



## MEMORANDUM

### City of Beaverton

Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** January 29, 2020  
**Subject:** **Notice of Decision for LD2019-0019 / 9<sup>th</sup> Street 2-Lot Partition**

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Please find attached the Notice of Decision for **LD2019-0019 / 9<sup>th</sup> Street 2-Lot Partition**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2019-0019 / 9<sup>th</sup> Street 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 LD2019-0019 / 9<sup>th</sup> Street 2-Lot Partition is 4:30 p.m., February 10, 2020.***

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, Associate Planner, at (503) 526-2494.



## NOTICE OF DECISION

DATE: January 22, 2020

TO: All Interested Parties

FROM: Elena, Associate Planner

PROPOSAL: **LD2019-0019 / 9<sup>th</sup> Street 2-Lot Partition**

LOCATION: 12350 SW 9<sup>th</sup> Street  
Tax Lot 330 of Washington County Map 1S115CC

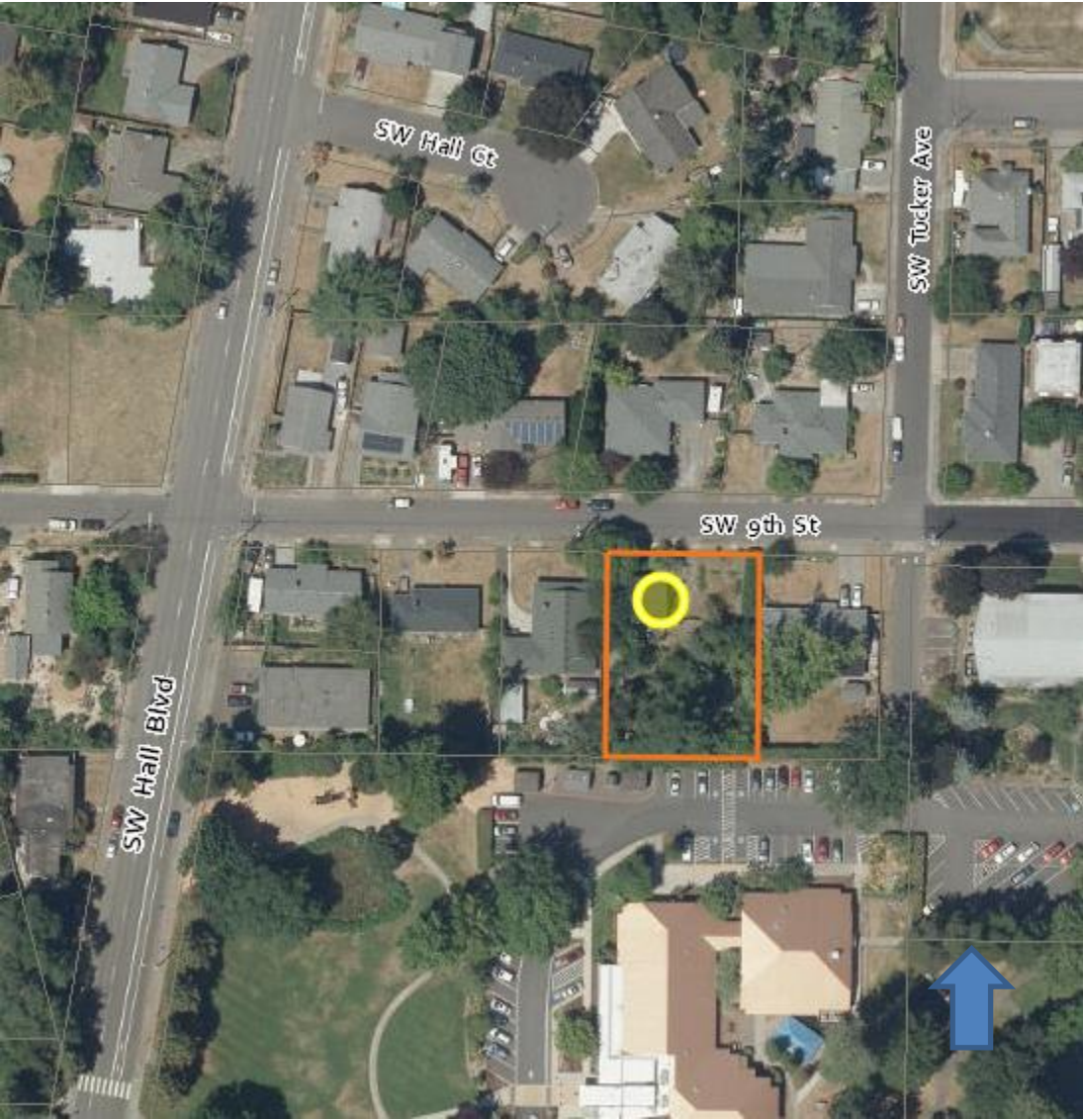
SUMMARY: The applicant seeks approval of a Preliminary Partition for a proposed two-lot partition of a residential property.

