



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: February 23, 2021
Subject: *Notice of Decision for TP2020-0006 SDM2020-0006 Hartwood Hylands Lot 118*

Please find attached the Notice of Decision for **TP2020-0006 and SDM2020-0006 Hartwood Hylands Lot 118**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions for TP2020-0006 and SDM2020-0006 are 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 TP2020-0006 and SDM2020-0006 Hartwood Hylands Lot 118 is 4:30 p.m., March 8, 2021.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed by contacting the project planner, Brett Cannon at bcannon@beavertonoregon.gov. Note: The City of Beaverton has declared a State of Emergency due to COVID-19 and the Community Development Department is closed to the public until further notice. The Community Development Department is evaluating temporary changes to processes and procedures to respond appropriately to the COVID-19 State of Emergency and is committed to ensuring that the land use review process continues to fulfill the

requirements of state and local law while protecting the health and wellbeing of the community. For more information about the case file, please contact Brett Cannon, Assistant Planner, at (503) 350-4038.

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 **Brett Cannon** by calling 711 **503-350-4038** or email bcannon@beavertonoregon.gov*

NOTICE OF DIRECTOR'S DECISION

Decision date: February 23, 2021

Application/project name: Hartwood Hylands Lot 118

Application Numbers: TP2020-0006/SDM2020-000

Proposal: The applicant requests approval for the removal of thirteen (13) Community Trees and to modify the proposed sidewalk from the standards of the Engineering Design Manual. The proposed changes are proposed to accommodate the construction of a single-family home on a vacant lot.



Proposal location: 6996 SW Tierra Del Mar, also identified as Tax Lot 10100 on Washington County Tax Map 1S120AD.

Applicant: Makana Homes and Consulting LLC

Recommendation: APPROVAL of TP2020-0006 and SDM2020-0006 Hartwood Hylands Lot 118, subject to conditions identified at the end of this report.

Contact information:

City staff representative: Brett Cannon, Assistant Planner
503-350-4038
bcannon@BeavertonOregon.gov

Applicant: Makana Homes and Consulting LLC
16460 SW Snowy Owl Lane
Beaverton, OR 97007

Property owner: Seongwoo Kim
18221 SW Santorro Drive
Beaverton, OR 97007

Existing conditions

Zoning: Residential Urban Standard Density 7,000 (R7)

Site conditions: The site is an undeveloped parcel.

Site Size: 0.59 acres

Location: West of Murray Boulevard and Northeast of SW Tierra Del Mar.

Neighborhood Association Committee: West Beaverton NAC

Table 1: Surrounding uses

Direction	Zoning	Uses
North	Residential Urban Standard Density 7,000 (R7)	Single-Family Dwelling
South	Residential Urban Standard Density 7,000 (R7)	Single-Family Dwelling
East:	Residential Urban Standard Density 7,000 (R7)	Single-Family Dwelling
West:	Residential Urban Standard Density 7,000 (R7)	Single-Family Dwelling

Application information

Table 2: Application summaries

Application	Application type	Proposal summary	Approval criteria location
TP2020-0006	Tree Plan Two	Removal of 13 Community trees.	Development Code Section 40.90.15.2
SDM2020-0006	Sidewalk Design Modification	Modification of the sidewalk standards required by the Engineering Design Manual.	Development Code Section 40.58.15

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
TP2020-0006	July 29, 2020	September 10,2020	May 8, 2021	September 10, 2021
SDM2020-0006	August 24, 2020	September 10,2020	May 8, 2021	September 10, 2021

* The original 120-day final decision date was January 8, 2021; however, the applicant submitted a continuance request for 120 days extending the final written decision date to May 8, 2021.

