alongside the new SW 75<sup>th</sup> Terrace ROW.

As conditions of approval, the applicant will submit plans showing dedication sufficient to provide at least 52 feet of ROW along the length of the extension of SW 75<sup>th</sup> Terrace to SW Canyon Lane to meet the City's L2 Local Street standards, except where modified as approved by the City Engineer. Because the applicant is choosing to dedicate right-of-way along the entire width of the property along SW Canyon Lane, the applicant will be effectively dedicating the requisite ROW for future improvements to SW Canyon Lane.

#### Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Comments and conditions of approval have been received from TVF&R. Conditions of approval submitted by TVF&R are included herein. Staff also cites the findings for Criterion H hereto regarding fire prevention.

To ensure appropriate design and construction of the critical facilities, including but not limited to utility connections, access to manholes and structures, maintenance requirements, and associated construction and utility phasing plans, the Committee recommends standard conditions of approval. The Committee finds that the applicant has provided sufficient evidence that critical facilities exist or can be made to exist to serve the site.

**Therefore, the Committee finds that the proposal meets the criterion.**



***B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to 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 years of occupancy.***

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way.

Schools

The City provided the Beaverton School District with a copy of the proposal, however, no comments were received from Beaverton School District related to the proposal. Given the low number of proposed units the impacts to the school district are minimal.

Parks

The site will be served by the Tualatin Hills Park and Recreation (THPRD) and will be required to pay any assessed System Development Charge (SDC) fees for parks with building permit issuance. Nearby parks include West Slope Park and Raleigh Park and Swim Center.

Police

The City of Beaverton Police currently serve the site and will continue to serve the proposed development.

Pedestrian/Bicycle/Transit Facilities

The applicant proposes to install sidewalks that are at least 5 feet wide. This width is appropriate in cases where it is separated from the street by a landscape planter. The applicant has applied for a Sidewalk Design Modification to allow curb-tight sidewalks in certain areas. As a Condition of Approval, all curb-tight sidewalks are to be at least 6 feet wide.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

***C. The proposal 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 proposal.***

Staff cites the Code Conformance Analysis chart on page FR-9, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the R7 Residential Urban Standard Density District (R7) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards.

Therefore, the Committee finds that the proposal meets the criterion.

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

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria.

#### Section 60.15 Land Division Standards

Right-of-way dedications and improvements will occur, as conditioned under the analysis in Criterion A. Street trees are planted by the City for residential subdivisions, with the developer paying a fee of \$200 per tree, calculated at one tree required for each 30 feet of frontage. For this proposal, the number of street trees needed is 35, which results in a fee estimate of \$7000. Existing mature trees which provide storm water flow attenuation benefits to the public right-of-way will be preserved through the development of the subdivision and the construction of the new houses, these trees may be counted in-lieu of providing new street trees. Therefore, the project Planner and City Engineer may determine that the number of new street trees may be lower than the estimated 35, based on the length of the proposed street extension. As a condition of approval, the applicant shall pay this fee prior to approval of the Final Land Division application.

#### Section 60.30 Off-Street Parking

Regarding 60.30, the Development Code requires at least one off-street parking space per dwelling unit. The applicant proposes to construct the houses with two-car garages and two-car driveways, thereby meeting the parking requirement.

#### Section 60.55 Transportation Facilities

The development is not expected, based on industry standard trip generation rates, to create more than 200 new trips per day. Therefore, the applicant was not required to provide a Traffic Impact Analysis. However, due to the concerns of neighboring residents, and under the provisions of Sections 60.55.15 and 60.55.20.2, the City Engineer requested the applicant to study the intersections of SW 75<sup>th</sup> Terrace and SW Copel Street and SW Copel Street and SW Canyon Road. This analysis provided by the applicant shows that the 9 new houses will generate approximately 90 new vehicle trips per day.

Staff also asked the applicant to analyze the potential for cut-through traffic. The study concluded that future cut-through traffic could result in an increase of approximately 200 new trips a day along SW 75<sup>th</sup> Terrace and the portion of SW Copel Street east of SW 75<sup>th</sup> Terrace. Including total present day volumes, this eastern section of SW Copel Street could experience 500-700 trips per day, which is below the threshold at which traffic

calming measures are typically considered. Nevertheless, the City Traffic Engineer determined that a stop sign is needed at the intersection of SW 75<sup>th</sup> Terrace and SW Copel Street to assign the right of way. The traffic analysis showed that only 3 crashes have occurred at the SW Copel Street and SW Canyon Road intersection within the last 6 years. All of the reported crashes have been relatively minor. As a condition of approval, the applicant shall include a stop sign at the intersection of SW 75<sup>th</sup> Terrace and SW Copel Street in the site development plans.

The surrounding public street system has adequate capacity to accommodate the expected traffic from this proposal. The adjacent and nearby residential streets are not expected to see significant changes in intersection performance. As discussed in the other Facilities Review Approval Criteria responses, the proposal will provide adequate pedestrian, bicycle, and vehicular connections, if the conditions of approval are met. The proposal will provide adequate width and full-street improvements along SW 75<sup>th</sup> Terrace.

The applicant has received approval from the City Engineer for the narrowing of the street cross section of SW 75<sup>th</sup> Terrace along the frontage of Tract B and lot 5 to preserve multiple significant grove trees and possibly serve as a traffic calming measure. As a condition of approval, the applicant shall obtain approval of the Sidewalk Design Modification requests associated with the design and location of the project's sidewalks.

Staff received multiple pieces of written testimony expressing concerns with the extension of SW 75<sup>th</sup> Avenue to SW Canyon Lane. Staff acknowledges that some cut-through traffic will occur, as there are no existing opportunities to reach SW Canyon Lane from SW Canyon Road for almost one mile, between the intersection of SW Canyon Lane and SW Canyon Road near Highway 26, and the intersection of SW Canyon Road and SW Canyon Drive to the southeast. This lack of connectivity places a larger strain on the two main roads and their intersections. The applicant provided a traffic study, including a projected range of trips based on utilization of the cut-through. As noted earlier in this section, this range is below the threshold for traffic calming measures, and the surrounding public street system has adequate capacity to accommodate traffic from this proposal.

Written testimony also shared concerns about the possible increase of trips utilizing the SW Copel Street and SW Canyon Road intersection. This intersection has two unprotected left turns (northbound SW Canyon Road turning left on westbound SW Copel Street, and eastbound SW Copel Street turning left on northbound SW Canyon Road) which has experienced three crashes in the last six years. Staff notes this intersection is the only current egress from the neighborhood, which consists of 40 single family homes. The extension of 75<sup>th</sup> Terrace would allow for these existing residents, plus the residents of the 11 proposed homes, to utilize SW Canyon Lane to the north, a narrower road with lower posted speed limits, for safer ingress and egress from their neighborhood.

#### 60.60 Trees and Vegetation Requirements

A large portion of Significant Grove NX17 is located on the southern area of the subject site, and is comprised of Douglas Fir and Western Red Cedar. The applicant's arborist report shows 217 non-exempt significant grove trees on site. The applicant proposes to remove 169 non-exempt significant grove trees, totaling 3,242 inches DBH, and

preserve 48 non-exempt significant grove trees in a combination of fenced preservation tracts and fenced preservation easements, totaling 1,118 inches DBH. Total DBH proposed for removal is 74.4%.

Mitigation for the removal of significant grove trees is required for removal of greater than 50% DBH of the on-site grove, either through planting or in-lieu fees. The applicant has elected to pay the in-lieu fee. The applicant states the in-lieu fee totals \$50,510.

The proposal also includes the removal of fifteen community trees. No mitigation is required by the Development Code for the removal of the community trees.

#### 60.65 Utility Undergrounding

To meet the requirements of Section 60.65, staff recommends a standard condition of approval requiring that utility lines are placed underground.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

- 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 ditches, 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.***

The applicant's narrative states that the stormwater detention pond and street right-of-way will be dedicated to city for maintenance, and the tree preservation tract will be owned and maintained in common by a homeowner's association. The proposal, as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

**Therefore, the Committee finds that the proposal meets the criterion.**

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

The on-site circulation systems connect to the surrounding systems in a safe and efficient manner. As part of the Site Development Permit review process, the sidewalks and crosswalk ramps will be evaluated for compliance with ADA (Americans with Disabilities Act) access requirements. As noted in Sections B and D in this Facilities Review report, the proposal can meet the applicable requirements by constructing the development as proposed, and by meeting the applicable conditions of approval.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

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

The on-site circulation systems connect to the surrounding systems in a safe and efficient manner. As part of the Site Development Permit review process, the sidewalks and crosswalk ramps will be evaluated for compliance with ADA (Americans with Disabilities Act) access requirements. Currently, the 41 homes on SW 75<sup>th</sup> Terrace, SW 76<sup>th</sup> Terrace, SW Copel Street, and SW Memory Lane only have one egress point out of the neighborhood. The extension of SW 75<sup>th</sup> Terrace to SW Canyon Lane will improve the connectivity of the surrounding neighborhood by providing an alternate route for these residents to exit the neighborhood. As noted in Sections B and D of this Facilities Review report, the proposal can meet the applicable requirements by constructing the development as proposed, and by meeting the applicable conditions of approval.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

***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.***

Specific details regarding fire flow and hydrant placement will be reviewed for flow calculations and hydrant locations during site development and building permit stages.