APPLICANT/  
PROPERTY OWNER: Peter Grimm  
3815 SW Dakota Street  
Portland, OR 97221

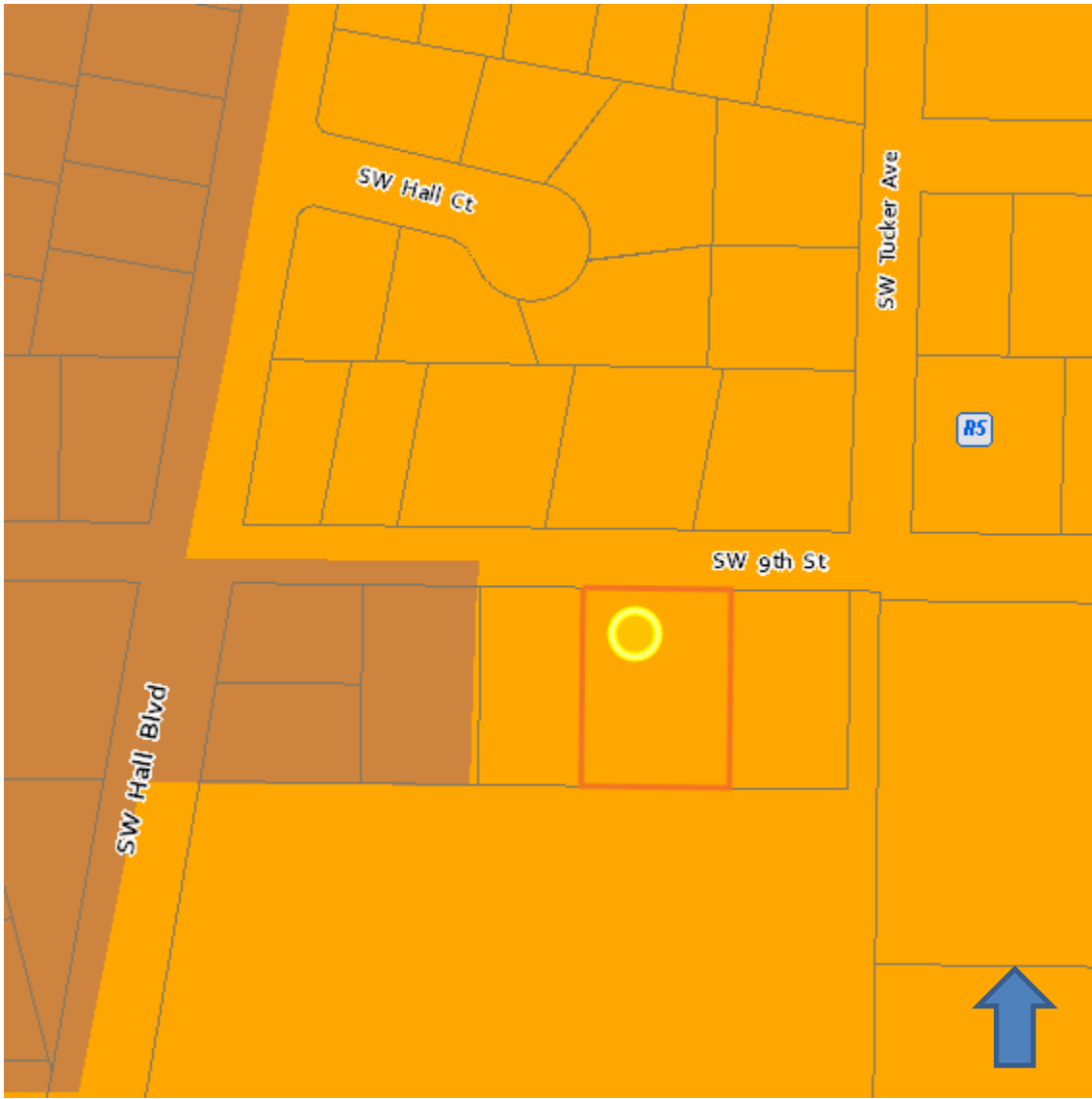
APPLICABLE  
CRITERIA: Facilities Review, Section 40.03  
Land Division – Preliminary Partition, Section 40.45.15.4.C