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

Exhibit 1.1: Zoning and Vicinity Map

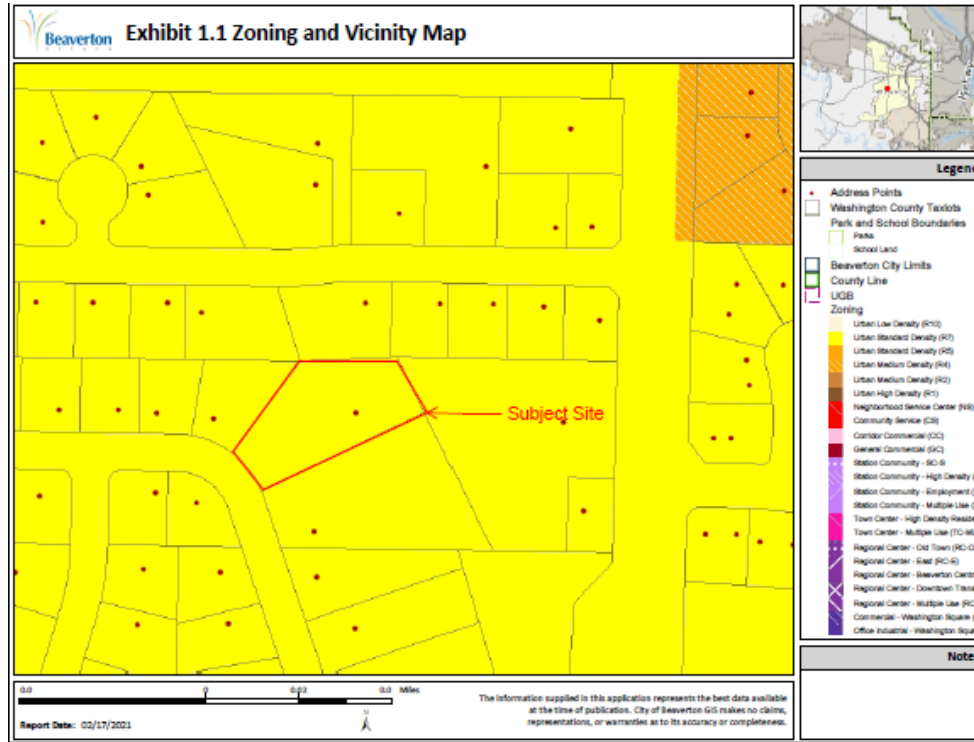


Exhibit 1.2: Aerial Photo

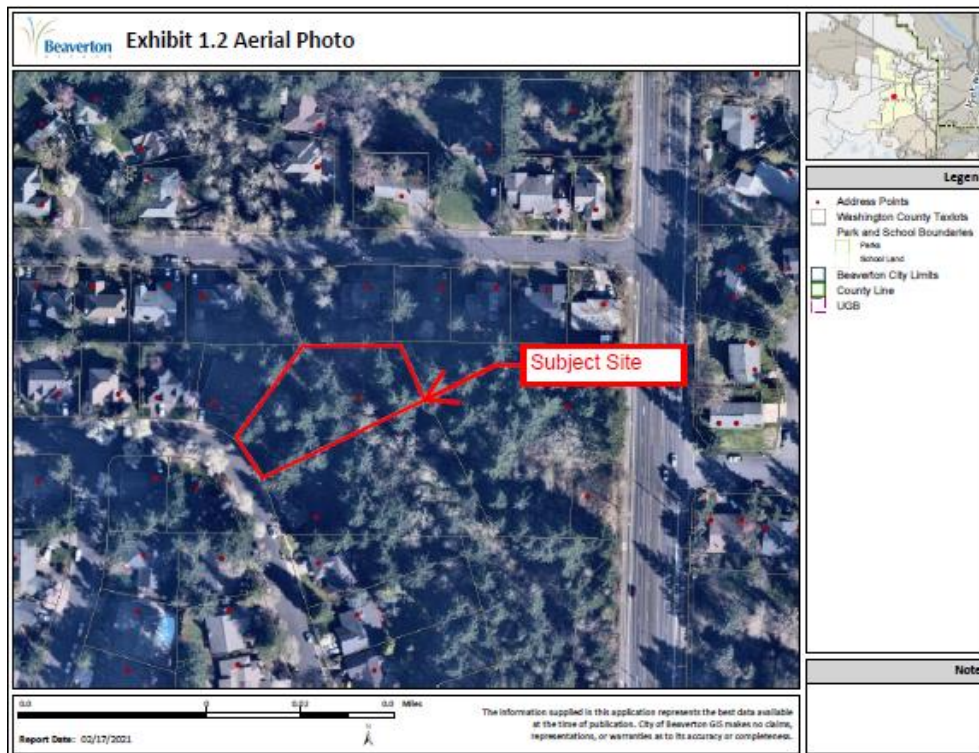


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Exhibits

Exhibit 1. Materials submitted by Staff

- Exhibit 1.1 Vicinity Map (page 4 of this report)
- Exhibit 1.2 Zoning Map (page 4 of this report)
- Exhibit 1.3 Email from Lawrence Arnbrister, dated October 14, 2020
- Exhibit 1.4 Local Wetland Inventory

