



CITY OF BEAVERTON
Planning Division
Community Development Department
Tel: 503-526-2420
www.beavertonoregon.gov

MEMORANDUM

City of Beaverton
Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: July 17, 2024
Subject: LU22024-00073 Denney Road Project

Please find attached the Notice of Decision for **LU22024-00073 Denney Road Project (PTF22024-00070 / SDM12024-00071 / TP22024-00072)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision is final, unless appealed within 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 LU22024-00073 Denney Road Project (PTF22024-00070 / SDM12024-00071 / TP22024-00072) is 4:30 p.m., July 29, 2024.

The complete case files including findings, conclusions, and conditions of approval, can be viewed and downloaded at <http://apps2.beavertonoregon.gov/DevelopmentProjects/>. The

case files may be reviewed by contacting the project planner, Lauren Russell at lrussell@beavertonoregon.gov.

NOTE: The City of Beaverton Community Development Department customer service center is now open to the public Monday through Thursday from 8:30am – 4:30pm.

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 Lauren Russell by calling 503-278-0318 or email lrussell@beavertonoregon.gov.

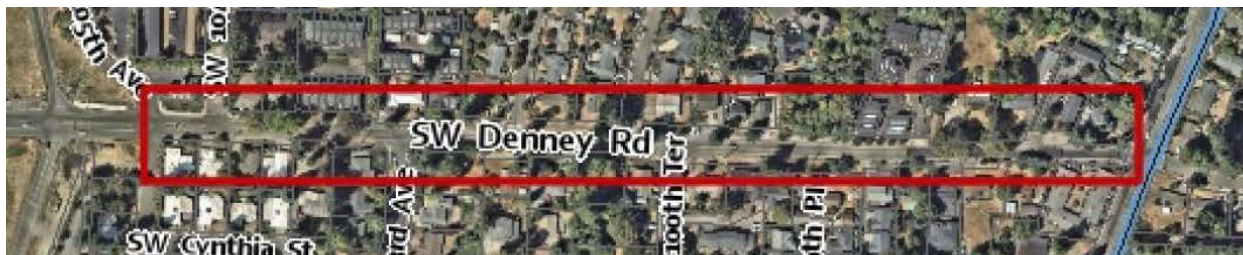
STAFF REPORT

Report Date: July 17, 2024

Application: LU22024-00073 Denney Road Project

Application Numbers: PTF22024-00070 / SDM12024-00071 / TP22024-00072

Proposal: The applicants, Washington County and the City of Beaverton, request approval of a Public Transportation Facility for improvements to the SW Denney Road right of way from SW 105th Avenue east to SW Scholls Ferry Road, including adding bike lanes, curb and gutter, planter strips, sidewalks, and an intermittent turn lane; a Sidewalk Design Modification for several portions of the sidewalk and planter strip on SW Denney Road to be narrower than the minimum required widths; and a Tree Plan Two for the removal of 16 Community Trees and two trees within a Significant Grove to accommodate the physical improvements to SW Denney Road.



Proposal location: The project area is largely within existing right of way along SW Denney Road between SW 105th Avenue to SW Scholls Ferry Road. The proposal also includes minor acquisitions and/or temporary easements to approximately 28 parcels along this portion of SW Denney Road.

Applicants: Washington County and the City of Beaverton

Decision: APPROVAL of PTF22024-00070 / SDM12024-00071 / TP22024-00072, subject to the conditions of approval identified at the end of this report.

Contact information:

City Staff Representative: Lauren Russell, AICP, Associate Planner
503-278-0318 / lrussell@BeavertonOregon.gov

Applicants: Washington County Capital Project Services
Matt Costigan
1400 SW Walnut Street
Hillsboro, OR 97123

City of Beaverton Public Works
David Winship
PO Box 4755
Beaverton, OR 97076

Applicant's
Representative: Harper Houf Peterson Righellis Inc.
Hillary Harris
205 SE Spokane Street, Suite 200
Portland, OR 97202

Property Owners: 9640 – 9658 SW Denney Road
Weston Investment Co LLC
2514 NE Broadway Street, Suite 200
Portland, OR 97232

9645 SW Denney Road
David Monaghan & Hong Ning
9645 SW Denney Road
Beaverton, OR 97008

9720 SW Denney Road
Ross W Burnett
9720 SW Denney Road
Beaverton, OR 97008

9745 SW Denney Road
Darrel & Deborah Grant Liv Trust
9745 SW Denney Road
Beaverton, OR 97008

9760 SW Denney Road
Ladda Sirimaturos
9760 SW Denney Road
Beaverton, OR 97008

9775 SW Denney Road
Passaic Holdings LLC
9775 SW Denney Road
Beaverton, OR 97008

9800 SW Denney Road
Lester J & Steve L Hawkins
9800 SW Denney Road
Beaverton, OR 97008

9850 SW Denney Road
Christopher L & Julia A Pete
9850 SW Denney Road
Beaverton, OR 97008

7030 SW 99th Place
Bryan K & Selena M Yokoyama
7030 SW 99th Place
Beaverton, OR 97008

7033 SW 99th Place
Thomas William & Bobbie Jo Abraham
7033 SW 99th Place
Beaverton, OR 97008

7051 SW 99th Place
Mark D Traxler
7051 SW 99th Place
Beaverton, OR 97008

9975 SW Denney Road
Petru Bulza
9975 SW Denney Road
Beaverton, OR 97008

9990 SW Denney Road
Brad O Durtschi
9990 SW Denney Road
Beaverton, OR 97008

9995 SW Denney Road
Fang T & Leung Cheng Chen
9995 SW Denney Road
Beaverton, OR 97008

7035 SW 110th Terrace
Allan L & Linda P Tubbin
7035 SW 100th Terrace
Beaverton, OR 97008

10070 SW Denney Road
Theodore James Ulrich
10070 SW Denney Road
Beaverton, OR 97008

10120 SW Denney Road
Christine L & Neal A Hazel
10120 SW Denney Road
Beaverton, OR 97008

10150 and 10220 SW Denney Road
Hall Liv Trust
10150 SW Denney Road
Beaverton, OR 97008

Tax Lot 1S123BC90000
Owners of Units
The Ponderosa, A Condo
No mailing address

10245 SW Denney Road
U Alfredo & Leticia Mendoza
10245 SW Denney Road
Beaverton, OR 97008

10305 SW Denney Road
SOC West End Beaverton Inc
2934 ½ Beverly Glen Circle #452
Los Angeles, CA 90077

7025 SW 103rd Avenue
Miguel Ochoa
7025 SW Denney Road
Beaverton, OR 97008

10300 SW Denney Road
Elmer G & Linda Kay Green
10300 SW Denney Road
Beaverton, OR 97008

10350 SW Denney Road
Linh & Tri Pham
5545 SW 170th Avenue
Aloha, OR 97007

10370 SW Denney Road
Peter T & Roban D Jessee
10370 SW Denney Road
Beaverton, OR 97008

10410 SW Denney Road
Brenda E Hartzog
10410 SW Denney Road
Beaverton, OR 97008

10440 SW Denney Road
Amanda Vinson
10440 SW Denney Road
Beaverton, OR 97008

Existing Conditions

Zoning: Community Service (CS), Residential Mixed A (RMA), Residential Mixed B (RMB), and Residential Mixed C (RMC)

Site Conditions: The project area is largely within existing right of way along SW Denney Road between SW 105th Avenue to SW Scholls Ferry Road. The proposal also includes minor acquisitions and/or temporary easements to approximately 28 parcels along this portion of SW Denney Road.

