



## MEMORANDUM

### City of Beaverton

Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** August 13, 2020  
**Subject:** **Notice of Decision for LD2020-0003 Dawson 3-Lot Partition**

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Please find attached the Notice of Decision for **LD2020-0003, Dawson 3-Lot Partition**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2020-0003 Dawson 3-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 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 LD2020-0003 Dawson 3-Lot Partition is 5:00 p.m., August 24, 2020.***

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed by contacting the project planner, Brett Cannon at [bcannon@beavertonoregon.gov](mailto:bcannon@beavertonoregon.gov). Note: The City of Beaverton has declared a State of Emergency due to COVID-19 and the Community Development Department is closed to the public until further notice. The Community Development Department is evaluating temporary changes to processes and procedures to respond appropriately to the COVID-19 State of Emergency and is committed to ensuring that the land use review process continues to fulfill the requirements of state and local law while protecting the health and wellbeing of the community. For more information about the case file, please contact Brett Cannon, Assistant Planner, at (503) 350-4038 or [bcannon@beavertonoregon.gov](mailto:bcannon@beavertonoregon.gov).



## NOTICE OF DECISION

DATE: August 13, 2020

TO: All Interested Parties

FROM: Brett Cannon, Assistant Planner

PROPOSAL: **LD2020-0003 – Dawson 3-Lot Partition**

LOCATION: 690 SW 173<sup>rd</sup> Avenue  
Tax Lot 400 of Washington County Map 1S106AC

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

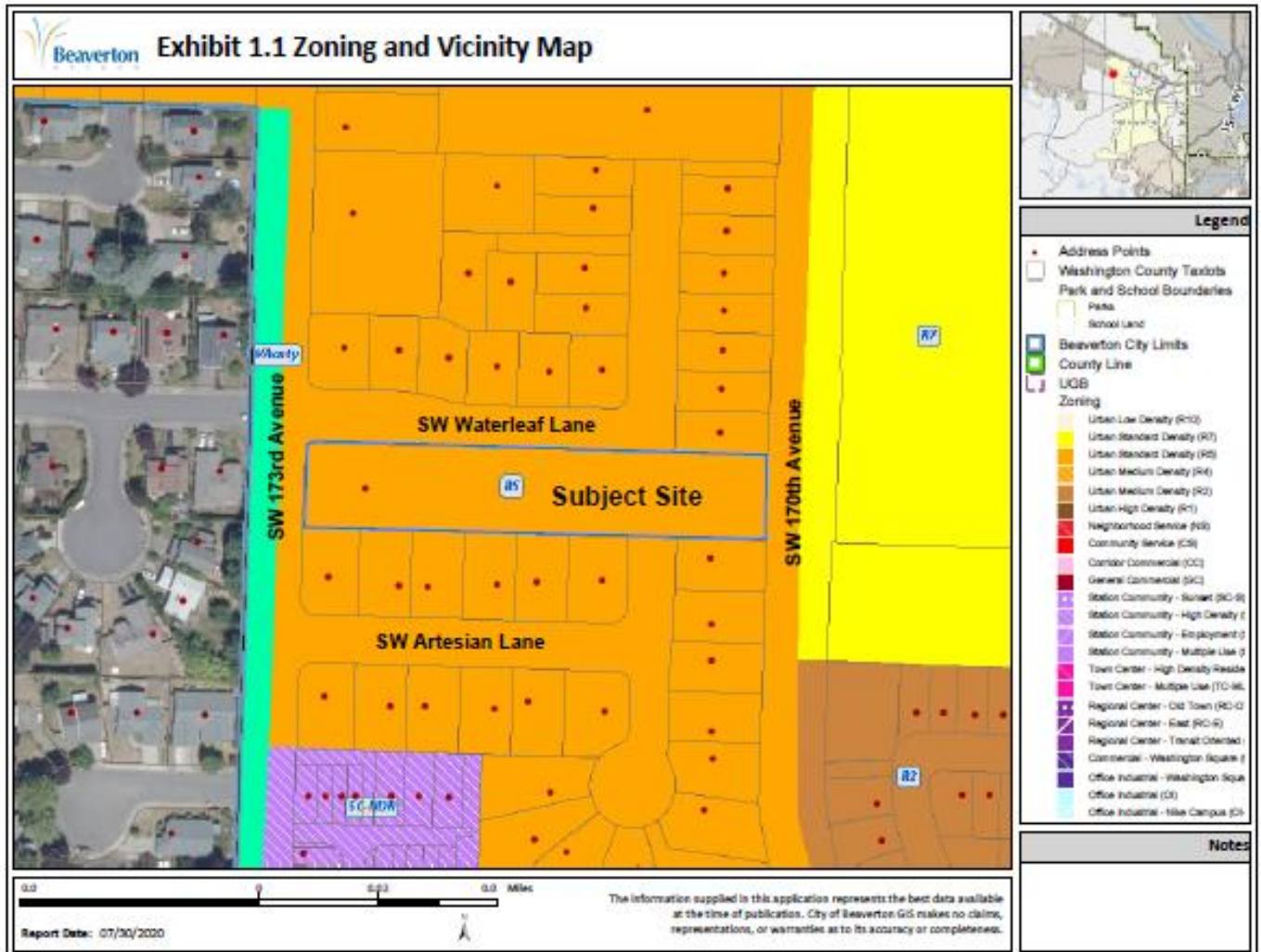
APPLICANT/  
PROPERTY OWNER: Danny and Sandra Dawson  
690 SW 173<sup>rd</sup> Avenue  
Beaverton, OR 97006