DECISION: **APPROVAL of LD2019-0019 – 9<sup>th</sup> Street 2-Lot Partition,**  
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	July 1, 2019	December 10, 2019	April 8, 2020	December 9, 2020

\*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>	R5 Urban Standard Density	
<b>Current Development</b>	Single Family Residential	
<b>Site Size</b>	0.31 acres	
<b>NAC</b>	Vose	
<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: Public Recreational Facility (Elsie Stuhr Center) East: Single Family Residential West: Single Family Residential

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### Exhibits

**Exhibit 1. Materials submitted by Staff**

- Exhibit 1.1 Vicinity Map (page SR-3 of this report)
- Exhibit 1.2 Aerial Map (page SR-4 of this report)

**Exhibit 2. Public Comment**

- Exhibit 2.1 Email from Tim Prosser, dated January 10, 2020, expressing concern about the partition.

**Exhibit 3. Materials submitted by the Applicant**

- Exhibit 3.1 Submittal Package including plans

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
9<sup>TH</sup> STREET 2-LOT PARTITION  
LD2019-0019**

**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 Director's Decision, 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 one (1) application as identified below:**

- **All twelve (12) criteria are applicable to the submitted Preliminary Partition application.**
- 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 purpose of this application is to create two legal lots from one existing lot. The site contains one existing single family home. The existing home is intended to remain on one parcel with the additional parcel being created for the development of an additional single family home.

**Water, Sanitary Sewer, and Stormwater**

The subject site is currently developed with one detached dwelling. Water service is provided to the site by the City of Beaverton. The applicant's plans show a new water connection will be stubbed to the proposed lot from an existing water main available in SW 9<sup>th</sup> Street. The applicant will need to confirm that adequate water service levels exist to serve the site, through providing a needed Service Provider Letter from the City of Beaverton, prior to issuance of the Site Development permit. Therefore, the Facilities Review Committee (Committee) recommends a condition of approval that the applicant submit a Water Service Provider Letter from the City of Beaverton, demonstrating adequate water service is available for the proposed development, prior to Site Development permit issuance.

Sanitary sewer service is provided through the City of Beaverton. The applicant's plans show that an 8-inch sanitary sewer line is located within the adjacent SW 9<sup>th</sup> Street. The applicant's plans also show that an existing 6-inch sanitary sewer lateral extends from the main 8-inch sewer line to the proposed lot. The applicant's plan show the extension of this sanitary sewer lateral onto the proposed new lot. Adequate capacity exists to serve the proposed development.

The applicant's plans show a 6-inch storm sewer connection is proposed to be extend from an existing 12-inch storm sewer line located within SW 9<sup>th</sup> Street, onto the proposed lot. The applicant explains that all stormwater from future proposed impervious areas will be collected and connected to the public storm system in the street, as depicted on Sheet C2.0 of the applicant's plans. To further satisfy stormwater requirements, the owner will pay a fee-in-lieu per the 2019 City of Beaverton Engineering Design Manual (EDM) section 530.1.A.4. Therefore, the applicant is not proposing an onsite stormwater facility.

