



## MEMORANDUM

### City of Beaverton

Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** November 20, 2018  
**Subject:** **Notice of Decision for LD2018-0028 / SDM2018-0005 Elliot 2-Lot Partition**

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Please find attached the Notice of Decision for **LD2018-0028 / SDM2018-0005, Elliot 2-Lot Partition**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2018-0028 / SDM2018-0005 – Elliot 2-Lot 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 LD2018-0028 / SDM2018-0005, Elliot 2-Lot Partition is 4:30 p.m., December 3, 2018.***

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 Sandra Freund, AICP, Senior Planner, at (503) 526-3718.



## NOTICE OF DECISION

DATE: November 20, 2018

TO: All Interested Parties

FROM: Sandra Freund, AICP, Senior Planner

PROPOSAL: **LD2018-0028 / SDM2018-0005 – Elliot 2-Lot Partition and Sidewalk Design Modification**

LOCATION: 10405 SW Davies Road  
Tax Lot 01500 of Washington County Map 1S133BB

SUMMARY: The applicant seeks approval of a Preliminary Partition for a proposed two-lot partition of a residential property. The applicant also proposes a Sidewalk Design Modification to remove the required planter strip and allow the sidewalk to remain in its current curb tight location.

APPLICANT/  
PROPERTY OWNER: Steve and Leslie Elliot  
10405 SW Davies Road  
Beaverton, OR 97008

APPLICANT'S  
REPRESENTATIVE: Ztec Engineering, Inc.  
Attn: John Middleton  
3880 SE 8<sup>th</sup> Avenue, Suite 280  
Portland, OR 97202

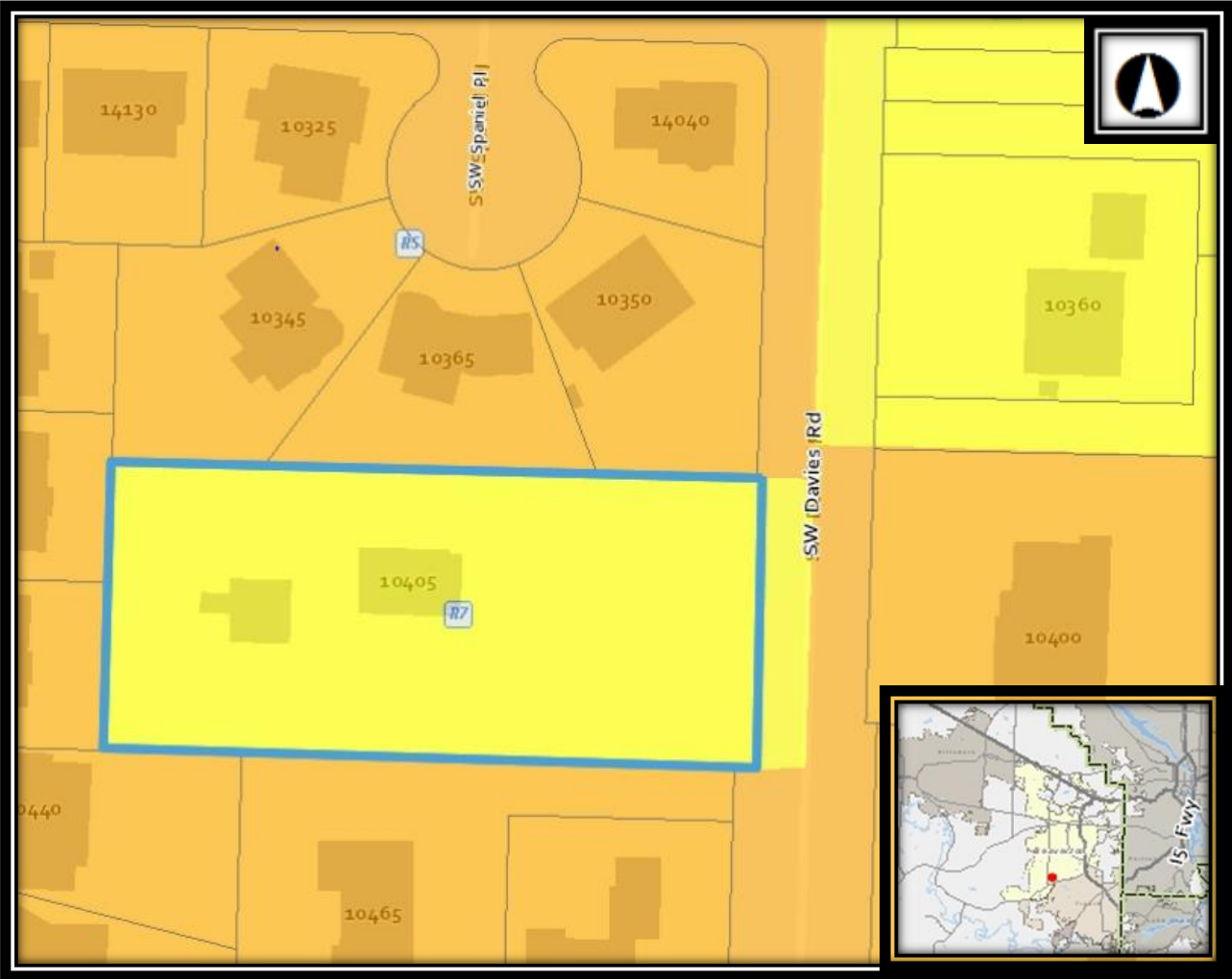
APPLICABLE  
CRITERIA: Facilities Review, Section 40.03  
Land Division – Preliminary Partition, Section 40.45.15.4.C  
Sidewalk Design Modification, Section 40.58.15.C