APPLICANT'S  
REPRESENTATIVE: NW Engineers, LLC  
Attn: Matt Newman  
3409 NE John Olsen Avenue  
Hillsboro, OR 97124

APPLICABLE  
CRITERIA: Facilities Review, Section 40.03.1  
Land Division – Preliminary Partition, Section 40.45.15.4.C

DECISION: **APPROVAL of LD2020-0003 – Dawson 3-Lot Partition,**  
subject to conditions identified at the end of this report.

# ZONING/VICINITY/AERIAL MAP



**Beaverton** Exhibit 1.2 Aerial Photo



**Legend**

- Address Points
- Washington County Taxlots
- Park and School Boundaries
- Parks
- School Land
- Beaverton City Limits
- County Line
- UGB

**Notes**



Report Date: 07/30/2020

The information supplied in this application represents the best data available at the time of publication. City of Beaverton GIS makes no claims, representations, or warranties as to its accuracy or completeness.

## BACKGROUND FACTS

### Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
LD2020-0003	February 19, 2020	June 10, 2020	October 8, 2020	June 9, 2021

\*Pursuant to Section 50.25.8 of the Beaverton Development Code this is the latest date, without 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>	1.0 acres	
<b>NAC</b>	Five Oaks/Triple Creek	
<b>Surrounding Uses</b>	<u>Zoning:</u> North: Urban Standard Density (R5) South: Urban Standard Density (R5) East: Urban Standard Density (R5) West: Washington County Unincorporated-R6	<u>Uses:</u> North: Single Family Residential South: Single Family Residential East: Single Family Residential West: Single Family Residential

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<b>Attachment B: LD2020-0003</b> <i>Land Division – Preliminary Partition</i>	LD1-4
<b>Attachment C:</b> <i>Proposed Conditions of Approval</i>	COA1-5
<b>Exhibit 1: Exhibits by City Staff</b> <b>Exhibit 1.1</b> – Zoning and Vicinity Map <b>Exhibit 1.2</b> – Aerial Photo	SR3-SR4
<b>Exhibit 2: Exhibits by Applicant</b> <b>Exhibit 2.1</b> – Applicant Materials	On File at City Hall
<b>Exhibit 3: Public Testimony / Comments</b> <b>Exhibit 3.1</b> – Alex Briggs	Attached at end of Report

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
Dawson 3-Lot Partition  
LD2020-0003**

**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.

**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 will need to demonstrate that adequate water capacity exists 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 capacity for the proposed development, prior to Site Development permit issuance.