Site Size: The segment of SW Denney Road that is within the project area is approximately 2000 feet in length and the proposed right of way width varies between 56 and 80 feet.

Location: North of SW Cynthia Street, west of SW Scholls Ferry Road, south of SW Rollingwood Drive, and east of SW 105th Avenue.

Neighborhood Association Committee: Denney Whitford / Raleigh West

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Community Service (CS), Residential Mixed A (RMA), Residential Mixed B (RMB), and Residential Mixed C (RMC)	Retail Marijuana Sales, Single-Detached Dwellings and Middle Housing, Multi-Dwellings
South	Residential Mixed B (RMB), and Residential Mixed C (RMC)	Single-Detached Dwellings and Middle Housing, Multi-Dwellings
East:	Washington County R-5	Single-Detached Dwellings and Middle Housing
West:	Industrial (IND)	Self-Storage Facilities, Private Recreation Facilities

Application Information

Table 2: Application Summaries

Application	Application type	Proposal summary	Approval criteria location
PTF22024-00070	Public Transportation Facility	Improvements to the SW Denney Road right of way from SW 105th Avenue east to SW Scholls Ferry Road,	Development Code Sections 40.03.2 and 40.57.15.1.C
SDM12024-00071	Sidewalk Design Modification	Several portions of the sidewalk and planter strip on SW Denney Road to be narrower than the minimum required widths	Development Code Section 40.58.15.1.C
TP22024-00072	Tree Plan Two	Removal of 16 Community Trees and two trees within a Significant Grove	Development Code Section 40.90.15.2.C

Table 3: Key Application Dates

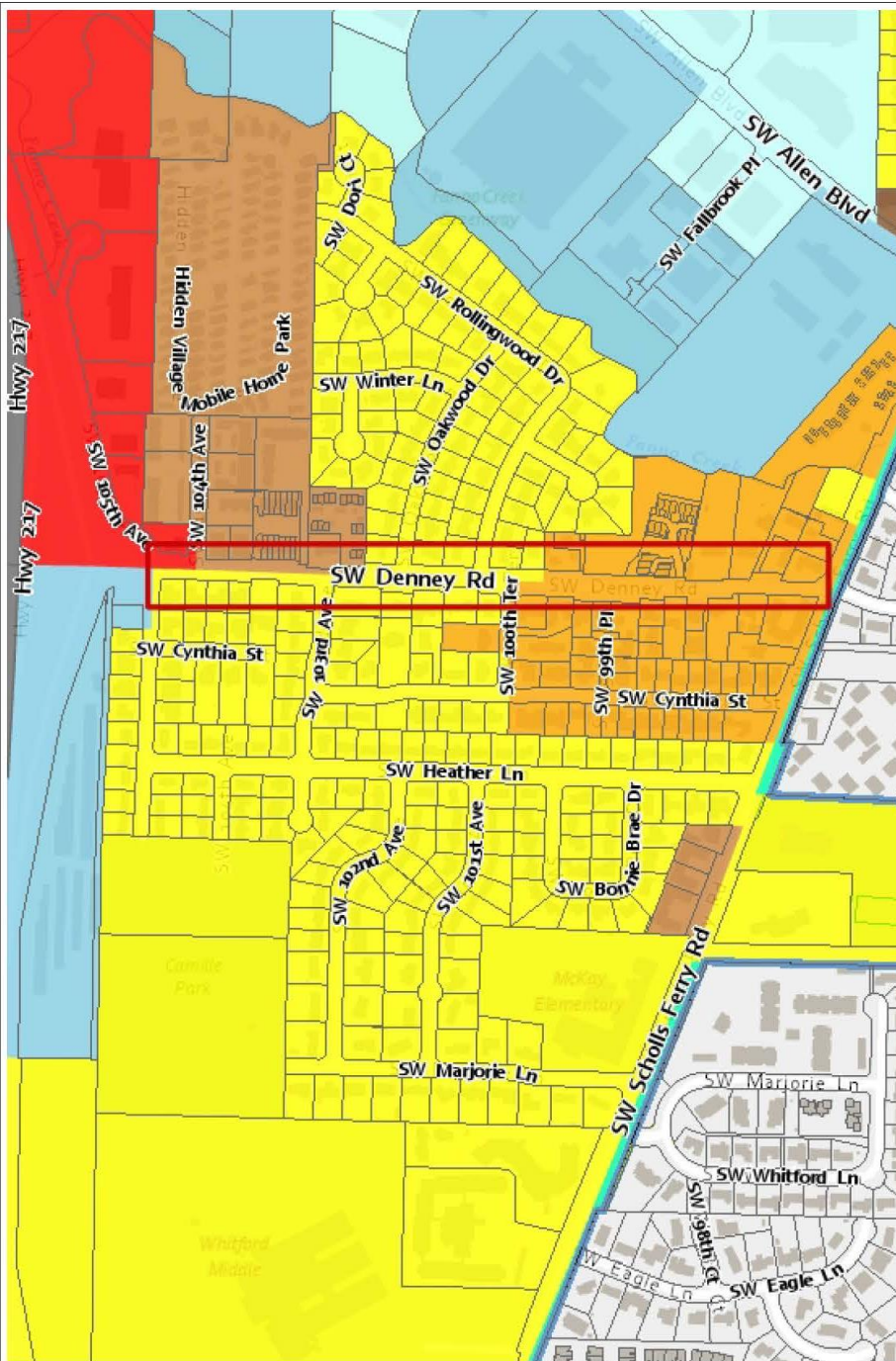
Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
PTF22024-00070	January 31, 2024	May 13, 2024	September 10, 2024	May 13, 2025
SDM12024-00071	January 31, 2024	May 13, 2024	September 10, 2024	May 13, 2025
TP22024-00072	January 31, 2024	May 13, 2024	September 10, 2024	May 13, 2025