DECISION: **APPROVAL of LD2018-0028 / SDM2018-0005 – Elliot 2-Lot Partition and Sidewalk Design Modification**, subject to conditions identified at the end of this report.

VICINITY MAP



ZONING MAP



## BACKGROUND FACTS

### Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
LD2018-0028 SDM2018-0005	July 17, 2018	October 10, 2018	February 7, 2019	October 10, 2019

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

\*\*Pursuant to ORS 227.178(5), the total of all extensions may not exceed 365 calendar days from the date the application was deemed complete. This is the latest date by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	R7 Urban Standard Density	
<b>Current Development</b>	Single Family Residential	
<b>Site Size</b>	0.98 acres	
<b>NAC</b>	South Beaverton	
<b>Surrounding Uses</b>	<u>Zoning:</u> North: Urban Standard Density (R5) South: Urban Standard Density (R5) East: Urban Standard Density (R5) West: Urban Standard Density (R5)	<u>Uses:</u> North: Single Family Residential South: Single Family Residential East: Single Family Residential West: Single Family Residential

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<b>Exhibit 1: Exhibits by City Staff</b> Exhibit 1.1 - Vicinity Map Exhibit 1.2 - Zoning Map	SR4-SR5
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**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
Elliot 2-Lot Partition  
LD2018-0028 / SDM2018-0005**

**Project Summary**

The applicant requests Preliminary Partition approval for a proposed residential two-lot partition with Sidewalk Design Modification. The site is currently developed with one single family home, and is located at 10405 SW Davies Road.

**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 (Preliminary Partition) application as submitted.**
- 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, public sanitary sewer and storm water drainage facilities.

*Public Water*

Water service will be provided by the City of Beaverton. There is an existing 8-inch water line within the SW Davies Road right-of-way, with a lateral line serving the existing dwelling on Lot 1. An additional connection to the existing public water line in SW Davies Road is proposed for Lot 2. Adequate capacity exists to serve the proposed development.

*Public Sanitary Sewer*

Sanitary sewer service will be provided by the City of Beaverton. Parcel 1, containing the existing residence is currently served by an existing septic system. The applicant proposes decommissioning the septic system, and connecting the existing dwelling to an existing sewer lateral within a 20-foot wide public utility easement (P.U.E.) adjacent to the subject property along its northwestern property line. Lot 2 can be served by an existing sewer line located in SW Davies Road, which can be extended to serve the site. Adequate capacity exists to serve the proposed development.

*Stormwater*

The applicant proposes constructing a 595 square foot storm water management facility within proposed Tract A, with overflow to the public storm system. The applicant intends to retrofit the decommissioned 1,000-gallon septic tank and reuse for storm water collection from the existing home with a 6-inch storm water overflow pipe to connect to the surface storm water management facility. The applicant proposes a stormwater facility (Tract A) at the southeastern portion of the subject property adjacent to SW Davies Road. Adequate capacity exists to serve the proposed development.

*Access*

The subject site has direct access to SW Davies Road, a 2-lane Collector. The proposed Lots will be accessed from the public street system via the existing driveway, which will need to be reconstructed to meet ADA standards. The existing driveway will be placed in a tract for the portion that serves both proposed lots. The applicant has shown how additional widening of the driveway is possible to accommodate future intensification of the site to meet minimum density.

