



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: May 29, 2019
Subject: *Notice of Decision for TP2019-0003 West Point Single Family Home*

Please find attached the Notice of Decision for **TP2019-0003 West Point Single Family Home**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions for TP2019-0003 and 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 TP2019-0003 West Point Single Family Home is 4:30 p.m., June 10, 2019

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 Brianna Addotta, Assistant Planner, at (503) 350-4026.



NOTICE OF DECISION

DATE: May 29, 2019

TO: Interested Parties

FROM: Brianna Addotta, Assistant Planner

PROPOSAL: **West Point Single Family Dwelling Tree Plan
TP2019-0003**

LOCATION: 2895 SW West Point Avenue
Map 1S112BD Tax Lot 2718

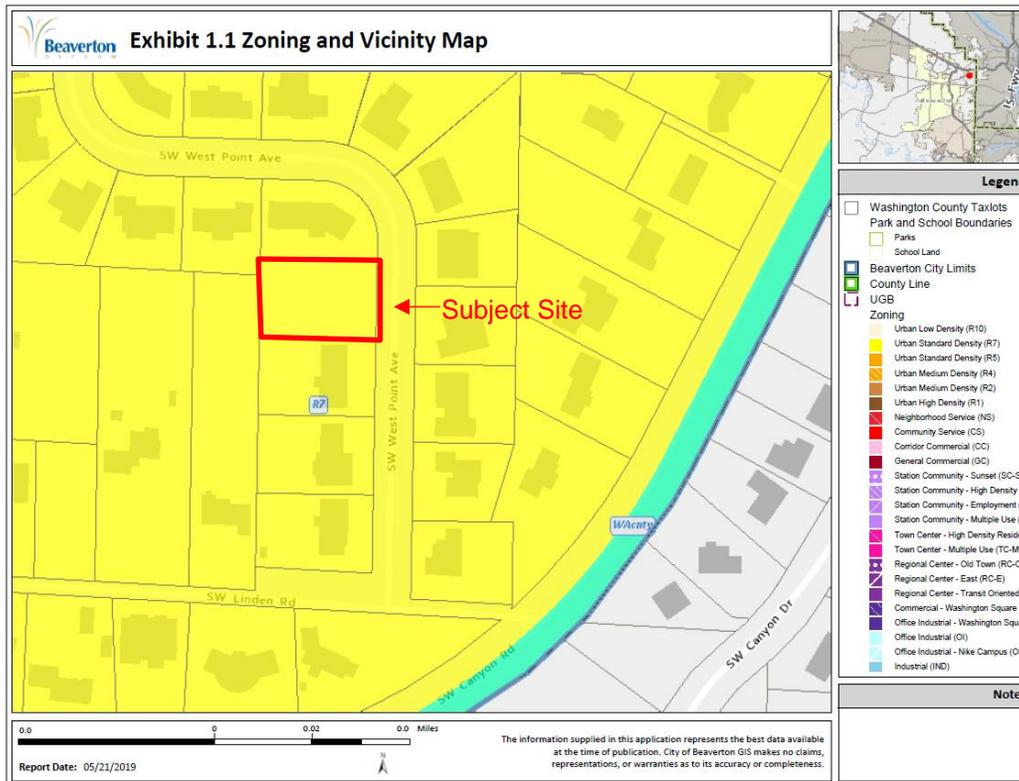
SUMMARY: The applicant requests approval for the removal of six (6) Significant Trees within Significant Grove NX13 in order to accommodate the construction of a single family home. The applicant has withdrawn the previously applied for Sidewalk Design Modification and will install right of way improvements that meet the city's standard for local streets (L2).

PROPERTY OWNER/
APPLICANT: Renaissance Homes
16771 Boones Ferry Rd.
Lake Oswego, OR 97035

PROPERTY
OWNER: Same as Applicant

RECOMMENDATION: **APPROVAL of TP2019-0003 West Point Single Family Dwelling,
subject to the conditions herein.**

ZONING/VICINITY/AERIAL MAP



BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Application Deemed Complete	Day 120	Final Decision Date with 30 day Continuance
TP2019-0003	March 7, 2019	April 3, 2019	August 1, 2019	August 30, 2019

Note: The applicant submitted a Sidewalk Design Modification application to run concurrently with this Tree Plan application, as of May 14, 2019, the applicant has withdrawn their Sidewalk Design Modification application and will be installing improvements that meet city local street standards.