#### Transportation

The subject site is adjacent to SW 9th Street, a Local Street. The proposed additional lot is also shown to have direct access to SW 9th Street. The applicant's plans show a proposed right-of-way dedication of six (6) feet along the site's entire frontage, to meet the required L2 standard. The applicant's plans show the accommodation of a standard five (5) foot wide sidewalk, behind a six and a half (6.5) foot planter strip. As the abutting parcels to the east and west of the site have limited right of way improvements, the applicant proposes a 20 foot long sidewalk transition, as required by Drawing no. 217 of the 2019 Beaverton Engineering Design Manual. The Beaverton Development Code requires a Traffic Impact Analysis when the proposed development will generate 300 vehicles or more per day. The proposed land division which will result in one additional lot, will not generate 300 vehicles trips per day therefore, a Traffic Impact Analysis is not required.

#### Access

The proposed lost will share a common driveway. The applicant states that a maintenance agreement will be established for the maintenance of the shared driveway areas and that the agreement will be provided to the City for review prior to recording the final plat. The Committee recommends that a reciprocal access easement be recorded over the driveway to allow proposed Parcel 1 to cross the shared property line to access the driveway which is shown to be mostly located on proposed Parcel 2. The Committee recommends a condition of approval that the maintenance agreement and documents related to the access easement, shall be recorded with the plat.

#### Fire Protection

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. TVF&R has submitted a Fire Code/Land Use/Building Review Application form signed by TVF&R on September 25, 2019 with no conditions of approval.

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



***B. Essential facilities and services are available or can be made available, with adequate capacity to serve the development prior to 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 on-site pedestrian and bicycle facilities in the public right-of-way. The applicant states that all essential facilities and services necessary to serve the proposed residential project are available, have adequate capacity, or can be improved to have capacity to serve the proposed project.

Schools

The applicant submitted a Service Provider Letter from the Beaverton School District, dated September 30, 2019, which states that the school district believes there will be sufficient capacity to accommodate new students from the project.

Transit Improvements

Essential street facilities are available and the applicant is proposing to improve the adjacent right-of-way to accommodate a standard sidewalk and planter strip. The applicant states that the site is within close proximity to bus stops providing the following Tri-Met transit service:

- SW Watson Ave: Stop 6182. 660 feet northwest of project site. Lines 76 & 78.
- SW Hall Blvd.: Stop 2260. 420 feet southwest of project site. Lines 76 & 78.
- SW Lombard Ave.: Stop 3586 (southbound) & 3585 (northbound). 950-980 feet east of the project site. Lines 42, 53 & 88.

Tri-Met has not provided comments addressing transit needs and potential future transit stops within the vicinity of the project.

Police protection

The site will be served by the Beaverton Police Department for public safety. The City of Beaverton Police Department received a copy of the submittal and has not provided comments in regard to this proposal.

On-site pedestrian and bicycle facilities

The applicant’s plans show right-of-way improvements adjacent to both lots. The proposed five (5) foot wide sidewalk, behind a standard planter strip, connections to the surrounding pedestrian circulation system and enables pedestrian and bicyclists to access the two lots directly. The Engineering Design Manual does not require bicycle lanes on Local Streets. Although the proposal does not include building construction on proposed Parcel 2, and the existing house on Parcel 1 is proposed to remain, bicycle parking is not required for detached dwellings (Section 60.30.10.5.B, Beaverton Development Code).

**Therefore, the Committee finds that 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 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 findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Urban Standard Density (R5) zone, as applicable to the above mentioned criteria. This proposal is for the creation of two lots from one existing lot within the R5 zoning district.

**Therefore, the Committee finds that by the proposal meet the criterion.**

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

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff will provide findings for the applicable Land Division criteria within the applicable sections of the staff report

Off-Street Parking Requirements (Section 60.30)

Within the R5 zone, one off-street parking space is required for a single family home. The applicant's proposal meets the required number of off street parking spaces by providing a driveway space on Parcel 2 and retaining the existing garage on Parcel 1. The applicant states that the proposal includes a shared access drive easement on Parcel 1 and 2 to accommodate a total of two off-street parking spaces, one for each parcel. Bicycle parking is not required.

Minimum Street Widths (Section 60.55.30)

In this location, final buildout of SW 9<sup>th</sup> Street as an L2 Local Street requires a total right-of-way width of 52 feet. The applicant is proposing a six (6) foot right-of-way dedication to accommodate the required 26 foot half-street improvements. No further dedication of right of way is required.

