



## MEMORANDUM

### City of Beaverton

Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** January 23, 2020  
**Subject:** **Notice of Decision for LD2019-0030 / LD2019-0031 Scholls Heights Large Lots 4 & 5 Partitions**

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Please find attached the Notice of Decision for **LD2019-0030 / LD2019-0031 Scholls Heights Large Lots 4 & 5 Partitions**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2019-0030 / LD2019-0031 Scholls Heights Large Lots 4 & 5 Partitions is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

***The appeal closing date for LD2019-0030 / LD2019-0031 Scholls Heights Large Lot Partitions is 4:30 p.m., February 4, 2020.***

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jana Fox, Current Planning Manager, at (503) 526-3710.



## NOTICE OF DECISION

DATE: January 23, 2020

TO: All Interested Parties

FROM: Jana Fox, Current Planning Manager

PROPOSAL: **LD2019-0030 / LD2019-0031 Scholls Heights Large Lots 4 & 5 Partitions**

LOCATION: Tax Lots 3500 and 3600 of Washington County Map 2S20100

SUMMARY: The applicant, West Hills Land Development, requests approval for two Preliminary Partition applications to further divide two lots created through the Scholls Heights PUD. No change to the phasing or final development proposal as a result of the partition requests.

APPLICANT/  
APPLICANT'S  
REPRESENTATIVE: West Hills Land Development LLC  
ATTN: Dan Grimberg  
3330 NW Yeon Ave, Suite 200  
Portland, OR 97210

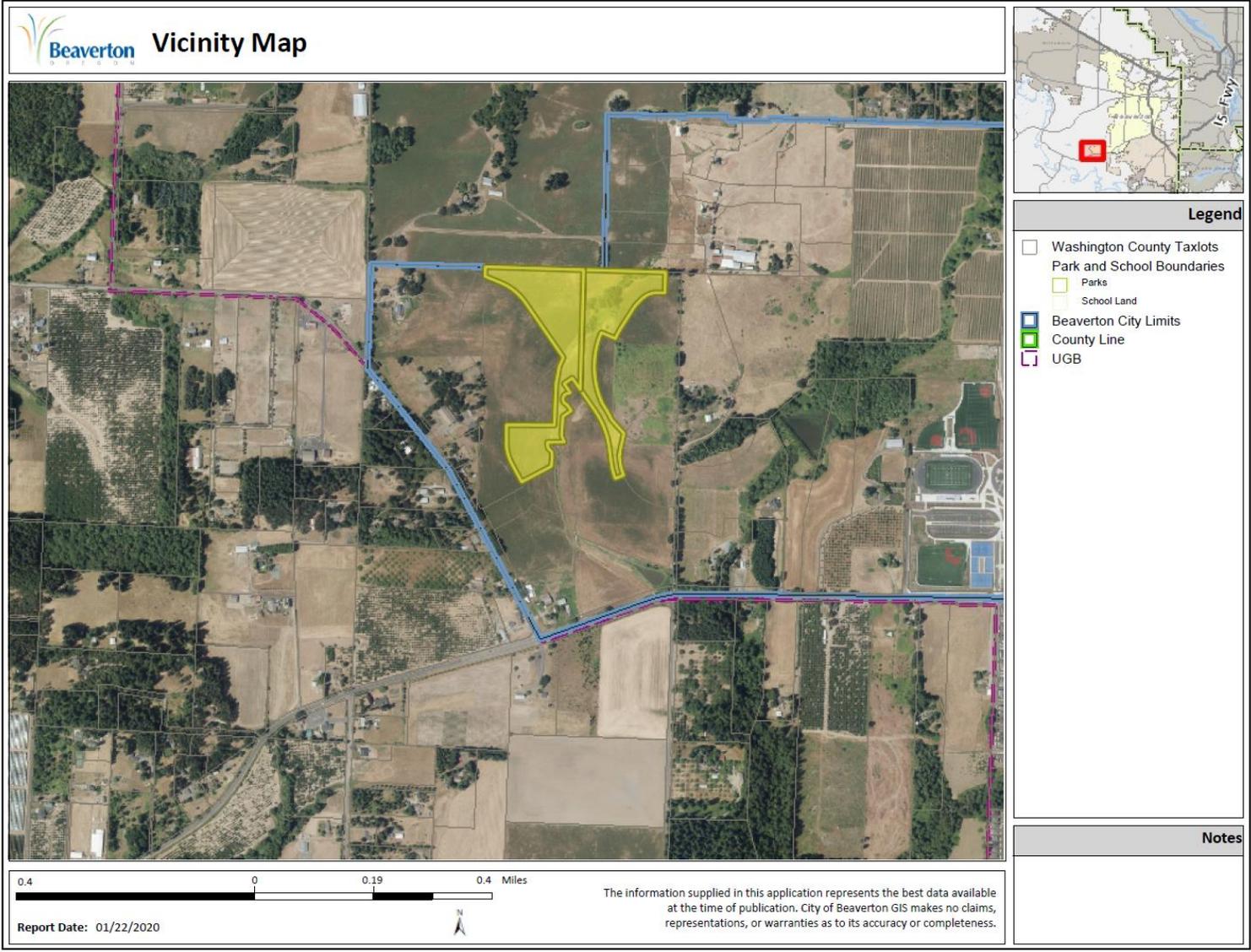
PROPERTY OWNERS: John Bierly  
Lewis Bierly  
Susan Thompson  
12150 SW Kobe Dr  
Beaverton, OR 97007

