



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties

From: City of Beaverton Planning Division

Date: April 14, 2017

cc: LD2017-0001

Subject: *Notice of Decision for Twin Oaks Fee Ownership Partition*

Please find attached the notice of decision for **LD2017-0001 (Twin Oaks Fee Ownership Partition)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2017-0001 (Twin Oaks Fee Ownership Partition) 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 \$250.00, as established by resolution of the City Council.

The appeal closing date for LD2017-0001 (Twin Oaks Fee Ownership Partition) is 4:30 p.m. Wednesday, April 26, 2017.

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 Planning Division, Community Development Department, 4th Floor, Beaverton Building/City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Elena Sasin, Assistant Planner, at (503) 526-2494.



NOTICE OF DECISION

DECISION DATE: Friday, April 14, 2017

TO: All Interested Parties

FROM: Elena Sasin, Assistant Planner

PROPOSAL: **LD2017-0001 (Twin Oaks Fee Ownership Partition)**

LOCATION: The property is located at 1815 NW 169th Place. The property is also described as Tax Lot 01300 on the Washington County Tax Assessor's Map 1N131AB. The total site is approximately 2.2 acres.

SUMMARY: The applicant is seeking a Preliminary Fee Ownership Partition approval to establish two (2) separate lots and one (1) common tract for the two (2) existing buildings located on site.

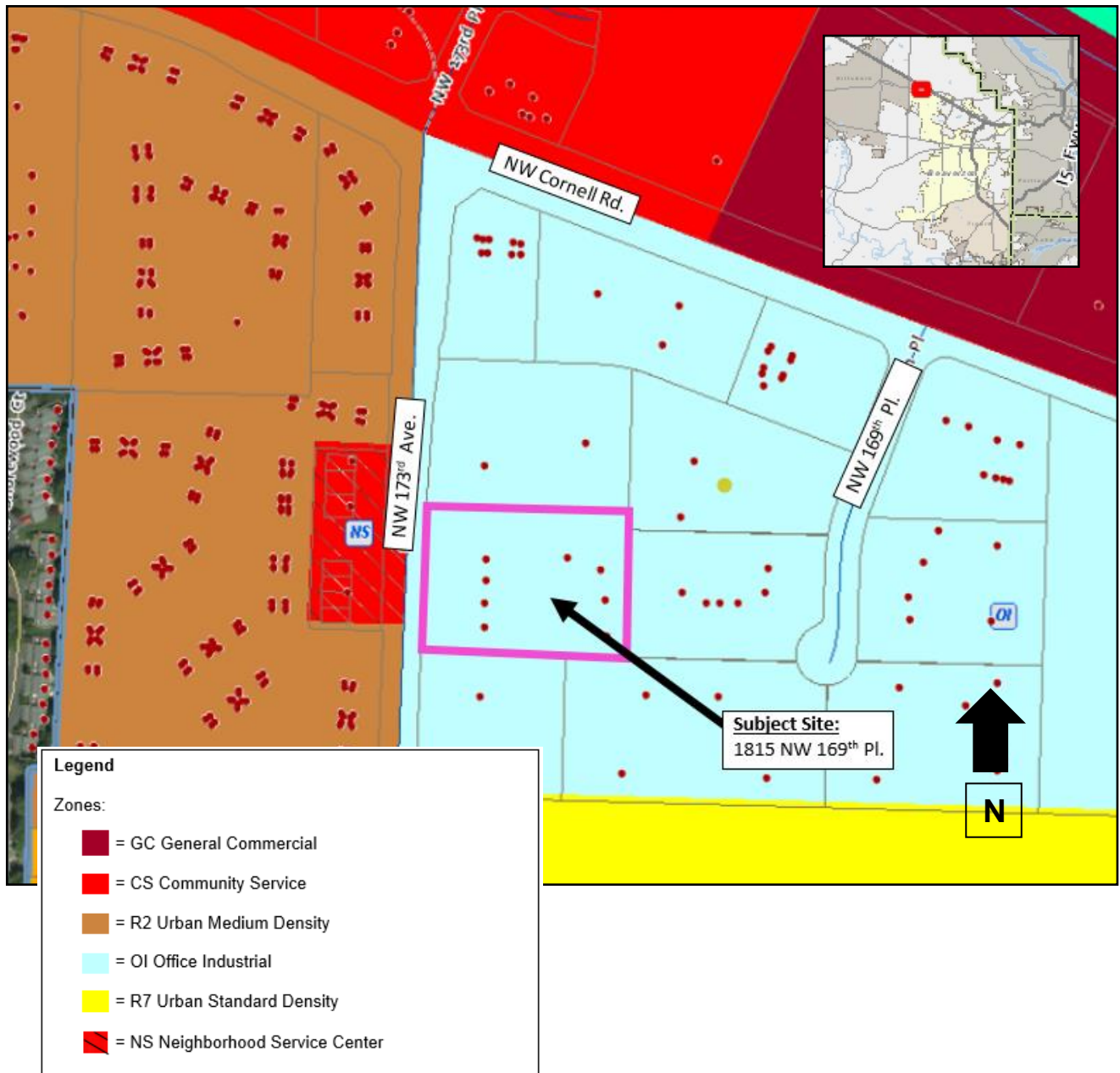
APPLICANT-PROPERTY OWNER: Pacific NW Properties
Attn: Paul Gram
9770 SW Heather Lane
Beaverton, OR 97008