The Committee concludes that, subject to meeting the conditions of approval the site can be designed in accordance with City codes and standards and provide adequate fire protection.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

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

The applicant states that all proposed facilities have been designed in accordance with city codes. The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

**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.**

The applicant's state that grading is limited to street improvements and that contouring has been designed in accordance with City codes and closely matches the contours of neighboring properties. Staff also notes that grading will be necessary to form building pads for the single family homes. All grading on the applicant's plans meets City code. Grading has also been designed to direct storm drainage to drains which will convey runoff to the on-site treatment and detention pond.

The applicant must show compliance with Site Development erosion control measures at the time of Site Development permit issuance.

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.**

**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.**

***The Committee finds that as proposed, the street sidewalks and walkways internal to the development appear to meet applicable accessibility requirements, and will be thoroughly evaluated at the time of site development and building permit review. Therefore, the Committee finds that by meeting the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.65 and the criterion will be met.***

**Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion for approval.**

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

The applicant submitted the applications on July 29, 2016 and the application was deemed complete on September 29, 2016. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**R7 Residential Urban Standard Density (R7) Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.05.20 (R5)</b>			
Use- Permitted	Detached Dwellings	Detached Dwellings	Yes
<b>Development Code Section 20.05.15 (R2)</b>			
Minimum Lot Area	7,000 square feet	All Lots greater than 7,000 square feet	Yes
Minimum Lot Dimensions Width: Interior/Corner Depth: Interior/Corner	65'/70' 90'/80'	Varies Varies	Yes
Minimum Yard Setbacks Front Side Rear Garage	17' 5' 25' 20'	17' 5' 25' 20'	Yes
Maximum Building Height	35'	No Single Family Homes Elevations Provided	Yes w/COA



## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	No Design Review Proposed, Single Family Home Subdivision	N/A
<b>Development Code Section 60.07</b>			
Drive-Up window facilities	Requirements for drive-up, drive-through and drive-in facilities.	No drive-up window facilities are proposed.	N/A
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	No mapped floodplains are located within the subject site.	N/A
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development techniques proposed.	N/A
<b>Development Code Section 60.15 – Land Division Standards</b>			
Land Division Standards	Standards pertaining to Land Divisions	Nine Lot Subdivision	See LD Findings
<b>Development Code Section 60.25 – Off Street Loading</b>			
Loading Facilities	No loading facilities are required for this use.	No loading facilities are proposed	N/A
<b>Development Code Section 60.30 – Off-Street Parking</b>			
Off-street motor vehicle parking Parking Zone B	<u>Detached Dwellings</u> 1 space per unit	Driveway required for each unit	YES
Required Bicycle Parking	Not Required for Detached Dwellings	Not provided	N/A
<b>Development Code Section 60.55 – Transportation</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes- with COA
<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	Proposes removing 169 non-exempt significant grove trees, preserving 48 non-exempt significant grove trees in tracts and easements. 74.6% of total DBH is proposed for removal. Removal of significant trees mitigated by in-lieu fees.	Yes- with COA
<b>Development Code Section 60.65</b>			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing	The applicant states they are aware of the undergrounding requirements. To ensure the	Yes- with COA



	frontage, except high voltage lines (>57kV) must be placed underground.	proposal meets requirements of this section, staff recommends a condition requiring undergrounding completion prior to occupancy.	
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**LD2016-0017  
ANALYSIS AND FINDINGS FOR  
PRELIMINARY SUBDIVISION**

**Section 40.45.05 Land Division Applications; Purpose**

*The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.*

**Section 40.45.15.5.C Approval Criteria**

*In order to approve a Preliminary Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

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

The applicant proposes to divide three lots into nine lots and two tracts, and no Legal Lot Determination is pending for either parcel, meeting the threshold for a Preliminary Subdivision below.

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

**Therefore, staff find that the proposal meets the criterion for approval.**

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

The applicant has paid the required application fee for a Preliminary Subdivision application.

**Therefore, staff find that the proposal meets the criterion for approval.**

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

The subject parcel is not part of any subdivision, and is not subject to any previous City approvals. The proposed application will not affect or modify any applicable current or previous land use approvals.

**Therefore, staff find that the proposal meets the criterion for approval.**

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

No oversized parcels are proposed with this development.

Therefore, staff find that the criterion for approval does not apply.

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

The proposal does not request phasing with this development

Therefore, staff find that the criterion for approval does not apply.

6. ***Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:***

***a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***

***b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.***

The proposal does not utilize lot averaging.

Therefore, staff find that the criterion for approval does not apply.

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

The proposal does not utilize lot averaging.

Therefore, staff find that the criterion for approval does not apply.

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

The proposal only includes lots zoned R7 Residential. No proposed lot will have more than one zoning designation.

**Therefore, staff find that the proposal meets the criterion for approval.**

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

The applicant has submitted this Preliminary Subdivision application along with a Tree Plan Two and Sidewalk Design Modification applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals. Because the applications were submitted concurrently staff will review all three (3) applications at once.

**Therefore, staff find that the proposal meets the criterion for approval.**

#### **RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2016-0017 (SW 75<sup>th</sup> Terrace Subdivision)**, subject to the applicable conditions identified in Attachment E.

## Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Grading Standards</b>			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed.	The proposal is subject to the grading standards contained herein.	<b>Yes</b>
60.15.10.2.A-C Exemptions	Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way.	Grading for the stormwater detention facility in Tract A and the extension of 75 <sup>th</sup> Terrace are exempt	<b>Yes</b>
60.15.10.3.A 0-5 Feet From Property Line	Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property.	Grading for building pads are shown for some lots, but not all. Staff recommends a condition of approval requiring all building pads are shown to meet grading standards at Site Development Permit review.	<b>Yes w/ COA</b>
60.15.10.3.B 5-10 Feet From Property Line	Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property.	Grading for building pads are shown for some lots, but not all. Staff recommends a condition of approval requiring all building pads are shown to meet grading standards at Site Development Permit review.	<b>Yes w/ COA</b>
60.15.10.3.C 10-15 Feet From Property Line	Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property.	Grading for building pads are shown for some lots, but not all. Staff recommends a condition of approval requiring all building pads are shown to meet grading standards at Site Development Permit review.	<b>Yes w/ COA</b>
60.15.10.3.D 15-20 Feet From Property Line	Maximum eight (8) foot slope differential from the existing or finished slope of the abutting property.	Grading for building pads are shown for some lots, but not all. Staff recommends a condition of approval requiring all building pads are shown to meet grading standards at Site Development Permit review.	<b>Yes w/ COA</b>
60.15.10.3.E 20-25 Feet From Property Line	Maximum ten (10) foot slope differential from the existing or finished slope of the abutting property.	Grading for building pads are shown for some lots, but not all. Staff recommends a condition of approval requiring all building pads are shown to meet grading standards at Site Development Permit review.	<b>Yes w/ COA</b>
60.15.10.3.F Pre-development slope	Where a pre-development slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, the	The applicant does not propose to exceed these standards of pre-development slopes.	<b>Yes</b>

	slope after grading shall not exceed the pre-development slope		
<b>Significant Trees and Groves</b>			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	Plans show limited grading for building pads on lots adjacent to preserved trees (6 and 7), which are the only lots in proximity to preserved significant grove trees.	<b>Yes</b>

**TP2016-00010  
ANALYSIS AND FINDINGS FOR  
TREE PLAN TWO**

**Section 40.90.05 Tree Plan Applications; Purpose**

*Healthy trees and urban forest 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. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)), and Community Trees, thus helping to preserve and enhance the sustainability of the City's urban forest.*

**Section 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.**

The applicant proposes to remove 169 non-exempt trees, or 74.4% of total site DBH from Significant Grove NX17, which meets threshold three for a Tree Plan Two application.

