



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: September 3, 2021
Subject: *Notice of Decision for TP2021-0001 Landry SFD*

Please find attached the Notice of Decision for **TP2021-0001 Landry SFD**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions for TP2021-0001 Landry SFD 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 TP2021-0001 Landry SFD is 4:30 p.m., September 15, 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**](mailto:bcannon@beavertonoregon.gov)*



NOTICE OF DIRECTOR'S DECISION

Decision date: September 3, 2021

Application/project name: Landry SFD

Application Numbers: TP2021-0001

Proposal: The applicant requests approval for the removal of three (3) Significant Grove Trees and (7) Community Trees. The proposed changes are proposed to accommodate the demolition of an existing single-family home and construction of a new single-family home.

Proposal location: 4380 SW Laurelwood Avenue, also identified as Tax Lot 10101 on Washington County Tax Map 1S113BA.

Applicant: Shannon Landry

Recommendation: APPROVAL of TP2021-0001 Landry SFD, 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: Shannon Landry
4380 SW Laurelwood Avenue
Portland, OR 97225

Property owner: Shannon Landry
4380 SW Laurelwood Avenue
Portland, OR 97225



Existing conditions

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

Site conditions: The site is developed with an existing single-family residence. Additionally, Significant Grove NX-15, as identified in the Beaverton Comprehensive Plan, is located on the subject site.

Site Size: 0.70 acres

Location: North of Beaverton Hillsdale Highway and South of Brentwood Street

Neighborhood Association Committee: West Slope 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 three Significant Grove Trees and seven Community trees. | Development Code Section 40.90.15.2 |

Table 3: Key Application Dates

| Application | Submittal Date | Deemed Complete | 120-Day* | 365-Day** |
|--------------------|-----------------------|------------------------|------------------|------------------|
| TP2021-0001 | January 27, 2021 | June 25, 2021 | October 23, 2021 | June 25, 2022 |

* The original 120-day final decision date was October 22, 2021; however, the applicant submitted a continuance request for 30 days extending the final written decision date to November 22, 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