Trees and Vegetation Requirements (Section 60.60)

There are no protected trees on the site. The applicant is proposing to remove four (4) Community Trees. However, because the current lot is less than half an acre in size (13,449 square feet), it is exempt from Tree Plan applications (Section 40.90.10.1). Section 60.15.15.6.A of the Development Code requires the Developer of detached dwelling land divisions, pay a fee to the City for the installation and one

year warranty of street trees. The Committee recommends a condition requiring this fee to be paid prior to approval of the final plat.

Utility Undergrounding (Section 60.65)

The applicant states that existing overhead electrical service to existing and proposed lots shall be relocated underground per the technical requirements of this section. The applicant shall provide plans prior to the issuance of a site development permit, for the placement of underground utility lines along the street frontage, within the site, and for services to the proposed new development. No utility service lines to the structures shall remain overhead on site. 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. To ensure the requirements of Section 60.65 are met, the Committee recommends a standard condition of approval requiring that utility lines are placed underground.

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

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: 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 periodic maintenance by the City or other public agency.***

The proposed lots will share a common driveway. The applicant states that a maintenance agreement will be established for the maintenance of the shared driveway areas and that the agreement will be provided to the City for review prior to recording the final plat. The Committee recommends that a reciprocal access easement be recorded over the driveway to allow proposed Parcel 1 to cross the shared property line for driveway access, which is shown to be mostly located on proposed Parcel 2. The Committee recommends a condition of approval that the maintenance agreement and documents related to the access easement, shall be recorded with the plat. Additionally, the applicant's plans show a 35-inch Douglas fir tree straddling the proposed shared property line. In an effort to clarify maintenance responsibility and avoid future conflicts, the Committee recommends addressing the tree in the maintenance agreement.

The proposal, as represented, does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site. The Committee recommends a condition of approval to provide an access easement and a maintenance agreement to be provided to the City for review prior to recording the final plat.

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

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

The applicant's materials show a shared driveway, 34 feet in length, serving the proposed two lots with direct access to the adjacent SW 9<sup>th</sup> Street. Furthermore, the applicant's plans show proposed right-of-way improvements with a standard five (5) foot wide sidewalk behind a six and a half (6.5) foot planter strip, and a 20 foot long transition to the surrounding pedestrian circulation system, as required by the Engineering Design Manual.

**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 applicant's materials shows the proposal's on-site vehicular circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner. Plans show a shared driveway to SW 9<sup>th</sup> Street and therefore, vehicular and pedestrian circulation has been provided to connect to the surrounding circulation system and sidewalks.

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

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

The applicant states that Tualatin Valley Fire & Rescue Department provides fire protection services for this site. Tualatin Valley Fire & Rescue reviewed the proposal issued a Service Provider Letter and that the future dwelling constructed on Parcel 2 will demonstrate compliance with Fire and Building Code requirements at the time of permit review. TVF&R has not provided conditions of approval.

**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 conditions of approval stated at the end of this document, provide requirements of the applicant to obtain a Site Development and Building Permit through the City to ensure that structures and public facilities will be designed and built in accordance to the applicable codes and standards.

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

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

The applicant states that the site is relatively flat and therefore significant grading is not anticipated for the construction of the future home. The applicant's plans show proposed grading is limited to the new driveway approach and site-parking area. However, to ensure compliance with applicable grade differential standards as outline in Section 60.15.10 of the Development Code, the Committee recommend a condition of approval requiring the applicant to submit a grading plan, showing the entire site, demonstrating compliance with applicable standards of Section 60.15.10 of the Development Code, prior to Site Development permit issuance.

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

***K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.***

The applicant is required to meet all applicable accessibility standards of the International Building Code, the International 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.

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

***L. The proposal contains all required submittal materials as specified in Section 50.25.1 of the Development Code.***

The applicant has supplied all applicable submittal requirements, as specified in Section 50.25.1 of the Development Code.

**Therefore, the Committee finds that by the proposal meet the criterion.**

## **RECOMMENDATION**

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority **APPROVE LD2019-0019 9<sup>th</sup> Street 2-Lot Partition**, subject to conditions of approval at the end of this report.

