



CITY OF BEAVERTON  
Planning Division  
Community Development Department  
Tel: 503-526-2420  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

## MEMORANDUM

City of Beaverton  
Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** August 25, 2021  
**Subject:** LD2020-0011 / SDM2021-0002 Westport Village

Please find attached the Notice of Decision for **LD2020-0011 / SDM2021-0002 Westport Village**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions for LD2020-0011 / SDM2021-0002 Westport Village, 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 LD2020-0011 / SDM2021-0002 Westport Village First Citizen Bank is 4:30 p.m., September 7, 2021.**

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, Steve Regner at [sregner@beavertonoregon.gov](mailto:sregner@beavertonoregon.gov).

NOTE: The City of Beaverton has declared a State of Emergency due to COVID-19. 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 of local law while protecting the health and wellbeing of the community.

Accessibility information: This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact Steve Regner by calling 503-319-4427 or email [sregner@beavertonoregon.gov](mailto:sregner@beavertonoregon.gov)

# STAFF REPORT

**Report date:** August 25, 2021

**Application/project name:** Westport Village

**Application Numbers:** LD2020-0011 /  
SDM2021-0002

**Proposal:** The applicant proposes a six-lot subdivision with a separate tract for storm water treatment. A Sidewalk Design Modification is proposed to allow curb tight sidewalks throughout the development.

**Proposal location:** North of SW Watershed Lane, south of Southwest Farmington Road, east of SW 148<sup>th</sup> Terrace, tax lot 600 of Washington County Assessor's Map 1S117AD.

**Applicant:** Kim-Hien Nguyen

**Decision:** APPROVAL of LD2020-0011 and SDM2021-0002, subject to conditions identified at the end of this report.

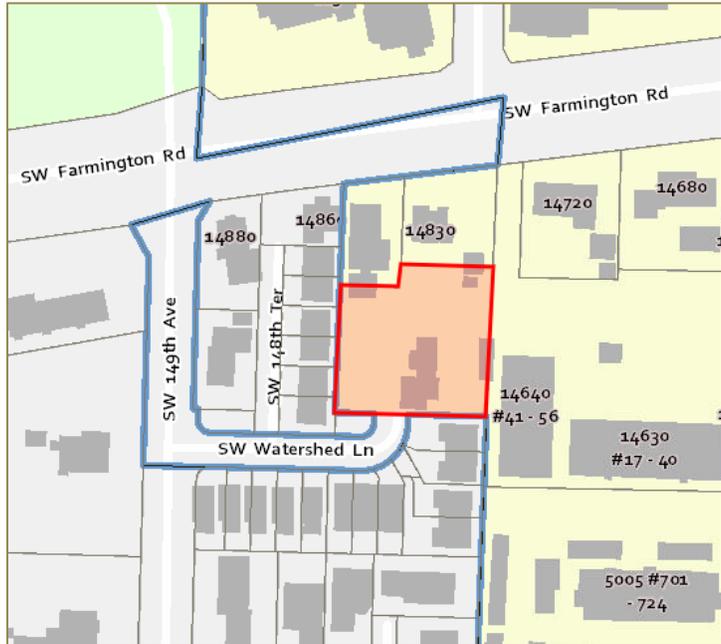
**Contact information:**

City staff representative: Steve Regner, Senior Planner  
503-319-4427  
sregner@BeavertonOregon.gov

Applicant: Kim-Hien Nguyen  
15 Duberstein Drive  
San Ramon, CA 94583

Applicant representative: NW Engineers  
Matt Newman  
3409 NE John Olsen Ave  
Hillsboro, OR 97124

Property owners: Kim-Hien Nguyen  
15 Duberstein Drive  
San Ramon, CA 94583



## Existing conditions

**Zoning:** R2 Residential Urban Medium Density District (R2)

**Site conditions:** The site is developed with one single family dwelling, proposed to be demolished with the proposal.

**Site Size:** Approximately 0.5 acres.

**Location:** Parcel is east of SW 148<sup>th</sup> Terrace, south of SW Farmington Road, north of SW Watershed Lane.

**Neighborhood Association Committees:** West Beaverton

**Table 1: Surrounding uses**

Direction	Zoning	Uses
North	R2 Residential Urban Medium Density District (R2)	Professional Services
South	Washington Country R-15	Attached and detached single family residential
East:	R2 Residential Urban Medium Density District (R2)	Multifamily residential
West:	Washington Country R-15	Attached and detached single family residential

## Application information

**Table 2: Application summaries**

Application	Application type	Proposal summary	Approval criteria location
LD2020-0011	Preliminary Subdivision	Six-lot subdivision plus one tract for stormwater	Development Code Section 40.45.15.5.C
SDM2021-0002	Sidewalk Design Modification	Allow for curb tight sidewalks	Development Code Section 40.58.15.1.C

**Table 3: Key Application Dates**

<b>Application</b>	<b>Submittal Date</b>	<b>Deemed Complete*</b>	<b>120-Day**</b>	<b>365-Day***</b>
LD2020-0011	Aug. 25, 2020	Feb. 22, 2021	Oct. 18, 2021	Feb. 22, 2022
SDM2021-0002	May7, 2021	May7, 2021	Oct. 18, 2021	Feb. 22, 2022

\*Applicant deemed submittal complete.