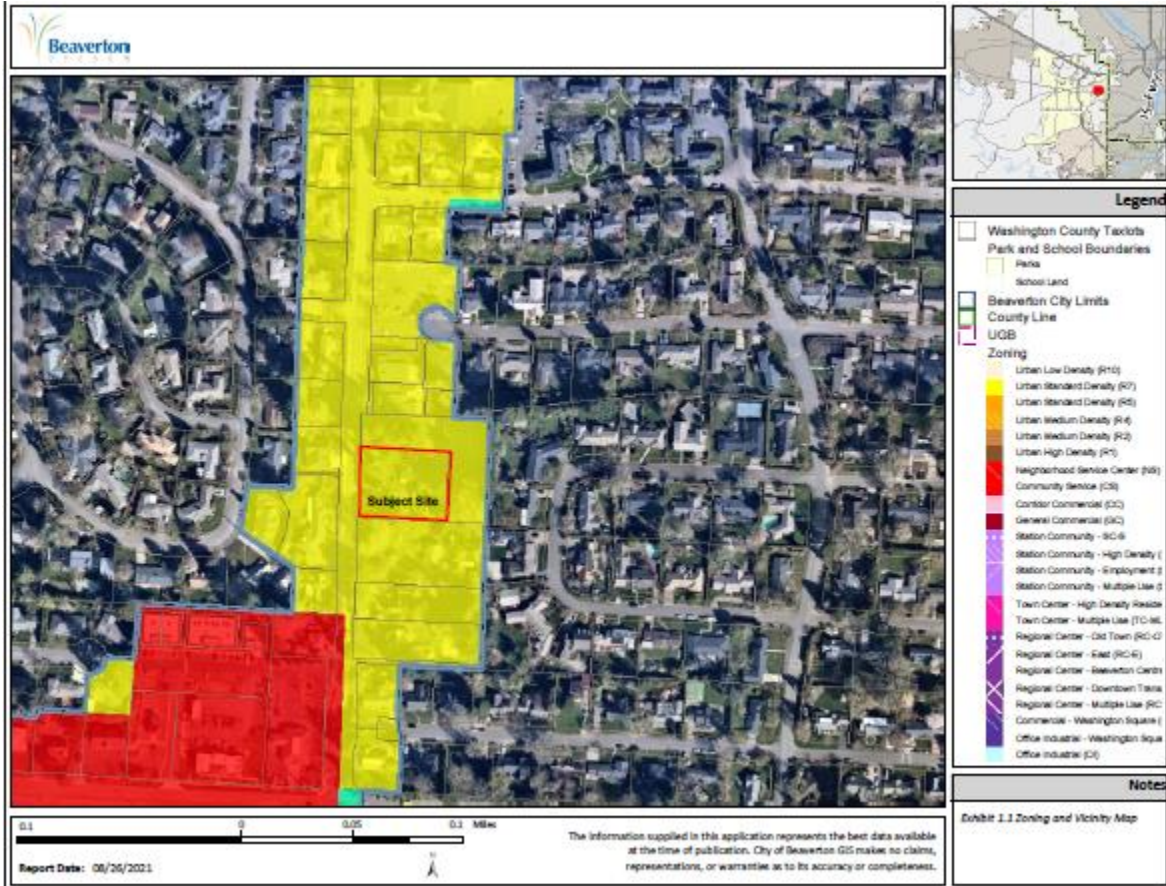


Exhibit 1.2: Aerial Photo

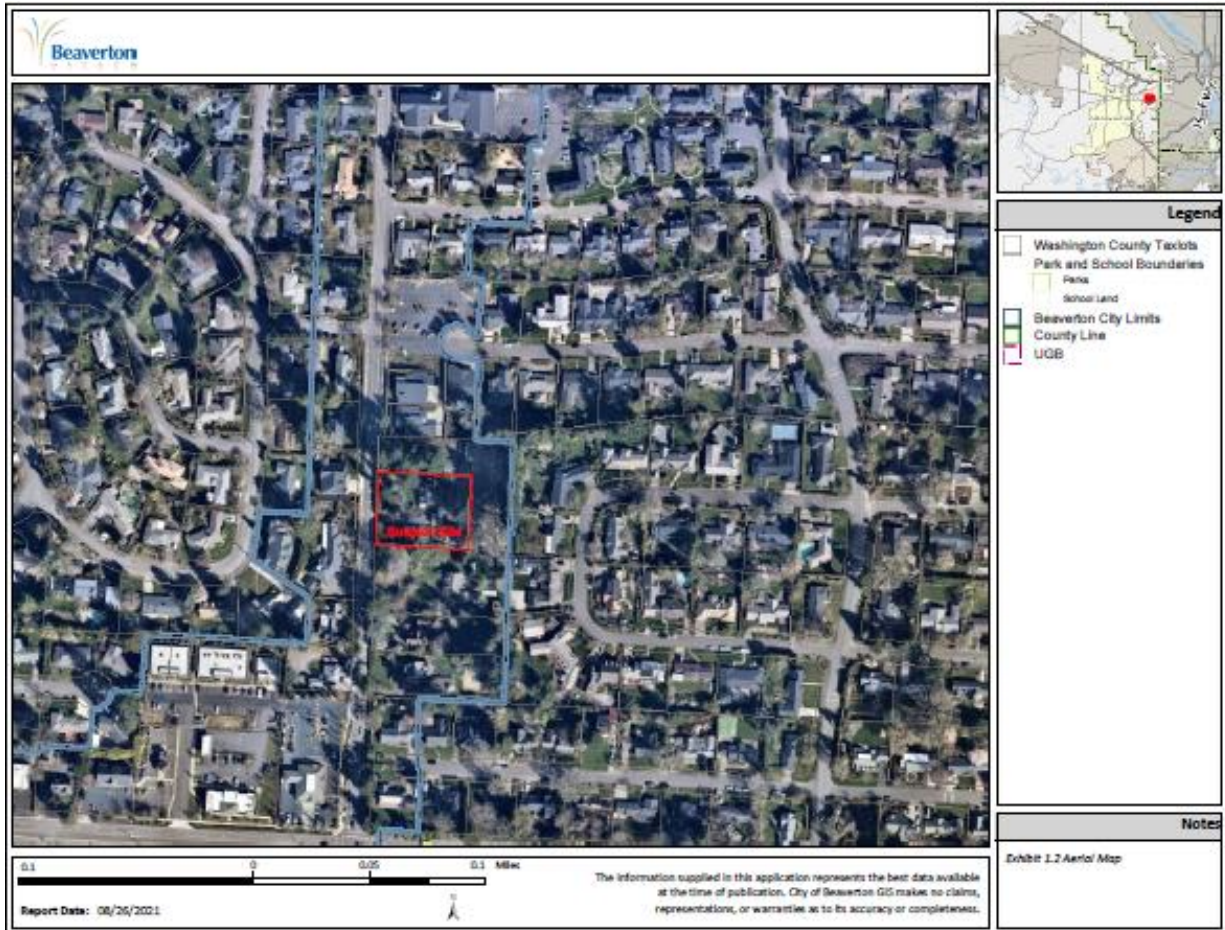


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Exhibits

Exhibit 1. Materials submitted by Staff

- Exhibit 1.1 Vicinity Map (page 4 of this report)
- Exhibit 1.2 Zoning Map (page 6 of this report)

Exhibit 2. Public Comment Summary (Page 7 of this report)

- Exhibit 2.1 Email submitted August 8, 2021 by John Settle

Exhibit 3. Materials Submitted by the Applicant

- Exhibit 3.1 Applicant Submittal Package

Public Comment Summary

Staff received one public comment relating to the following matters:

- Removal of trees for aesthetic purposes.
- Removal of trees for purposes other than development.