- 3. Commercial, Residential, or Industrial zoning district: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.*

**Therefore, staff find that the proposal meets this criterion for approval.**

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

The applicant has paid the required fee for a Tree Plan Two application.

**Therefore, staff find that the proposal meets this criterion for approval.**

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

The trees are not proposed for removal to observe good forestry practices. The trees are proposed for removal to accommodate the development of the site including the

associated grading and construction.

**Therefore, staff find that this criterion for approval does not apply.**

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

The applicant proposes to remove 169 non-exempt significant grove trees to accommodate the extension of SW 75<sup>th</sup> Terrace, preliminary site grading, and other physical development activities to develop and serve nine new single family homes and a stormwater detention pond. The applicant states that the design is an effort to strike a balance between land designated for residential lots (58% of the total site), and land designated for right of way, stormwater detention, and tree preservation (42% of the total site).

Staff does note that several trees proposed to be removed along the east property line would not necessarily be directly impacted by grading for home construction. However, the resulting grouping of trees would be long and narrow, and would likely increase the trees vulnerability to windthrow. Staff concur that the trees proposed to be removed are the minimum necessary to accommodate the proposed development.

**Therefore, staff find that the proposal meets this criterion for approval.**

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

Property damage or other nuisances are not the reason the trees are being removed. Trees are being removed to facilitate development of the site.

**Therefore, staff find that this criterion for approval does not apply.**

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

The applicant's materials show that approximately 45 significant trees will be removed due to the extension SW 75<sup>th</sup> Terrace. Staff concurs that this tree is proposed for removal to facilitate development of a public facility, and that no reasonable alternative exists to preserve this tree.

**Therefore, staff find that the proposal meets this criterion for approval.**



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

The removal of trees is not necessary to enhance the Significant Grove on-site. The trees are proposed for removal to accommodate new development where no reasonable alternative exists.

**Therefore, staff find that this criterion for approval does not apply.**

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

Significant Grove NX17 is present on the subject property, as well as across portions of the 12 single family home lots south of the project site. The significant grove trees proposed for preservation are located at the south of the property, in Tract B, contiguous with the rest of the grove on the lots to the south. This area of preservation contiguous with the area of the grove to the south will ensure that the Significant Grove determination will not be reversed.

**Therefore, staff find that the proposal meets this criterion for approval.**

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

The Significant Trees proposed for preservation are preserved in a cluster to minimize the effects of windthrow. As noted in the response to approval criteria 4, trees on the eastern edge of the property were considered for preservation, but the cluster of trees unaffected by development would be long and narrow, and likely more vulnerable to windthrow.

**Therefore, staff find that the proposal meets this criterion for approval.**

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

Staff cites the applicable Development Code sections in the Development Code Conformance Analysis chart at the end of the Tree Plan Staff Report, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies with all applicable provisions of Chapter 60.60 and 60.67.

**Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.**

- 11. *Grading and contouring of the 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.***

This approval criterion is identical to Facilities Review approval criterion J. The response contained within the Facilities Review report (Attachment A, above) is hereby cited and incorporated. The applicant's plans demonstrate a balance of accommodating the proposed use while minimizing the adverse effects on neighboring properties.

**Therefore, staff find that the proposal meets this criterion for approval.**

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

The applicant submitted the application on July 29, 2016 and was deemed complete on September 29, 2016. In the review of the materials during the application review, staff finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

**Therefore, staff finds that the proposal meets this criterion for approval.**

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

The applicant has submitted this Tree Plan Two application with a Preliminary Subdivision and Sidewalk Design Modification applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals. Because the applications were submitted concurrently staff will review all three (3) applications at once.

**Therefore, staff finds that the proposal meets this criterion for approval.**

### **Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **TP2016-0010 (75<sup>th</sup> Terrace Subdivision)** subject to the applicable conditions identified in Attachment E.

**Code Conformance Analysis**  
**Chapter 60.60 Trees and Vegetation & Chapter 60.67 Significant Natural Resources**

<b>CODE SECTION</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEET STANDARD</b>
<b>60.60.15 Pruning, Removal, and Preservation Standards</b>			
60.60.15.1A-B	Pruning Standards	The applicant proposed root pruning of 12 trees proposed for removal. The applicant's arborist states that the health of the trees, as well as limiting the root pruning to one side of the tree will not have significant impacts to the health of the tree.	<b>YES</b>
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	The proposed tree removal complies with this section (see findings below).	<b>YES w/COA</b>
60.60.15.2.B	Removal of Landscape Trees and Significant Trees shall be required as set forth in 60.60.25	The proposed significant tree removal complies with this section (see findings below).	<b>YES</b>
60.60.15.2.C.1	Standards for SNRA & Significant Groves – Minimum Preservation	Minimum 25% of significant grove on site must be preserved; applicant is proposing to preserve 25.6% of significant grove on site.	<b>YES</b>
60.60.15.2.C.2	Standards for SNRA & Significant Groves – Cohesive Areas	Preserved significant grove located in single preservation tract adjacent to grove to the south..	<b>YES</b>
60.60.15.2.C.3	Standards for SNRA & Significant Groves – Native Understory	Native understory in the preservation tract shall be preserved'	<b>YES w/COA</b>
60.60.15.2.C.4-5	Standards for SNRA & Significant Groves – Preservation with DR Proposal	No Design Review Proposed	<b>N/A</b>
60.60.15.2.C.6	Standards for SNRA & Significant Groves – Preservation with LD Proposal	Applicant proposes preservation tract with Land Division for Tree Preservation	<b>YES w/COA</b>
60.60.15.2.C.7	Standards for SNRA & Significant Groves – Native vs. Non-Native	Applicant has designed project to prioritize native significant trees where possible preserve native trees	<b>YES</b>
60.60.15.2.C.8	Standards for SNRA & Significant Groves	Maintenance agreement or HOA CC&R's will be reviewed by Planning Department & City Attorney.	<b>YES w/COA</b>

<b>60.60.20 Tree Protection Standards During Development</b>			
60.60.20.1	Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval.	Tree fencing will be constructed consistent city requirement, excepting lots 6 and 7, where some root pruning of significant grove trees is proposed. The applicant's arborist analysis states that the proposed root pruning will not negatively affect the preserved trees. Staff recommends a condition of approval requiring that a certified arborist be on-site for an site work within root zones of any preserved significant grove trees.	<b>YES w/ COA</b>
<b>60.60.25 Mitigation Requirements</b>			
60.60.25.1.A-F	Standards for removal of Significant Trees	Staff recommends a condition of approval that the applicant adhere to Section 60.60.20 unless modified in agreement with the City Arborist.	<b>YES w/ COA</b>
60.60.25.2	Mitigation Standards for removal of Significant Trees.	The proposal includes removal of more than 50 percent of the DBH of Trees within Significant Grove No. NX17. Therefore, mitigation is required. The applicant has proposed in-lieu fee mitigation.	<b>YES</b>
60.60.25.7	In-Lieu Fee	1,062" DBH above 50% proposed for removal. Applicant calculates 94% of DBH removed is coniferous and 6% deciduous, resulting in 998 DBH coniferous and 64 DBH deciduous. Per City standards, fees are set at \$90 per coniferous tree and \$175 per deciduous tree, planted at 2 inches per tree. Therefore, 499 coniferous and 32 deciduous trees should be paid for with in-lieu fees. Total in-lieu fee is \$50,510.	<b>YES w/ COA</b>
60.60.25.9	Landscape Tree Mitigation	No landscape trees are located on-site	<b>N/A</b>

<b>60.67 Significant Natural Resources</b>			
60.67.05.1	Development activities in locations of possible significant natural resources and/or wetlands are subject to relevant procedures identified in Chapter 50.	No significant natural resources exist on site.	N/A
60.67.05.2	For sites identified in the Local Wetland Inventory notice of the proposed development shall be provided to DSL.	No significant natural resources exist on site.	N/A
60.67.10	Development activities in locations of Significant Riparian Corridors are subject to relevant procedures identified in Chapter 50.	No significant natural resources exist on site.	N/A

**SDM2016-0008  
ANALYSIS AND FINDINGS FOR  
SIDEWALK DESIGN MODIFICATION**

**Section 40.58.05. Sidewalk Design Modification Application; Purpose**

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

**Section 40.58.15.1.C. Approval Criteria**

In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:

1. ***The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.***

Section 40.58.15.1.A.1 Threshold: *An application for Sidewalk Design Modification shall be required when the following threshold applies:*

1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.

The applicant requests to build sidewalks to City standards along SW 75<sup>th</sup> Terrace, with the exception of two locations where the applicant proposes curb-tight sidewalks, one on both sides of SW 75<sup>th</sup> Terrace where it intersects with SW Canyon Lane and along existing residential development, and along the west side of SW 75<sup>th</sup> Terrace adjacent to the tree preservation tract and lot 6.

