



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties

From: City of Beaverton Planning Division

Date: October 5, 2018

Subject: *Notice of Decision for LD2018-0030 Cedar Hills Crossing Phase 4 Preliminary Partition*

Please find attached the notice of decision for **LD2018-0030 (Cedar Hills Crossing Phase 4 Preliminary Partition)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2018-0030 (Cedar Hills Crossing Phase 4 Preliminary 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 alleged the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for LD2018-0030 (Cedar Hills Crossing Phase 4 Preliminary Partition) is 4:30 p.m. Wednesday, October 17, 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 Steve Regner, Associate Planner, at (503) 526-2675.



NOTICE OF DECISION

DECISION DATE: October 5, 2018

TO: All Interested Parties

FROM: Steve Regner, Associate Planner *SR*

PROPOSAL: **LD2018-0030 (Cedar Hills Crossing Phase 4 Preliminary Partition)**

LOCATION: The property is located at 2605 SW Cedar Hills Boulevard. The property is also described as Tax Lots 1400, 1401, 1502, 1503 and 1600 on the Washington County Tax Assessor's Map 1S109AD. Legal Description Lot 4 of Cedar Hills Crossing North. The total site is approximately 8.17 acres.

SUMMARY: The applicant, Center Development Oreg. II LLC, requests Preliminary Partition approval for a proposed two-lot partition of a commercial property.

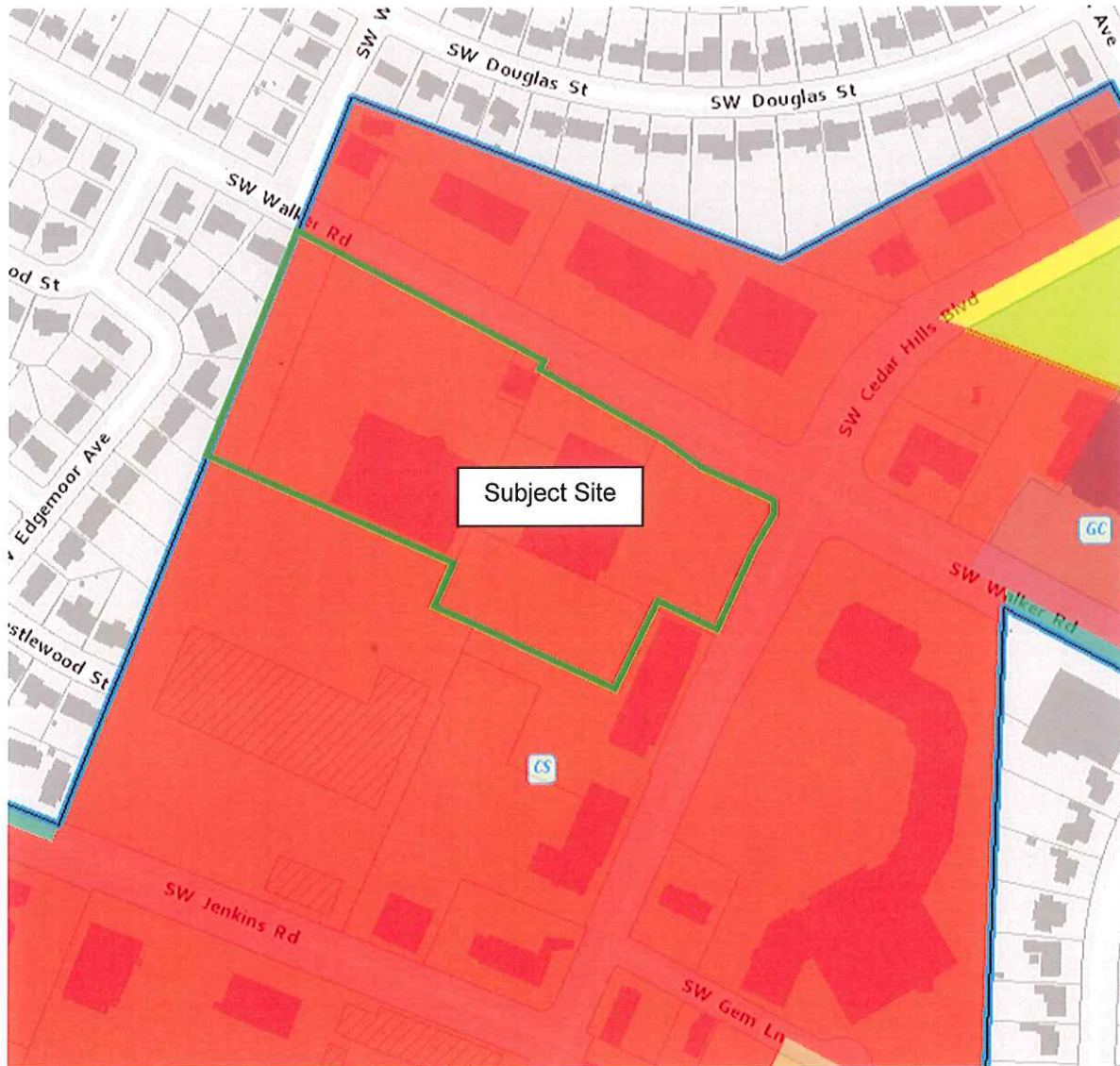
APPLICANT/PROPERTY OWNER: Center Development Oreg. II LLC
Attn: Seth Garey
1701 SE Columbia River Drive
Vancouver, WA 98661