These matters have been addressed in the findings for the Tree Plan application.

Attachment A: TP2021-0001

ANALYSIS AND FINDINGS FOR TREE PLAN TWO APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **TP2021-0001**, subject to the applicable conditions identified in Attachment B.

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 and Threshold 3 for a Tree Plan Two which read:

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.*

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

The applicant proposes to remove three Significant Grove Trees and seven Community Trees 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 eleven (11) trees (three Significant Grove Trees, seven Community Trees and one Pacific Yew less than ten inches in DBH) from the subject site to construct a single-family home. The proposed residence is as close to the center of the property to minimize disturbance on the established grove boundary and landscape. 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.

Five of the trees proposed for removal (Tree Nos. 7, 9, 10, 27 and 29), are directly within the proposed building footprint, patio, or driveway. Three trees (Tree Nos. 1, 5 and 28) have their critical root zones within the building footprint. These trees can't be successfully retained as construction activities would impact too many roots. Three trees (Tree Nos. 16, 18 and 19) are within the development area of the proposed pool. Tree 18 is a nuisance species and trees 16 and 19 are Douglas Firs located approximately 12 feet and 4 feet from the proposed pool boundary. The applicant's arborist states the ideal distance from the pool for trees 16 and 19 would be a minimum of 21 feet from the pool to ensure critical roots would not be impacted.

The applicant states the placement of the proposed house, driveway, patio and pool allows for retention of other trees and landscaping on site and ensures the pool is visible from inside the proposed residence for safety.

One public comment included concerns regarding the removal of trees to create a lot without trees, not related to development of a single-family home. The applicant asserts all trees proposed for removal are to facilitate development and not for the creation of a lot without trees

Staff finds the applicant's proposal to centrally locate the proposed residence, retain greater than 50 percent of the total DBH on site and provide tree protection during development is a reasonable alternative to other locations on the subject site and best suited to protect the remaining Significant Grove and Community Trees on site.

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 since the tree removal is to accommodate replacement of an existing dwelling with a new dwelling.

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. Staff agrees with the applicant's assessment since the tree removal is to accommodate replacement of an existing dwelling with a new dwelling.

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 eleven trees designated for removal are either directly within the building footprint, driveway or pool area, or the critical root zone of a tree is within these development features.

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's arborist states three Significant Grove Trees are proposed for removal. Three species of trees are identified in Significant Grove NX-15's tree inventory, Douglas-fir, Oregon White Ash and Oregon White Oak. The applicant's arborist indicates no Oregon White Ash or Oregon White Oak exist on site. Six Douglas-fir have been identified on the subject property, three of which are proposed for removal (Tree Nos. 7, 16, and 19). The applicant's arborist asserts the removal of these three trees will not result in the reversal of the original determination of a Significant Grove as many Douglas-fir remain in the grove north and south of the property and more than 50 percent of the remaining trees on site will be protected during development.

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

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's arborist asserts Tree 7 is a Douglas-fir that shares canopy space with trees in the Significant Grove. The trees to the north of Tree 7 were visually assessed for adequate live crown ratios at the time the tree inventory was taken. The removal of Tree 7 will result in more wind exposure to Tree 8 and the other trees north of the property within the Significant Grove. However, it's unlikely the change in exposure would lead to an increased likelihood of failure due to windthrow. The remaining Douglas-fir in the Significant Grove have high live crown ratios that covers a greater percentage of the trunk's height. This allows the remaining trees to have a greater wind firmness than trees with low live crown ratios. The City Arborist concurs with this assessment.

Conclusion: Therefore, staff finds 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 applicant states the site is relatively flat and significant grading or contouring of the site is not proposed. Impacts on neighboring properties, the public right-of-way, surface drainage, water storage facilities and the public storm system will be monitored once the building permit has been issued.