**Therefore, staff find the proposal meets the criterion for approval.**

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

The City of Beaverton received the appropriate fee for the Sidewalk Design Modification application.

**Therefore, staff finds the proposal meets the criterion for approval.**

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

The applicant proposes five foot wide curb tight sidewalks along the frontage of Tract B and Lot 6. The curb tight sidewalk will help preserve several trees within Significant Grove NX17 that otherwise would be severely impacted by constructing the street improvements to full city standards.

Additionally, the applicant proposes five foot wide curb tight sidewalks at the intersection of SW Canyon Lane and SW 75<sup>th</sup> Terrace. While this segment of the project site is not within Significant Grove NX17, there are several mature cedars and douglas fir trees on abutting properties that the applicant does not control. Construction of SW 75<sup>th</sup> Terrace to city standards could potentially impact the viability of six trees on neighboring properties. Construction of curb-tight sidewalks will minimize impacts to these off-site trees.

Staff concur that construction of SW 75<sup>th</sup> Terrace to the Local Street standard in the above identified locations would negatively impact existing Significant Grove trees and mature trees on neighboring properties. However, staff finds that a six foot wide curb tight sidewalk would provide a safer pedestrian circulation network, therefore, staff recommend a condition of approval requiring six foot wide sidewalks where the sidewalks are curb tight.

**Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion for approval.**

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

The applicant states that the proposal complies with provisions of Section 60.55.25 as demonstrated in the narrative provided to this Section (Chap. 60). Staff refers to the Facilities Review findings for approval criterion C in reference to compliance with 60.55. The applicant must show compliance with the Conditions of Approval prior to issuance of a Site Development Permit for the proposed transportation facilities.

**Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion for approval.**

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

The applicant has submitted this Sidewalk Design Modification application and the associated Preliminary Subdivision and Tree Plan Two application for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals. Because the applications were submitted concurrently staff will review all three (3) applications at once.

**Therefore, staff finds the proposal meets the criterion for approval.**

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

Staff cites the finding prepared herein in response to Criteria E and F of Facilities Review approval as adequate for supportive findings in response to Criterion No. 6 of SDM approval.

**Therefore, staff finds the proposal meets the criterion for approval.**

**Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **SDM2016-0008 (SW 75<sup>th</sup> Terrace Subdivision)** subject to the applicable conditions identified in Attachment E.



**CONDITIONS OF APPROVAL****A. Prior to issuance of the Site Development Permit, the applicant shall:**

1. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
3. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
4. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, facility landscape planting, and common-use sidewalk construction by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
5. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
6. Submit a copy of issued permits or other approvals as needed from the West Slope Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
7. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
8. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
9. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the most recent plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div./JJD)
10. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and

adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./JJD)

11. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)
12. Submit a design for the grading surrounding, adjacent, and within the storm water quality facility designed by a civil engineer or structural engineer for the expected hydrological conditions. Some minor changes to the grading may be needed in order to provide an adequate containment of the facility and prevent short circuiting of low flows. This may require other minor modifications to the proposed storm water management facilities as reflected within the land-use application submittal. This land-use approval shall provide for such minor surface modifications (examples: revised grading or addition of small retaining walls, structure relocation, and interior grade changes less than two vertical feet variance) in the proposed facility without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)
13. Submit a revised design for the retaining walls surrounding, adjacent, and within the storm water quality facility designed by a civil engineer or structural engineer for the expected hydrological conditions of the pond; the proposed rockery walls in the land use submittal are not approved for City maintained facilities. These retaining walls shall be watertight. Additionally, these walls shall be designed as poured-in-place, reinforced, 4000 PSI, portland cement concrete with cobblestone face texturing, or a City Engineer approved equivalent, and with minimum 18-inch stem wall thickness at the top of each wall. Provide a flow control structure per CWS Standard Drawing 720. City Engineering staff have reviewed the preliminary submittals and find that the proposed surface facility as shown in the planning drawings may have adverse effects on the existing stormwater management facility and conveyance immediately downstream. Changes needed to address these concerns can be addressed by additional capacity or conveyance changes in pipes, and structure changes, without significant grading modifications of the proposed surface facilities as reflected within the land-use application submittal. (Site Development Div./JJD)
14. Submit a revised grading plan showing that each lot and adjoining property has a minimum building pad elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facilities and show a safe overflow route. A minimum finish floor elevation shall established for the future homes based on service provision needs and whichever of the following three is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) two feet higher than the rim/overflow of the storm facility; and 3) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. It must also be shown that the existing home to remain will not have any potential adverse drainage

impact from the proposed site grading changes, utility construction, and storm facility overflow condition. (Site Development Div./JJD)

15. Submit to the City a certified impervious surface determination of the proposed project's new impervious area proposed for any common areas and common private driveways prepared by the applicant's engineer, architect, or surveyor. (Site Development Div./JJD)
16. Pay storm water system development charges (overall system conveyance) for the new proposed impervious area. (Site Development Div./JJD)
17. Provide plans for the placement of underground utility lines within the site to the existing home(s), and for services to the proposed new home sites. No overhead services shall remain to any lot. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
18. Submit plans that show dedication of sufficient right-of-way to provide at least 52 feet of right-of-way along the extension of SW 75<sup>th</sup> Terrace to SW Canyon Lane to meet the City's L2 Local Street standards, except as modified through the Sidewalk Design Modification and Engineering Design Modification processes, as approved by the City Engineer. (Transportation/KR)
19. Submit plans that show the construction of a 5-foot wide sidewalk, located behind a planter strip that is at least 6.5 feet wide along each side of the SW 75<sup>th</sup> Terrace extension, except as approved through the City's Sidewalk Design Modification application process. Where the proposed sidewalk is to be curb-tight, the width shall be at least 6 feet. (Transportation/KR)
20. Submit plans that show sidewalks extended along SW Canyon Lane east of SW 75<sup>th</sup> Terrace to the property line. (Transportation/KR)
21. Submit plans that show that the adjacent private driveways will be extended to the newly extended SW 75<sup>th</sup> Terrace right-of-way. (Transportation/KR)
22. Submit plans that show a stop sign at the intersection of SW 75<sup>th</sup> Terrace and SW Copel Lane. (Transportation/JK)
23. SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW: The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2) The required GPM is measured at 20 PSI. (TVF&R/JF)
24. FIRE FLOW WATER AVAILABILITY: Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B) Provide fire flow calculations. (TVF&R/JF)

25. FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1) A fire hydrant must be provided with 600 feet of all portions of the proposed dwellings. Show the location of proposed new fire hydrant or that the existing hydrant meets the dimension requirements. (TVF&R/JF)
26. Provide plans showing all preserved significant grove trees located inside tracts or tree protection easements consistent with approved plans. (Planning/SR)
27. Submit plans showing temporary tree fencing for all on-site trees to be preserved, and all off-site trees on or near the property line of the subject site. (Planning Division/SR)
28. Submit plans showing permanent tree fencing for all on-site trees to be preserved. (Planning Division/SR)
29. Ensure that all associated applications have been approved and are consistent with the submitted plans. (Planning Division/SR)

**B. Prior to Building Permit Issuance, the applicant shall:**

30. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
31. Have recorded the final plat with the County Surveyor and submitted a copy to the City. (Site Development Div./JJD)
32. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
33. Submit plans that reflect the minimum finish floor elevations determined and shown on the approved site development plans based on service provision needs and whichever of the following three is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) two feet higher than the rim/overflow of the storm water facility; and 3) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. (Site Development Div./JJD)
34. Have placed underground all existing overhead utilities and any new utility service lines within the project, any existing home, and along any existing street frontage, as determined at site development permit issuance. (Site Development Div./JJD)
35. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

**C. Prior to Approval of the Final Plat, the applicant shall:**

36. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification

that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./JJD)

37. Show granting of any required on-site easements on the subdivision plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./JJD).
38. Prior to the approval of the Final Land Division (Final Plat), the applicant shall pay a projected fee of \$7000 for the installation of street trees along the extension of SW 75th Terrace, with credit potentially given for any mature trees to be retained that provide the benefits of street trees. (Transportation/KR)
39. Prior to the approval of the Final Land Division (Final Plat), the applicant shall dedicate right-of-way along the SW 75th Terrace extension as required. (Transportation/KR)
40. Submit a common maintenance agreement or homeowners association CC&R's to be recorded with the final plat, stating that the conservation tract is to be maintained in perpetuity, as well as stating ownership and permitted uses and maintenance responsibilities of the conservation tract and all easements. (Planning/SR)

