

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST FOR APPROVAL OF) ORDER NO. 2989
A PRELIMINARY PARTITION FOR LU32024-00140 SW) PP22023-00394 ORDER APPROVING LU32024-00140
139TH AVE PARTITION. KIM-HEIN NGUYEN,) SW 139TH AVE PARTITION, PRELIMINARY
APPLICANT.) PARTITION.

The matter came before the Planning Commission on May 1, 2024, on a request for a Preliminary Partition to create two new parcels from the existing lot. The subject site is located at 4975 SW 139th Avenue, specifically identified as Tax Lot 03000 on Washington County Tax Assessor's Map 1S116CA.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated April 24, 2024, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03.1 and 40.45.15.4.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **PP22023-00394** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report dated April 24, 2024, and this Land Use Order, subject to the conditions of approval as follows:

A. General Condition:

1. The applicant shall ensure that the Legal Lot Determination (LLD12023-00393) and Variance (VAR32024-00139) applications have been approved and are consistent with the submitted plans. (Planning / LR)

B. Prior to site development permit issuance, the applicant shall:

2. Submit application, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div. / HJ)
3. 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. / HJ)
4. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. The City will submit this material to CWS for review. (Site Development Div. / HJ)
5. Provide an erosion control plan showing best management practice 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. / HJ)
6. 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. / HJ)
7. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. (Site Development Div. / HJ)
8. For all site sewer (storm and sanitary) plumbing that serves more than one lot or crosses onto another lot, shall either construct them as a public system per the requirements of the City Engineer, or construct them as private system and obtain a permit from the Building Division per Sections 307 and 311 of Oregon Uniform Plumbing Code. 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. / HJ)

9. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Grading shall direct stormwater to a conveyance system or existing natural drainage. (Site Development Div. / HJ)
10. Meet provisions of Beaverton Code 9.05.110 and 9.05.115 for any changes to approved grading. 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. / HJ)
11. Pay any required stormwater system development charges (stormwater quality, quantity, hydromodification, and overall system conveyance) for the new impervious area proposed. (Site Development Div. / HJ)
12. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. Any home demolition is credited at one equivalent surface unit (2,640 square feet). The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div. / HJ)
13. When 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 are 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. / HJ)
14. Place the following stamp on only the sheets that show improvements in private property on the site development plans permit submittals. (Site Development Div. / HJ)

The approval of Site Development plans shall not constitute approval of improvements on private property that are to be constructed in accordance with plans in the approved plumbing and building permits. Private property improvements include, but are not limited to private: piping, ADA, sidewalk, parking, plumbing, signage, and electrical.

15. Submit revised site plans demonstrating the required dedication of property for right of way purposes and the required frontage improvements along SW 139th

Avenue that satisfies City street standards for L1 / Local Streets. (BDC Sections 40.03.1.A and 60.55.10) (Transportation / FdF)

16. Submit revised site plans demonstrating that the proposed access driveway satisfies the EDM Standard Drawing 211 for a residential driveway. If the proposed access driveway cannot satisfy Standard Drawing 211, the applicant shall obtain approval of an EDM Design Exception. (BDC Sections 40.03.1 and 60.55.10 and EDM Chapter 2) (Transportation / FdF)
17. Submit revised site plans showing shared vehicle and pedestrian access easements. (BDC Section 60.55.35.C.2) (Transportation / FdF)
18. Submit a photometric lighting analysis and revised site plans demonstrating that adequate street lighting will be installed along the site's SW 139th Avenue frontage in accordance with the street illumination standards in EDM Section 450. (BDC Sections 40.03.1 and 60.55.10 and EDM Chapter 4) (Transportation / FdF))

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

19. 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. / HJ)
20. 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. / HJ)
21. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / HJ)
22. 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. / HJ)
23. Dedicate property to accommodate the standard half-street right of way width for an L1 / Local Street across section along the site's SW 139th Avenue frontage, pursuant to the City's adopted Standard Drawing 200-4. (BDC Sections 40.03.1 and 60.55.10 and EDM Section 210.16) (Transportation /

FdF)

24. Commence construction on the required public street improvements along the site's SW 139th Avenue frontage that are consistent with the City's adopted L1 / Local Street standards and includes additional pavement as necessary. Standard pavement tapering design pursuant to EDM Section 210.27 shall also be provided. (BDC Sections 40.03.1 and 60.55.10 and EDM Chapter 2) (Transportation / FdF)
25. Include the proposed driveway as part of the required public street improvements along the site's SW 139th Avenue frontage. The driveway shall be designed and constructed consistent with the requirements of EDM Section 210.21 and EDM Standard Drawing 211 or per an approved EDM Design Exception. (BDC Sections 40.03.1 and 60.55.10 and EDM Chapter 2) (Transportation / FdF)
26. Provide copies of any necessary shared access easements for vehicles and pedestrians to be recorded with Washington County consistent with EDM Section 210.21. (BDC Sections 40.03.1 and 60.55.30 and EDM Chapter 2) (Transportation / FdF)

D. Prior to building permit issuance, 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. / HJ)
28. Provide proof of recording the necessary documents associated with the lot consolidation with Washington County Records, including any necessary easement quit claim deeds and a filed survey consistent with the approved site plan. (Site Development Div. / HJ)

E. Prior to final permit inspection or occupancy permit issuance of any building permit and the release of performance security, the applicant shall:

29. Have completed the site development improvements and verified 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. (Site Development Div. / HJ)

Motion **CARRIED**, by the following vote:

AYES: Winter, Akkal, Ellis, Glenewinkel, McCann, Nye.
NAYS: None.
ABSTAIN: None.
ABSENT: Lawler.

Dated this 29th day of May, 2024.

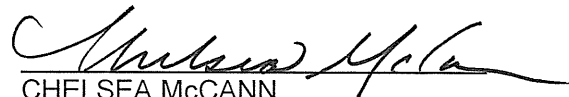
To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2989, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:30 p.m. on June 10, 2024.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

LAUREN RUSSELL, AICP
Associate Planner



CHELSEA McCANN
Chair

STEVE REGNER
Interim Current Planning Manager