Conclusion: Therefore, staff finds 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:

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 finds 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 30,490 square feet. No change in lot area proposed. | Yes |
| Lot Dimensions Minimum Interior Lot Dimensions | Width = 65 feet Depth = 90 feet | No changes proposed. Width = Approximately 154 feet Depth = Approximately 199 feet | Yes |
| Minimum Setbacks | Front: 17 feet Side: 5 feet Rear: 25 feet Garage: 20 feet | Front: 55 feet Side: 10 feet Rear: 25 feet | Yes |
| Maximum Building Height | 35 feet | The site plan submitted by the applicant dated 5/26/2021 indicates a building height of 31 feet and nine inches. | 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.C.1.b | Removal and Preservation Standards for Protected Trees | The applicant is proposing to remove three Significant Grove Trees and six Community Trees. The applicant has stated the proposed development requires the removal of 162 DBH of a total 360 DBH on site, or 51%. This is less than the 75% threshold. | YES |
| 60.60.15.2.C.2 | DBH to be retained shall be in cohesive areas | The applicant states the proposed home is located in the center of the property, furthest from the Significant Grove boundaries. The proposed placement will allow two cohesive areas to the north and east of the property to be preserved while allowing for the development of the proposed single-family residence. | YES |
| 60.60.15.2.C.3 | Native understory | The applicant proposes to retain all vegetation which isn't specifically identified for removal in Appendix 3 of the applicant's materials (Exhibit 3.1). All vegetation which is proposed for removal pursuant to Appendix 3 are the three Significant Grove Trees and seven Community Trees. | YES |
| 60.60.15.2.C.4 | Preservation areas conditioned through the development review process. | As stated in the findings for 60.60.15.2.C.2, two cohesive areas of Significant Grove NX-15 will remain to the north and east of the property. The remaining Significant Grove trees on the subject property will connect with adjoining properties to north and east. The tree protection plan in Exhibit 3.1 depicts the extent of the proposed project and trees to be retained in order to provide a connection with adjoining properties. | YES |
| 60.60.15.2.C.5 | Preservation areas conditioned through the Design Review process. | The application is a Tree Plan Two for removal of trees from a Significant Grove and for the removal of Community Trees. | N/A |
| 60.60.15.2.C.6 | Preservation areas conditioned through the Land Division process. | The application is a Tree Plan Two for removal of trees from a Significant Grove and for the removal of Community Trees. | N/A |
| 60.60.15.2.C.7 | Non-native vs Native preservation | The applicant states there isn't a decision which needs to be made for preserving a non-native | N/A |

species vs a native species. All trees proposed for removal are necessary to accommodate development.

| | | | |
|----------------|---------------------------------|---|-----|
| 60.60.15.2.C.8 | Hazardous and dead tree removal | There aren't any hazardous or dead trees on the property. | 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 has provided a tree protection plan identified on the Cover Sheet of Exhibit 3.1. All trees which aren't proposed for removal are within the boundaries of the tree protection plan. | Yes/ with COA |
|----------------|--|--|---------------------|

Development Code Section 60.60.25 Mitigation Requirements

| | | | |
|-----------|--------------------------------|--|-----|
| 60.60.25. | Mitigation Threshold Standards | <p>The applicant states that 460 inches of DBH is on-site, this includes snag trees, dead trees and nuisance trees. The applicant states that a total of 183 inches of DBH will be removed from the site. <i>Table 1</i> of the applicants' materials (Exhibit 3.1) incorrectly states 360 inches of DBH to be used as the total Surveyed Trees DBH on site. Surveyed Trees are defined as, "Trees on a proposed development site that are required to be identified in a Tree Plan application. Trees required to be surveyed include all trees greater than or equal to ten (10) inches DBH (including nuisance trees) and the following trees greater than or equal to six (6) inches DBH: western hemlock (<i>Tsuga heterophylla</i>) or mountain hemlock (<i>Tsuga mertensiana</i>) trees, Pacific madrone (<i>Arbutus andrachne</i>) trees, and big-leaf maple (<i>Acer macrophyllum</i>) trees." When snag and dead trees are proposed to be retained, the DBH for those trees remains in the calculation for the total DBH of Surveyed Trees on site. The calculation for mitigation purposes is 183 (DBH for removal)/460 (Surveyed Trees total DBH on site) equaling 40 percent of on-site DBH being removed. Pursuant to Section 60.60.25.2.B the threshold for mitigation is removal of 50 percent of the total DBH on site. Therefore, no mitigation is required for the proposed tree removal.</p> | N/A |
|-----------|--------------------------------|--|-----|

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff issues an APPROVAL of TP2021-0001 Landry SFD, subject to the applicable conditions identified in Attachment B.

Attachment B: Conditions of Approval

Tree Plan Two (TP2021-0001)

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. 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)
3. 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)
4. Make provisions for installation of all mandated erosion control measures per Clean Water Services Standard Drawing #945. These shall be maintained and replaced as necessary during the duration of the project to prevent sediment laden run-off from leaving the site. (Site Development Div./CR)
5. Tree protection fencing shall be installed prior to tree removal and construction. Please call the project planner to inspect protection fencing for all remaining trees before site work begins. (Planning Division/BC)