Exhibit 2. Public Comment Summary (Page 8 of this report)

- Exhibit 2.1 Email submitted October 8, 2020 by Toni Plato
- Exhibit 2.2 Email submitted October 5, 2020 by Bruce T. Blankinship
- Exhibit 2.3 Email submitted October 14, 2020 by David Mann
- Exhibit 2.4 Letter submitted October 12, 2020 by Amanda L. Blossom and Andrew T. Platte
- Exhibit 2.5 Letter submitted October 5, 2020 by Don and Susan Stubblefield
- Exhibit 2.6 Email submitted October 11, 2020 by William Brown

Exhibit 3. Materials Submitted by the Applicant

Exhibit 3.1 Applicant Submittal Package

Exhibit 3.2 Revised Site Plan, submitted February 5, 2021

Exhibit 3.3 Clean Water Services Service Provided Letter, submitted November 19, 2020

Public Comment Summary

Staff received six items of public comments relating to the following matters:

- Erosion control and slope stability.
- Wildlife impacts.
- Location of proposed sidewalk and driveway.
- Definition of a “Community Tree.”
- Preservation of Tree No. 1.
- Engineering standards used to construct on slopes.
- Proposed design of the residence.
- Impact to remaining trees in the area, specifically related to windthrow.

These matters have been addressed in the findings for the Tree Plan and Sidewalk Design Modification applications.

Attachment A: TP2020-0006

ANALYSIS AND FINDINGS FOR TREE PLAN TWO APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **TP2020-0006**, subject to the applicable conditions identified in Attachment C

Section 40.20.05 Purpose:

The purpose of the Tree Plan application is to maintain healthy trees and urban forests that 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.

Standards for Approval:

Section 40.90.15.2.C of the Development Code provides standards to govern the decisions of the Community Development Director as they evaluate and render decisions on Tree Plan applications. The Community Development Director will determine whether the application as presented, meets the Tree Plan Two approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for Type 2 Tree Plan.

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

Section 40.90.15.2.C.1

The proposal satisfies the threshold requirements for a Tree Plan Two application.

FINDING:

The project has triggered Threshold 1 for the Tree Plan Two which reads:

1. *Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in Section 40.90.10.1.*

The applicant proposes to remove thirteen (13) Community Trees surveyed at greater than 10 inches in diameter at breast height (DBH) from the subject site. The city's tree regulations permit the property owner to remove select trees, so long as standards for tree protection are being met and the approval criteria for a Tree Plan Two application are also met.

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

Section 40.90.15.2.C.2

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 the proposal meets the criterion for approval.

Section 40.90.15.2.C.3

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 asserts this criterion is not applicable because the proposed removal is not necessary to observe good forestry practices, but rather to accommodate development. They acknowledge good forestry practices will be adhered to during development of the project site. Staff concurs with the applicant's assessment.

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

Section 40.90.15.2.C.4

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

FINDING:

The applicant has proposed to remove thirteen (13) trees from the subject site in order to build a single-family home. Staff cites Table 4 Chapter 20 Use and Site Development Requirements at the end of this section showing the proposal complies with the standard height and setback requirements of the R7 zone. Further the applicant has placed the structure as far away from the sensitive area as identified in the Local Wetland Inventory

and the approved Clean Water Services Provider Letter and Site Plan dated November 19, 2020 (Exhibit 3.3).

Nine of the trees proposed for removal (Tree Nos. 30, 31, 32, 33, 34, 35, 36, 38, and 39), are directly within the building footprint, three trees (Tree Nos. 2, 3 and 29) have their critical root zones within the building footprint and tree 4 is located where the proposed sanitary sewer line is to be located. Additionally, a site visit with Certified Arborist Todd Prager (RCA #597) and City Arborist Jered Land indicated Tree No.2 may be subject to windthrow and pose a hazard if the roots were impacted by the foundation of the proposed residence.