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

** The original 120-day final decision date can be extended 245 days.



Exhibit 1.1 Zoning and Vicinity Map

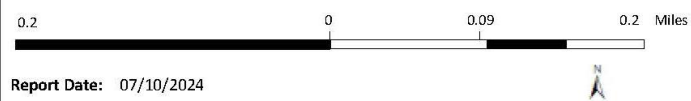


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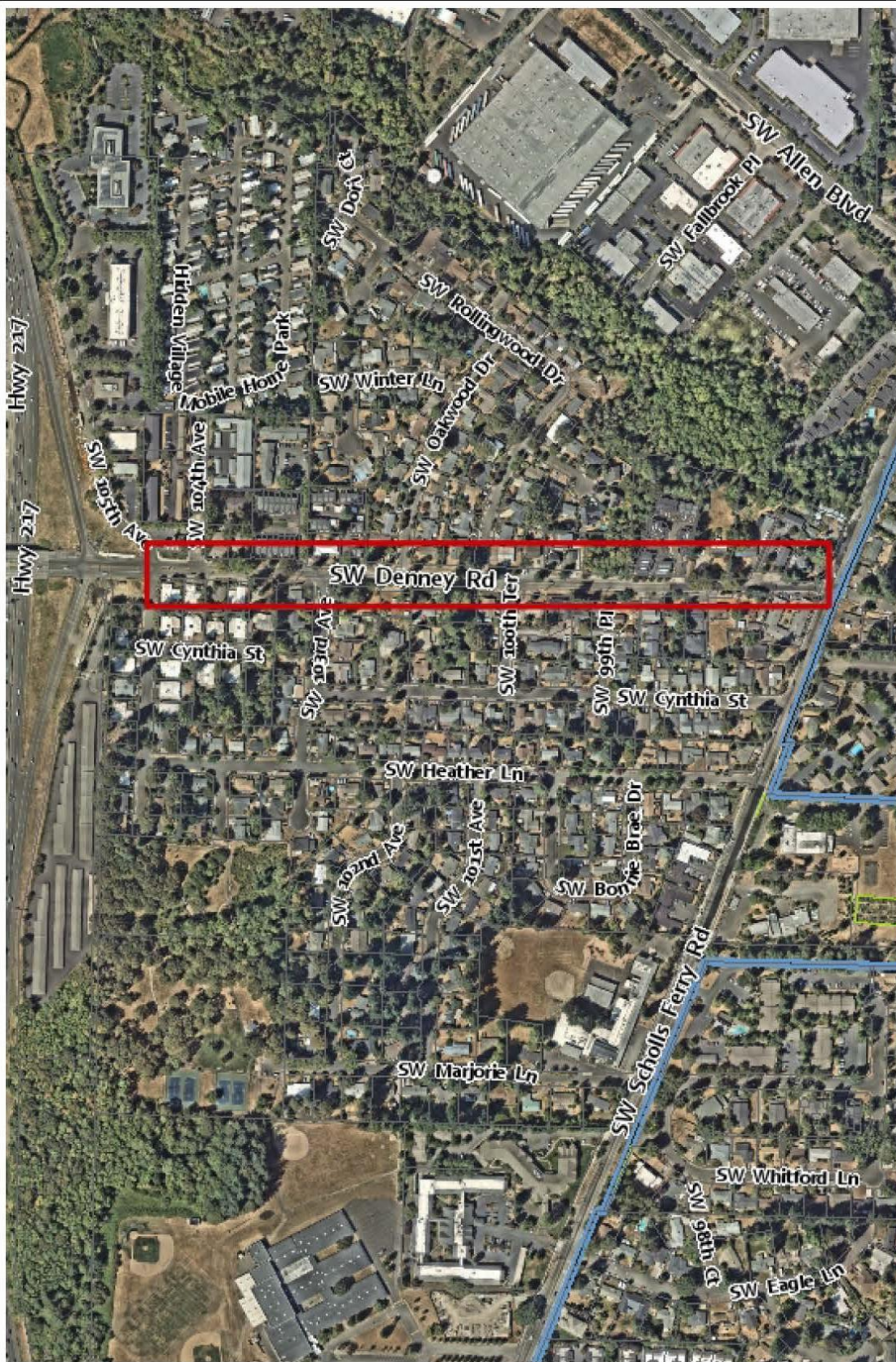
- Washington County Taxlots
- Park and School Boundaries
 - Parks
 - School Land
- Beaverton City Limits
- UGB
- Zoning
 - Residential Mixed C (RMC)
 - Residential Mixed B (RMB)
 - Residential Mixed A (RMA)
 - Multi-Unit Residential (MR)
 - Neighborhood Service Center (NS)
 - Community Service (CS)
 - Corridor Commercial (CC)
 - General Commercial (GC)
 - Station Community - SC-S
 - Station Community - High Density ()
 - Station Community - Employment ()
 - Station Community - Multiple Use ()
 - Town Center - High Density Reside
 - Town Center - Multiple Use (TC-MU)
 - Regional Center - Old Town (RC-O)
 - Regional Center - East (RC-E)
 - Regional Center - Beaverton Centr
 - Regional Center - Downtown Trans
 - Regional Center - Multiple Use (RC
 - Commercial - Washington Square (
 - Office Industrial - Washington Squa
 - Office Industrial (OI)
 - OI-NC
 - Industrial (IND)
 - Interim Washington County Zoning
 - Unzoned/ ROW
- Stream_Labels
- CityLimits_Line
- County_Line
- Taxlots - Washington County
- Taxlots - Multnomah County

Notes

Project area outlined in red



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.

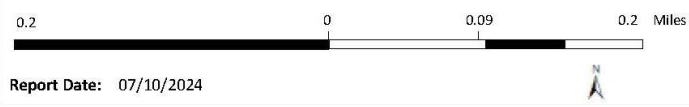


Legend

- Washington County Taxlots
- Park and School Boundaries
 - Parks
 - School Land
- Beaverton City Limits
- Stream_Labels
- CityLimits_Line
- County_Line
- Taxlots - Washington County
- Taxlots - Multnomah County
- Buildings
 - Building
 - Under Construction
- LightRailStops
- Railroad
- Light Rail
- Freeways_Labels
- Streets_White
- Streams_Line
- WaterBodies
- Parks_Labels
- Parks and Schools
 - Park
 - School
- Taxlots_COBYellow
- AdjacentCities
 - Banks
 - Barlow
 - Battle Ground
 - Camas
 - Canby
 - Clatskanie
 - Columbia City
 - Cornelius
 - Damascus
 - Dundee
 - Durham

Notes

Project area outlined in red



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Exhibits:

Exhibit 1. Materials Submitted by Staff

- Exhibit 1.1 Zoning and Vicinity Map (page 10 of this report)
- Exhibit 1.2 Aerial Map (page 11 of this report)

Exhibit 2. Public Comment

- Exhibit 2.1 Email from Adriana Guerrero, received June 16, 2024
- Exhibit 2.2 Letter from Mary Lausberg, received June 17, 2024
- Exhibit 2.3 Email from Steve Martini, received June 17, 2024
- Exhibit 2.4 Email from Elmer Green, received June 24, 2024
- Exhibit 2.5 Letter from Andrew and Janette Schneider, received June 25, 2024
- Exhibit 2.6 Letter from Ladda Sirimaturus, received June 25, 2024
- Exhibit 2.7 Email from Colin Durfee, received June 25, 2024
- Exhibit 2.8 Email from Satomi Honda, received June 25, 2024
- Exhibit 2.9 Email from Ted Ulrich, received June 26, 2024

Exhibit 3. Materials Submitted by the Applicant

- Exhibit 3.1 Arborist Report

- Exhibit 3.2 Civil Plans
- Exhibit 3.3 Clean Water Services SPL
- Exhibit 3.4 Design Exceptions Application
- Exhibit 3.5 Driveway Sight Distance Analysis
- Exhibit 3.6 Intersection Sight Distance Analysis
- Exhibit 3.7 Lighting Plan
- Exhibit 3.8 Narrative
- Exhibit 3.9 Pre-Application Conference Summary Notes
- Exhibit 3.10 Public Transportation Facility Application
- Exhibit 3.11 Sidewalk Design Modification Application
- Exhibit 3.12 Stormwater Report
- Exhibit 3.13 Tree Plan Two Application
- Exhibit 3.14 Tree Impact Map
- Exhibit 3.15 Tree Plans

Exhibit 4. Agency Comment

None received

Attachment A: Facilities Review Committee Technical Review and Recommendation

Application: LU22024-00073 Denney Road Project

Recommendation: APPROVE PTF22024-00070 / SDM12024-00071 / TP22024-00072

Finding: The Facilities Review Committee finds that the proposal complies with all technical approval criteria and therefore, the Committee recommends that the decision-making authority in approving the proposal, adopt the conditions of approval found in Attachment E.

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 nine criteria are applicable to the Public Transportation Facility (PTF22024-00070) application as submitted.
- Facilities Review Committee criteria do not apply to the submitted Sidewalk Design Modification (SDM12024-00071) or Tree Plan Two (TP22024-00072) applications.