Hubert F Bierly TR  
Jeannette H Bierly TR  
26690 Horsell Rd  
Bend, OR 97701

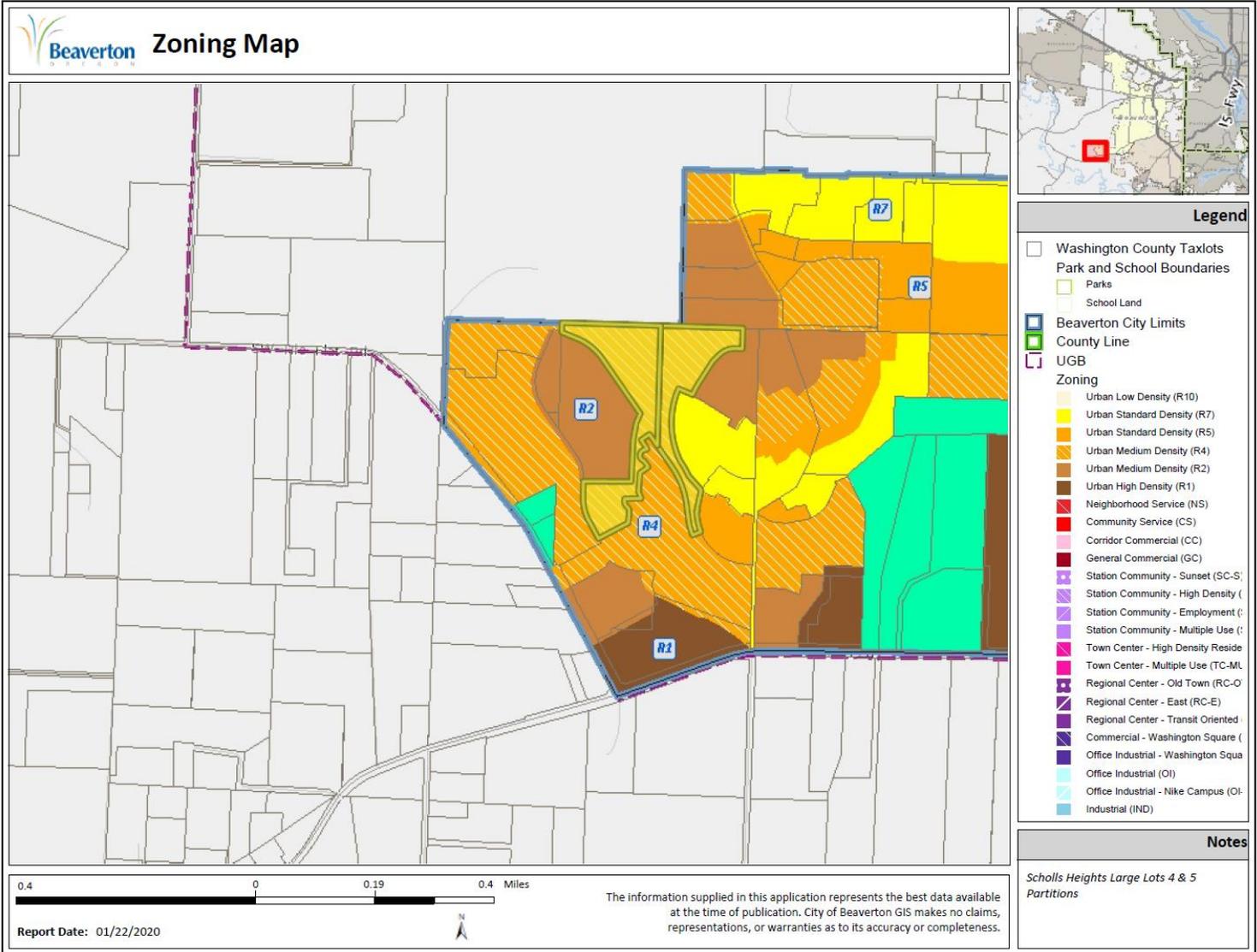
APPLICABLE  
CRITERIA: Facilities Review, Section 40.03  
Land Division – Preliminary Partition, Section 40.45.15.4.C