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**Residential Urban Standard Density (R5) Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL		MEETS CODE?
<b>Development Code Section 20.05.20</b>				
Use – Permitted	Detached Dwellings	Detached Dwellings		Yes
<b>Development Code Section 20.05.15</b>				
Minimum Lot Area	5,000 square feet	Parcel 1: 6,421 square feet Parcel 2: 6,421 square feet		Yes
Minimum Lot Dimensions	Interior Lot Width: N/A Depth: N/A	<u>Parcel 1</u> 50 feet 128.4 feet	<u>Parcel 2</u> 50 feet 134.4 feet	Yes
Yard Setbacks Minimums: Front Side Rear Garage	15 feet 5 feet 20 feet 20 feet	<u>Parcel 1</u> 12.7 feet <sup>1</sup> 5 feet 75 feet, 7 inches No existing garage or proposed. The applicant's plans show the driveway length is 34 feet from the front property line, allowing for a garage to be setback at least 20 feet from the front. Setbacks to be reviewed with Building permit(s).	<u>Parcel 2</u> 8 feet, 7 inches (east) 14 feet, 3 inches (west) 47 feet, 6 inches No existing garage or proposed. The applicant's plans show the driveway length is 34 feet from the front property line, allowing for a garage to be setback at least 20 feet from the front. Setbacks to be reviewed with Building permit(s).	Yes
Maximum Building Height	35 feet	No change to the existing building is proposed and no new structure is proposed with this application		N/A
<b>Development Code Section 20.25.05 – Density Calculations</b>				
Minimum Residential Density	Minimum Density: 2 Lots Maximum Density: 2 Lots	The applicant proposes 2 lots.		Yes

1 Section 30.25.3 of the Development Code states the following: "Where an existing street setback must be reduced by a public dedication, rendering an existing structure nonconforming, the setback requirements of this ordinance which are no longer met as a result of the dedication shall not apply to the structure. Further encroachment into the setback beyond the reduction caused by the public dedication is not permitted." Therefore, the front setback is not applicable to proposed Parcel 1, to the extent that the right-of-way dedication reduces the setback.

## 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.	Design Review is not applicable to single family dwellings.	N/A
<b>Development Code Section 60.07</b>			
Drive-Up window facilities	Requirements for drive-up, drive-through and drive-in facilities.	No drive-up window facilities are proposed.	N/A
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	No mapped floodplains are located within the subject site.	N/A
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development techniques proposed.	N/A
<b>Development Code Section 60.15 – Land Division Standards</b>			
Land Division Standards	Standards pertaining to Land Divisions	A Land Division-Preliminary Subdivision application has been applied for.	<b>See LD Findings</b>
<b>Development Code Section 60.25 – Off Street Loading</b>			
Loading Facilities	No loading facilities are required for this use.	No loading facilities are proposed	N/A
<b>Development Code Section 60.30 – Off-Street Parking</b>			
Off-street motor vehicle parking Parking Zone A	<u>Detached Dwellings</u> 1 space per unit= 2 spaces min No Maximum for Detached Dwellings	<u>Detached Dwellings</u> Each dwelling will have at minimum one parking space.	<b>YES</b>
Required Bicycle Park	No bicycle parking is required for detached dwellings.	No bicycle parking is required for detached dwellings	
Compact Spaces	Required residential parking must be provided at standard sizes.	No compact spaces are proposed.	N/A
<b>Development Code Section 60.55 - Transportation</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	<b>Yes</b>
<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of Protected Trees and Landscape Trees.	No Protected Trees or Landscape Trees are present on the subject site. The applicant proposes to remove four (4) Community Trees, for which mitigation is not required.	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.	The applicant states that all proposed utilities will be placed underground. To ensure the proposal meets requirements of this section, the Committee recommends a condition requiring undergrounding completion prior to occupancy.	<b>Yes- with COA</b>
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**ANALYSIS AND FINDINGS FOR  
LAND DIVISION-PRELIMINARY PARTITION APPROVAL  
9<sup>th</sup> Street 2-Lot Partition  
LD2019-0019**

**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.***

Lot 3300 is not a part of any platted land division. The proposed application will not affect or modify any applicable current or previous 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 proposed partition results in two lots 6,421 square feet in size each. The minimum lot size in the R5 zone is 5,000 square feet. Chapter 90 of the Beaverton Development Code defines "Oversized Lot" as, "A lot which is greater than twice the required minimum lot size allowed by the subject zoning district. No oversized parcels are proposed with this development." Oversized parcels are not proposed.