Section 40.03.2.A

Approval Criterion: *The transportation facility, as proposed or modified, conforms with the Transportation System Plan.*

FINDING:

The applicant states that the proposed improvements to SW Denney Road are consistent with its Collector functional classification designation in Figure 6.4 of the Transportation System Plan (TSP). TSP Figure 6.6 identifies this segment as a two- to

three-lane Collector. The proposed improvements include two lanes of vehicular traffic with an intermittent turn lane, complying with the TSP. The Committee concurs that the proposed transportation facility conforms with the TSP.

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

Section 40.03.2.B

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

FINDING:

The applicant states that the proposed improvements of SW Denney Road provide a safe and efficient roadway design that includes two lanes of vehicular traffic, buffered bike lanes, and a pedestrian sidewalk on both sides of the street that is a minimum of six feet wide. The preferred alternative design was determined using City standards for a Collector and after multiple public outreach events of discussions with the public, City Councilors, and other key stakeholders. A condition of approval will require the applicant to submit signage plans, including temporary traffic control plans, that include proposed signs within City of Beaverton public right of way consistent with BDC 60.40.10, in order to demonstrate that signage will promote safe and efficient circulation patterns both during construction and when the project is complete.

Through the preferred alternative design process, the applicant has designed this segment of SW Denney Road to include 11-foot-wide travel lanes rather than the minimum standard of twelve feet for a Collector. The modification of travel lane width serves to accommodate the needed multimodal improvements while minimizing impacts to trees and adjacent private property improvements. The applicant has submitted all required Engineering Design Manual design exceptions to the City's Public Works Department and has obtained all necessary approvals. The proposed improvements require right of way acquisition and temporary construction easements from approximately 28 properties along the road segment, with the amount of additional right of way and temporary construction easements varying per property as depicted in the applicant's civil plan set. The Committee finds that, as modified by approved design exceptions, the minimum street widths required by BDC Section 60.55.30 can be met.

Per BDC Section 60.55.35.3.A, work adjacent to public streets must comply with the visibility at intersections standards in the Engineering Design Manual. The applicant states that visibility requirements are met with the proposed

improvements and has provided sight distance analyses for both driveways and intersections within the project area demonstrating compliance with the standards.

For these reasons and as conditioned, the Committee finds that there are safe and efficient vehicular and pedestrian circulation patterns within the project boundaries.

Conclusion: Therefore, staff finds that by meeting the condition of approval, the proposal meets the approval criterion

Section 40.03.2.C

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 in place.*

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).

Section 60.10 Floodplain Regulations: The applicant states that Fanno Creek runs adjacent to SW Denney Road near SW 100th Terrace. No development is proposed within the limits of the floodplain. Where SW Denney Road runs adjacent to Fanno Creek and the mapped floodplain fringe, the roadway will be improved to provide safe and efficient circulation and access along the corridor completely outside the existing floodway fringe.

Section 60.55 Transportation Facilities: The Committee incorporates the findings for Approval Criterion 40.03.2.B, above. The applicant states that the proposed improvements of SW Denney Road provide a safe and efficient roadway design that includes two lanes of vehicular traffic, buffered bike lanes, and a pedestrian sidewalk on both sides of the street that is a minimum of six feet wide. Bicycle and pedestrian crossings are provided at the signal-controlled intersection of SW Denney Road and SW Scholl Ferry Road and additional connections are made along SW Denney Road, including at SW 103rd Avenue where a marked crosswalk and rectangular rapid flashing beacon will be provided.

The applicant has designed this segment of SW Denney Road to include 11-foot-wide travel lanes rather than the minimum standard of twelve feet for a Collector to accommodate the needed multimodal improvements while minimizing impacts to trees and adjacent private property improvements. The applicant has received approvals for all required Engineering Design Manual design exceptions.

The proposed improvements require right of way acquisition and temporary construction easements from 28 properties along the road segment, with the amount of additional right of way and temporary construction easements varying per property as depicted in the applicant's civil plan set. The applicant states that visibility requirements are met with the proposed improvements and has provided sight distance analyses for both driveways and intersections within the project area demonstrating compliance with the standards.

Section 60.60 Trees and Vegetation: The applicant states that two of the 15 trees within Significant Grove G13 are proposed to be removed, totaling 70 inches DBH. These trees are required to be removed to accommodate the proposed roadway and sidewalk improvements. The 13 trees to be retained will be protected during construction. The applicant also proposes to remove 16 of the existing 36 Community Trees. No mitigation is required for Community Trees and no mitigation is required for the Significant Grove trees because only 15-percent of the Grove's DBH is proposed for removal.

Section 60.65 Utility Undergrounding: The applicant states that the proposed roadway improvement project is Washington County MSTIP funded and thus exempt from undergrounding utilities.

For these reasons, the Committee finds that the proposed development is consistent with the applicable provisions of Chapter 60.

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

Section 40.03.2.D

Approval Criterion: *Adequate means are provided or proposed to be provided to ensure continued periodic maintenance and replacement of the following 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.*

FINDING:

The applicant states that SW Denney Road is an existing City of Beaverton-maintained facility. The City has adequate means to ensure continued maintenance and replacement of the roadway and associated facilities as needed. Therefore, the Committee finds that adequate means are provided to ensure maintenance and replacement of the roadway and improvement right of way.

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

Section 40.03.2.E

Approval Criterion: *The proposed transportation facility connects to the surrounding circulation systems in a safe, efficient, and direct manner.*

FINDING:

The Committee incorporates the findings for Approval Criteria 40.03.2.B and 40.03.2.C, above. The applicant states that the proposed improvements to SW Denney Road provide a safe, efficient, and direct connection in the project limits between SW Scholls Ferry Road to the east and SW 105th Avenue to the west. Multimodal improvements for vehicles, cyclists, and pedestrians are provided through the completion of the public sidewalk system and installation of a buffered bike lane on both sides of the roadway. Access for adjacent properties to the roadway will occur in the locations of existing driveways, which will be reconnected to the roadway as part of the project.

Per BDC Section 60.55.35.3.A, work adjacent to public streets must comply with the visibility at intersections standards in the Engineering Design Manual. The applicant states that visibility requirements are met with the proposed improvements and has provided sight distance analyses for both driveways and intersections within the project area demonstrating compliance with the standards.

For these reasons, the Committee finds that the proposed transportation facility connects to the surrounding circulation systems in a safe, efficient, and direct manner.

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

Section 40.03.2.F

Approval Criterion: *The proposed transportation facility or modification thereof will provide adequate fire equipment facility access and turnaround area, as well as adequate street lighting for crime and accident prevention as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.*

FINDING:

Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). The applicant states that the proposed roadway design maintains fire department access points, Fire Department Connections, and fire hydrants. The addition of an intermittent center turn lane will improve fire access in some locations along the roadway segment. The applicant has also provided street lighting plans that demonstrate that the proposal will meet the average maintained illuminance on the horizontal for both the roadway and sidewalks as required for Collectors per Engineering Design Manual Section 450. Therefore the Committee finds that proposed facility will provide adequate fire access and adequate street lighting.

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

Section 40.03.2.G

Approval Criterion: *Grading and contouring are the minimum necessary to accommodate the proposed transportation facility, while mitigating 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 grading associated with the proposed improvements is the minimum necessary to accommodate the transportation facility improvements and are mostly limited to the SW Denney Road public right of way. Mitigation of any grading impacts are primarily addressed through minor cut or fill slopes not exceeding two feet horizontal to one foot vertical slopes. Retaining walls will be constructed at the stormwater management facility. The Committee finds that the grading and contouring are the minimum necessary while mitigating adverse effects.