DECISION: **APPROVAL of LD2019-0030 / LD2019-0031 Scholls Heights Large Lots 4 & 5 Partitions**, subject to conditions identified at the end of this report.

VICINITY MAP



ZONING MAP



## BACKGROUND FACTS

### Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
LD2019-0030	November 29, 2019	December 19, 2019	April 17, 2020	December 18, 2020
LD2019-0031	November 29, 2019	December 19, 2019	April 17, 2020	December 18, 2020

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

\*\*Pursuant to ORS 227.178(5), the total of all extensions may not exceed 365 calendar days from the date the application was deemed complete. This is the latest date by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	R4 Urban Medium Density	
<b>Current Development</b>	Vacant	
<b>Site Size</b>	22.23 acres	
<b>NAC</b>	Neighbors Southwest	
<b>Surrounding Uses</b>	<u>Zoning:</u> North: Washington County AF-20 South: Urban Medium Density (R4) East: Urban Standard Density (R7) Urban Standard Density (R5) Urban Medium Density (R2) West: Urban Medium Density (R4) Urban Medium Density (R2)	<u>Uses:</u> North: Single Family Residential South: Vacant East: Vacant West: Vacant

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<b>Attachment B:</b>	<b>LD2019-0030 <i>Preliminary Partition</i></b>	Lot 4 -LD1-4
<b>Attachment C:</b>	<b>LD2019-0031 <i>Preliminary Partition</i></b>	Lot 5 LD1-4
<b>Attachment D:</b>	<b><i>Conditions of Approval</i></b>	COA1

### Exhibits

#### **Exhibit 1. Materials submitted by Staff**

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

#### **Exhibit 2. Public Comment**

None Received

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

- Exhibit 3.1 Submittal Package including plans

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
Scholls Height Large Lots 4 & 5 Partitions  
LD2019-0030 / LD2019-0031**

**Section 40.03 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

**The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:**

- **All twelve (12) criteria are applicable to both Land Division applications as submitted.**

The applicant proposes two preliminary partition applications which would divide two of the previously approved large lots associated with the Scholls Heights PUD, Lots 4 and 5, into two lots each. This would result in a total of four lots from the two existing lots. No modifications to the on-site easements to allow access or utilities are proposed. No modifications to the final PUD and subdivision approvals are proposed with these land division applications.

- A. *All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes, or can be improved to have, necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

The original large lot subdivision approval (LD2017-017) created 13 large lots to facilitate a phased development plan, Scholls Heights PUD. LD2017-0017 required easements to be provided to allow for critical facilities, including water, stormwater, sanitary sewer, and transportation, to access each of the 13 created lots. The applicant proposes to further divide two of the large lots (lots 4 and 5) into two lots each to facilitate the phased sale and development of the site. The applicant does not propose to modify any of the existing easements. Each proposed lot has access to these easements which provide the ability to construct utilities and transportation access to each of the lots, including water,

stormwater, sanitary sewer, and streets. No physical development is proposed with this preliminary partition application.

The Committee finds that the proposed development can provide the required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

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

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

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way.