Sanitary sewer service is provided through the City of Beaverton. The applicant's narrative indicates there is an 8-inch sanitary sewer line located within abutting SW Waterleaf Lane. The applicant's narrative also indicates new sanitary sewer laterals will be provided for the two proposed parcels as shown on Sheet 6 of the plan set.

The applicant's plans show a new lateral servicing the existing parcel from Waterleaf Lane and the existing lateral extending from SW 170th being capped for future use. Adequate capacity exists to serve the proposed development.

The applicant's plans show a storm sewer connection is proposed to be extended from an existing storm sewer line located within SW Waterleaf Lane, into the proposed lots and the existing 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 6 of the applicant's plans (Exhibit 2.1). 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. The City Site Development Engineer has reviewed the plan to determine that the existing sanitary and storm sewer services provide adequate capacity to serve the new lots associated with this partition. Water services are available to the site but will require confirmation that adequate capacity is provided. By meeting the condition of approval, services will be made available to the site.

#### Transportation

The subject site is a through lot, with right of way abutting three property lines. The three streets are SW 173rd Avenue which abuts the western property line, Waterleaf Lane which abuts the northern property line and SW 170th Avenue which abuts the eastern property line. The proposed additional lots are shown to have direct access to SW Waterleaf Lane. The applicant's plans show a proposed right-of-way dedication of eight (8) feet along a portion Waterleaf Lane. The applicant's plans show the accommodation a standard five (5) foot wide sidewalk, behind a six and half (6.5) foot planter strip. 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 two additional lots, will not generate 300 vehicles trips per day therefore, a Traffic Impact Analysis is not required.

#### Access

The proposed lots will each have direct access from SW Waterleaf Lane by way of private driveway. The existing single family-residence will continue to have access via SW 173rd Avenue.

#### Fire Protection

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. The applicant has submitted a Fire Code/Land Use/Building Review Application form signed by TVF&R on January 22, 2020 with no conditions of 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 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 March 11, 2020, 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 adjacent right-of-way improvements will provide pedestrian and bicycle circulation to the proposed lots.

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 no comments regarding this proposal.

On-site pedestrian and bicycle facilities

The applicant’s plans show right-of-way improvements adjacent to all three lots along SW Waterleaf Lane. The proposed five (5) foot wide sidewalk, behind a standard planter strip, connections to the surrounding pedestrian circulation system enables pedestrian and bicyclists to access the two proposed lots directly. The Engineering Design Manual does not require bicycle lanes on Local Streets. Although the proposal does not include review of the building construction on proposed Parcel 2 or Parcel 3, 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).

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

- C. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject proposal.***

Staff cites the 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 three legal lots from one existing tax lot in the R5 zoning district.

***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.***

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 lot two and three, and the existing garage on lot one.

Minimum Street Widths (Section 60.55.30)

The applicant's plan shows an eight (8) foot dedication along the site's frontage to SW Waterleaf Lane to meet the minimum 26-foot width for an L2 Local Street.

Trees and Vegetation Requirements (Section 60.60)

There aren't any protected trees on the site. The applicant proposes to remove one tree which isn't located in the right-of-way. Pursuant to Section 40.90.10 of the Beaverton Development Code the removal of non-protected trees is permissible without any further land use review.

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 the existing single-family home on lot one will remain, 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 of Waterleaf Lane, within the site, and for services to the proposed new development. 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 prior to issuance of the Site Development Permit.

**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 proposed partition will include a Wetland and Vegetated Corridor Easement for the protection of a Department of State Lands (DSL) designated vegetated corridor (wetland), as seen on Sheet 4 of the proposed plans (Exhibit 2.1). The easement's maintenance will continue to be the responsibility of the applicant until such time Lot 3 is sold for future development. Additionally, the applicant states DSL representatives and third-party environmental consultants have stated the vegetated corridor should likely be filled as it is piped on both ends.