The applicant's original proposal included the removal of an additional tree shown on the site plan as Tree No.1. In order to remove Tree No.1, the applicant would require approval from the owner of the property at 7000 SW Tierra Del Mar, as the tree is located on both properties, this consent was not provided with the application packet. The owner of 7000 SW Tierra Del Mar provided a letter (Exhibit 2.4) from a certified arborist, assessing the impact the foundation would have on the root zone of Tree No.1 if built within six feet of the base of the tree as originally proposed by the applicant. In this letter written by Kelly Chadwick (TRAQ Certified Arborist) the recommendation was made to relocate the building footprint either, "down slope at least 8 feet or brought in from the property line another 7 feet." City Arborist Jered Lane concurred, "that moving the building fifteen feet away from the base of the trunk along with hand digging only and cutting any roots flush would increase the survivability of the tree." A revised site plan, dated February 5, 2021, (Exhibit 3.2) was submitted by the applicant which indicates the new building footprint is setback roughly 13 feet away from the base of Tree No.1, however this does not remove the disturbance outside the identified critical root zone of 15 feet. Therefore, staff recommends a condition of approval that a revised site plan be submitted showing a 15-foot setback from the building to Tree No. 1 and that any ground disturbance performed within 15 feet (critical root zone as shown on Exhibit 3.2) of Tree #1 be hand digging only with a certified arborist present.

Public comments submitted include concerns regarding the impact removing trees from the lot would have on the surrounding forested area, the waterway (Johnson Creek) and slope stability. The lot is located in a Vegetated Corridor and contains the sensitive area identified as JO2g on the Local Wetland Inventory (Exhibit 1.4). To preserve the sensitive areas surrounding the proposed residence the Clean Water Services (CWS) Service Provider Letter (Exhibit 3.3) requires the development to occur outside of the sensitive area and that significant enhancements to the lot including, removal of non-native and invasive species in the sensitive area, enhancement of the vegetated corridor, and continued monitoring of landscaping to ensure survival of mitigation species planted per CWS conditions of approval. Further the trees proposed for removal are not part of a significant grove but are designated community trees.

Concerns about slope stability and structural analysis are reviewed during the Site Development permit and Building Permit stages of the project. Senior Plans Examiner

Lawrence Arnbrister states in an email (Exhibit 1.3) dated October 14, 2020 that all building permit plans are reviewed in conformance with 403.1.9 of the Residential Code and if additional review is required a geo-technical engineer is consulted. Additionally, the applicant's submittal package contains a geo-technical analysis (Exhibit 3.1) which included a slope stability analysis by Hardman Geotechnical Services. The report concluded the proposed residence is feasible from a geotechnical perspective.

Staff finds the applicant's proposal to reduce the trees to be removed from fourteen trees to thirteen trees, the location of the proposed building nearest SW Tierra Del Mar, the condition of approval to submit a revised site plan showing the building is a minimum fifteen feet from the base of Tree No.1 and the extensive mitigation required by the CSW Service Provider Letter is a reasonable alternative to other locations on the subject site and best suited to protect the sensitive area in the middle of the lot.

Conclusion: Therefore, staff finds by meeting the Conditions of Approval, the proposal meets the criterion for approval.

Section 40.90.15.2.C.5

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 asserts this criterion is not applicable because the proposed tree removal is for the development of the lot with a single-family residence and is not in a response to public or private nuisance. Staff agrees with the applicant's assessment.

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

Section 40.90.15.2.C.6

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 asserts this criterion is not applicable because the proposed tree removal is not necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs. Additionally, there is an existing fifteen-foot-wide Public Sanitary Sewer easement which already serves public purposes and a private sanitary lateral to provide a connection to the proposed residence. Staff agrees with the applicant's assessment.

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

Section 40.90.15.2.C.7

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 asserts the proposed tree removal is for the construction of a new single-family residence and associated utility improvements. Each of the thirteen trees designated for removal are either directly within the building footprint, utility footprint or the critical root zone within the building footprint (Tree No.2). Additionally, the CWS Service Provider Letter requires the applicant to enhance the Johnson Creek Sensitive area by removing invasive species and planting native herbaceous flora.

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

Section 40.90.15.2.C.8

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 asserts this criterion is not applicable because the thirteen (13) Community Trees proposed for removal aren't located within a sensitive area or designated as protected trees. The trees proposed for removal are defined as "Community Trees." Chapter 90 of the Beaverton Development Code defines Community Trees as, "*a healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. Community Trees are not those trees identified as Significant, Historic, Landscape or Mitigation Trees, trees within a Grove or a Significant Natural Resource Area, or trees that bear edible fruits or nuts grown for human consumption.*" The sensitive area located in the middle of the lot is conditioned by CWS to be protected and enhanced as part of their approval and will not lose its designation as a wetland or sensitive area due to the proposed project Staff concurs with the applicant's assertion that this criterion is not applicable to the trees proposed for removal.