APPLICANTS REPRESENTATIVE: DOWL
Attn: Mike Towle
720 SW Washington, Suite 750
Portland, OR 97205

APPLICABLE CRITERIA: Facilities Review Section 40.03
Preliminary Partition Section 40.45.15.4.C

RECOMMENDATIONS: **APPROVAL of LD2018-0030 (Cedar Hills Crossing Phase 4 Preliminary Partition)** subject to the condition 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>365-Day**</u>
LD2018-0030	August 3, 2018	August 28, 2018	December 26, 2018	August 28, 2019

* 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	CS – Community Service	
Current Development	This property is currently developed with commercial uses	
Site Size	Approximately 8.17 acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u>	<u>Uses:</u>
	North: CS (Community Service)	North: Retail
	South: CS (Community Service)	South: Retail
	East: CS (Community Service)	East: Retail
	West: Washington County R5 Residential	West: Residential

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

	<u>PAGE No.</u>
Attachment A: Facilities Review Committee Technical Review and Recommendation Report	FR1-FR5
Attachment B: LD2018-0030 – Preliminary Partition	LD1-LD5
Attachment C: Conditions of Approval	COA1-COA1

Exhibit 1. Vicinity/Zoning Map

Exhibit 2. Applicant's Materials

Agency Comments

No agency comments received.

Public Comments

No public comments received.

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Cedar Hills Crossing Phase 4 Preliminary Partition
(LD2018-0030)**

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 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.

No physical development is proposed with this Preliminary Partition. The Committee finds that the proposal does not affect existing, or impede potential future, necessary on-site and off-site connections to public water, public sanitary sewer and storm water drainage facilities. The applicant's plans were shared with Tualatin Valley Fire and Rescue (TVF&R) and Transportation staff, who did not provide comments in response to the proposed Preliminary Partition.

All critical facilities serve the site and were found to have adequate capacity at the time of most recent Land Division, LD2015-0025.

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

- 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 subject site is developed as a commercial shopping center, the applicant does not propose further physical development with this Preliminary Partition application. The proposed parcels will continue to function as part of the larger Cedar Hills Crossing II development. The applicant’s plans were shared with City Transportation staff who had no comments regarding the proposal. Essential facilities were reviewed through the most recent Land Division and Design Review applications, LD2015-0025 and DR2015-012, where the Committee found that essential facilities are available. The proposed Preliminary Partition does not affect existing essential facilities.

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

- 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).***

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates to the applicable Code requirements of Chapter 20 for the Community Service (CS) zone, as applicable to the above-mentioned criteria. The proposal does not include any physical development of the site.

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 proposed development.***

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 Preliminary Partition approval criteria within the applicable sections of the staff report.

Therefore, the Committee finds that 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 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 proposed Preliminary Partition does not include changes to any private common facilities or areas. The site, as currently developed is maintained by the developer and is kept in good repair as no physical changes are occurring that would preclude continued maintenance of the facilities the Committee finds this criterion is met.

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 proposed application does not entail physical changes to the subject site or buildings. On-site circulation was reviewed through the most recent Land Division and Design Review applications, LD2015-0025 and DR2015-0121, where the Committee found that on-site circulation was safe and efficient.

Therefore, the Committee finds that 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 proposed application does not entail physical changes to the subject site or buildings. Connections to the surrounding circulation system was reviewed through the most recent Land Division and Design Review, LD2015-0025 and DR2015-0121, where the Committee found that on-site circulation was safe and efficient.

Therefore, the Committee finds that 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.**

The proposal does not include any physical changes to the site.

Therefore, the Committee finds that 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 crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

The proposal does not include any physical changes to the site.

Therefore, the Committee finds that 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 proposal does not include any physical changes to the site.

Therefore, the Committee finds that 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 proposal does not include any physical changes to the site.