The proposal, as represented, does not present any barriers, constraints, or design elements that would prevent or preclude periodic maintenance of the easement, private infrastructure and facilities on site. The Committee recommends a condition of approval to provide an access easement with a note on the final plat, identifying the property owner of Lot 3 as the ultimate responsible parties for continued periodic maintenance of the easement.

**FINDING: 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 plans show two driveways serving proposed lots two and three, with direct access to abutting SW Waterleaf Lane. The existing single-family residence will continue to access off abutting SW 173rd Avenue. Furthermore, the applicant's plans show proposed right-of-way improvements with a standard five (5) foot wide sidewalk behind a six and half (6.5) foot planter strip.

**FINDING: 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 show the proposal's on-site vehicular circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner. Plans show two proposed driveways to lots two and three to SW Waterleaf Lane and therefore, vehicular and pedestrian circulation has been provided to connect to the surrounding circulation system and sidewalks.

**FINDING: 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 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 dwellings constructed on Parcel 2 and 3 will demonstrate compliance with Fire and Building Code requirements at the time of permit review. TVF&R has not provided conditions of approval.

**FINDING: 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 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.

**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 states that the site is relatively flat and therefore significant grading is not anticipated for the construction of future homes. The applicant's plans show proposed grading is limited to the new driveway approach and installation of utilities. 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, demonstrating compliance with applicable standards of Section 60.15.10 of the Development Code, prior to building permit issuance.

**FINDING:** 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.

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

- L. *The proposal contains all applicable application submittal requirements 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.

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

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

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 20.05.20</b>			
Use – Permitted	Detached Dwellings	Detached Dwellings	<b>Yes</b>
<b>Development Code Section 20.05.15</b>			
Minimum Lot Area for Land Divisions Utilizing Lot Averaging	4,500 square feet	Parcel 1: 14,286 square feet Parcel 2: 4,507 square feet Parcel 3: 19,820 square feet	<b>Yes</b>
Minimum Lot Dimensions	Interior Lot Width: N/A Depth: N/A	Parcel 1: Width- 83 feet; Depth- 161 feet Parcel 2: Width- 55 feet; Depth 82 feet Parcel 3-Width- 267 Feet; Depth 83 Feet	<b>Yes</b>
Yard Setbacks Minimums: Front Side Rear Garage	15 feet 5 feet 20 feet 20 feet	No new structures are proposed with this application. An existing workshop on Parcel 1 will be modified to meet new rear yard setback created by proposed partition. Staff proposes a Condition of Approval that all structures on Parcel 1 meet setbacks prior to recording final plat.	<b>Yes-with COA</b>
Maximum Building Height	35 feet	No changes to existing building heights are proposed and no new structures are proposed with this application.	<b>N/A</b>
<b>Development Code Section 20.25.05 – Density Calculations</b>			
Minimum Residential Density	Minimum Density: 6 Lots Maximum Density: 9 Lots	The applicant proposes 2 lots. However, section 20.25.05 allows projects which don't meet minimum density to demonstrate how any oversized parcel created by the project can meet minimum density, without the use of a variance or adjustment. The applicant has provided a "shadow plat" dimensioning six lots which show that the original parcel could meet minimum density.	<b>Yes</b>

## 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 the project.	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 project.	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.	N/A

**Development Code Section 60.65**

Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	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  
Dawson 3-Lot Partition  
LD2020-0003**