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

Section 40.90.15.2.C.9

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 asserts the thirteen (13) Community Trees aren't located within any Significant Groves, SNRA's or sensitive areas. The sensitive area in the middle of the lot is conditioned to be enhanced as part of the CWS Service Provider Letter approval and no trees are proposed to be removed from this area. Additionally, a site visit to the lot on October 14, 2020 with City Arborist Jered Lane and the applicant's arborist Todd Prager concluded the remaining trees on site would not be subject to significant windthrow.

To ensure proper protection of the root zone, for the remaining trees on the subject site, a condition of approval has been included requiring tree protection fencing to be installed and prohibits excavation in these areas, except for hand excavation specifically approved by the City. Condition #2 of the CWS Service Provider Letter requires the following:

"Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 19-5, Section 3.06.1, as amended by R&O 19-22 and per approved plans."

This CWS condition along with the City's condition will ensure minimal disturbance to the trees and vegetation within the sensitive area.

Conclusion: Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

Section 40.90.15.2.C.10

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 Table 5: Chapter 60 Trees and Vegetation & Significant Natural Resources at the end of this section, which evaluates the project as it relates to applicable code requirements of Sections 60.60, as applicable to the criterion. As conditioned the proposal will meet the applicable requirements in Chapter 60.

Conclusion: Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

Section 40.90.15.2.C.11

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:

The lot has a roughly 35-foot change in slope from with the highpoint being Tierra Del Mar and low point being Johnson Creek, which is in the sensitive area in the middle of the lot. The applicant has provided a plan that shows minimal grading, to keep the lot as natural as possible. The applicant proposes a residence that is constructed to blend with the existing contours of the site, which slopes from Tierra Del Mar towards Johnson Creek. This type of design limits the grading and the creation of a “building pad.” Staff finds the applicant has provided a plan that creates minimizes the impact to the surrounding neighbor’s property and the sensitive area in near Johnson Creek.

Public comment raised concern over potential negative surface drainage and soil erosion effects to the Johnson Creek sensitive area and the remaining trees in the area. A service provider letter from Clean Water Services has been provided by the applicant stating, “Prior to any ground disturbing activities, an erosion control permit is required. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.” The condition from CWS ensures proper mitigation erosion control measure will be taken during all tree removal activity, non-native species removal, and site enhancements conditioned by CWS. The CWS condition is to address potential impacts during construction of the dwelling.

The City of Beaverton is the storm water and sanitary sewer provider for the site. Grading will be reviewed for compliance with the Site Development permits to address the installation of the stormwater and sanitary connections and with the Building Permit. Staff recommends a condition of approval requiring detailed grading plan and utility plan stamped by a licensed engineer with the Site Development permit.

Conclusion: Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

Section 40.90.15.2.C.12

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

FINDING:

The application package for this submittal contained all the applicable submittal requirements specified in Section 50.25.1 of the Beaverton Development Code.

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

Section 40.90.15.2.C.13

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's original proposal only included Tree Plan Two; however, the applicant submitted their Sidewalk Design Modification on August 24, 2020 to deviate from the City standards for sidewalks on local streets. The applicant has submitted this Sidewalk Design Modification application with associated Tree Plan Two application. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant at this stage of City review. Staff suggests a condition of approval that approval of the Tree Plan Two application is dependent upon the Sidewalk Design Modification approval. The applicant has submitted the required application materials for review of the Tree Plan Two application. Staff finds that applications and documents related to the related permits that require further City approval have been submitted in proper sequence.

Conclusion: Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

Table 4: Chapter 20 Use and Site Development Requirements Residential Urban Standard Density 7,000 (R7) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20			
Urban Medium Density – R2	Detached dwellings are permitted.	Tree removal in preparation for construction of a detached single-family dwelling unit.	Yes
Development Code Section 20.05.15			
Minimum Lot Area	Minimum land area of 7,000 square feet for the parent parcel.	The lot is approximately 25,900 square feet. No change in lot area proposed.	Yes
Lot Dimensions Minimum Interior Lot Dimensions	Width = 65 feet Depth = 90 feet	No changes proposed. The subject site was legally created as part of plat map Hartwood Hylands No.3. Width = Approximately 70 feet Depth = Approximately 240 feet	Yes
Minimum Setbacks	Front: 17 feet Side: 5 feet Rear: 25 feet Garage: 20 feet	Front: 10 feet Side: 10 feet Rear: 84 feet	Yes
Maximum Building Height	35 feet	The site plan submitted by the applicant dated 2/5/2021 indicates a building height of 24 feet.	Yes