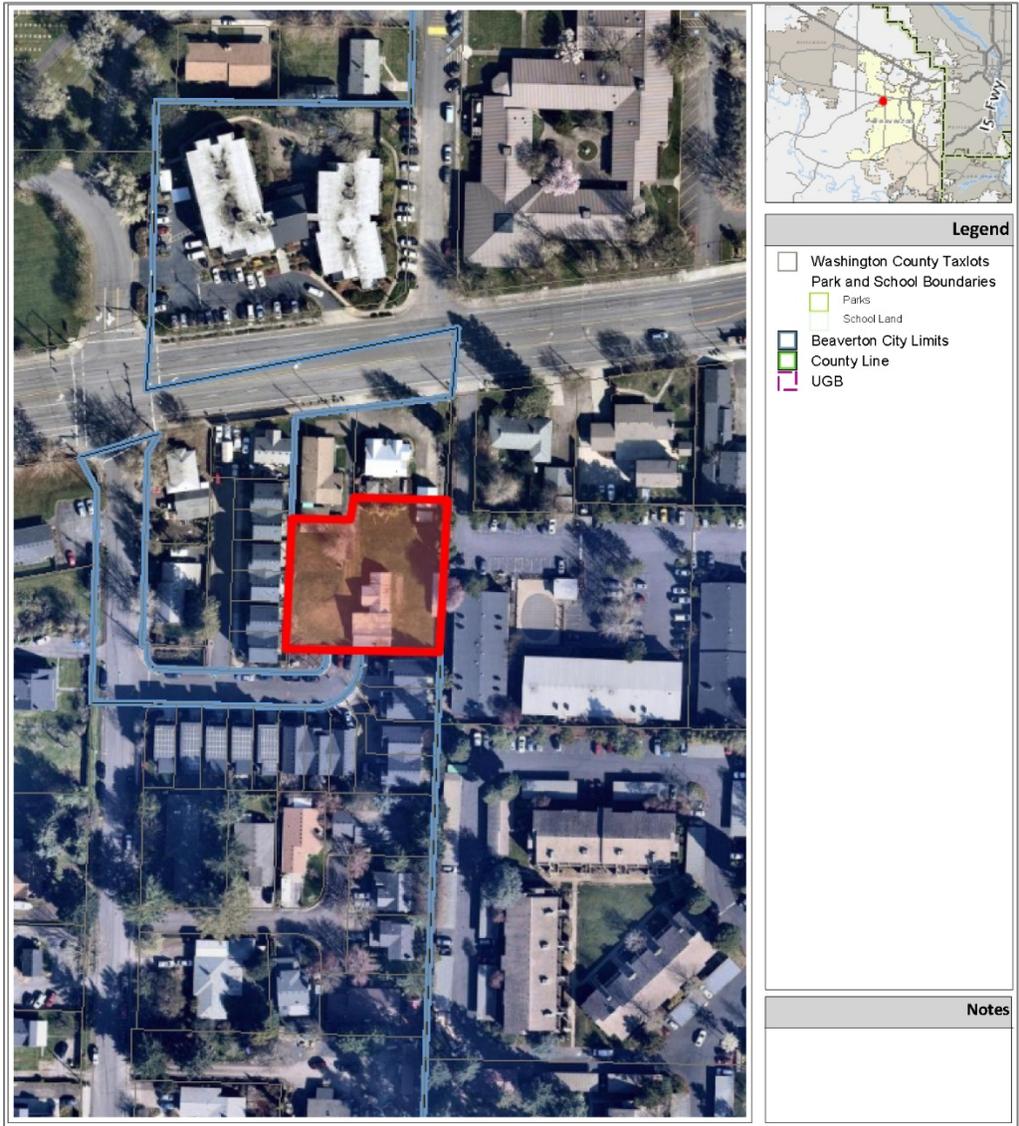
\*\* Applicant provided continuance requests waiving the 120-day statutory requirement.