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

Section 40.03.2.H

Approval Criterion: *Access and facilities for physically handicapped people are maintained and/or incorporated into the subject transportation facility, with particular attention to providing continuous, uninterrupted access routes.*

FINDING:

The applicant states that one of the intended purposes of the project is to create continuous bicycle and pedestrian facilities along this segment of SW Denney Road, where there are now only intermittent facilities. All new facilities will be designed and constructed to be compliant with the Americans with Disabilities Act, including sidewalks, curb ramps, and traffic signals. The Committee finds that access and facilities for physically handicapped people are incorporated with attention to providing continuous, uninterrupted access routes.

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

Section 40.03.2.1

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 Public Transportation Facility (PTF22024-00070), Sidewalk Design Modification (SDM12024-00071), and Tree Plan Two (TP22024-00072) applications on January 31, 2024. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements identified in Section 50.25.1 are contained within this proposal.

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

Code Conformance Analysis

Table 4: Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Public Transportation Facilities are not subject to Design Review.	N/A
Development Code Section 60.07			
Drive-Up Window Facilities	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	Refer to the Facilities Review Committee findings herein.	YES
Development Code Section 60.11			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	No food cart pods are proposed.	N/A
Development Code Section 60.12			
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.	N/A
Development Code Section 60.15			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property.	Grading on private properties will meet the contouring standards	YES
Development Code Section 60.20			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	N/A
Development Code Section 60.25			
Off-Street Loading Requirements	Minimum: None	No loading spaces are proposed.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30			
Off-Street Motor Vehicle Parking	Minimum: N/A Maximum: N/A	No motor vehicle parking spaces are proposed	N/A
Development Code Section 60.30			
Required Bicycle Parking	Minimum: N/A Maximum: N/A	No bicycle parking spaces are proposed.	N/A
Development Code Section 60.33			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
Development Code Section 60.35			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	N/A
Development Code Section 60.40			
Sign Regulations	Requirements for signs.	No signs are proposed.	N/A
Development Code Section 60.55			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings herein.	YES
Development Code Section 60.60			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	Refer to the Facilities Review Committee findings herein.	YES
Development Code Section 60.65			
Utility Undergrounding	Requirements for placing overhead utilities underground.	Refer to the Facilities Review Committee findings herein.	YES
Development Code Section 60.67			
Significant Natural Resources	Regulations for wetlands and riparian corridors.	The subject site does not contain any Significant Natural Resources.	N/A
Development Code Section 60.			
Wireless Communications Facilities	Requirements for wireless communications facilities.	No wireless communications facilities are proposed.	N/A

Attachment B: PTF22024-00070 Public Transportation Facility

ANALYSIS AND FINDINGS FOR PUBLIC TRANSPORTATION FACILITY APPROVAL

Decision: APPROVAL OF PTF22024-00070, subject to the conditions of approval identified in Attachment E.

Section 40.03.2 Facilities Review Committee Approval Criteria

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met, as applicable.

FINDING:

Staff has reviewed the applicable Facilities Review Committee approval criteria in Attachment A of this report. Staff cites the findings presented in Attachment A in response to the Facilities Review Committee approval criteria. As identified in Attachment A, the proposal meets Approval Criteria 40.03.2.A through I, subject to the conditions of approval identified in Attachment E.

Conclusion: Therefore, staff finds that the proposal meets the Facilities Review Committee approval criteria.

Section 40.57.05 Purpose

The purpose of the Public Transportation Facility application is to establish a process for review of new construction or significant expansion of major transportation facilities.

Director Standards for Approval

Section 40.57 of the Development Code provides standards to govern the decisions of the Director as they evaluate and render decisions on Public Transportation Facility applications. The Director will determine whether the application as presented meets the Public Transportation Facility approval criteria.

Section 40.57.15.1.C.1

Approval Criterion: *The proposal satisfies the threshold requirements for a Public Transportation Facility application.*

FINDING:

The applicant proposes improvements to the SW Denney Road right of way, a Collector, from SW 105th Avenue east to SW Scholls Ferry Road, including adding bike lanes, curb and gutter, planter strips, sidewalks, and an intermittent turn lane, which meets thresholds:

- A. *Construction or modification of Collectors, Arterials, Principal Arterials, and Freeways*
2. *The work includes construction activities outside a public right-of-way or easement, including contractor staging areas and stockpiling of materials.*
3. *The work involves the acquisition of new right-of-way.*

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

Section 40.57.15.1.C.2

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

FINDING:

The City of Beaverton received the appropriate fee for a Public Transportation Facility application.

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

Section 40.57.15.1.C.3

Approval Criterion: *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.*

FINDING:

The applicant submitted the Public Transportation Facility (PTF22024-00070), Sidewalk Design Modification (SDM12024-00071), and Tree Plan Two (TP22024-00072) applications on January 31, 2024. In review of the materials during the application review process, the Committee finds that all applicable application

submittal requirements identified in Section 50.25.1 are contained within this proposal.

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

Section 40.57.15.1.C.4

Approval Criterion: *The proposal meets all applicable design standards for the classification of the subject road as specified by the Engineering Design Manual and Standard Drawings unless the applicable provisions have been modified by the City Engineer by separate process.*

FINDING:

SW Denney Road is classified as a Collector. The applicant states that a hybrid preferred design alternative was developed for the design of SW Denney Road that includes sections of both two-lane and three-lane roadway design to minimize impacts to significant trees. This includes 11-foot travel lanes, seven-foot buffered bicycle lanes, varying widths of parking strips, and sidewalks. The applicant requested four design exceptions to the Engineering Design Manual, which were all approved by the City Engineer on May 9, 2024.

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

Section 40.57.15.1.C.5

Approval Criterion: *The alignment of the new or extended transportation facility is consistent with the general location shown in the Comprehensive Plan Transportation Element.*

FINDING:

The applicant states that SW Denney Road is an existing Collector in the general location shown on the Functional Classification Map in the Comprehensive Plan Transportation Element. The proposed improvements to SW Denney Road will not change this alignment and the street will remain consistent with the general location.

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

Section 40.57.15.1.C.6

Approval Criterion: *Any interim improvements have been designed to accommodate future improvement of the facility to ultimate standards.*

FINDING:

The applicant states that no interim improvements are proposed with this project. All improvements to the SW Denney Road corridor are proposed to be permanent.

Conclusion: Therefore, staff finds that the approval criterion is not applicable.

Section 40.57.15.1.C.7

Approval Criterion: *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 Public Transportation Facility application with associated Sidewalk Design Modification (SDM12024-00071) and Tree Plan Two (TP22024-00072) applications. No other applications are required of the applicant at this stage of City review. Staff recommends a condition of approval that approval of the Public Transportation Facility application is dependent upon approval of the Sidewalk Design Modification and Tree Plan Two applications.

Conclusion: Therefore, staff finds that by meeting the condition of approval, the proposal meets the approval criterion.

Conclusion and Recommendation

Based on the facts and findings presented above, the Director **APPROVES PTF22024-00070**, subject to the conditions of approval in Attachment E.

Attachment C: SDM12024-00071 Sidewalk Design Modification

ANALYSIS AND FINDINGS FOR SIDEWALK DESIGN MODIFICATION APPROVAL

Decision: APPROVAL OF SDM12024-00071, subject to the conditions of approval identified in Attachment E.

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.

Director Standards for Approval

Section 40.58 of the Development Code provides standards to govern the decisions of the Director as they evaluate and render decisions on Sidewalk Design Modification applications. The Director will determine whether the application as presented meets the Sidewalk Design Modification approval criteria.