**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 three 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 July 13, 1891 as Grayoak. The existing residence was constructed circa 1920. 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 R5, which requires a minimum lot size of 5,000 square feet or 4,500 square feet, if applying lot averaging standards. The existing parent parcel is approximately 0.99 acres (43,382 square feet) in size. The proposed three lot partition applies the lot averaging standards further explained in the following section, resulting in two oversized lots (Parcel 1 which is 13,871 square feet and Parcel 3 which is 23,068 square feet) and one substandard parcel (Parcel 2 which is 4,513 square feet). An easement is proposed on lot 3 to protect a Department of State Lands vegetated corridor. Parcel 1 and 3 retain a size and shape that will facilitate future partitioning of said oversized parcels. The shadow plat demonstrates partitioning of proposed Parcel 1 into a 5,183 square foot parcel and an 8,688 square foot parcel, leaving the existing single-family residence intact. The shadow plat shows the further partitioning of Parcel 3 into three (3) parcels of the following sizes, 5,056, 5,122, and 8,576 square feet. Additionally, the shadow plat shows a future right-of-way dedication for the extension of SW 171<sup>st</sup> Avenue of 6,245 square feet, which will not hinder the future partitioning of Parcel 3. Each proposed future lot conforms to the R5 development standards of a 5,000 square foot minimum lot size.

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 R5 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 proposed for Parcel 2 (4,513 square feet) which will meet the minimum 4,500 square foot parcel size for applications requesting lot averaging standards. The applicant states lot averaging applies to the proposed project to preserve a Department of State Lands vegetated corridor. The average lot size for the three new parcels will be 13,818 square feet, meeting the minimum 4,500 square foot lot size in the R5 zone.

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

**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 requesting lot averaging for Parcel 2. The applicant has shown that the three proposed lots meet the average minimum lot area of 5,000 square feet for the R5 zone, and no Adjustment of Variance is being sought. The average lot size for the three proposed will be 13,818 square feet, meeting the minimum 4,500 square foot lot size in the R5 zone that propose lot averaging standards.

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

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

The proposal will result in three (3) separate lots, where Parcels 1, 2 and 3 are all zoned R5- 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 the Preliminary Partition and all related documents requested for city approval. 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 **LD2020-0003 (Dawson 3-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. The applicant states grading will be limited to minor improvements to the right-of-way along SW Waterleaf Lane.	<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. The limited grading proposed with the land division application is for public right-of-way improvements. Specifically, the extension of the sidewalk along SW Waterleaf Lane. Therefore, staff agrees grading standards are exempt pursuant to 60.15.10.2.A.	<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>N/A</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>N/A</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>N/A</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>N/A</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>N/A</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>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.	No grading or site work is proposed with this partition therefore no trees will be impacted.	<b>N/A</b>



**CONDITIONS OF APPROVAL**  
**Dawson 3-Lot Partition**  
**LD2020-0003**

1. In accordance with Section 50.90.1 of the Development Code, Preliminary Partition land use approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction has taken place, or an application for extension is filed pursuant to Section 50.93 or that authorized development has otherwise commenced in accordance with Section 50.90.3.B

**A. Prior to issuance of the Site Development permit, the applicant shall:**

2. 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. / CR)
3. 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 Div. / CR)
4. 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 Div. / CR)
5. Have the applicant for the subject property guarantee all public improvements, site grading, storm water management facilities, private streets, and common driveway paving 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. / CR)
6. Submit any required 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. / CR)
7. If determined to be needed by the City Building Official, submit a detailed water demand analysis (fire flow calculations) in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. This analysis shall be supplemented by an actual flow test and evaluation by a professional engineer meeting the standards set by the City Engineer as specified in the Engineering Design Manual Chapter 6, 610.2. The analysis shall provide the

- available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div. / CR)
8. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div. / CR)
  9. Provide an erosion control plan showing best management practices needed per Clean Water Services Standard Drawing #945. Make provisions for installation of all mandated erosion control measures prior to site disturbance of 500 square feet or more. These shall be maintained and replaced as necessary during the duration of the project to prevent sediment laden run-off from leaving the site. (Site Development Div. / CR)
  10. Provide construction plans and a 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 2019-22 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 Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / CR)
  11. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Pad elevation shall be at least one foot higher and FFE shall be at least three feet higher than the 100 year/emergency overflow of the storm water management facility. Any changes to approved grading must meet provisions of Beaverton Code 9.05.110 and 9.05.115, no grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This applies to all exterior property boundaries of the proposed project. (Site Development Div. / CR)
  12. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed. (Site Development Div. / CR)
  13. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. Any home demolition is credited at one equivalent surface unit (2640 square feet). The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div. / CR)
  14. Provide plans for the placement of underground utility lines along proposed Waterleaf Lane street frontage, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages (SW 173rd Ave) must be moved to accommodate the proposed improvements, those 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. / CR/NP)