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

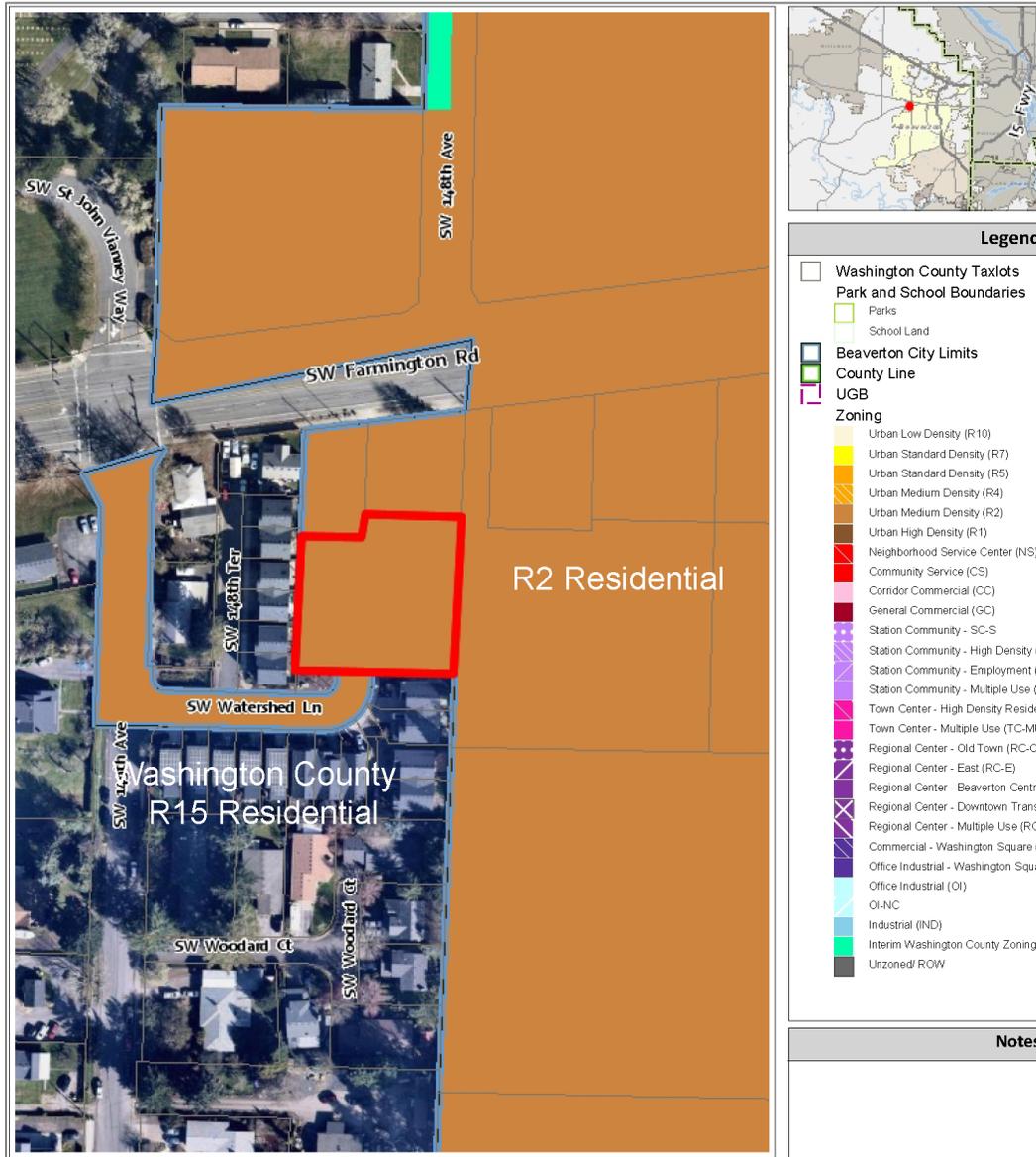
## **Summary of Public Comment**

No public comments were received related to these applications.

# Exhibit 1.1 Vicinity Map



# Exhibit 1.2 Zoning Map



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# Exhibits

Exhibit 1. Materials submitted by Staff

Exhibit 1.1 Vicinity Map (Page 6 of this report)

Exhibit 1.2 Zoning Map (Page 7 of this report)

Exhibit 2. Public Comment

No Public Comment Received

Exhibit 3. Materials submitted by the Applicant

Exhibit 3.1 Application package submittal

# Attachment A: FACILITIES REVIEW

**Application:** Westport Village

**Proposal:** The applicant, NW Engineers, requests approval of a Preliminary Subdivision application for a 6-lot subdivision and a Sidewalk Design Modification application to allow for curb tight sidewalks.

**Recommendation:** APPROVE LD2020-0011 / SDM2021-0002

## 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 a 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.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application(s) as identified below:

- All twelve (12) criteria are applicable to the Preliminary Subdivision (LD2020-0011) application as submitted.
- Facilities Review Committee criteria do not apply to the submitted Sidewalk Design Modification (SDM2020-0002) application.

### Section 40.03.1.A

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

#### FINDING:

Chapter 90 of the Development Code defines "critical facilities" to be services that include potable and non-potable public water; public sanitary sewer; stormwater drainage, treatment, and retention; transportation; and fire protection.

**Potable Water:** The property is served by City of Beaverton public water service and the applicant has stated that the water services are adequate to service the proposed development. There is an existing eight-inch water line in the adjacent segment of SW Watershed Lane that will be extended to the north. All six lots I to connect to the existing

eight-inch water line for domestic water. A new fire hydrant will connect to the same eight-inch water line to provide fire service water.