Section 40.58.15.1.C.1

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

FINDING:

The applicant proposes several portions of the sidewalk and planter strip on SW Denney Road to be narrower than the minimum required widths, which meets threshold:

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 approval criterion.

Section 40.58.15.1.C.2

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

FINDING:

The City of Beaverton received the appropriate fee for a Sidewalk Design Modification application.

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

Section 40.58.15.1.C.3

Approval Criterion: 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:

SW Denney Road is classified as a Corridor, which requires a six-foot sidewalk and 7.5-foot planter strip per the Engineering Design Manual. The applicant states that the requested modification is based on both context sensitive design and the preservation of existing mature trees along the project corridor. The City of

Beaverton's Context Sensitive Design Policy ensures that transportation projects within the city are planned, designed, and constructed to encourage walking, biking, and transit use while promoting safe operations for all users and allows for modifications to the standards based on community input and specific site conditions. Through multiple public involvement and outreach efforts, community preference demonstrated that eliminating or reducing the planter strip width was preferred in some locations to preserve existing trees, including trees within Significant Grove G13, and to avoid impacts to adjacent private residences.

The locations where a modification is requested, and the specific reasons why are as follows:

- Along the frontages of 10440 SW Denney Road, 10410 SW Denney Road, 10370 SW Denney Road, 10350 SW Denney Road, 10300 SW Denney Road, and 7025 SW 103rd Avenue: a 5.5-foot to seven-foot curb tight sidewalk is proposed to avoid impacts to the adjacent private properties, including to structures and utilities, and to two trees on private property that are proposed to be retained, including one 24-inch DBH Douglas Fir.
- Along the frontage of 6914 – 6918 SW 104th Avenue: a seven-foot curb tight sidewalk is proposed to avoid impacts to two trees within Significant Grove G13, which are both 24-inch DBH Scarlet Oaks.
- Along the frontage of 6950 SW 105th Avenue: a five-foot landscape strip is proposed to avoid impacts to utilities.
- Along the frontage of 10220 SW Denney Road: a three-foot to seven-foot planter strip is proposed to avoid impacts to one tree on private property that is proposed to be retained, which is an eight-inch DBH Oregon White Oak.
- Along the frontage of 10245 SW Denney Road, 10183 – 10241 SW Denney Road, and 6975 SW Oakwood Drive: a five-foot to seven-foot planter strip is proposed to avoid impacts to adjacent private improvements, including structures, while still providing the minimum required sidewalk width.
- Along the frontage of 7051 SW 99th Place, 7033 SW 99th Place, and 7030 SW 99th Place: a seven-foot curb tight sidewalk is proposed to provide enough space for an extended dry pond stormwater facility.
- Along the frontage of 9775 SW Denney Road: a five-foot curb tight sidewalk is proposed to avoid impacts to two mature street trees that are proposed to be retained, which are a 36-inch DBH Oregon White Oak and a 38-inch DBH Oregon White Oak.
- Along the frontage of 9720 SW Denney Road and 9640 – 9658 SW Denney Road: a seven-foot curb tight sidewalk is proposed to avoid impacts to the adjacent private properties, including to structures and parking lots.

- Along the frontage of 9721 SW Denney Road and 9645 SW Denney Road: a seven-foot curb tight sidewalk is proposed to avoid impacts to the adjacent private properties, including to structures, and to one tree on private property that is proposed to be retained, a 12-inch DBH Red Maple.

For these reasons, staff finds that there exist local physical conditions and environmental conditions that warrant reduced width sidewalks and planter strips at specific locations along the project corridor.

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

Section 40.58.15.1.C.4

Approval Criterion: *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:

Staff cites the findings presented in Attachment A in response to the Facilities Review Committee Approval Criteria 40.03.2.B and C. As identified in Attachment A, the proposal meets Approval Criteria 40.03.2.B and C. Therefore, staff finds the proposal complies with the provisions of Sections 60.55.25 and 60.55.30.

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

Section 40.58.15.1.C.5

Approval Criterion: *Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.*

FINDING:

The applicant has submitted this Public Transportation Facility application with associated Sidewalk Design Modification (SDM12024-00071) and Tree Plan Two (TP22024-00072) applications. No other applications are required of the applicant at this stage of City review. Staff recommends a condition of approval that approval of the Sidewalk Design Modification application is dependent upon approval of the Public Transportation Facility and Tree Plan Two applications.

Conclusion: Therefore, staff finds that by meeting the condition of approval, the proposal meets the approval criterion.

Section 40.58.15.1.C.6

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

FINDING:

The applicant states that the proposed design includes pedestrian facilities on both sides of SW Denney Road, thereby providing direct and efficient pedestrian circulation in the project area. In several instances, a Sidewalk Design Modification is requested to either protect existing trees or improvements on adjacent private properties; however, at these locations, sight distance is still met and there are no anticipated impacts to pedestrian circulation or access. The sidewalks are buffered from vehicular traffic in most locations and allow access to all transit stops and connecting streets.

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

Conclusion and Recommendation

Based on the facts and findings presented above, the Director **APPROVES SDM12024-00071**, subject to the conditions of approval in Attachment E.

Attachment D: TP22024-00072 Tree Plan Two

ANALYSIS AND FINDINGS FOR TREE PLAN TWO APPROVAL

Decision: APPROVAL OF TP22024-00072, subject to the conditions of approval identified in Attachment E.

Section 40.90.05 Purpose

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)), and Community Trees thus helping to preserve and enhance the sustainability of the City's urban forest. This Section is carried out by the approval criteria listed herein and implements the SNRA, Significant Grove, Significant Individual Tree, and Historic Tree designations as noted or mapped in Comprehensive Plan Volume III.

Director Standards for Approval

Section 40.90 of the Development Code provides standards to govern the decisions of the Director as they evaluate and render decisions on Tree Plan Two applications. The Director will determine whether the application as presented meets the Tree Plan Two approval criteria.

Section 40.90.15.2.C.1

Approval Criterion: *The proposal satisfies the threshold requirements for a Tree Plan Two application.*

FINDING:

The applicant proposes to remove 16 Community Trees and two trees within a Significant Grove to accommodate the physical improvements to SW Denney Road, which meets thresholds:

- 1. Removal of five or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one calendar year period, except as allowed in Section 40.90.10.1.*

3. *Commercial, Residential, or Industrial zoning district: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.*

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

Section 40.90.15.2.C.2

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

FINDING:

The City of Beaverton received the appropriate fee for a Tree Plan Two application.

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

Section 40.90.15.2.C.3

Approval Criterion: *If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.*

FINDING:

The applicant states that no trees are proposed for removal in order to observe good forestry practices.

Conclusion: Therefore, staff finds that the approval criterion is not applicable.

Section 40.90.15.2.C.4

Approval Criterion: *If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.*

FINDING:

The applicant states that of the 112 inventoried trees within the project limits, 76 trees, or 68-percent, are proposed to be retained and 36 trees, or 32-percent, are proposed to be removed. The 36 trees proposed to be removed include 19 trees located on adjacent private property and 17 trees located within the right of way. Of the 19 private property trees, there are 16 Community Trees, one tree in a Significant Grove, and two non-classified exempt trees. Of the 17 right of way

trees, there are 16 street trees and one tree within a Significant Grove. All tree removal is necessary to accommodate the physical improvements to SW Denney Road and no reasonable alternative exists.