The original large lot subdivision approval (LD2017-017) created 13 large lots to facilitate a phased development, the Scholls Heights PUD. LD2017-0017 required easements to be provided to allow for essential facilities, including schools, transit improvements, police protection, and pedestrian and bicycle facilities to each of the 13 created lots. The applicant proposes to divide two of the large lots (lots 4 and 5) into two lots each to facilitate the phased sale and development of the site. No physical development is proposed with this preliminary partition application.

The site is within the Beaverton School District, no additional housing units are proposed at this time. The site will continue to have Beaverton Police Protection. The Site is outside the current Tri-Met boundary and therefore does not have access to transit service at this time. Pedestrian and bicycle facilities will be constructed when physical development is associated with these partition applications. Physical development of the site has been approved through the Scholls Heights PUD, which is not proposed to be modified with these land division applications.

In summary of the above, the Committee finds that the proposed development can provide required essential facilities when development is proposed.

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

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

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates to the applicable Code requirements of Chapter 20 for the Urban

Medium Density Residential (R4). As demonstrated on the chart, the development proposal meets all applicable standards of the proposed zones.

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

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

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

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

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

The applicant states that continued maintenance and normal replacement of common facilities will be provided by a homeowners association (HOA) once the PUD is developed. Until that time the site will remain undeveloped and in private ownership. Staff finds that the design of the development does not preclude the continued maintenance of private common facilities.

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

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

No physical development is proposed. The subject site is within the approved Scholls Heights PUD and does not proposed to modify with this project any portion of the approved final development plans. The existing easements, which include access easements will remain to provide access to the new parcels.

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

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

No physical development is proposed. The subject site is within the approved Scholls Heights PUD and the applicant does not proposed to modify any portion of the approved final development plans, including connections to the surrounding transportation system. The existing easements, which include access easements will remain to provide access to the new parcels.

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

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

No physical development is proposed. The subject site is within the approved Scholls Heights PUD and the applicant does not proposed to modify any portion of the approved final development plans including structures of public facilities.

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

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from hazardous conditions due to inadequate, substandard or ill-designed development.***

No physical development is proposed. The subject site is within the approved Scholls Heights PUD and the applicant does not proposed to modify any portion of the approved final development plans including structures of public facilities.

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

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

No physical development is proposed, including grading. The subject site is within the approved Scholls Heights PUD and the applicant does not proposed to modify any portion of the approved final development plans including structures of public facilities.

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

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

No physical development is proposed. The subject site is within the approved Scholls Heights PUD and does not proposed to modify with this project any portion of the approved final development plans including structures of public facilities.

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

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

The applicant submitted the land use applications on November 25, 2019 and was deemed complete on December 19, 2019. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

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

## Code Conformance Analysis

### Chapter 20 Use and Site Development Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.05.15 (Site Development Standards)</b>			
Minimum Lot Area	R4 - 4,000 sq. ft.	Lot 4 -Parcel 1: 26,924 sq. ft. -Parcel 2: 304,484 sq. ft.  Lot 5 -Parcel 1: 258,746 sq. ft. -Parcel 2: 144,183 sq. ft.	Yes
Minimum Lot Width	24 feet (Attached Dwellings Proposed)  40 feet	Lot 4 -Parcel 1: 83 feet -Parcel 2: 66 feet  Lot 5 -Parcel 1: 400 feet -Parcel 2: 128 feet	Yes