City staff reviewed the proposal and stated in their Service Provider Letter that there will be adequate capacity to service the proposed development. Therefore, the Committee finds that adequate potable public water service can be provided to the site to serve the proposed development.

**Non-Potable Water:** There is no non-potable water network in the area of development. Therefore, the proposal is exempt from connecting to a non-potable water network.

**Sanitary Sewer:** The property is served by City of Beaverton sanitary sewer service and the applicant has stated that the sanitary sewer services are adequate to service the proposed development. There is an existing sanitary sewer line in the adjacent segment of SW Watershed Lane that will be extended north to serve each of the six lots. The Committee finds that adequate sanitary sewer service can be provided to the site to serve the proposed development.

**Stormwater Drainage, Treatment, and Retention:** The property is served by City of Beaverton storm sewer service and the applicant has stated that the storm sewer services are adequate to service the proposed development. The proposed stormwater management system includes catch basins at several points along the extended segment of SW Watershed Lane and a water quality facility in Tract A. The proposal will connect to an existing stormwater line in SW Watershed Lane.

The applicant has provided a Preliminary Stormwater Report for the quantity and quality of stormwater resulting from the proposed development. The Committee finds that adequate stormwater drainage, treatment, and retention service can be provided to the site to serve the proposed development.

**Transportation:** Vehicular access is provided to the site via SW Watershed Lane, which will be extended as a public street to provide service to each individual lot.

Per BDC Section 60.55.20.2.A, a Traffic Impact Analysis (TIA) is required when a proposed development will generate 300 vehicles or more per day in average weekday trips. The applicant has provided a trip generation memo, indicating that the proposal will result in an average of 57 trips per weekday. These projections are based on rates from the 10<sup>th</sup> Edition of Institute of Transportation Engineers' (ITE) Trip Generation Manual. Staff concurs with this analysis, and no TIA must be provided. Staff also concurs that no modifications are recommended to the surrounding transportation network based on this proposal.

Pedestrian circulation is provided by curb tight sidewalks provide access to each individual lot. Due to narrow lot width and the required minimum density on site, the applicant has submitted a design that locates the curb tight sidewalks on the individual lots. The applicant has applied for a Sidewalk Design Modification for the curb tight sidewalks. The

committee recommends a condition of approval for the Preliminary Subdivision requiring that the Sidewalk Design Modification be approved. The committee also recommends a condition of approval requiring that the sidewalks on private property be placed in a public access easement.

The Committee finds that adequate transportation facilities are provided to the site to serve the proposed development.

**Fire Protection:** Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R staff has reviewed and approved the proposed development's site plan. TVF&R had no comments or concerns regarding the proposal and did not require any conditions of approval. Therefore, the Committee finds that adequate fire protection service can be provided to the site to serve the proposed development.

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

## Section 40.03.1.B

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

### FINDING:

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.

**Schools:** The proposed development is within the Beaverton School District (BSD) boundaries. The Beaverton School District reviewed the proposal and stated in their service provider letter that with the new school capacity scheduled to come on line in the years ahead that there will be sufficient capacity to accommodate new students from the project. The district continuously monitors enrollment and capacity at all schools and may from time to time, take additional actions to manage enrollment and capacity issues as needed.

**Transit Improvements:** Tri-Met provides nearby transit service via Bus Route No. 52 (Farmington / 185th) at the intersection of SW Farmington Road and SW 149<sup>th</sup> Avenue. The proposal includes continued pedestrian access to nearby stops for this bus route, therefore access to transit service is provided.

**Police Protection:** The City of Beaverton Police Department will continue to serve the development site. As of the date of this report, Beaverton Police have not provided

comments or recommendations to the Committee. Therefore, the Committee finds that adequate police protection service can be provided to the site to serve the proposed development.

**Pedestrian and Bicycle Facilities:** The development will provide sidewalks along both sides of the extended segment of SW Watershed Lane, which will connect with existing sidewalks along the currently constructed segment of Watershed Lane. The proposed street extension will be classified as a local street, so no dedicated bicycle lanes are required.

For these reasons, the Committee finds that essential facilities and services related to the proposed development are available with adequate capacity to serve the development.

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

### **Section 40.03.1.C**

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

#### **FINDING:**

The site is zoned Residential Urban Medium Density District (R2). The Committee refers to the Chapter 20 use and site development requirements table at the end of this report, which evaluates the project as it relates to applicable code requirements of Chapter 20 (Land Uses). As demonstrated in the table, the development proposal is consistent with all applicable provisions of Chapter 20 (Land Uses).

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

### **Section 40.03.1.D**

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

#### **FINDING:**

The Committee 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 (Special Requirements). Staff will provide findings for the Design Review Three request within the applicable section of the staff report.

**60.15 Land Division Standards:** According to the applicant's plans, grading near property lines is limited to the hammerhead turnaround street improvement, and the Tract A stormwater facility, which is exempt from the grading standards of 60.15.10.