Table 5: Chapter 60 Trees and Vegetation & Significant Natural Resources

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.60.15 Pruning, Removal, and Preservation Standards			
60.60.15.1.A-B	Pruning standards for Protected and Landscape Trees.	No pruning of a Protected Tree is proposed for this project.	N/A
60.60.15.2.	Removal and Preservation Standards for Protected Trees	The applicant is proposing to remove thirteen community trees. The applicant has stated that twenty-three community trees will be preserved. Except for Tree No. 1 all the Community trees being preserved are either located within the sensitive area or on the east side of the sensitive area. Therefore, this section is not applicable as community trees aren't subject to the preservation standards outlined in 60.60.15.2.	N/A
Development Code Section 60.60.20 Tree Protection Standards During Development			
60.60.20.1.A-B	Trees shall be protected during construction and activity within the protected root zone shall be limited.	The applicant shall submit a tree protection plan prior to issuance of the site development permit to indicate Tree No. 1 is located fifteen feet from the proposed residence. The plans shall include protection of all trees to remain on site. City staff shall inspect the tree protection fencing before any earthwork is to occur.	Yes with COA
Development Code Section 60.60.25 Mitigation Requirements			
60.60.25.	Mitigation Standards	The applicant is not required to mitigate for the removal of community trees. However, the CWS provider letter has conditioned that the sensitive area outside the building footprint be enhanced by removing all non-native species within the wetland and areas on the lot to be planted with herbaceous plugs and native species.	N/A

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff issues an APPROVAL of TP2020-0006 Hartwood Hylands Lot 118, subject to the applicable conditions identified in Attachment C.

Attachment B: SDM2020-0006

ANALYSIS AND FINDINGS FOR SIDEWALK DESIGN MODIFICATION APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **SDM2020-0006**, subject to the applicable conditions identified in Attachment C.

Section 40.58.05 Purpose:

The purpose of the Sidewalk Design Modification (SDM) 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.

Standards for Approval:

Section 40.58.15.C of the Development Code provides standards to govern the decisions of the Community Development Director as they evaluate and render decisions on Sidewalk Design Modification applications. The Community Development Director will determine whether the application as presented, meets the Sidewalk Design Modification approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for Sidewalk Design Modification.

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

Section 40.58.15.C.1

The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.

FINDING:

The applicant proposes to build a modified planter strip to match the existing planter widths of roughly four feet on either side of the lot on SW Tierra Del Mar (in front of the property line). Therefore, the design does not include the standard 6.5-foot planter width, as required in the EDM standard drawing 215, meeting threshold 1 for a Sidewalk Design Modification.

Conclusion: Therefore, staff find that the criterion is met.

Section 40.58.15.C.2

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

FINDING:

The applicant paid the required fee for an SDM application.

Conclusion: Therefore, staff find that the criterion is met.

Section 40.58.15.C.3

One or more of the following criteria are satisfied:

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

FINDING:

The lot contains a sensitive area as identified on the Local Wetland Resource inventory in the middle of the lot, identified as a stormwater detention area on the site plan and a sensitive area on the CWS Service Provider Letter. The applicant states that continuing the planter to match the existing width of each neighboring lot will allow the proposed residence to remain nearest to SW Tierra Del Mar, limiting the impact or influence on the

sensitive area on the lot. Staff agrees with the applicant that by matching the existing planter strip width of four feet, instead of installing the full 6.5 foot planter the impact on the sensitive area located in the middle of the lot will be reduced, by not requiring the relocation of the proposed residence closer to the sensitive area, thereby satisfying 40.58.15.A.3.c.

Conclusion: Therefore, staff find that the criterion is met.

Section 40.58.15.C.4

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

FINDING:

The applicant states that the proposal complies with section 60.55.25, by providing a continuous pedestrian connection. The applicant proposes to install a sidewalk five feet in width along, with a four-foot planter. The proposed five-foot-wide sidewalk in front of the subject site will connect the frontage of 7000 SW Tierra Del Mar with 6992 SW Tierra Del Mar. This will provide a continuous pedestrian connection along SW Tierra Del Mar to allow access to SW Murray Boulevard and Bus Line 62 and Bus Line 88. A local street, such as SW Tierra Del Mar is not required to contain a designated Bicycle Lane, therefore bicycle connection requirements are not applicable to the proposal.