**D. Prior to Final Inspection of any building permit, the applicant shall:**

41. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the new house frontage and any the existing house frontage. (Site Development Div./JJD)
42. Have the landscaping completely installed or provide for long-term erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD) Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (Planning Div./SR)
43. Ensure construction of all buildings, walls, fences and other structures are completed in accordance with the elevations and plans marked "Exhibit A", except as modified by the decision making authority in conditions of approval. (On file at City Hall). (Planning Div./SR)

**E. Prior to release of Performance Security, the applicant shall:**

44. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
45. Submit, if needed, any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for

area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)

46. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment/replacement of the vegetation and restoration of full function within the stormwater management facility, as determined by the City Engineer. If the plants are not well established or the facility not properly functioning (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./JJD)

**TP2016-0010 Tree Plan Application:**

47. Final decision shall expire automatically two (2) years from the effective date of decision unless the approval is enacted either through construction or establishment of use within the two (2) year time period. (Planning Division/SR)
48. All pruning of Protected Trees shall be done in accordance with the standards set forth in the City's adopted Tree Planting and Maintenance Policy, also known as Resolution 3391 per the requirements of Section 60.60.15.1. (Planning/SR)
49. Trees to be protected during development shall be protected per Section 60.60.20. (Planning/SR)
50. All Significant Grove mitigation trees shall be located within tree protection easements or tracts. (Planning/SR)
51. The City Arborist or other certified arborist must be on-site during all activity within the root zones of any preserved significant trees. (Planning/SR)

**Prior to issuance of the site development permit, the applicant shall:**

52. Pay to the city the Significant Grove In-Lieu Mitigation Fee consistent with the Community Development Department's In-Lieu Fee schedule. (Site Development Div./JJD)

**SDM2016-0008 Sidewalk Design Modification Application:**

**Prior to issuance of the site development permit, the applicant shall:**

53. Ensure that all associated applications, including Preliminary Partition and Tree Plan Two have been approved and are consistent with the submitted plans. (Planning Division/SR)



EXHIBIT

2

**Public Works - Engineering and Site Development**

September 9, 2016

Paul Sellke, P.E.  
AKS Engineering and Forestry  
12965 SW Herman Rd., Suite 100  
Tualatin, Oregon 97062

SUBJECT: Engineering Design Modification Request for

Dear Mr. Sellke:

Your application and request for Engineering Design Modifications (EDM) has been reviewed. The modification request includes:

1. Modification of the EDM for curb bulb-outs along the proposed extension of 75<sup>th</sup> Terrace.

Your request was reviewed per EDM section 145 Design Modifications. The request is approved. The proposed alignment and cross section, while not meeting the EDM, do support the City's goal of the preservation of a significant grove of trees within the development. The modifications may also have a calming effect on traffic and pose no known safety issues.

If you have questions or would like to discuss the response, I am available at 503-350-3656.

Sincerely,

A handwritten signature in blue ink that reads "Floyd A. Harrington". The signature is written in a cursive style and is followed by a horizontal line.

Floyd Harrington, PE  
City Engineer  
Public Works

C: Jabra Khasho, City of Beaverton, Traffic Engineer  
Jim Duggan, City of Beaverton, Site Development Manager  
Bo Chan, City of Beaverton, Lead Inspector  
Steve Regner, City of Beaverton, Associate Planner

Enclosures (1) – Request for Design Modification



**Steven Regner**

---

**From:** Loftis, Jeanne <Jeanne.Loftis@bullivant.com>  
**Sent:** Monday, October 17, 2016 4:59 PM  
**To:** Steven Regner  
**Subject:** Proposed Development of Tax Lots 4703, 4300 and 4500 on SW 75th Terrace  
**Attachments:** Homeowners of Canyon Ridge Estates - LT to City of Beaverton 05-17-16.pdf;  
Homeowners of Canyon Ridge Estates - LT to City of Beaverton 06-16-15.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr. Regner,

This email follows my two previous letters dated June 16, 2015 and May 17, 2016. Copies are attached for your reference. As previously requested, I would appreciate being kept apprised of any developments regarding notices of public meetings on the issue of development of SW 75<sup>th</sup> Terrace.

As outlined in my previous letters, our requests are that the city leave the existing street confirmation as it currently exists. We believe it is necessary to preserve the peace, tranquility, and safety of the residents. There have been no modifications or changes to the street confirmation for over 16 years. Until recently, there were no previous discussions of changing the street configuration. Over the past 16 years, residents have noted safety concerns, including car accidents that have involved fatalities and injuries, with the current configuration of the streets. These conditions will become exponentially worse if additional traffic is added to this roadway.

Thank you,

Jeanne F. Loftis | Shareholder | Licensed OR WA CA

**Bullivant Houser Bailey PC**

T 503.499.4601 | F 503.295.0915 | M 503.502.3150 | [Bio](#) | [Email](#) | [Website](#)

Washington | Oregon | California

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 **Bullivant Houser Bailey PC**  
Attorneys at Law

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Please be advised that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments, is not intended to be used by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

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JEANNE F. LOFTIS  
Admitted in Oregon, Washington and California  
Direct Dial: (503) 499-4601  
E-mail: [jeanne.loftis@bullivant.com](mailto:jeanne.loftis@bullivant.com)

May 17, 2016

*Via Certified Mail, Return Receipt Requested, and Regular Mail*

City of Beaverton  
ATTN: Current Planning  
c/o Mr. Wayne Hayson  
PO Box 4755  
Beaverton, OR 97005

Re: Pending Sale and Proposed Development of Tax Lots 4703, 4300, and 4500  
Washington, City of Beaverton, Washington County, Oregon

Dear Mr. Hayson:

In follow-up to my prior correspondence to Mr. Steve Regner dated June 16, 2015 (copy enclosed), this is a reminder of the request to be notified of a public meeting on the issue of development of SW 75<sup>th</sup> Terrace. Additionally, I request copies of any notice that was provided by the City of Beaverton as to the development of SW 75<sup>th</sup> Terrace as a through-street, including documentation as to the posting of any signs to this effect.

We are concerned that constructing SW 75<sup>th</sup> Terrace as a through-street, connecting SW Copel Street and SW Canyon Lane, will increase traffic within the neighborhood and create uncontrolled safety risks. This would encourage cut-through traffic and reduce livability for the residents on 75<sup>th</sup> Terrace, Copel Street and other connected streets in the area. This is of particular concern with traffic associated with West Sylvan Middle School. High traffic times (e.g. peak traffic hours) for West Sylvan Middle School would include morning drop off, afternoon pickup, and scheduled afternoon and evening events or practices. We request a traffic transportation impact study to evaluate the following concerns:

- Increased traffic flow on SW 75<sup>th</sup> Terrace during peak traffic hours with SW 75<sup>th</sup> Terrace being used as a cut-through to West Sylvan Middle School,

888 SW Fifth Avenue, Suite 300, Portland, Oregon 97204

Main 503 228 6351 Fax 503 295 0915

[www.bullivant.com](http://www.bullivant.com)

Offices in Washington, Oregon & California

City of Beaverton

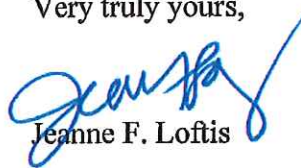
May 17, 2016

Page 2

- Increased traffic flow during peak traffic hours involving automobiles making unprotected turns off of Canyon Road (OR Hwy 8) and onto SW Copel Street, and
- Increased traffic flow during peak traffic hours causing additional safety hazards for pedestrians crossing Canyon Road to access the two TriMet bus stops (SW Jade Ave stop and SW Copel stop).

**Thank you for your consideration of our concerns. We respectfully request that this letter be considered as part of the administrative record, and that we be provided with an opportunity to appear at a public comment meeting.**

Very truly yours,



Jeanne F. Loftis

JFL



COPY

JEANNE F. LOFTIS  
Admitted in Oregon, Washington and California  
Direct Dial: (503) 499-4601  
E-mail: [jeanne.loftis@bullivant.com](mailto:jeanne.loftis@bullivant.com)

June 16, 2015

*Via Certified Mail, Return Receipt Requested, and Regular Mail*

City of Beaverton  
ATTN: Current Planning  
c/o Mr. Steve Regner  
PO Box 4755  
Beaverton, OR 97005

Re: Pending Sale and Proposed Development of Tax Lots 4703, 4300, and 4500  
Washington, City of Beaverton, Washington County, Oregon

Dear Mr. Regner:

I am writing on behalf of a concerned group of neighbors with regard to the pending sale of tax lots 4703, 4300, and 4500 within the City of Beaverton, Washington County, Oregon. It has come to our attention that these tax lots are pending sale and that they are planned for redevelopment as single-family dwellings. Real estate information has also indicated that a street extension would allow for a double lot load. Whereas we do not object to development of these tax lots for single-family residential structures we would be opposed to a street extension that would provide a throughway access from SW Canyon Lane to SW 75th Terrace.