Right-of-way dedications and improvements will occur, as conditioned above. Street trees are planted by the City for residential subdivisions, with the developer paying a fee of \$200 per tree, calculated at one tree required for each 30 feet of frontage. For this proposal, the street tree fee is estimated to be \$2,400. As a condition of approval, the applicant shall pay this fee prior to approval of the Final Land Division application.

**Section 60.30 Off-Street Parking:** The Development Code requires at least one off-street parking space per detached dwelling unit. The applicant proposes to construct the houses with one-car garages and one-car driveways, thereby meeting the parking requirement.

**Section 60.55 Transportation Facilities:** As stated in the findings for approval criterion 40.03.1.A, above, per BDC Section 60.55.20.2.A, a Traffic Impact Analysis is required when a proposed development will generate 300 vehicles or more per day in average weekday trips. A trip generation memo has been provided to project the number of trips resulting from a six lot subdivision. The memo concludes that 57 daily trips were projected. Aside from direct frontage improvements on site, no specific transportation improvements are recommended.

**Section 60.60 Trees and Vegetation Requirements:** One Community Tree is proposed for removal. No Tree Plan application or mitigation is required for the removal of the single tree.

**Section 60.65 Utility Undergrounding:** There are no existing above ground utilities along the site frontage, and all new utilities will be required to be undergrounded. To meet the requirements of this section, the Committee recommends a condition of approval requiring that the applicant provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development.

**Section 60.67 Significant Natural Resources:** No significant natural resource areas are identified in the City of Beaverton's Comprehensive Plan.

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

## Section 40.03.1.E

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

### FINDING:

The applicant states that individual homeowners will provide continued periodic landscape maintenance of individual properties. The stormwater facility in Tract A will be dedicated to the City of Beaverton and will be maintained by the City. The Committee finds that 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.

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

## Section 40.03.1.F

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

### FINDING:

The applicant states the proposed vehicular and pedestrian circulation has been designed to the minimum requirements and standards that facilitate safe, efficient, and direct travel. The city Traffic Engineer has reviewed the proposal and concurs with the applicant's findings for pedestrian and vehicle circulation.

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

## Section 40.03.1.G

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

### FINDING:

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

Extension of SW Watershed Lane shall provide direct vehicular access to the single-family

homes, sidewalks located in public access easements shall provide pedestrian circulation. Staff concurs with the applicant's findings.

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

## Section 40.03.1.H

**Approval Criterion:** *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.*

### FINDING:

Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). The layout of the proposed development provides proper spacing, building access, and turning radii. TVF&R staff has reviewed the proposed development's site plan and endorsed the proposal as shown without any conditions of approval. TVF&R will verify that their requirements are met prior to Site Development Permit issuance. The Committee finds that the site can be designed in accordance with City codes and standards and provide adequate fire protection.

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

## Section 40.03.1.I

**Approval Criterion:** *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.*

### FINDING:

The applicant states that all streets and public facilities are designed in accordance with adopted City codes and standards except where design modifications or exceptions have been requested. Development permits will be submitted for life and safety review prior to site development.

The Committee finds that review of the construction documents at the Site Development and Building Permit stages will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

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

## Section 40.03.1.J

**Approval Criterion:** *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.*

### FINDING:

The applicant states that the site is relatively flat, and will be graded to ensure adequate drainage to the stormwater facility is provided. The applicant has stated that no drainage is expected to impact the neighboring sites.

Staff concurs that the location of the stormwater facility and hammerhead along the west edge of the development will not have adverse impacts on the neighboring properties.

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

## Section 40.03.1.K

**Approval Criterion:** *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.*

### FINDING:

The applicant states that the proposal complies with all requirements of Beaverton's Engineering Design Manual, and all pedestrian routes will meet Americans with Disabilities Act (ADA) standards and facilitates efficient pedestrian travel. ADA-accessible sidewalk ramps are proposed at the hammerhead to facilitate crossing from Lot 1 to Tract A.

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code, and other standards as required by the ADA. The Committee finds that review of the proposed plans at Site Development and Building Permit stages is sufficient to guarantee compliance with accessibility standards.

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

## Section 40.03.1.L

**Approval Criterion:** *The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.*

### FINDING:

The applicant submitted the Preliminary Subdivision application on August 26, 2020. The applicant deemed the project complete on February 22, 2021. The applicant submitted the Sidewalk Design Manual Modification on May 7, 2021. The Applicant deemed the project complete on February 22, 2021, and has subsequently provided all materials required to issue a decision on the proposal.