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

Section 40.90.15.2.C.5

Approval Criterion: *If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.*

FINDING:

The applicant states that no trees are proposed for removal because they have become a nuisance by virtue of damage to property or improvements.

Conclusion: Therefore, staff finds that the approval criterion is not applicable.

Section 40.90.15.2.C.6

Approval Criterion: *If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.*

FINDING:

The applicant states that the removal of 36 trees is required for the construction of the SW Denney Road improvements, which is a City of Beaverton capital improvement project. SW Denney Road is an existing Corridor in the City's Transportation System Plan and there is no reasonable alternative that would not significantly increase the public cost of the project compared to the proposed design.

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

Section 40.90.15.2.C.7

Approval Criterion: *If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles.*

FINDING:

The applicant states that several trees are proposed to be removed because they are directly adjacent to proposed sidewalks or driveway aprons and they could damage pavement with their roots or cause vision hazards for vehicles and pedestrians.

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

Section 40.90.15.2.C.8

Approval Criterion: *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.*

FINDING:

The applicant states that two trees within Significant Grove G13 are proposed to be removed. One is a 30-inch DBH Ponderosa Pine in fair condition with western gall rust infection, branch dieback, a crook in its lower trunk, and roots heaving the existing asphalt path. This tree is located in the northeast corner of the intersection of SW Denney Road and SW oakwood Drive and is within the footprint of the street and curb with no opportunities for retention. The second tree proposed to be removed is a 40-inch DBH Silver Maple in good condition but with three codominant stems each with multiple leaders, dead branches over the existing sidewalk, and large structural roots causing cracks in the adjacent asphalt path. This tree is located immediately north of the proposed sidewalk and an adjacent driveway apron and there are no opportunities for retention considering the size of the structural roots that will be impacted at the base of the tree. The removal of these two trees will remove 15-percent of the Grove's DBH, as well as 15-percent of the number of trees within the Grove. The minimal DBH removal will not result in a reversal of the original Significant Grove determination.

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

Section 40.90.15.2.C.9

Approval Criterion: *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.*

FINDING:

The applicant states that the removal of two trees from Significant Grove G13 will not result in the remaining trees posing a safety hazard due to the effects of windthrow. Significant Grove G13 is fairly spread out along several blocks of SW Denney Road. Neither of the two trees proposed for removal are in close proximity to any other Grove trees so the removal will have a negligible impact on the rest of the Grove.

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

Section 40.90.15.2.C.10

Approval Criterion: *The proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources).*

FINDING:

Staff cites Tables 5 and 6 in the Code Conformance Analysis section at the end of this Attachment, which evaluates the project as it relates to applicable code requirements of Sections 60.60 and 60.67. As demonstrated in the tables, and conditioned, the proposal is consistent with all applicable provisions of Sections 60.60 and 60.67.

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

Section 40.90.15.2.C.11

Approval Criterion: *Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.*

FINDING:

Staff cites the findings presented in Attachment A in response to the Facilities Review Committee Approval Criterion 40.03.2.G. As identified in Attachment A, the proposal meets Approval Criterion 40.03.2.G. Therefore, staff finds that grading of the site is designed to accommodate the proposed use and mitigate any adverse effects on neighboring properties and right of way.

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

Section 40.90.15.2.C.12

Approval Criterion: *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.*

FINDING:

The applicant submitted the Public Transportation Facility (PTF22024-00070), Sidewalk Design Modification (SDM12024-00071), and Tree Plan Two (TP22024-00072) applications on January 31, 2024. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements identified in Section 50.25.1 are contained within this proposal.

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

Section 40.90.15.2.C.13

Approval Criterion: *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 Tree Plan Two application with associated Public Transportation Facility (PTF22024-00070) and Sidewalk Design Modification (SDM12024-00071) applications. No other applications are required of the applicant at this stage of City review. Staff recommends a condition of approval that approval of the Tree Plan Two application is dependent upon approval of the Public Transportation Facility and Sidewalk Design Modification applications.

Conclusion: Therefore, staff finds that by meeting the condition of approval, the proposal meets the approval criterion

Conclusion and Recommendation

Based on the facts and findings presented above, the Director **APPROVES TP22024-00072**, subject to the conditions of approval in Attachment E.

Code Conformance Analysis

Table 5: Section 60.60 Trees and Vegetation

CODE STANDARD	PROJECT PROPOSAL	MEETS CODE?
Section 60.60.05.1 Pruning Standards		
A. <i>It shall be unlawful for any person to remove or prune to remove a tree's canopy or disturb the root zone of any Protected Tree, except in accordance with the provisions of this Code.</i>	The applicant does not propose any tree pruning.	N/A
B. <i>All pruning of Protected Trees shall be done in accordance with the standards set forth in this section and the City's adopted Tree Planting and Maintenance Policy, also known as Resolution 3391.</i>		N/A
Section 60.60.15.2 Removal and Preservation Standards		
A. <i>All removal of Protected Trees shall be done in accordance with the standards set forth in this section.</i>	Tree removal is proposed to meet the standards of this section.	YES
B. <i>Removal of Landscape Trees and Protected Trees shall be mitigated, as set forth in section 60.60.25</i>	Per Section 60.60.25, no mitigation is required.	N/A
C. <i>For SNRAs and Significant Groves, the following additional standards shall apply:</i>	Significant Grove G13 contains 15 trees totaling 460 inches DBH. Two trees are proposed to be removed from the Grove: a 30-inch DBH Ponderosa Pine and a 40-inch DBH Silver Maple. Therefore, 85-percent of the Grove's DBH will be preserved.	
1. <i>The minimum DBH of non-exempt surveyed trees that must be preserved on a site is as follows:</i>		
a. <i>Multiple Use zoning districts: Fifteen percent (15%) of the DBH of non-exempt surveyed trees found on a project site.</i>		
b. <i>Residential, Commercial, or Industrial zoning district: Twenty five percent (25%) of the DBH of non-exempt surveyed trees found on a project site</i>	The remaining 13 Significant Grove trees are located within a cohesive area.	YES
2. <i>DBH to be retained shall be preserved in cohesive areas, termed Preservation Areas, when development is proposed in SNRAs or Significant Groves.</i>	To the maximum extent possible, the applicant proposed to preserve any native understory vegetation and trees in the Grove.	
3. <i>Native understory vegetation and trees shall be preserved in Preservation Areas.</i>		

CODE STANDARD	PROJECT PROPOSAL	MEETS CODE?
Section 60.60.15.2 Removal and Preservation Standards (continued)		
<p>C. For SNRAs and Significant Groves, the following additional standards shall apply:</p> <p>4. Preservation Areas, conditioned for protection through the Development Review process, shall be preserved in clusters that are natural in appearance rather than in linear strips. Preservation Areas should connect with adjoining portions of the Significant Grove or SNRA on other sites.</p> <p>5. Preservation Areas, conditioned for protection through the Design Review process, shall be set aside in conservation easements and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.</p> <p>6. Preservation Areas, conditioned for protection through the Land Division process, shall be set aside in tracts and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.</p> <p>7. Within the development review process, where a person is presented with a particular decision whether to retain a native or non-native tree, the native species shall be retained provided all other considerations between the two categories of trees remain equal. Non-native tree species may also be retained for aesthetic, unique condition, size, and wildlife habitat purposes.</p> <p>8. Hazardous and dead trees within Significant Groves and SNRAs should be fallen only for safety and left at the resource site to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and must be removed from the area to protect the remaining trees.</p>	<p>Significant Grove G13 is mostly located within the right of way, with several trees also on adjacent private properties not controlled by the applicant. This proposal is for a Public Transportation Facility, not Design Review or a Land Division. Therefore, a Preservation Area that is set aside in a conservation easement or in a tract is not required.</p> <p>Of the two trees in the Significant Grove that are proposed to be removed, one is within the footprint of the street and curb and the other is located immediately north of the proposed sidewalk and adjacent driveway apron. There are no opportunities to retain and protect these two trees with the proposed road improvements. There are no opportunities to retain a native species over a non-native species.</p> <p>No trees within the Significant Grove are hazardous or dead.</p>	<p>N/A</p>