**Our principal concerns are as follows (see below for a detailed discussion):**

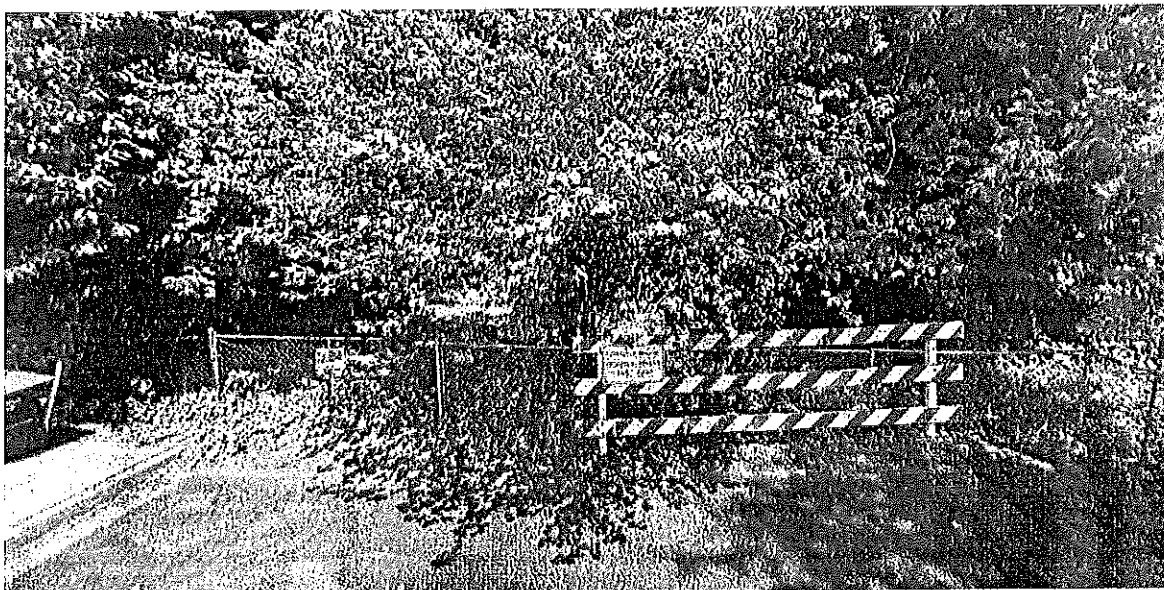
- Making SW 75th a throughway street to SW Canyon Ln. would make this a convenient short cut for many motorists, which would significantly increase traffic volume on SW Copel and SW 75th Terrace;
- The neighborhood includes forty (40) single-family residential structures. The sole ingress/egress from the neighborhood is SW Copel St. and Canyon Rd. There is currently no traffic signal at the intersection of SW Copel and SW Canyon Rd. It is difficult at best with the current traffic loading from the residents

of this neighborhood to accommodate safe ingress/egress on and off of Canyon Rd.

- Of the eleven (11) families that reside on SW 75th Terrace four have children. A total of eleven (11) school-age children reside on SW 75th Terrace. The intersection of SW 75th and SW Copel is a blind intersection. Motorist turning into onto SW 75th from Copel off of Canyon must use extreme caution to avoid any children or other pedestrians and motorist that may be on SW 75th near the intersection with Copel.
- Two (2) families which reside on SW 75th Terrace have children with disabilities. One is an adult living with parents and the other is an eleven year old child.

#### **CURRENT CONFIGURATION**

Presently SW 75th Terrace ends at the southern boundary of tax lot 4500 and an undeveloped 50-ft. roadway easement off of SW Canyon Ln. A chain link fence and traffic barricade currently blocks through traffic between 75th Terrace and this undeveloped roadway easement:



### DISCUSSION OF CONCERNS

Our concerns with a throughway street extension between SW Canyon Ln. and SW 75th Terrace are related to increased traffic loading on SW 75th Terrace and SW Copel Street which would contribute to an unacceptable safety risk to the current residents of the neighborhood (e.g. SW Copel St., SW 75th Terrace, SW 76th Ave., and SW Memory Lane). We ask that prior to approval of any potential application for a street extension that the following be considered by Washington County and the City of Portland:

- Making SW 75th a throughway street to SW Canyon Ln. would make this a convenient short cut for many motorists. This would significantly increase traffic volume on SW Copel and SW 75th Terrace.
  - There is significant traffic volume on SW Canyon Ln. during weekday mornings and afternoons associated with West Sylvan Middle School.
  - Presently, school traffic must access West Sylvan by way of Canyon Ln. from the east or west where Canyon Ln. intersects with Canyon Rd. Due to the daily traffic congestion on Canyon Ln. for school drop off and pick up an alternative route through SW 75th would be a very attractive alternative.
  - The neighborhood was not designed to accommodate this anticipated increase in traffic volume and as such would contribute to a number of vehicle-related safety hazards.
- The neighborhood includes forty (40) single-family residential structures. The sole ingress/egress from the neighborhood is SW Copel St. and Canyon Rd. There is currently no traffic signal at the intersection of SW Copel and SW Canyon Rd. It is difficult at best with the current traffic loading from the residents of this neighborhood to accommodate safe ingress/egress on and off of Canyon Rd.
  - As this intersection is unprotected it is particularly dangerous to enter SW Copel from SW Canyon when heading east on SW Canyon. There have been several document vehicular accidents when motorists are making a left hand turn onto SW Copel from SW Canyon Rd. One such accident at this intersection was fatal. A single mother lost her life in an accident at the intersection of SW Canyon Rd. and SW Copel in 2008. More recently, a resident of SW 75th was involved in a three-car rear end collision while attempting to turn left onto SW Copel from Canyon Rd. They were not

seriously injured but their car was totaled. Increasing traffic load at this unprotected intersection would most certainly increase the risk of motor vehicle accidents.

- A throughway access of SW 75th would increase traffic flow and congestion at this unprotected intersection. This would not only impact residents in the neighborhood but all motorists traveling east and west on Canyon Rd.
- o Of the eleven (11) families that reside on SW 75th Terrace four have children. A total of eleven (11) school-age children reside on SW 75th Terrace. The intersection of SW 75th and SW Copel is a blind intersection. Motorist turning into onto SW 75th from Copel off of Canyon must use extreme caution to avoid any children or other pedestrians and motorist that may be on SW 75th near the intersection with Copel.
  - Increased traffic flow on SW 75th Terrace would present a safety hazard for these children and other pedestrians.
  - At least twenty (20) children live in the extended neighborhood of SW Copel St., SW 75th Terrace, SW 76th Ave., and SW Memory Lane. Portland Public School uses the TriMet bus stop near the intersection of SW 75th and SW Copel for morning pickup and afternoon drop off. Several elementary and middle school aged children use this bus stop during the school year. Similarly, the high school aged children use the bus stop to take public transportation to their respective schools. Increasing traffic load at this intersection would increase the safety risk of school children.
- o Two (2) families which reside on SW 75th Terrace have children with disabilities. One is an adult living with parents and the other is an eleven year old child.
  - Increased traffic flow would present an even greater risk to these individuals with disabilities.

**Thank you for your consideration of our concerns. We respectfully request that this letter be considered as part of the administrative record, and that we be provided with an opportunity to appear at a public comment meeting.**



City of Beaverton  
June 16, 2015  
Page 5

Should you have any questions or comments, please feel free to contact me directly.

Very truly yours,

Jeanne F. Loftis

JFL/sw

cc: Andy Back, Planning and Development Services Manager, Land Use & Transportation—Current Planning Section, Washington County, Oregon (*via Certified Mail, Return Receipt Requested, and Regular Mail*)

15600144.1



**Steven Regner**

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**From:** Staige Davis Hodges <sdhpdx@gmail.com>  
**Sent:** Friday, October 21, 2016 12:10 AM  
**To:** Steven Regner  
**Cc:** Rodd Miller; Kristen Miller; elge Premeau  
**Subject:** SW 75th Terrace

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Steve,

First, thank you for offering to listen and to take our concerns forward to those who need to hear them. My neighbors and I have been working together to best jointly address our concerns about safety with the pending punch-through of SW 75th Terrace. I am aware you have spoken with Rodd Miller, and I am writing to share some additional perspective in the hopes that it may contribute to a full 360 degree picture. What exists right now is a fraction of that from a faulty analysis of our true habits and a lack of understanding of a [proven] highly dangerous intersection and busy school neighborhood. We are aware that the street will most likely be pushed through. We are concerned about the safety for everyone, and the fact that cut-through traffic is a reality.