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

# Code Conformance Analysis

## Chapter 20 Use and Site Development Requirements

### Residential Urban Medium Density (R2) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.05.20</b>			
Detached Residential Dwellings	Permitted	The applicant proposes subdivide the land to develop six detached dwellings.	<b>YES</b>
<b>Development Code Section 20.05.15</b>			
Parcel Area	Minimum: 2,000 square feet per dwelling unit  Maximum: None	Approximately 21,000 square feet, or 3,500 square feet per dwelling unit before dedication.	<b>YES</b>
Residential Density	Minimum: 6 lots  Maximum: 10 lots	6 lots	<b>YES</b>
Minimum Lot Dimensions	Width: None  Depth: None	<u>Lot 1</u> Width: 43 feet Depth: 65 feet  <u>Lots 2-5</u> Width: 80 feet Depth: 30 feet	<b>YES</b>
Yard Setbacks	Front Minimum: 10 feet  Side Minimum: 0 or 5 or 10 feet  Rear Minimum: 15 feet  Garage Minimum: 18.5	10 feet  5 feet  15 feet  18.5 feet as measured from back of sidewalk to prevent parked vehicles from blocking sidewalks on private property within public access easements.	<b>YES w/ COA</b>

Maximum Building Height	40 feet	No Building Elevations Provided	<b>YES w/ COA</b>
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## 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.	No Design Review Proposed, Single Family Home Subdivision	<b>N/A</b>
<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.	<b>N/A</b>
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a floodplain.	<b>N/A</b>
<b>Development Code Section 60.11</b>			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	No food cart pods are proposed.	<b>N/A</b>
<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 credits are requested.	<b>N/A</b>
<b>Development Code Section 60.15</b>			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property.	Proposed grading near property lines are limited to street improvements and storm water facilities, both of which are exempt.	<b>YES</b>

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.20</b>			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	N/A
<b>Development Code Section 60.25</b>			
Off-Street Loading Requirements	Minimum: None	No loading space is proposed.	N/A
<b>Development Code Section 60.30</b>			
Off-Street Motor Vehicle Parking	<u>Detached Dwellings</u> 1 space per unit	Driveway required for each unit	YES
<b>Development Code Section 60.30</b>			
Required Bicycle Parking	Not Required for Detached Dwellings	Not provided	N/A
<b>Development Code Section 60.33</b>			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
<b>Development Code Section 60.35</b>			
Planned Unit Development	Development and design principles for Planned Unit Developments.	The subject site is part of a PUD, nor is a PUD Proposed.	N/A
<b>Development Code Section 60.40</b>			
Sign Regulations	Requirements for signs.	No signs are proposed	N/A

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 60.45</b>			
Solar Access Protection	Solar access requirements for subdivisions and single family homes.	Subject site is zoned R2 residential, which is exempt from Solar Access requirements.	<b>N/A</b>
<b>Development Code Section 60.50</b>			
Accessory Uses and Structures	Requirements for accessory uses and structure.	No accessory uses or structures are proposed.	<b>N/A</b>
<b>Development Code Section 60.55</b>			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings herein.	<b>YES w/ COA</b>
<b>Development Code Section 60.60</b>			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	Refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.65</b>			
Utility Undergrounding	Requirements for placing overhead utilities underground.	Refer to the Facilities Review Committee findings herein.	<b>YES</b>
<b>Development Code Section 60.67</b>			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	No wetlands or riparian areas are located on site.	<b>N/A</b>
<b>Development Code Section 60.70</b>			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	<b>N/A</b>

# Attachment B: LD2020-0011

## ANALYSIS AND FINDINGS FOR PRELIMINARY SUBDIVISION

**Decision:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **LD2020-0011**, subject to the applicable conditions identified in Attachment D.

### Section 40.45.05 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 40.45.15.5.C Approval Criteria

In order to approve a Preliminary Subdivision 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:

#### Section 40.45.15.5.C.1

**Approval Criteria:** The application satisfies the threshold requirements for a Preliminary Subdivision 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.

#### Finding:

The applicant proposes to divide one legal lot into six lots and one tract. No Legal Lot Determination is pending for the parcel, meeting the threshold for a Preliminary Subdivision below.

- 1. The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year.*

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

#### Section 40.45.15.5.C.2

**Approval Criteria:** All City application fees related to the application under consideration by the decision making authority have been submitted.

#### Finding:

The applicant has paid the required fees related to the land use application.

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

### Section 40.45.15.5.C.3

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

**Finding:**

The subject parcel is not part of any subdivision. The parcel was part of two Property Line Adjustments (casefiles PLA2020-0003 & PLA2020-0004). The proposed subdivision will not conflict with the previously approved Property Line Adjustments. The proposed application will not affect or modify any applicable current or previous land use approvals.

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

### Section 40.45.15.5.C.4

**Approval Criteria:** Oversized parcels (oversized lots) resulting from the Replat 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.

**Finding:**

No oversized parcels are proposed with this development.

**Conclusion:** Therefore, staff find that the criterion for approval does not apply.

### Section 40.45.15.5.C.5

**Approval Criteria:** If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.

**Finding:**

Phasing is not proposed with this development.

**Conclusion:** Therefore, staff find that the criterion for approval does not apply.

## Section 40.45.15.5.C.6

**Approval Criteria:** 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.

### Finding:

Lot averaging is not proposed with this development.

**Conclusion:** Therefore, staff find that the criterion for approval does not apply.

## Section 40.45.15.5.C.7

**Approval Criteria:** 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.

### Finding:

Lot averaging is not proposed with this development.