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05-Design Standards</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	No physical development is proposed.	<b>N/A</b>
<b>Development Code Section 60.12-Habitat Friendly &amp; LID Practices</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development techniques proposed.	<b>N/A</b>
<b>Development Code Section 60.15 – Land Division Standards</b>			
Land Division Standards	Standards pertaining to Land Divisions	Two Land Division-Preliminary Partition applications are proposed, splitting two existing lots into a total of four lots.	<b>See LD Findings</b>
<b>Development Code Section 60.30 – Off-Street Parking</b>			
Off-street motor vehicle parking and Required Bicycle Parking	Parking standards for vehicles and bicycles by use.	No physical development is proposed, therefore no parking is required.	<b>N/A</b>
<b>Development Code Section 60.33 – Park and Recreation Facilities &amp; Service Provisions</b>			
Parks & Recreation Facilities	Areas within the City must annex to THPRD or provide commensurate facilities.	The subject site has been annexed into the THPRD service area.	<b>YES</b>
<b>Development Code Section 60.35 Planned Unit Development</b>			
Planned Unit Development Standards	Requirements for Planned Unit Developments.	The proposal is part of the area within the Scholls Heights PUD. No modifications to the approved PUD are proposed.	<b>N/A</b>
<b>Development Code Section 60.55 - Transportation</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	No physical development is proposed.	<b>N/A</b>
<b>Development Code Section 60.60-Trees &amp; Vegetation</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No trees are proposed for removal.	<b>N/A</b>
<b>Development Code Section 60.65-Utility Undergrounding</b>			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	No physical development is proposed.	<b>N/A</b>
<b>Development Code Section 60.67-Significant Natural Resources</b>			
Significant Natural Resources	Regulations pertaining to Significant Natural Resources	No physical development is proposed. Significant Natural Resource preservation was addressed in the Scholls Heights PUD approval.	<b>N/A</b>

**ANALYSIS AND FINDINGS FOR  
LAND DIVISION-PRELIMINARY PARTITION APPROVAL  
Scholls Heights Large Lots 4 & 5 Partitions  
LD2019-0030 (Lot 4)**

**Section 40.03.1. 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.***

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 40.03.1.A through L, subject to conditions of approval identified in Attachment D.

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

**Section 40.45.05 Land Division Applications: Purpose**

*The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.*

**Section 40.45.15.4.C Approval Criteria**

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

- 1. The application satisfies the threshold requirements for a Preliminary Partition application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met.***

The applicant proposes to divide one existing lot (lot 4) into two parcels, therefore meeting the threshold for a Preliminary Partition below.

- 1. The creation of up to and including three (3) new parcels from at least one (1) lot of record (parent parcel) in one (1) calendar year.*

No physical development is proposed with the partition application. This proposal is to further divide a previously approved large lot intended to facilitate phased development of the Scholls Heights PUD. No changes to the final lot pattern of the PUD are proposed.

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

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

The applicant has paid the required application fee for a Preliminary Partition application.

Therefore, staff find that the proposal meets the criterion for approval.

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

This proposal is to further divide a previously approved large lot intended to facilitate phased development of the Scholls Heights PUD. No changes to the final lot pattern of the PUD are proposed. The proposal does not conflict with any previous City approvals associated with the site, including the Scholls Heights PUD.

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

4. ***Oversized parcels (oversized lots) resulting from the Partition shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be provided to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

This proposal is to further divide a previously approved large lot intended to facilitate phased development of the Scholls Heights PUD. No changes to the final lot pattern of the PUD are proposed. The applicant, through the approval of the Scholls Heights PUD has shown how the proposed lots can be further divided to meet the minimum density required on the site.

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

5. ***Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:***

***a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***

***b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.***

Lot averaging is not proposed with this development.

**Therefore, staff finds that the criterion is not applicable.**

- 6. *Applications that apply the lot area averaging standards of Section 20.05.15.D. do not require further Adjustment or Variance approvals for the Land Division.***

Lot averaging is not proposed with this development.

**Therefore, staff finds that the criterion is not applicable.**

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

The subject site is currently entirely zoned R4 – Urban Medium Density. The proposal will result in two (2) separate parcels, where proposed Parcels 1 and 2 are both zoned R4. The proposal does not create a parcel with more than one zoning designation.

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

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

The applicant has submitted this Preliminary Partition. No other applications are required of the applicant at this stage of City review.

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

## **RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2019-0030 (Scholls Heights Large Lots 4 & 5 Partitions)**, subject to the applicable conditions identified in Attachment D.

## Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Grading Standards</b>			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed.	The proposal is subject to the grading standards contained herein.	<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.	No grading is proposed with the partitioning of large lot 4.	<b>N/A</b>
60.15.10.3. Grading within Specific Distances From Property Line	Maximum slope differential from the existing or finished slope of the abutting property.	No grading is proposed with the partitioning of large lot 4.	<b>N/A</b>
60.15.10.3.F Pre-development slope	Where a pre-development slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, the slope after grading shall not exceed the pre-development slope	No grading is proposed with the partitioning of large lot 4.	<b>N/A</b>
<b>Significant Trees and Groves</b>			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	There are no significant trees or groves on the subject site.	<b>N/A</b>

**ANALYSIS AND FINDINGS FOR  
LAND DIVISION-PRELIMINARY PARTITION APPROVAL  
Scholls Heights Large Lots 4 & 5 Partitions  
LD2019-0030 (Lot 5)**

**Section 40.03.1. 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.***

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 40.03.1.A through L, subject to conditions of approval identified in Attachment D.