CODE STANDARD	PROJECT PROPOSAL	MEETS CODE?
Section 60.60.20.1 Tree Protection Standards During Development		
<p><i>Trees classified as Protected Trees under this Code shall be protected during development in compliance with the following:</i></p> <p><i>A. A construction fence must be placed around a tree or grove beyond the edge of the root zone. The fence shall be placed before physical development starts and remain in place until physical development is complete. The fence shall meet the following:</i></p> <ol style="list-style-type: none"> <i>1. The fence shall be a four foot (4') tall orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy 12 gauge wire shall be strung between each post and attached to the top and midpoint of each post. Colored tree flagging indicating that this area is a tree protection zone is to be placed every five (5) linear feet on the fence to alert construction crews of the sensitive nature of the area.</i> <i>2. Other City approved protection measures that provide equal or greater protection may be permitted, and may be required as a condition of approval.</i> 	<p>Trees to be retained are proposed to be protected by tree protection fencing meeting the requirements of Section 60.60.20.1.A.1, which will be installed prior to development activity, including any demolition of existing infrastructure. A condition of approval will ensure that the tree protection fencing is inspected for consistency with these standards prior to the start of any site work.</p>	YES w/ COA
<p><i>B. Within the protected root zone of each tree, the following development shall not be permitted:</i></p> <ol style="list-style-type: none"> <i>1. Construction or placement of new buildings.</i> <i>2. Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval.</i> <i>3. New impervious surfaces.</i> <i>4. Trenching for utilities, irrigation, or drainage.</i> <i>5. Staging or storage of any kind.</i> <i>6. Vehicle maneuvering or parking</i> 	<p>None of the activities listed in Section 60.60.20.1.B are proposed to occur within the protected root zone of any retained tree.</p>	YES

CODE STANDARD	PROJECT PROPOSAL	MEETS CODE?
Section 60.60.25 Mitigation Requirements		
<p>1. The following standards shall apply to mitigation for the removal of Significant Individual Trees or trees within Significant Groves or SNRAs.</p>	<p>Mitigation is not required for the removal of Community Trees or for the removal of trees from Significant Groves if less than 50-percent of the Grove's total DBH is removed.</p>	N/A
<p>2. Mitigation for the removal of trees from Significant Groves or SNRAs shall be required as follows:</p> <p>A. Calculate the total DBH of the trees to be removed. Denote both deciduous and coniferous trees in separate tables; however, both tables will result in the sum total of the DBH to be removed.</p> <p>B. If the total DBH of trees to be removed is less than or equal to 50% of the total DBH of surveyed trees on the site, then no mitigation is required for the trees to be removed.</p> <p>C. If the total DBH of trees to be removed is greater than 50% of the total DBH of surveyed trees on site, then mitigation is required for the amount of DBH to be removed that exceeds 50% of the total DBH of surveyed trees on site.</p>	<p>Significant Grove G13 contains 15 trees totaling 460 inches DBH. Two trees are proposed to be removed from the Grove: a 30-inch DBH Ponderosa Pine and a 40-inch DBH Silver Maple. Therefore, 85-percent of the Grove's DBH will be preserved and no mitigation is required.</p>	N/A
<p>3. In addition to the requirements listed in Section 60.60.25.1. Mitigation Requirements, the following mitigation requirements shall apply for the removal of trees from Significant Groves or SNRAs.</p>	<p>Mitigation is not required for the removal of trees from Significant Groves if less than 50-percent of the Grove's total DBH is removed.</p>	N/A
<p>4. Significant Grove or SNRA on-site mitigation, 2:1 planting ratio.</p> <p>5. Significant Grove or SNRA off-site mitigation, 1:1 planting ratio.</p> <p>6. Significant Grove or SNRA Tree Plan 3 mitigation, 1:1 planting ratio.</p> <p>7. In-Lieu fee.</p> <p>8. In addition to the standards in Mitigation Standards 1, the following standards shall apply to mitigation for the removal of a Significant Individual Tree:</p> <p>9. The following standards apply to the replacement of a Landscape Tree:</p>	<p>Mitigation is not required for the removal of trees from Significant Groves if less than 50-percent of the Grove's total DBH is removed.</p> <p>No Significant Individual Trees or Landscape Trees are proposed to be removed.</p>	

Table 6: Section 60.67 Significant Natural Resources Standards

CODE STANDARD	PROJECT PROPOSAL	MEETS CODE?
Section 60.67.05 Local Wetland Inventory		
<p><i>Prior to issuing a development permit, the Local Wetland Inventory map shall be reviewed to determine if the site proposed for development is identified as the location of a significant wetland.</i></p>	<p>The project area does not contain any wetlands.</p>	
<p><i>1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant wetlands shall be subject to relevant procedures and requirements specified in CHAPTER 50, of this ordinance.</i></p>		N/A
<p><i>2. Upon City's determination that a site contains wetland as identified on the Local Wetland Inventory map, notice of the proposed development shall be provided to the Division of State Lands (DSL) in a manner and form prescribed by DSL pursuant to ORS requirements.</i></p>		
Section 60.67.10 Significant Riparian Corridors		
<p><i>Prior to issuing a development permit, the list of Significant Riparian Corridors shall be reviewed to determine if the site proposed for development is identified as being listed corridor.</i></p>	<p>The project area does not contain any Significant Riparian Corridors.</p>	
<p><i>1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant riparian corridors, shall be subject to relevant procedures and requirements specified in CHAPTER 50 of this ordinance.</i></p>		N/A

Attachment E: Conditions of Approval

Application: LU22024-00073 Denney Road Project

Decision: APPROVE PTF22024-00070 / SDM12024-00071 / TP22024-00072

Finding: The Director finds that the proposal complies with all approval criteria, subject to the following conditions of approval:

Public Transportation Facility (PTF22024-00070)

A. General Conditions:

1. The applicant shall ensure that the Sidewalk Design Modification (SDM12024-00071) and Tree Plan Two (TP22024-00072) applications have been approved and are consistent with the submitted plans. (Planning / LR)

B. Prior to commencement of construction, the applicant shall:

2. Submit signage plans, including temporary traffic control plans, that include proposed signs within City of Beaverton public right of way consistent with BDC 60.40.10. (Transportation / FdF)

Sidewalk Design Modification (SDM12024-00071)

A. General Conditions:

1. The applicant shall ensure that the Public Transportation Facility (PTF22024-00070) and Tree Plan Two (TP22024-00072) applications have been approved and are consistent with the submitted plans. (Planning / LR)

Tree Plan Two (TP22024-00072)

A. General Conditions:

1. The applicant shall ensure that the Public Transportation Facility (PTF22024-00070) and Sidewalk Design Modification (SDM12024-00071) applications have been approved and are consistent with the submitted plans. (Planning / LR)

B. Prior to commencement of any tree removal or construction, the applicant shall:

2. Install tree protection fencing around all trees to be retained as described in the applicant's arborist report and contact the project planner for a site inspection. (Planning / LR)