**Conclusion:** Therefore, staff find that the criterion for approval does not apply.

## Section 40.45.15.5.C.8

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

### Finding:

The proposal only includes lots zoned R2 Residential. No proposed lot will have more than one zoning designation.

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

## Section 40.45.15.5.C.9

**Approval Criteria:** Applications and documents related to the request requiring further City approval, shall be submitted to the City in the proper sequence.

## Finding:

The applicant has submitted this Preliminary Subdivision application along with a Sidewalk Design Modification application for this project. Concurrent review of the application satisfies this criterion. No other applications are required of the applicant for this stage of City approvals. Because the applications were submitted concurrently staff will review both applications at once.

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

**Table 4: Land Division Standards Code Conformance Analysis**

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Grading Standards</b>			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is 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.	Grading for the stormwater detention facility in Tract A and the extension of SW Watershed Lane and hammerhead turnaround are exempt	<b>Yes</b>
60.15.10.3.A-F	When grading a site within 25 feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe A-E of this code section.	Although the site is generally flat, grading for building pads are not shown. Staff recommends a condition of approval requiring all building pads are shown to meet grading standards of Section 60.15.10 at Site Development Permit review.	<b>Yes, w/ COA</b>
60.15.10.3.G	The on-site grading contours stated above apply only to the property lines of the parent parcel(s). They do not apply to internal property lines within a development.	The grading standards have only been applied to the parent property lines of the Westport Village subdivision.	<b>Yes</b>
<b>Significant Trees and Groves</b>			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	Existing trees that do remain onsite will be protected in accordance with Tree Protection standards in Section 60.60.20 of the Code. No Significant Trees or Groves are located on-site.	<b>N/A</b>

# Attachment C: SDM2021-0002

## ANALYSIS AND FINDINGS FOR SIDEWALK DESIGN MODIFICATION APPROVAL

**Decision:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **SDM2021-0002**, subject to the applicable conditions identified in Attachment D.

### Section 40.58.05 Purpose

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.

### Section 40.58.15.1.C Approval Criteria

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

#### Section 40.58.15.1.C.1

**Approval Criteria:** The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.

#### Finding:

The applicant proposes to build curb tight sidewalks along the length of the SW Watershed Lane extension. As such, staff find that proposal satisfies threshold 1 of the Replat One application which reads:

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

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

#### Section 40.58.15.1.C.2

**Approval Criteria:** All City application fees related to the application under consideration by the decision making authority have been submitted.

## Finding:

The applicant has paid the required fees related to the land use applications.

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

## Section 40.58.15.1.C.3

**Approval Criteria:** One or more of the following criteria are satisfied:

- a. That there exist local topographic conditions, which would result in any of the following:
  - i. A sidewalk that is located above or below the top surface of a finished curb.
  - ii. A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.
- b. That there exist local physical conditions such as:
  - i. An existing structure prevents the construction of a standard sidewalk.
  - ii. An existing utility device prevents the construction of a standard sidewalk.
  - iii. Rock outcroppings prevent the construction of a standard sidewalk without blasting.
- c. That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.
- d. That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.

## Finding:

The applicant states that the curb tight sidewalks are required to accommodate a stormwater facility on site. The slope required for the storm facility does not provide enough horizontal width to accommodate the required landscape planter strip.

Staff also notes that the existing segment of SW Watershed Lane be extended to serve the site has curb tight sidewalks. The dimensions of the parent parcel and street dedication are not sufficient enough to accommodate a transition from curb tight to sidewalks with a planter strip as required in the Engineering Design Manual. Additionally, staff notes that the six lots provided by the design are required to meet the minimum density of the site. Providing a sidewalk and planter strip in the right of way would reduce the lot sizes to below the minimum required by the zone and would functionally require the site to not meet minimum density requirements.

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

## Section 40.58.15.1.C.4

**Approval Criteria:** The proposal complies with provisions of Section 60.55.25 Street and Bicycle and Pedestrian Connection Requirements and 60.55.30 Minimum Street Widths.

### Finding:

The applicant states that the proposal complies with provisions of Section 60.55.25 as demonstrated in the narrative. Staff refers to the Facilities Review findings for approval criterion D in reference to compliance with 60.55. The applicant must show compliance with the Conditions of Approval prior to issuance of a Site Development Permit for the proposed transportation facilities.

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

## Section 40.58.15.1.C.5

**Approval Criteria:** Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

### Finding:

The applicant has submitted this Sidewalk Design Modification application and the associated Preliminary Subdivision application for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals. Because the applications were submitted concurrently staff will review both applications at once.

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

## Section 40.45.15.2.C.6

**Approval Criteria:** The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.

### Finding:

Staff cites the finding prepared herein in response to Criterion G of Facilities Review approval as adequate for supportive findings for this criterion.