Per the Engineering Design Manual (EDM) a 6.25 foot right-of-way dedication will be necessary along the property frontage (along SW Davies Road) in order to meet the 31 foot right-of-way from centerline requirement for a 2-lane Collector. This dedication shall occur on the final plat and is conditioned as such. The existing curb-tight sidewalk is 5-feet wide, and proposed to remain as is. The applicant has applied for a Sidewalk Design Modification (SDM2018-0005) which will address sidewalk design requirements. The applicant has proposed undergrounding all utilities, in accordance with Section 60.65 of the Beaverton Development Code. Lastly, per the City Transportation Engineer, the applicant will be required to show Option C street lighting that meets the Engineering Design Manual street lighting standards for Collector streets.

The proposed two lot partition does not generate enough trips to warrant a Traffic Impact Analysis which is required when a total of 300 new daily trips are proposed by a development.

*Fire Protection*

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). TVF&R has no comments or conditions for the proposal.



## ATTACHMENT A

The Committee finds that the proposed development will provide the required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

**FINDING: Therefore, the Committee finds that by meeting the conditions of approval, 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. The applicant’s plans and materials were forwarded to City Transportation staff and City Police Department.

The proposed additional lot will not significantly impact the capacity of Beaverton School District. BSD has been routed the application and has provided no comment.

The site will continue be served by the Tualatin Hills Park and Recreation District (THPRD).

Dedication of additional right-of-way along SW Davies Road is required to provide the necessary 31 foot width from centerline, as required per the Engineering Design Manual (EDM). The applicant will need to show the dedication at the time of final land division application.

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

Tri-Met will serve the development site. The site is most directly served by the 92 – South Beaverton Express bus, which runs along SW Brockman, north of the subject property. The bus stop for Bus 92 is approximately 3,700 feet to the north of the subject site located at SW Davies Road and SW Brockman; and approximately 665 feet to the south, at the intersection of SW Davies and SW Scholls Ferry Road.

**FINDING: Therefore, the Committee finds 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 at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Urban Standard Density (R7) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards of the R7 zone.

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

- 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 proposal.**

*The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates to the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff will provide findings for the applicable Land Division criteria within the applicable section of the staff report. As demonstrated in the code conformance analysis chart the proposal meets all applicable sections of Chapter 60.*

**FINDING: 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 proposal will create two (2) lots, a shared access, and storm water tract (Tract A). The maintenance responsibilities for Tract A will be shared between the two property owners. The outlet of the proposed stormwater management facility proposed in Tract A will be the maintenance responsibility of the City of Beaverton, upon acceptance of the public infrastructure. The property owner will remain responsible for the maintenance of all on-site facilities until the future lot(s) are developed. At that time, all property owners will enter into a Shared Driveway Maintenance Agreement outlining the maintenance and landscaping responsibilities for each property owner.

**FINDING: 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 applicant proposes to use the existing sidewalk for pedestrian circulation, as well as the shared driveway for vehicular access. The proposed pedestrian circulation system connects all parts of the development in a safe, efficient, and direct manner. Staff refers to the findings under criterion D to ensure safe and efficient vehicular and pedestrian circulation.

**FINDING:** Therefore, the Committee finds that the criterion is not applicable.

**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 applicant does not propose modifications to existing vehicular and pedestrian circulation patterns at this time. The existing sidewalk is a straight, curb tight pedestrian walkway along SW Davies Road, and the proposed shared driveway is currently accessed in the center of the property from SW Davies Road. Staff cites the findings under criterion D. The site's vehicular and pedestrian circulation system connects in a safe and efficient manner.

**FINDING:** Therefore, the Committee finds that the criterion is met.

**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.***

The applicant does not proposed any structures or new public facilities. Review through the City's Site Development process will ensure that the proposed stormwater facility will meet public standards. TVF&R has reviewed the proposal and has no comments or conditions.

**FINDING:** Therefore, the Committee finds that the criterion is met.

**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 Conditions of Approval stated herein, provide requirements of the applicant to obtain Site Development and Building Permits from the City, to ensure that structures and public facilities will be designed and built in accordance to the applicable codes and standards.

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

- 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 has indicated grading and contouring, at the time of future development, will take place in order to accommodate the construction of a rain garden. The proposed grading will not have an adverse impact on the adjacent neighboring properties.