APPLICANTS REPRESENTATIVE: Joyce Jackson, PLA
1940 Sylvan Way
West Linn, OR 97068

APPLICABLE CRITERIA: Facilities Review Section 40.03
Preliminary Fee Ownership Partition Section 40.20.15.6.C

RECOMMENDATIONS: **APPROVAL of LD2017-0001 (Twin Oaks Fee Ownership Partition)** subject to conditions identified at the end of this report.

VICINITY/ZONING MAP



BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120-Day*</u>	<u>240-Day**</u>
LD2017-0001	February 8, 2017	February 22, 2017	June 22, 2017	October 20, 2017

* Pursuant to Section 50.25.8 of the Beaverton Development Code, the City will reach a final decision on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise.

** Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	OI (Office Industrial)	
Current Development	This property is currently developed with two (2) detached buildings.	
Site Size	Approximately 2.2 acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u>	<u>Uses:</u>
	North: <i>OI (Office Industrial)</i>	North: <i>Office/Warehousing</i>
	South: <i>OI (Office Industrial)</i>	South: <i>Office</i>
	East: <i>OI (Office Industrial)</i>	East: <i>Office</i>
	West: <i>NS (Neighborhood Service)</i> <i>R2 (Residential – Urban Medium Density)</i>	West: <i>Medical/Office Residential</i>

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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Attachment A: Facilities Review Committee Technical Review and Recommendation Report	FR1-9
Attachment B: LD2017-0001 – Preliminary Fee Ownership Partition	LD1-4
Attachment C: Conditions of Approval	COA-1

Exhibit 1. Vicinity/Zoning Map

Exhibit 2. Applicant's Materials

Agency Comments

No agency comments received.

Public Comments

Public comments were not received.

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Twin Oaks Preliminary Fee Ownership Partition
(LD2017-0001)**

Section 40.03.1 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 are reviewed for all criteria that are applicable to the submitted application as identified below:

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

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.

Public water

The existing development is located within the Tualatin Valley Water District (TVWD). The available service has sufficient capacity to serve the proposed development.

Public sanitary sewer

The City of Beaverton provides sanitary sewer service through an 8-inch sewer main in the NW 173rd Avenue right-of-way. Adequate capacity exists to serve the subject site.

Storm water drainage, treatment, and detention

Stormwater drainage services are provided by the City of Beaverton, through a manhole connection to a line on the south side of an abutting property, which then connects to a catch basin in NW 173rd Avenue.

The applicant states that all critical facilities exist and are adequately serving the existing lot and can adequately serve the proposed lots. The applicant has submitted a Clean Water Services (CWS) Service Provider Letter (SPL) for the project which states that the proposal will not significantly impact the existing or potentially sensitive area(s) found near the site.

The Committee finds that the existing utilities are adequate in addressing the site's on-site surface water management.

Fire Protection

Fire protection is provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Tualatin Valley Fire & Rescue has received a copy of the submittal and has stated that they have no comments. **Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.**

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

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. The applicant's plans and materials were forwarded to the City Transportation staff and Tualatin Valley Fire and Rescue. As noted above, Tualatin Valley Fire and Rescue had no comments.

Schools

The subject site is within the Beaverton School District boundaries. The proposal does not include residential development or new dwelling units. Therefore, the proposal is not expected to generate demand for services from the applicable public school system.

Transit improvements

Tri-Met provides bus service along NW Cornell Road, approximately 0.14 miles north of the subject site. The proposed Fee Ownership Partition does not warrant additional transit location or capacity.

Police Protection

Police protection to the site will be provided by the Beaverton Police Department. The Police Department did not cite any issues or recommendations to the Facilities Review Committee.

On-site pedestrian and bicycle facilities in the public right-of-way

The subject site is located within an existing business park. Vehicular, pedestrian, and bicycle access to the site exists off of NW 173rd Avenue. Additional access is available through the business park from NW 169th Place. Bicycle lanes are currently provided along NW 173rd Avenue. Canyon Road. Public sidewalks also currently exist along NW 173rd Avenue.