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

# Attachment D: Conditions of Approval

## Preliminary Subdivision (LD2020-0011)

### **A. General Conditions, the applicant shall:**

1. Ensure that the Sidewalk Design Modification (SDM2021-0002) application has been approved and is consistent with the submitted plans. (Planning / SR)

### **B. 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. Retain 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 City-owned and maintained public improvements, grading, storm water management facilities, and 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. City will require approval of legal description and form prior to execution. (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. Submit a water utility plan as approved by the Tualatin Valley Water District (TVWD) and City of Beaverton per SPL for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div. / CR)
9. Have obtained approvals needed from the Clean Water Services District for sanitary line connection permits. (Site Development Div. / CR)
10. Have obtained approvals needed from the Clean Water Services District for stormwater connection permits, as a part of the City's plan review process. These submittals will go to City for processing to Clean Water Services. (Site Development Div. / CR)
11. Submit a utility profile showing all proposed storm, sanitary, water, and other utilities crossing per EDM 120.2(J). (Site Development Div. / CR)
12. 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)
13. 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)
14. Any extra-capacity water, sanitary, and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to the development. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site

Development Div. / CR)

15. Submit a design for the retaining walls surrounding, adjacent, and within the storm water quality facility designed by a civil engineer or structural engineer for the expected hydrological conditions of the pond. These retaining walls shall be watertight for all areas of earthen fill or where deemed necessary by the City Engineer. Additionally, these walls shall be designed as poured-in-place, reinforced, 4000 PSI, portland cement concrete with a City Engineer approved texturing, and with minimum 18-inch stem wall thickness at the top of each wall. Wall footings shall not extend beyond project property limits. (Site Development Div. / CR)
16. 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. (Site Development Div. / CR)
17. 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)
18. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed per CWS and City rates and charges. (Site Development Div. / CR)
19. Provide plans showing the installation of a 60" diameter water quality manhole system with minimum five foot deep sump and Snout system. (Site Development Div. / CR)
20. Provide plans showing the installation of 60" diameter flow splitter manhole with a high flow bypass system designed to allow for high flows to pass through the mainline as approved by the City Engineer. (Site Development Div. / CR)
21. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas. 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)
22. Provide plans for the placement of underground utility lines within the site to the existing home, and for services to the proposed new home site. No overhead

services shall remain on the 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. (Site Development Div. / CR)

23. Submit plans that show access for a maintenance vehicle within 9-feet from the front, or within 19-feet from the side of a vehicle to all control structures unless otherwise specifically approved by the City Engineer. A direct worker access route to the structures in the pond area shall be provided no steeper than 4 (horizontal) to 1 (vertical) slope. This direct route shall be a minimum of 6-feet wide and have a surface consisting of the equivalent of 3-inches of  $\frac{3}{4}$ "-minus crush rock to allow walking access in winter and vegetation shall allow easy access. This direct access route shall be delineated on the plans. (Site Development Div. / CR)
24. If required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. If private sewer systems crossing lot lines and within a private easement is proposed, please submit plumbing permit application to the Building Division. Drainage within covered areas shall be piped as approved by the City Building Division. (Site Development Div. / CR)
25. Submit ODOT ADA curb ramp design checklist and standard detail DET1720 and DET1721 showing level of design detail for every public 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)
26. Submit plans showing public access easements across all sidewalks located on private property. (Planning / SR)

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

27. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / CR)
28. Have submitted the paper copies of the final plat needed for City review and to the County Surveyor to begin processing. (Site Development Div. / CR)
29. 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)

30. 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)
31. 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 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)
32. The applicant shall submit a fee of \$200 for each street tree that the City Arborist and City Engineer require to be planted along the property's frontage(s). (Planning/SR)

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

33. Submit site plans and elevations demonstrating compliance with the setback and height requirements described in Section 20.05.15. (Planning/SR)
34. Submit site plans utilizing the back of sidewalk as the measuring line for garage elevation setbacks. (Planning/SR)
35. Submit site plans demonstrating building pads compliant with the grading requirements described in Section 60.15.10.3. (Planning/SR)

**E. Prior to final inspection, the applicant shall:**

36. 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)
37. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / CR)
38. 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)
39. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / CR)

40. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div. / CR)
41. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A", except as modified by the decision-making authority in conditions of approval. (On file at City Hall). (Planning/SR)

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

42. Have completed the site development improvements and verify that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. 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)
43. Submit any required easements, executed and ready for recording, to the City. City will require approval of legal description and form prior to execution. 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)
44. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment 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) 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 prior to release of the security. (Site Development Div. / CR)
45. A 2-year Maintenance Security will be required at 25 percent of the cost to construct City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It will run concurrently with the performance security of the plant establishment and is released 2 years after project acceptance following the correction of any identified defects. (Site Development Div. / CR)

## Sidewalk Design Modification (SDM2021-0002)

**A. General Conditions, the applicant shall:**

46. Ensure that the Preliminary Subdivision (LD2020-0011) application has been approved and is consistent with the submitted plans. (Planning / SR)