**FINDING:** Therefore, the Committee finds that the criterion is met.

- 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 applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals.*

**FINDING:** Therefore, the Committee finds that the criterion is met.

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

The applicant submitted the land use applications on July 17, 2018 and was deemed complete on October 10, 2018. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

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

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

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.20.20 (R7)</b>			
Use	No Uses Proposed	No Uses Proposed	N/A
<b>Development Code Section 20.20.15 (R7)</b>			
Minimum Lot Area	7,000 square feet	Lot 1: 28,323 square feet Lot 2: 7,560 square feet	Yes
Minimum Corner Lot Dimensions Width Depth	none none	n/a n/a	N/A
Yard Setbacks Front Side Rear	17 feet 5 feet 25 feet	<u>Parcel 1:</u> Front: 17 feet Side: 5 feet Rear: 25 feet  <u>Parcel 2:</u> Front: 17 feet Side: 10 feet Rear: 25 feet	Yes
Maximum Building Height	35 feet	No structures are proposed at this time.	N/A

## 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.	The proposal is not subject to Design Review.	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 are proposed.	N/A
<b>Development Code Section 60.15 – Land Division Standards</b>			
Land Division Standards	Standards pertaining to Land Divisions	A Land Division-Preliminary Partition application has been applied for.	<b>See LD Findings</b>
<b>Development Code Section 60.30 – Off-Street Parking</b>			
Off-street motor vehicle parking Parking Zone A and B	Detached Dwelling Units require 1 parking space per unit.	The existing dwelling unit will have at minimum one (1) parking space.	N/A
Required Bicycle Parking	No required bicycle parking for Detached dwelling units.	Future home construction on Parcel 2 will be evaluated for conformance with minimum parking standards at the time of building permit.	
<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.	<b>Yes-with COA</b>
<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No trees are proposed to be removed with this partition application.	N/A
<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 frontage, except high voltage lines (>57kV) must be placed underground.	To ensure the proposal meets requirements of this section, staff recommends a condition requiring the completion of undergrounding prior to issuance of occupancy permit(s).	<b>Yes-with COA</b>

**ANALYSIS AND FINDINGS FOR  
LAND DIVISION-PRELIMINARY PARTITION APPROVAL  
Elliot 2-Lot Partition  
LD2018-0028**

**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 40.45.15.4.C Approval Criteria**

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

- 1. *The application satisfies the threshold requirements for a Preliminary Partition 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 one parcel into two parcels, therefore meeting the threshold for a Preliminary Partition below.

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

**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 Partition 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 partition process to comply with current Code standards and requirements.***

The original plat was recorded on September 12, 1888 as the Millard and Vanchuyver Tract. The existing residence was constructed circa 1912. Staff has researched and found no prior land use approvals.

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

- 4. *Oversized parcels (oversized lots) resulting from the Partition 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.***

The subject site is zoned R7, which requires a minimum lot size of 7,000 square feet. The existing parent parcel is approximately 0.98 acres (42,689 square feet) in size. The proposed two lot partition results in one regularly sized parcel (Parcel 2 which is 7,560 square feet) and one oversized parcel (Parcel 1 which is 28,232 square feet and retains the original historic dwelling) as well as a stormwater tract to serve both parcels. Parcel 1 retains a size and shape that will facilitate future partitioning of said oversized parcel. The applicant has provided a future development plan that demonstrates how parcel 1 can be further partitioned into three (3) residential parcels. The shadow plat demonstrates partitioning off proposed Parcel 2 into an 8,904 square foot parcel, and leaving the remaining parent parcel, Parcel 1, which could be further subdivided. The shadow plat shows the further subdivision of Parcel 1 to include 3 parcels of the following sizes, 8,904, 7,560, and 7650 square feet. Each proposed future lot conforms to the R7 development standards of minimum lot size (7,000 square feet), 65-foot minimum lot width, and 90 feet minimum lot depth.

There is an existing driveway, which will be widened to a 30-foot shared access easement to serve the additional future parcels. This easement would be designated a private access. All future lots will be served by existing utilities accordingly. Staff finds that the proposed size and shape of the oversized lot does not preclude future development of the site to meet the minimum density standards of the R7 zoning district.

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

- 5. *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.***

Lot averaging is not proposed with this development. The applicant has demonstrated that the proposed lot will meet the minimum lot size of 7,000 square feet for the R7 zone.

**Therefore, staff finds that the proposal, as conditioned, meets the criterion.**

**6. *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 applicant is not requesting lot averaging. The applicant has shown that the two proposed lots meet the minimum lot area of 7,000 square feet for the R7 zone, and no Adjustment of Variance is being sought.