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 5,000 square feet for the R5 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 5,000 square feet for the R5 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 subject site is currently entirely zoned R5 – Urban Standard Density. The proposal will result in two (2) separate lots, where proposed Parcels 1 and 2 are both zoned R5. 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. 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 **LD2019-0019 (9<sup>th</sup> Street 2-Lot Partition)**, subject to the applicable conditions identified in Attachment C.

## 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 that the proposed Lot Partition is engineered to comply with all applicable grading standards for Sub-Sections A-G. The applicant's plans show public right-of-way improvements are proposed.	<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.	The site is relatively flat. The applicant states that grading activities necessary to accommodate future development include minor grading to construct the new shared driveway approach and site-parking area. Parcel 1 is developed with an existing dwelling and grading on Parcel 1 will be limited to the shared driveway and parking area. The applicant's plans show the maximum slope differential does not exceed 2 feet within 5 feet of the front property line on either proposed Parcel 1 or 2. The applicant's plans also show an area of excavation for the footprint of a potential home on Parcel 2 is proposed. The applicant's plans show no grading is proposed within 5 feet of the residential property lines.	<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.	The applicant's plans show the maximum slope differential does not exceed 4 feet within 5-10 feet of the front property line. The applicant's plans show a proposed grade change of approximately 2.5 feet from the residential property lines for Parcel 2.	<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.	The applicant's plans show the maximum slope differential does not exceed 6 feet within 10-15 feet of the front property line.	<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.	The applicant's plans show the maximum slope differential does not exceed 8 feet within 15-20 feet of the front property line.	<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.	The applicant's plans show the maximum slope differential does not exceed 10 feet within 20-25 feet of the front property line.	<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's plans do not show that the pre-development slope exceeds any of the standards.	<b>N/A</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.	There are no significant trees or groves on the subject site.	<b>N/A</b>

**CONDITIONS OF APPROVAL**  
**9<sup>th</sup> Street 2-Lot Partition**  
**LD2019-0019**

**LD2019-0019 Preliminary Partition:**

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

1. Coordinate with the City of Beaverton Urban Forestry staff (503.526.2237) to determine the number, species, and location of street trees, if any, to be planted along the frontage of SW 9<sup>th</sup> Street. (Planning / ES)
2. Submit grading plans demonstrating compliance with all applicable grading standards, as outlined in Section 60.15.10 of the Beaverton Development Code. (Planning / ES)
3. Submit plans showing temporary tree fencing for all trees proposed to remain and adjacent off-site trees possibly impacted by site improvements, consistent with Section 60.60.20 Tree Protection Standards during Development. (Public Works / JL)
4. Submit the required plans, application form, fee, and other items as needed for a complete site development permit application through the BOX system (<https://www.beavertonoregon.gov/2119/Apply-for-Permits-Site-Development>). (Site Development Division / CR)
5. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Division / CR)
6. 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 utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; 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 Division / CR)
7. Provide assurances that the ownership of the subject project will guarantee improvements and work per the detailed cost estimate format and breakdown in the site development permit application. 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 Division / CR)