15. If required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. Drainage within covered areas shall be piped as approved by the City Building Division. (Site Development Div. / CR)
16. Submit ODOT standard detail DET1720 showing level of design detail for every sidewalk ramp proposed with this development. Maximum designed ramp slope shall be 7.5%, maximum designed cross slope, flat landing or turning space shall be 1.5%. Two directional ADA ramps shall be provided at all corners of all intersections, regardless of curb type. See ODOT standard drawings RD754, RD155, RD756, RD757, RD758 and RD759 for ramp details. (Site Development Div. / CR)
17. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers for work within or affecting a jurisdictional wetland.
18. 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 of the vegetation as shown on the approved plan within the storm water management facility, vegetated corridor, and the wetland mitigation areas, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Public Works Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Public Works Director prior to release of the security.

**B. Prior to building permit issuance/approval for draft plat, the applicant shall:**

19. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / CR)
20. Have substantially completed the site development improvements as determined by the City Engineer, including streetlights being fully functional and franchise utility undergrounding. (Site Development Div. / CR)
21. 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. / CR)
22. Have submitted the paper copies of the draft final plat needed for City review and to the County Surveyor to begin processing. (Site Development Div. / CR)
23. 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 / BDC)



24. 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 / BDC)
25. 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 / BDC)
26. Identify all improvements within tracts and public rights-of-way and specify the maintenance responsibilities of those improvements. (Planning / BDC)
27. 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 / BDC)

**C. Prior to approval of the final plat, the applicant shall:**

28. Have verified to the satisfaction of the City Engineer that the location and width of all existing and proposed rights of way and easements are adequate; 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. / 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 Div. / CR)
30. Show granting of any required 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 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. / CR)
31. Dedicate 8-feet of right-of-way along the site's frontage to SW Waterleaf Lane to meet the minimum half-street width of 26-feet for an L2 Local Street as shown in Standard Drawing 200-4 in the Engineering Design Manual (BDC 4.0.03.1.D and 60.55.10.5) (Transportation / KM)

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

32. 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. / CR)

33. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / CR)
34. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div. / CR)
35. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / CR)
36. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div. / CR)
37. Have substantially completed construction of the required half street improvements along the site's frontage to SW Waterleaf Lane between SW 173<sup>rd</sup> and the western boundary of the vegetated corridor easement located on Parcel 3 as shown in the applicants plan set. Improvements must be designed and constructed to the minimum street standards as show in Standard Drawing 200-4 in the Engineering Design Manual for an L2 Local Street. Improvements to be constructed include 6.5 wide planter strip (includes 6-inch curb) and the 5-foot sidewalk. (BDC 40.03.1.D and I, 60.55.10.1 and 2) (Transportation / KM).

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

38. 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. / CR)
39. Submit any required easements not already recorded by document or 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. / CR)

## Exhibit 3.1

**From:** Alex Briggs <wildwoodashes@gmail.com>  
**Sent:** Tuesday, June 23, 2020 4:25 PM  
**To:** Brett Cannon  
**Subject:** LD2020-0003 information request

Hi Brett,

My name is Alexander Briggs and I live next door to 690 SW 173rd Ave. I got a letter letting me know of a proposed development (LD2020-0003) for my neighbors property with information about a written comment submission deadline, but I cannot find any information on the actual details of the proposal. The letter just included a map of the tax lot, and the Development Projects website for the city has the same limited information. Would it be possible to get more information (a copy of their proposal)? If I wanted to write in a comment, I obviously should know what the actual proposal contains.

Hopefully this is something you can help me with!

Thank you,  
Alexander Briggs  
541-515-5230  
718 SW 171st Ave, Beaverton, OR 97006