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

**Section 40.45.05 Land Division Applications: Purpose**

*The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.*

**Section 40.45.15.4.C Approval Criteria**

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

- 1. The application satisfies the threshold requirements for a Preliminary Partition application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met.***

The applicant proposes to divide one existing lot (lot 4) into two parcels, therefore meeting the threshold for a Preliminary Partition below.

- 1. The creation of up to and including three (3) new parcels from at least one (1) lot of record (parent parcel) in one (1) calendar year.*

No physical development is proposed with the partition application. This proposal is to further divide a previously approved large lot intended to facilitate phased development of the Scholls Heights PUD. No changes to the final lot pattern of the PUD are proposed.

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

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

The applicant has paid the required application fee for a Preliminary Partition application.

Therefore, staff find that the proposal meets the criterion for approval.

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

This proposal is to further divide a previously approved large lot intended to facilitate phased development of the Scholls Heights PUD. No changes to the final lot pattern of the PUD are proposed. The proposal does not conflict with any previous City approvals associated with the site, including the Scholls Heights PUD.

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

4. ***Oversized parcels (oversized lots) resulting from the Partition shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be provided to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.***

This proposal is to further divide a previously approved large lot intended to facilitate phased development of the Scholls Heights PUD. No changes to the final lot pattern of the PUD are proposed. The applicant, through the approval of the Scholls Heights PUD has shown how the proposed lots can be further divided to meet the minimum density required on the site.

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

5. ***Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:***

***a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***

***b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.***

Lot averaging is not proposed with this development.

**Therefore, staff finds that the criterion is not applicable.**

- 6. *Applications that apply the lot area averaging standards of Section 20.05.15.D. do not require further Adjustment or Variance approvals for the Land Division.***

Lot averaging is not proposed with this development.

**Therefore, staff finds that the criterion is not applicable.**

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

The subject site is currently entirely zoned R4 – Urban Medium Density. The proposal will result in two (2) separate parcels, where proposed Parcels 1 and 2 are both zoned R4. The proposal does not create a parcel with more than one zoning designation.

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

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

The applicant has submitted this Preliminary Partition. No other applications are required of the applicant at this stage of City review.

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

## **RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2019-0031 (Scholls Heights Large Lots 4 & 5 Partitions)**, subject to the applicable conditions identified in Attachment D.

## Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Grading Standards</b>			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed.	The proposal is subject to the grading standards contained herein.	<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.	No grading is proposed with the partitioning of large lot 5.	<b>N/A</b>
60.15.10.3. Grading within Specific Distances From Property Line	Maximum slope differential from the existing or finished slope of the abutting property.	No grading is proposed with the partitioning of large lot 5.	<b>N/A</b>
60.15.10.3.F Pre-development slope	Where a pre-development slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, the slope after grading shall not exceed the pre-development slope	No grading is proposed with the partitioning of large lot 5.	<b>N/A</b>
<b>Significant Trees and Groves</b>			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	There are no significant trees or groves on the subject site.	<b>N/A</b>

**CONDITIONS OF APPROVAL  
Scholls Heights Large Lots 4 & 5 Partitions  
LD2019-0030 / LD2019-0031**

**Preliminary Partition (Lot 4) LD2019-0030:**

**Prior to Final Land Division, the Applicant Shall:**

1. Pay all City liens, taxes and assessments or apportion to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures. (Planning / JF)
2. Submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 24 months after preliminary plat approval, unless a time extension is approved. (Planning / JF)

**Preliminary Partition (Lot 5) LD2019-0031:**

**Prior to Final Land Division, the Applicant Shall:**

1. Pay all City liens, taxes and assessments or apportion to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures. (Planning / JF)
2. Submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 24 months after preliminary plat approval, unless a time extension is approved. (Planning / JF)