The Committee has reviewed the proposal and has found that the essential facilities and services to serve the site are adequate to accommodate the proposal as conditioned.

Therefore, staff finds that the proposal meets the criterion for approval, subject to the conditions of approval.

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

The Fee Ownership Partition proposal does not entail physical development or changes to the site.

Therefore, staff finds that the approval criterion is not applicable to the proposal.

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

As mentioned above in response to approval criterion C, the Fee Ownership Partition proposal does not entail physical development or changes to the site.

Therefore, staff finds that the approval criterion is not applicable to the proposal.

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

The proposal includes a number of features that will require continued maintenance, including paving and landscaping, of common areas. The applicant has submitted a Common Area Use and Maintenance Agreement. The applicant states that this agreement provides and ensures for the continued periodic maintenance and necessary normal replacement of the private common facilities and areas, including drainage facilities, landscaping, screening and fencing, ground cover, garbage and recycling storage area and other facilities not subject to public maintenance.

Staff concurs that the property can be maintained by the property owner in accordance with the requirements of the City of Beaverton.

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

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

Staff cites the findings for criteria C and D above. Staff finds that existing walkways have safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development. The applicant is not proposing changes to the existing vehicular and pedestrian circulation areas.

Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.

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

Staff cites finding for criteria A, B and F above. The existing development abuts NW 173rd Avenue and has existing pedestrian and vehicular access along that frontage. Pedestrian connections are provided from the site to the existing sidewalk system. Pedestrian areas through drive aisles are marked by white stripes.

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

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.

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Tualatin Valley Fire & Rescue reviewed the proposal and has not provided comments or conditions of approval. Additionally, staff cites findings for approval criterion C.

Therefore, staff finds that the proposal meets the criterion for approval, subject to conditions of approval.

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

Staff cites findings for approval criterion C. No physical changes to the site are being proposed with the Fee Ownership Partition application.

Therefore, staff finds that the approval criterion is not applicable to the proposal.

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.

No grading is proposed with the Fee Ownership Partition application.

Therefore, staff finds that the approval criterion is not applicable to the proposal.

- 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.***

Physical changes and development on the site are not being proposed.

Therefore, staff finds that the approval criterion is not applicable to the proposal.

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

The application was submitted on February 8, 2017. The application was deemed complete on February 22, 2017. 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, staff finds that the proposal meets the criterion for approval.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Office Industrial (OI) District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.15.20 (OI)			
Use - Permitted	Office	The structure and use is existing. The proposal does not entail changes to either the structure or use.	N/A
Use - Permitted	Eating and Drinking Establishment	The structure and use is existing. The proposal does not entail changes to either the structure or use.	N/A
Use - Permitted	Freestanding Retail or Service Business up to and Including 5,000 square feet	The structure and use is existing. The proposal does not entail changes to either the structure or use.	N/A
Development Code Section 20.15.15 (OI)			
Minimum Parcel Area	None	Lot 1: 17,100 sq. ft. Lot 2: 19,527 sq. ft. Tract A: 51,193 sq. ft.	Yes
Floor Area Ratio	N/A	Lot 1 FAR: 0.75 Lot 2 FAR: 0.71	Yes
Minimum Lot Dimensions	None	Kroger Parent Parcel: Width: 250.04 ft. Depth: 348.25 ft. and 250 ft.	Yes
Minimum Yard Setbacks			
Any yard abutting residential	75 ft.	Not abutting residential zone on any side	Yes
Front	35 ft.	Front: 96.6 ft.	
Side	10 ft.	Side: 13 ft.	
Rear	None	Rear: 24.2 ft.	
		The parent parcel meets all yard setback standards.	
Maximum Building Height	80'	The applicant states that the existing buildings are less than 80 feet tall and is not proposing to change the buildings.	Yes

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Structures are existing. No new physical development is being proposed on the site.	N/A
Development Code Section 60.25			
Off-Street Loading	Off-street loading requirements.	Structures are existing. No new physical development is being proposed on the site.	N/A
Development Code Section 60.30			
Off-street motor vehicle parking	Off street parking.	Structures and parking are existing. No new physical development or modifications to the site is being proposed.	N/A
Required Bicycle Parking	Requirements pertaining to the minimum number of required short term and long term bicycle parking spaces.	Structures and parking are existing. No new physical development or modifications to the site is being proposed.	Yes
Development Code Section 60.40			
Sign Regulations	Requirements pertaining to the size and location of signs	Signs are not approved through the Design Review process. Proposal does not include signage.	N/A
Development Code Section 60.55			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Structures and parking are existing. No new physical development or modifications to the site is being proposed.	N/A

Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	Removal of trees is not being proposed.	N/A
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	Structures and parking are existing. No new physical development or modifications to the site are being proposed.	N/A

**LD2015-0015
ANALYSIS AND FINDINGS FOR
PRELIMINARY FEE OWNERSHIP PARTITION**

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 40.45.15.6.A Preliminary Fee Ownership Partition

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

1. *The creation of up to and including three (3) new parcels from at least one (1) lot of record in one (1) calendar year in a Commercial, Industrial or Multiple Use zone, where one or more of the proposed parcels does not meet one or more of the setback, lot coverage, floor area ratio, and/or lot dimension standards of Chapter 20 (Land Uses), as applicable and where modification to the same standard(s) is not requested through another type of application.*

Section 40.45.15.6.C Approval Criteria

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

1. ***The application satisfies the threshold requirements for a Preliminary Fee Ownership Partition 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 the provisions of Section 40.47.15.1.C have been met.***

The applicant proposes to divide an existing legal lot, within an industrial zone where two of the proposed parcels will not meet all of the front and side setbacks. There are two (2) existing structures on the lot, identified as Building 5 and Building 6 on the applicant's submitted plans. The proposal does not include modifications to the structures, but rather establishes separate lots (Lot 1 and Lot 2) for each building surrounded by one unbuildable tract (Tract A) intended for shared use and ownership. Proposed Lots 1 and 2 will not meet side and rear yard setbacks, however the parent parcel (Lot 13 of Quadrant Business Campus) will still meet all setback standards for the Office Industrial zone, meeting threshold 1 for a Preliminary Fee Ownership Partition.

Therefore, staff finds 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 Fee Ownership Partition application.

Therefore, staff finds 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 a Preliminary Fee Ownership Partition process to comply with current Code standards and requirements.***

The subject site is currently developed, with two (2) buildings on site. The Preliminary Fee Ownership Partition will establish two (2) separate lots, one for each building, and one common tract for parking, landscaping, access and utilities. The proposed application will not affect or modify any current or previous land use approvals.

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

- 4. The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, Flexible Setback, or Zero Side Yard Setback for a proposed Non-Residential Land Division application which shall be considered concurrently with the subject proposal.***

The Office Industrial (OI) zoning district does not have a minimum rear yard setback but the parent parcel meets the ten (10) foot side setback and 35-foot front setback standards. The applicant has not submitted an Adjustment, Variance, Flexible Setback or Zero Side Yard Setback application.

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

- 5. The proposal does not create a parcel which will have more than one (1) zoning designation.***

All the subject area is zoned Office Industrial (OI). All created parcels will retain the OI zoning designation.

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

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

The applicant submitted the application for a Preliminary Fee Ownership Partition on February 8, 2017 and was deemed complete on February 22, 2017. No other applications are required of the applicant for this stage of City approvals.

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

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2017-0001 (Twin Oaks Fee Ownership Partition)**, subject to the applicable conditions identified in Attachment C.

Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Grading Standards			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is does not include development. No grading is proposed.	N/A
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 is no proposed.	N/A
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.	The subject site does not abut a residentially zoned property and grading is not being proposed.	N/A
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.	The subject site does not abut a residentially zoned property and grading is not being proposed.	N/A
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.	The subject site does not abut a residentially zoned property and grading is not being proposed.	N/A
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.	The subject site does not abut a residentially zoned property and grading is not being proposed.	N/A
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.	The subject site does not abut a residentially zoned property and grading is not being proposed.	N/A
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 slope after grading shall not exceed the pre-development slope	The subject site does not abut a residentially zoned property and grading is not being proposed.	N/A
Significant Trees and Groves			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	There are no significant trees or groves on site.	N/A

**CONDITIONS OF APPROVAL
TWIN OAKS FEE OWNERSHIP PARTITION
LD2017-0001**

LD2017-0001 Preliminary Fee Ownership Partition Application:

A. Prior to Final Plat approval, the applicant shall:

1. Have verified to the satisfaction of the City Engineer that the location and width of proposed rights of way and easements are adequate per the overall development plan; that each parcel and tract has proper access provisions; and that each parcel and tract has adequate utility service provision/availability per adopted City standards and requirements. (Site Development Div./JJD)
2. Submit a draft final plat that is fully dimensioned and indicates the square footage of all lots and tracts. Plat notes shall state the ownership and maintenance responsibilities of Tract 'A'. (Example: "Tract A shall be commonly owned and maintained by the owners of Lots 1 and 2"). (Planning / ES)
3. Provide the final copy of the Common Area Use and Maintenance Agreement to be reviewed and approved by the City Attorney. (Planning / ES)