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

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

The applicant submitted the land use applications on August 3, 2018 and was deemed complete on August 29, 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.

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

The Facilities Review Committee finds that the proposal is limited in scope to the Preliminary 2-Lot Partition of a site already developed with a commercial shopping center. No physical changes to the existing building or site are proposed, and as such, complies with all the technical criteria.

**Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Community Service (CS) District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.10.20 (CS)			
Use - Permitted	Commercial	Commercial shopping center	Yes
Development Code Section 20.10.15 (CS)			
Minimum Lot Area	7,000 square feet	Lot 4 – 119,553 square feet Lot 5 – 236,208 square feet	Yes
Minimum Lot Dimensions	70' width 100' depth	Lot 4 – 332x485 feet Lot 5 – 410x549 feet	Yes
Yard Setbacks Minimums:	20' front 10' side 20' rear	Not applicable, no physical improvements proposed	N/A
Maximum Building Height	60'	Not applicable, no exterior changes are proposed	N/A

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Chapter 60			
Standards related to physical development.	Requirements for new development and redevelopment.	No exterior or site changes are proposed.	N/A

**LAND DIVISION
ANALYSIS AND FINDINGS
Cedar Hills Crossing Phase 4 Preliminary Partition
LD2018-0030**

The applicant requests approval of a Preliminary Partition in order to divide one lot into two (2). This lot, described as Lot 4 of the Cedar Hills Crossing North subdivision plat, composes a portion of the Cedar Hills Crossing II shopping center.

Section 40.45.05. Land Division; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of the boundaries of land within the City of Beaverton. This Section is carried out by the approval criteria listed herein.

Section 40.45.15.4.C Preliminary Partition Approval Criteria

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

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

Threshold number 1 for Preliminary Partition states:

- 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.*

The proposal includes dividing single lot of record, described as Lot 4 of the Cedar Hills Crossing North subdivision, into two lots. The subject lot is a single legal lot, composed of multiple tax lots under single ownership. The parent parcel is not subject to a Legal Lot Determination. Therefore, the proposal satisfies the threshold for a Replat Two application.

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 submitted the required fee for a Preliminary Partition application.

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

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

As proposed, the Preliminary Partition application does not conflict with any existing City approval. The City does not propose modifying prior approvals to comply with current Code through this Partition process.

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 that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed partition and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

An "oversized lot" is defined in the Development Code as, "A lot which is greater than twice the required minimum lot size allowed by the subject zoning district." The minimum lot size required within the CS zoning district is 7,000 square feet. The proposed lot sizes area are 2.93 acres and 5.2 acres, therefore both parcels are oversized. However, the site is currently developed as a shopping center. The proposed Preliminary Partition to divide one lot into two lots does not include any other changes to the site. As described in response to Section 40.03 above (Attachment A), critical and essential facilities serve the site and were reviewed as part of the most recent development proposal of the shopping center, LD2015-0025.

As the Preliminary Partition affects a site which is already developed and does not propose any other changes to the site, the proposal satisfies criterion 4.

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 street improvements are proposed, provides a standard street cross section with sidewalks.*

The applicant is not proposing to apply lot averaging standards.

Therefore, staff finds that the criterion is not applicable to the subject application.

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

The applicant is not proposing to apply lot averaging standards.

Therefore, staff finds that the criterion is not applicable to the subject application.

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

The resulting two lots with both be zoned Community Service.

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 the required application materials for review of a Preliminary Partition application in the proper sequence.

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

RECOMMENDATION:

Based on the facts and findings presented herein, staff recommends **APPROVAL** of **LD2018-0030 (Cedar Hills Crossing Phase 4 Preliminary Partition)** subject to the conditions, below.

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 not being proposed.	N/A
60.15.10.3.A-G 0-5 Feet From Property Line	Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property.	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.	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.	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.	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.	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	Grading is not being proposed.	N/A

60.15.10.3.G	The on-site grading contours standards above apply only to the property lines of the parent parcel of a development. They do not apply to internal property lines within a development.	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 and grading is not proposed.	N/A

**CONDITIONS OF APPROVAL
CEDAR HILLS CROSSING PHASE 4 PRELIMINARY PARTITION
LD2018-0030**

LD2018-0030 Preliminary 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./JJJ)
2. Demonstrate all lots meet ordinance standards for lot size, dimension and frontage. The final plat shall be fully dimensioned and indicate the square footage of each lot. (Planning Division/SR)
3. 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 Division/SR)
4. 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 Division/SR)
5. 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 Division/SR)
6. 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/SR)
7. Submit paper copies of the proposed final plat to the City for review, and approval, prior to recording. Mylars should not be printed for signature until the City has approved the final form of the proposed plat. (Planning / SR)