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

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

The proposal will result in two (2) separate lots, where Parcels 1 and 2 are both zoned R7 - Standard Density Residential. The proposal does not create a parcel with more than one zoning designation.

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

**8. *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 Partition along with the associated Sidewalk Design Modification application. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant at this stage of City review.

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

## **RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2018-0028 (Elliot 2-Lot Partition)**, subject to the applicable conditions identified in Attachment D.

## 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.	The applicant states the proposal is 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.	No grading or site work is proposed with this partition.	<b>Yes</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.	No grading or site work is proposed with this partition.	<b>Yes</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.	No grading or site work is proposed with this partition.	<b>Yes</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.	No grading or site work is proposed with this partition.	<b>Yes</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.	No grading or site work is proposed with this partition.	<b>Yes</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 slope after grading shall not exceed the pre-development slope	The applicant does not propose to exceed these standards of pre-development slopes.	<b>Yes</b>
<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.	No grading or site work is proposed with this partition therefore no trees will be impacted.	<b>N/A</b>

**ANALYSIS AND FINDINGS FOR  
SIDEWALK DESIGN MODIFICATION  
Elliot 2-Lot Partition  
SDM2018-0005**

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

The applicant requests a modification of the sidewalk improvement standard identified by Engineering Design Manual (EDM) and Beaverton Development Code for streets classified as a Collector by the Beaverton Transportation System Plan, located in residential zones.

The existing sidewalk along SW Davies Road, is approximately 5 feet wide and does not have a planter strip, the applicant proposes to retain the existing sidewalk as is. This section of SW Davies Road does not have planter strips, unlike other sections north of the subject property which do. The EDM standard along collector streets requires a 6-foot wide curb-tight sidewalk (EDM Detail No. 216), and a 7.5-foot wide planter strip. The applicant proposes the sidewalk to remain at 5 feet in width, and a reduction of the planter strip requirement to zero in order to match the current configuration along this section of SW Davies Road. The applicant has also requested this modification in order to preserve four (4) mature maple trees (9-inches to 14-inches DBH) located on the edge of the SW Davies right-of-way, and is approximately 138 linear feet along the subject property frontage.

As the proposal does not meet the full sidewalk width standard of the EDM, the proposal meets the threshold requirement for a Sidewalk Design Modification.

Therefore, staff finds 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's response to item "a" above, explains that constructing the sidewalk to the EDM standards would require fill on the property as a result to the differences in slope. It may also require a retaining wall at the southern end where there is significant grade change between the existing ground elevation and a future separated sidewalk grade.

The applicant proposes to maintain the existing access point to the subject site. A new separated sidewalk, built to EDM requirements, would result in changes to the existing driveway in order to match a new driveway elevation. The current driveway has a slope of 12%, which is the maximum per the EDM. If required to construct a new separated sidewalk, the back of walk elevation will be approximately 0.45 feet above the existing driveway, thus the driveway would need to be reconstructed for 50 feet in order to create a new driveway matching a new sidewalk in order to not exceed 12% slope. Any driveway reconstruction will result in too steep a driveway. There are three (3) utility boxes at the northeast corner of the subject site that would be in the direct path of new sidewalk. The boxes would need to be relocated if a standard sidewalk were constructed.

Staff concur with the applicant's statements for supportive findings in response to the criterion. Staff also observes that there exists slope differences across the subject site, with the steepest slopes occurring at the southeast and southwestern portions of the site.

**Therefore, staff finds 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.***

Staff refer to and incorporate the findings of fact prepared in response to the Facilities Review approval criteria for this project, associated with case file LD2018-0028. In part, the proposed dedication will help to accommodate future widening of SW Davies Road for sidewalk and road improvements.

**Therefore, staff finds that 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 Land Division – Preliminary Partition application as mentioned. No additional applications are necessary.

**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 refer to and incorporate the findings of fact prepared in response to the Facilities Review approval criteria for this project, associated with case file LD2018-0028. The project proposes to maintain the existing sidewalk in order to provide for safe and efficient pedestrian circulation along the property frontage, as well as to meet current ADA (Americans with Disabilities Act) guidelines.

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

**DECISION:**

Based on the facts and findings presented, the Planning Director hereby **APPROVES SDM2018-0005 – Elliot 2-Lot Partition** subject to the Conditions of Approval identified in Attachment D, herein.