I fear much of the information gleaned from studies by those who do not live in our area, and are not familiar with traffic safety and actual patterns and boots-on-the ground experience, will be taken out of context in order to get the project approved. My hope is that you can use the information provided by those of us who live here and are intimately familiar with the implicitly dangerous intersection of SW Copel and SW Canyon. Please bear with me as I attempt to outline in detail some significant issues that have been missed/ignored/misconstrued by the traffic engineer.

I was dismayed and astounded, actually, to read that the the engineer states the number of added trips with the punch-through would be **seven** in the morning rush hour and **nine** in the evening rush hour. Boggles the mind. He is not thinking like someone who lives here or drives here, or wants the shortest route. The "ITE Trip Generation Manual" cannot - at all - take into account human nature or measure how people will think when provided with a new street. Stand on our corner at various times of the day and THEN tell us how many trips may be taken. Stand on Canyon Lane at 3 pm and then tell us how many trips may be taken when people are stuck behind buses at a light that does not allow right on red.

The traffic study, as you are aware, was not done when Portland Public Schools were in session. When our neighborhood meeting happened in the spring with the developer, who, when pushed about the student numbers, readily admitted the engineer had not realized the Bridlemile area feeds hundreds of children into West Sylvan and had not taken that into account (?!). The school bus traffic, the long lines of cars, the cutting through existing neighborhood streets to get children to West Sylvan - these are all things with which our pocket of neighbors are all too familiar. Caught behind seven school buses at the Canyon Drive light at Canyon Rd. is a frustration for everyone, including those who live in West Slope. The new street will be the path of least resistance to cut through to Canyon after drop-off.

Even scarier is the cutting through of people to get to West Sylvan. Why? This means more people - people NOT used to almost being hit on a regular basis turning left into Copel - will be trying to enter the neighborhood to race up 75th to Canyon Drive. If the traffic engineer poo-poohs this, he/she has no concept of

the real, ever-present danger we have at this intersection. Beaverton police will describe the many cars that speed past the stopped school bus at our corner, right past the red stop sign and blinking lights. We have all of this documented, videoed, described, yet we have not gained traction, as no one has been hit or killed. Yet.

The intersection is dangerous. That has been proven. That has been demonstrated by the months of conversations, requested meetings and traffic monitoring by police by our area to attempt to get a crossing light, stop light, turn lane, etc. Months of minutes are documented with ODOT representatives and Beaverton police. "Not enough people had died" and the project was not in the budget for at least seven years.

The accident study presented is totally inaccurate. Not only does it not share all of the accidents *not* reported to the police where my neighbors have been rear-ended trying to turn into Copel, but also it does not mention the woman who died in on Father's Day in June 2008, after crashing her Ford Explorer into a tree - also her son's first birthday, going at what was determined to be 80 mph down Canyon. The impact sound was horrifying and while I immediately knew something bad had happened, my neighbor was the first on the deadly scene. I can name at least four of my neighbors who have been rear ended trying to turn left into Copel and nearly ALL of us have nearly been hit. My most recent experience was last week, although I had my signal on well in advance and I tapped my brakes furiously to get the driver's attention when I saw she was not slowing down. We *regularly* have to speed up to Benz Park Drive to avoid being hit. All I think of is how experienced we are in our neighborhood, yet how naive others will be. And someone will be hurt badly or die. It is inevitable.

Trying to turn left out of Copel in rush hour is just as harrowing. It is a four-lane highway. My daughter, as well as other Lincoln High School students in our pocket, have to cross four lanes of fast traffic to get to the bus and often cannot cross in time to make the bus. I sit and sit sometimes to try to find a safe time to exit out of our street.

If the street is inevitable, CAN WE GET A "right in/right out" triangle/median like on SW Laurelwood or SW Crestdale? We are literally begging for this to be examined in real time and with real human nature applied.

It will be much more cost effective to address these things realistically now - before the new houses go in and streets are connected - than to come in after the fact and make changes.

Again, thank you for your time and listening ear. I hope it can be understood by the parties involved that we have valid, realistic safety concerns.

Staige Davis Hodges  
7575 SW Copel St.



**Steven Regner**

---

**From:** Rodd Miller <Rodd.Miller@pacresmortgage.com>  
**Sent:** Monday, October 24, 2016 11:34 AM  
**To:** Steven Regner  
**Cc:** Kenneth Rencher  
**Subject:** SW 75th Terrace development  
**Attachments:** Neighborhood petition.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning, Steve. I thought I'd follow up with you after we spoke last week about the planned development of SW 75<sup>th</sup> Terrace. Thanks again for returning my call and for sharing your insights about this project.

As we discussed, the primary concern of the residents in our neighborhood of +/- 40 homes is the expected cut-through traffic that will result by connecting SW 75<sup>th</sup> Terrace to SW Canyon Lane. I had mentioned to you that the traffic study that was performed last summer was flawed since it was done while school was out of session for the summer. You agreed that it should be updated to incorporate the conditions that exists for 9 months out of the year. Do you know if this has been initiated yet? I think you said that the study is within the purview of Ken Rencher, who I've included on this email. I'm very curious to see the results of an updated traffic study that incorporates the morning and afternoon traffic generated by West Sylvan Middle School buses and parents. The many evening events at the school also generate a great deal of traffic (band concerts, sports practices, back to school nights, etc.), so hopefully those will be incorporated into the study as well.

I believe my wife, Kristen, happened to see you this morning and chatted with you briefly. She wanted me to relay in writing our request to have a stop sign installed at the bottom of SW 75<sup>th</sup> Terrace where it meets SW Copel. This already is a treacherous intersection due to its proximity to SW Canyon Road. We are all afraid of the impact that cut-through traffic will have on the safety of our neighborhood, especially if no accommodations are made to limit the speed or driving habits of those cutting through. A stop sign at the bottom of 75<sup>th</sup> Terrace would be a minimum measure to help address this.

I also wanted to share with you a list of signatures from virtually every household in our neighborhood. (I think we were unable to contact 1 or 2 people, but everyone else is represented.) From our conversation last week, it sounds as if a connection to SW Canyon Lane is inevitable because it is the will of the city. However, as noted on the attached document, none of the residents of our existing neighborhood are in favor of the connection due to the safety concerns we all recognize will exist if the connection takes place. I guess at this point a natural question is the following: ***Why force a street connection when none of the residents it is supposed to serve are in favor of it?***

Assuming the powers that be will not consider our neighborhood's plea to terminate SW 75<sup>th</sup> Terrace prior to connection with Canyon Lane, I'd like to present the following proposal. To help mitigate the increased traffic flow that will occur upon connection, I'd like to request that consideration be given to restricting the access from Canyon Lane to SW 75<sup>th</sup> Terrace to westbound traffic only. That means that people traveling eastbound from West Sylvan Middle School towards the traffic signal at Canyon Road would not be permitted to turn down SW 75<sup>th</sup> Terrace. However, should emergency vehicles need to access SW 75<sup>th</sup> Terrace, they would be traveling westbound on Canyon Lane and would have clear entry to SW 75<sup>th</sup> Terrace. Similar measures have been installed in other neighborhoods in Beaverton to help reduce cut-through traffic, and this seems like a reasonable compromise if there is no way to prevent the connection from occurring.

Thanks again for lending a sympathetic ear to our concerns, Steve.

Regards,

Rodd

**Rodd Miller** MLO-37965  
 Sr. Mortgage Banker - The Rodd Miller Group

[Visit My Website](#)

**Pacific Residential Mortgage, LLC**

4949 Meadows Road, Suite 150

Lake Oswego, OR 97035

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NMLS-1477/WA CL-1477 Equal Housing Lender NMLSConsumerAccess.org

We, the residents of SW 75th Terrace, SW 76th Avenue, SW Memory Lane, and SW Copel Street, are opposed to the proposed extension of SW 75th Terrace to SW Canyon Lane. If approved, the creation of this connection between SW Canyon Lane and SW Canyon Road will facilitate high-speed cut-through traffic, endangering all of us who utilize SW Copel Street.

We urge the planners at the City of Beaverton to reject the proposed extension of SW 75th Terrace. An extension of this street will serve no purpose but to encourage dangerous cut-through traffic, putting at risk our neighbors, their children, and their pets.