8. Submit any required easements under the City of Beaverton's authority, 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. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards. (Site Development Division / CR)
9. For sites less than one acre in disturbance, provide an erosion control plan showing best management practices needed per Clean Water Services Standard Drawing #945. (Site Development Division / CR)
10. Submit a copy of issued permits or other approvals from Clean Water Services District for storm system connection permit, as a part of the City's plan review process. (Site Development Division / CR)
11. If required, provide a hydrant flow test and evaluation by a professional engineer meeting the standards set by the City Engineer as specified in the Engineering Design Manual. The analysis shall provide the available water volume in GPM at 20 psi residual pressure from the fire hydrant nearest to the proposed project. Additional tests may be required by the City Engineer. (Site Development Division / CR)
12. Provide final construction plans and a final drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-05 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS DCS Section 4.03.7.a and 4.04.2.a. (Site Development Division / CR)
13. 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 must be paid per Section 60.65 of the Development Code and current City fee schedule. Provide plans for the placement of underground utility lines for affected services to existing lots. (Site Development Division / CR)
14. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer or surveyor for impervious surfaces within the City of Beaverton. (Site Development Division / CR)
15. Pay storm water system development charges (SDC) for quantity control for conveyance capacity, hydromodification, quality treatment and system conveyance as outlined in City and CWS rates and charges and as determined by the City Engineer for the impervious areas inside the City of Beaverton. If development meets criteria set forth in City EDM Section 530.1.A.4 and CWS DCS Section 4.03.7.a and 4.04.2.a, fee-in-lieu can be assessed. No credit shall be given for quality treatment for the existing structure demolition as the proposal is defined as "redevelopment" under Clean Water Services standards. Any extra-capacity utility improvements, as required and determined by the City Engineer, shall be eligible for SDC credits. (Site Development Division / CR)



16. Obtain, they City Building Official's courtesy review and approval of the proposed private site utility plans, if required by OAR 918-780-0040 (Site Development Division / CR)
17. If required by the City Engineer and City Building Official show how each lot will be independently served by public utility systems. (Site Development Division / CR)
18. Submit a copy of City of Beaverton Water Service Provider Letter. (Site Development Division / CR)
19. The minimum first floor elevations must be shown on the plans to demonstrate that gravity sewer service can be provided. (Site Development Division / CR)
20. Provide Option C lighting per the Engineering Design Manual, Chapter 4 along all City jurisdictional frontage improvements as determined by the City Engineer. When there are existing Option A and/or Option B street lights along these frontage improvements, these lights shall be removed and replaced with Option C lights per Chapter 4. No existing Option A and/or Option B lights along these frontage improvement or the opposite side of these frontage improvement shall be included in the lighting analysis to meet the lighting requirements. (Site Development Division / CR)

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

21. Show an access easement on the final plat and submit a copy of the maintenance agreement, addressing the shared driveway and tree located on the shared property line. (Planning / ES)
22. 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 / ES)
23. 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. (Planning / ES)
24. Pay all City liens, taxes and assessments or apportion thereof to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures. (Planning / ES)
25. 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 / ES)
26. 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 / ES)
27. The applicant shall submit a street tree fee of \$200 to the Planning Division for each 30 feet of lineal street frontage. (Planning / ES)
28. If required, show granting of any required on-site easements on the 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 existing and proposed easements are of sufficient width in relation to the physical location of existing site improvements and that each parcel and tract has adequate access provisions and public utility service provision/availability per adopted City standards and requirements. (Site Development Division / CR)

29. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Division / CR)
30. Have substantially completed the site development improvements as determined by the City Engineer, including franchise utility relocation and streetlights being fully functional. (Site Development Division/CR)

**C. Prior to building permit issuance, the applicant shall:**

31. Demonstrate compliance with all applicable development standards outlined in Chapter 20 of the Beaverton Development Code. (Planning / ES)
32. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Division/CR)
33. 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 Division/CR)
34. Pay storm water system development charges (SDC) for system conveyance as outlined in City and CWS rates and charges and as determined by the City Engineer for the impervious areas inside the City of Beaverton. (Site Development Division/CR)
35. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Division / CR)

**D. Prior to final permit inspection/occupancy, the applicant shall:**

36. Replace all sidewalks, curb, ramps, and bike paths which are damaged, deteriorated, or removed by construction. (Site Development Division / CR)
37. Have the landscaping completely installed, groundcover established, or provide for long term erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Division / CR)
38. Have substantially completed the site development improvements as determined by the City Engineer, including franchise utility undergrounding and streetlights being fully functional. (Site Development Division / CR)

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

39. Have completed the site development improvements and the site shall be stable and secure for long-term erosion control issues 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 Division / CR)
40. If required, submit 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 existing and proposed easements are of sufficient width in relation to the physical location of existing site improvements and that each parcel and tract has adequate access provisions and public utility service provision/availability per adopted City standards and requirements. (Site Development Division / CR)