**CONDITIONS OF APPROVAL**  
**Elliot 2-Lot Partition and Sidewalk Design Modification**  
**LD2018-0028 / SDM2018-0005**

**LD2018-0028 Preliminary Partition:**

**A. Prior to any site work commencing and issuance of the Site Development permit, the applicant shall:**

1. Ensure the associated Sidewalk Design Modification application (SDM2018-0005) has been approved and is consistent with the submitted plans. (Planning/SF)
2. Submit a narrative that responds to all applicable conditions of approval and discusses how each condition has or will be satisfied prior to issuance of the Site Development Permit. (Site Development Div./JJD)
3. 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)
4. 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 (April 2017, Resolution and Ordinance 2017-05), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
5. 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)
6. 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 driveway 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)
7. 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)
8. 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)

9. 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)
10. 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)
11. Apply for private site plumbing permits from the Building Division in order to decommission the existing septic system and allow for private service connection construction for the existing home and the new home. (Site Development Div./JJD)
12. Submit a final 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. 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 grading plan showing that each lot 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 home 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 existing homes 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)



14. 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)
15. Pay storm water system development charges (overall system conveyance) for the new impervious area proposed for the common driveway. (Site Development Div./JJD) (Site Development Div./JJD)
16. Provide plans for the placement of underground utility lines within the site to the existing homes, and for services to the proposed new home sites. No overhead services shall remain to any lot including the existing home. 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)
17. Provide plans for LED street lights along the site's public street frontages and the common driveway (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director, Traffic Engineer, and City Engineer). (Site Development Div./JJD)

**B. Prior to approval of the Final Plat, the applicant shall:**

18. Provide a written maintenance agreement or Homeowner Association Conditions, Covenants and Restrictions (CC&Rs) document for review by the City Attorney, in regard to the ongoing maintenance of the common areas. The agreement shall be recorded concurrently with the final plat. (Planning / SF)
19. Submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 2 years after preliminary plat approval, unless a time extension is approved. (Planning / SF)
20. Submit a completed Land Division Agreement form to provide assurance that all the conditions of approval shall be met and that the development will be constructed in accordance with City requirements. (Planning / SF)
21. Demonstrate that all lots meet ordinance standards for lot size, dimension and frontage, as approved. A copy of the final plat providing all dimensions and the square footage of each lot shall be submitted. (Planning / SF)
22. Provide written assurance to the Planning Division that each and every lot is buildable without variance under City Ordinances effective as of the date of preliminary plat approval. Tracts and other parcels not proposed for development shall also be listed with a statement of their purpose. (Planning / SF)

23. Pay all City liens, taxes and assessments or apportion to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures. (Planning / SF)
24. Identify all improvements within tracts and public rights-of-way and specify the maintenance responsibilities of those improvements. (Planning / SF)
25. Have commenced construction of the site development improvements to provide minimum critical public services to the existing home and 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)
26. Show granting of any required on-site easements on the partition 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)
27. 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 public utility service provision/availability per adopted City standards and requirements. (Site Development Div./JJD)
28. Provide plans that show Option C street lighting that meets the Engineering Design Manual street lighting standards for collector streets. (Transportation/JK)
29. Provide plans that show the reconstruction of the existing driveway to meet ADA standards. (Transportation/JK)
30. Submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 24 months after preliminary plat approval, unless a time extension is approved. (Planning Division/SF)
31. The following shall be represented on the plat and recorded with Washington County: (Transportation/JK)
32. Dedication of right-of-way to provide for an additional 6.25 feet to meet the full 31 feet from the centerline of SW Davies Road.

**C. Prior to building permit issuance for a new home, the applicant shall:**

33. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
34. Have recorded the final plat with the County Surveyor and submitted a copy to the City. (Site Development Div./JJD)

35. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
36. 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 facility and **3)** as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. (Site Development Div./JJD)
37. Pay a storm water system development charge (overall system conveyance) for the one new home (1 ESU). (Site Development Div./JJD)
38. Have placed underground all existing overhead utilities and any new utility service lines within the project, including the existing home, and along any existing street frontage, as determined at site development permit issuance. (Site Development Div./JJD)
39. 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)

**D. Prior to final inspection of any building permit, the applicant shall:**

40. 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)
41. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)

**E. Prior to release of performance security, the applicant shall:**

42. 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)
43. 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)

44. 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 private surface water management facility area, 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)

**SDM2018-0005 Sidewalk Design Modification**

45. Ensure the associated Preliminary Partition application (LD2018-0028) has been approved and is consistent with the submitted plans. (Planning/SF)