Name	Signature	Address	Phone #
JUDITH ALLEN	<i>Judith Allen</i>	8545 SW 75th Ave Portland, OR 97225	503-292-5325
Michael Allen	<i>Michael Allen</i>	2440 SW 75th Terrace	760-904-0782
Wendy Allen	<i>Wendy Allen</i>	2440 SW 75th Terrace	503 913-8383
BLAIR LOFTIS	<i>Blair Loftis</i>	2480 SW 75th Terrace	508 502-3056
Jeanne Loftis	<i>Jeanne Loftis</i>	Portland, OR 97225	503-502-3150
Roddy Miller	<i>Roddy Miller</i>	2465 SW 75th Ter	503-975-5240
Kristen Miller	<i>Kristen Miller</i>	Portland, OR 97225	503-757-4497
Shelley Engle	<i>Shelley Engle</i>	2622 SW 75th Terr	503-292-1139
VICTORIA CARVALHO	<i>Victoria Carvalho</i>	Portland, OR 97225	503-447-8129
ERIC S. FREEDER	<i>Eric S. Freedre</i>	2585 SW 75th Terrace Portland, OR 97225	503.936.0816
Laura Howe	<i>Laura Howe</i>	2520 SW 75th Ter Portland, OR 97225	503-880-1218
Debra Howe	<i>Debra Howe</i>	Portland, OR 97225	507-807-2452
gretchen maybe	<i>Gretchen Howe</i>	7520 SW Copel St. Portland, OR 97225	805-835-7854
Patricia Conner	<i>Patricia Conner</i>	Portland, OR 97225	805-459-0277
SARAE CONNER	<i>Sarae Conner</i>	1590 S.W. COPEL PORTLAND, OR 97225	503-292-8767
Floé Premeau Davis	<i>Floé Premeau Davis</i>	7600 SW Copel St 97225	971-645-2199
Eric David	<i>Eric David</i>	7600 SW Copel St 97225	203-284-2888
ANNE-MARIE LINDSTRAK	<i>Anne-Marie Lindstrak</i>	2600 S.W. 75th Ter, 97225	831-234-1867
Carol Lindstrak	<i>Carol Lindstrak</i>	2600 S.W. 75th Ter, 97225	503-292-8723
Robert Lindstrak	<i>Robert Lindstrak</i>	2600 S.W. 75th Ter, 97225	503-292-8723

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Name	Signature	Address	Phone #
STAIGE + ERIC HODGES		7575 SW COPEL 97225	503-292-8880
Terinda Osborne		2380 SW 76th PDX 97225	503-292-5998
SARNA BUNNELL		2380 SW 76th PDX 97225	503-408-3380
Lauren Greenfield CYNIC BURGHELE		2375 SW 76th Ave. PDX 97225	971-202-2444
HENDI KLONOFF		2425 SW 76th Ave PDX OR 97225	503 291-1570
Olivia Fouser		2500 SW 76th Ave	503 360-3407
Paul + Linda JOHNSON 2500 SW 76th			(503) 296-9214
LISA + RUTH Richard		7625 SW COPEL ST PORTLAND OR 97225	503 313 1522
MIGNON HANSON		2540 SW 76th AVE PORTLAND OR 97225	503 341 3320
JOHN MARTIN		2540 SW 76th AVE PORTLAND OR 97225	503-292-0963 503-775-7923
Mason Sexton		2540 SW 76th AVE PORTLAND OR 97225	503 816 7925
Carly Sexton		7645 SW COPEL ST PORTLAND OR 97225	503-866-7805
JANE GRECCO		7645 SW Copel St Portland, OR 97225	503-780-0516 503-292-1996







**Steven Regner**

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**From:** Jolinda Osborne <jolinda@jolindaosborne.com>  
**Sent:** Tuesday, October 25, 2016 12:51 PM  
**To:** Steven Regner  
**Subject:** 75th Cut through for development

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello, Steve,

I'm a Beaverton resident living on SW 76<sup>th</sup> Ave (the street over from 75<sup>th</sup> Terrace). I am concerned about cut-through traffic that is likely to lead to more accidents on Canyon Rd/Copel, as well as at the T of 75<sup>th</sup> Terrace and Copel. The study referred to below was done in the summer. No way does that account for the level of traffic that occurs when school is in session.

I urge you to review the study and the entire project.

Sincerely,

Jolinda Osborne  
2580 SW 76<sup>th</sup> Ave.  
Portland, 97225



ROBERT H. KLONOFF LLC

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2425 SW 76<sup>th</sup> Avenue  
Portland, Oregon 97225

Member, Oregon & DC Bars  
<https://law.lclark.edu/live/files/5260-robort-klonoff-cv>

(503) 291-1570 office  
(503) 702-0218 cell  
klonoff@usa.net

RECEIVED

December 12, 2015

OCT 28 2016

City of Beaverton  
Planning Services

To whom it may concern:

My wife and I have heard about the proposed development in the neighborhood and are concerned for several reasons:

1. extending 75<sup>th</sup> Avenue through to Canyon Lane could have an adverse effect on traffic flow;
2. taking down so many trees could have an adverse effect on the stability of the trees left standing; and
3. the felling of the trees (depending on how it is done) could have an adverse effect on the foundation of our swimming pool.

We intend to have a professional inspection of our pool both before and after the felling of the trees, and will hold the development responsible for any harm caused to our property.

Sincerely,



Robert Klono



**EXHIBIT** 3.6 **RECEIVED**

November 30, 2015

Mr. Bruce Baldwin

AKS Engineering

Dear Mr. Baldwin,

OCT 28 2016

City of Beaverton  
Planning Services

On October 6<sup>th</sup>, I was in my back yard and noticed your employee, David, surveying the trees to be removed for the development that has been proposed on the property facing Canyon Lane. This proposed development is behind my property on SW 76<sup>th</sup> Ave. (2380). David was kind enough to take the time to listen to my concerns. I have owned my home since 1977.

My understanding is that there are now plans to build 11 homes on the property. Here is my concern. Many years ago a development of 11 homes was built, which is now the SW 75<sup>th</sup> Terrace neighborhood. There used to be only one home on that property surrounded by a forest. After the development of those 11 homes was finished, on several occasions the trees that were left, and had lost their support root systems fell on the homes of my neighbors on my street and caused a significant amount of damage to their homes. It actually is a miracle that no one was injured.

As you can imagine, I am concerned that cutting down trees for this new proposed development will result in the remaining trees falling on my home and that of my neighbors. As I said, David understood my concerns and assured me that every effort would be made to ensure safety. I am trusting that this will be the case. He encouraged me to contact you to express my concerns.

As this proposal development progresses, I am asking that your company and the developer alert the neighbors to your plans for keeping us safe, and that you invite neighbors to a meeting to discuss your plans and hear their concerns.

Thank you for taking the time to "hear" my concerns. I would welcome your response.

Sincerely,

Sanna Bunnell,

2380 SW 76<sup>th</sup> Ave. Portland, OR, 97225

[sanjaneb@yahoo.com](mailto:sanjaneb@yahoo.com)





RECEIVED

October 31, 2016

NOV 01 2016

City of Beaverton  
Planning Services

Mr. Steven Regner  
Associate Planner  
Community Development, City of Beaverton

Re: Project Name: 75<sup>th</sup> Terrace Subdivision  
Case File No: LD 2016-0017 TP2016-0010 SDM2016-0008

Dear Mr. Regner,

We are writing in support of our longtime neighbors/friends whose property abuts the property of the above mentioned proposed development.

We each own homes on 76th Ave. After the development was created on 75th Terrace, Douglas fir trees that were left after tree removal fell three times into our homes during wind storms. This was the result of the remaining trees losing their integral root support from the trees that were taken down around them. Fortunately, no one was injured in these events. We do not want any more trees to fall on our neighbors, nor have anyone fear having a tree fall on their home.

Our expectation is that you are actively taking measures to protect the property and lives potentially affected by the proposed tree removals in this development.

We would like to be updated now and while the project is underway so that we know your specific plans for protecting the trees that remain during the tree "harvest" and during home construction.

We look forward to hearing from you.

Sincerely,  
Beaverton residents:

Jolinda Osborne  
2580 SW 76th Ave. 97225  
[Jolinda@jolindaosborne.com](mailto:Jolinda@jolindaosborne.com)

Paul & Linda Johnson  
2500 SW 76th Ave. 97225  
[kahami@msn.com](mailto:kahami@msn.com)

Copy to:  
Mimi Doukas, AKS Engineering & Forestry  
Elizabeth Steiner Hayward MD State Senator District 17