The applicant states that the proposal complies with provisions of Section 60.55.30. SW Tierra Del Mar is classified as Local Street and subject to Engineering Design Manual standard drawing 200-4, which requires street widths ranging from 58 feet (L-1), 52 feet (L-2) to 44 feet (L-3). SW Tierra Del Mar was constructed when the surrounding area was developed as part of the Hartwood Hylands No. 3 subdivision. The street was constructed at a width of fifty feet, which would meet the L-3 standard for a Local Street. Therefore, staff agrees that SW Tierra Del Mar is in compliance with 60.55.30 Minimum Street Widths.

Conclusion: Therefore, staff find that the criterion is met.

Section 40.58.15.C.5

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 submitted the SDM application on August 24, 2020 and the associated Tree Plan Two application on July 29, 2020 and was deemed complete by the applicant on September 10, 2020. No other applications are required of the applicant for this stage of city approvals.

Conclusion: Therefore, staff find the criterion is met.

Section 40.58.15.C.6

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

FINDING:

The applicant states connecting the sidewalk of the subject site with the adjoining properties on either side will improve the pedestrian experience and safety on SW Tierra Del Mar. Currently, pedestrians would have to transition from a paved sidewalk to an uneven grassy landscape or walk in the street putting them at due to sharing the road with vehicles. Once completed the sidewalk will provide a continuous path for pedestrians to circulate on SW Tierra Del Mar without being forced into the street or enduring non-paved surfaces. Staff agrees with the applicant that the proposed sidewalk in front of the subject site will provide for safe and efficient pedestrian circulation in the site vicinity.

Conclusion: Therefore, staff find that the criterion is met.

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff recommend APPROVAL of SDM2020-0006 Hartwood Hylands Lot 118 subject to the applicable conditions identified in Attachment C.

Attachment C: Conditions of Approval

Tree Plan Two (TP2020-0006)

A. General Conditions, the applicant shall:

1. In accordance with Section 50.90.1 of the Development Code, a Tree Plan Two approval shall expire after two years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (Planning Division/BC)
2. Obtain Sidewalk Design Modification approval to modify the proposed planter width from the standards of the Engineering Design Manual. (Planning Division/BC)
3. All activity shall be carried out in accordance with the site plan on file at City Hall, as approved by the Director. (Planning Division/BC)
4. Within the protected root zone, the following shall not be permitted: construction or placement of new buildings, grade change cut or fill except where hand excavation is approved and monitored, new impervious surfaces, trenching, staging, storing, and vehicle maneuvering or parking. (Planning Division/BC)

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

5. Submit the required plans, application form, fee, and other items needed for a complete site development permit application. (Site Development Div. / SAS)
6. The construction for any work is governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div. / SAS)
7. Have the applicant, for the subject property guarantee any public improvements, public plantings, site grading and erosion control over a job value of \$1000 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. / SAS)
8. 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. / SAS)

9. Submit a revised site plan dimensioning the proposed residence a minimum of fifteen (15) from the base of Tree No.1. No structure shall be placed within fifteen (15) feet of the base of Tree #1. All additional earth disturbance within the Critical Root Zone of Tree #1 shall be commenced using hand dig only techniques with a certified arborist present. (Planning Division/BC)
10. Submit a plan showing the location of tree protection fencing. Tree protection fencing shall be installed prior to tree removal and remain during construction of the building. The applicant shall contact the project planner to inspect protection fencing for all remaining trees before site work begins. (Planning Division/BC)

C. Prior to release of any performance security, the applicant shall:

11. If required by the CWS service provider letter, provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation as shown on the approved plan within any storm water management facilities, vegetated corridors, or wetland mitigation areas, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Public Works Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Public Works Director prior to release of the security. (Site Development Div. / SAS)

Sidewalk Design Modification (SDM2020-0006)

A. General Conditions, the applicant shall:

1. In accordance with section 50.90.1 of the development code, alteration of a landmark shall expire after two years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to section 50.93, or that authorized development has otherwise commenced in accordance with section 50.90.3.b. (Planning Division/BC)