Existing Conditions Table

Zoning	Residential Urban Standard Density 7,000 (R7)	
Current Development	Undeveloped parcel	
Site Size	The subject site is approximately 0.35 acre.	
NAC	West Slope	
Vicinity Zoning and Land Uses	Zoning: <u>North:</u> City of Beaverton R7 <u>South:</u> City of Beaverton R7 <u>East:</u> City of Beaverton R7 <u>West:</u> City of Beaverton R7	Uses: <u>North:</u> Single Family Residential <u>South:</u> Single Family Residential <u>East:</u> Single Family Residential <u>West:</u> Single Family Residential

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Background Facts	SR 2
Attachment A: Tree Plan Two Approval Criteria	TP1 – TP11
Attachment B: Conditions of Approval	COA1 – COA2
Exhibit 2: Public Comments	
<p>10 public comments were received for the proposed project. Comments to the Tree Plan Two approval criteria have been incorporated within the applicable criteria in Attachment A. The applicant’s original proposal included Tree Plan Two and Sidewalk Design Modification applications; however the applicant has chosen to withdraw their Sidewalk Design Modification and comply with City standards. Comments raised regarding the Sidewalk Design Modification are not addressed as they do not apply to the Tree Plan application.</p>	
<p>Exhibit 2.1 Email submitted April 14, 2019 by Erika Jones</p>	
<p>Exhibit 2.2 Email submitted April 15, 2019 by Roy and Susan Marshall</p>	
<p>Exhibit 2.3 Email submitted April 16, 2019 by Gretchen Yost</p>	
<p>Exhibit 2.4 Second Email submitted April 23, 2019 by Roy and Susan Marshall</p>	
<p>Exhibit 2.5 Email submitted April 24, 2019 by Bina Mehta and Raymond Moreno</p>	
<p>Exhibit 2.6 Email submitted on April 24, 2019 by Odin Prigge</p>	
<p>Exhibit 2.7 Email submitted on April 26, 2019 by Karl and Shelagh Glaser</p>	
<p>Exhibit 2.8 E-Mail submitted on April 30, 2019 by Eve Heidtmann</p>	
<p>Exhibit 2.9 Letter submitted April 30, 2019 by Debbie Shaw</p>	
<p>Exhibit 2.10 Letter submitted on May 1, 2019 from Tom Shaw</p>	
Exhibit 3: Applicant Materials	
<p>Exhibit 3.1 Approved Site Plan</p>	

TP2019-0003 WEST POINT SINGLE FAMILY DETACHED ANALYSIS AND FINDINGS FOR TREE PLAN TWO

Section 40.90.05 Tree Plan Applications; Purpose

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

Section 40.90.15.2.C Approval Criteria

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:

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

The project has triggered Threshold 3 for the Tree Plan Two:

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

The applicant proposes to remove 39% of the total DBH of non-exempt surveyed trees within Significant Grove NX13. Public comments requested that trees not be removed on the site as it is a protected grove. 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 application are also met. This Tree Plan application is appropriate for the request to remove trees within this significant grove. The Tree Plan Two application is a type 2 process which is an administrative decision where the Community Development Department Director is the decision maker. Public comments raised concern that adequate time is not provided for the neighborhood to respond to this application. However, to meet the state's prescribed time limit for a review of a land use application, submittal of public testimony is limited to 20 days to provide adequate time to complete the review process. The public notice process is identified in the City's Development Chapter 50, which is met with this application. Staff acknowledges the city's tree regulations permit the property owner to remove select trees, so long as standards for tree protection are being met and affirmative findings can be made to the approval criteria for a Tree Plan Two application.

Therefore, staff find 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 Tree Plan Two application.

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

- 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.**

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 the prescriptive good forestry practices. Staff agrees with the applicant's assessment.

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

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

The applicant has proposed to remove six (6) trees totaling 168" DBH, which is 39% of the total DBH on site, in order to build a single family home. Staff cites the Code Conformance Analysis Chart 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 center of the Significant Grove as possible.

Five of the trees proposed for removal are either within the building footprint (trees 10067, 10086, and 10087), or have their critical root zones within the building footprint (trees 10085 and 10084). The sixth tree proposed for removal (tree 10104) is a hazardous Big Leaf Maple located at the rear property line that must be felled and removed from the property for safety. Certified arborist Mary Giersch (PN-6732A) has provided a report affirming the removal of the 6 trees is required in order to safely accommodate physical development. City arborist technician Ben Mills agrees tree 10404 should be felled and removed for safety.

The applicant's original proposal included the removal of an additional two trees, shown on the site plan as trees #10094 and #10097, in order to accommodate an

open back yard. Staff worked with the applicant to encourage these two trees be preserved, and the applicant has agreed.

Public comments were provided detailing how the proposal was not a reasonable alternative based on the following factors:

- The owner of the lot
- Market cost of the proposed home, or the cost per square foot
- Prices and sizes of other homes for sale in the area
- Stylistic façade choices
- The type of finishes inside the home
- Impacts to property values
- Size of home, beyond compliance with the standard setbacks and height of the R7 zone. The proposed single family home fits within the height and setbacks of the R7 zone.
- Viability of certain construction materials and methods, beyond what is regulated by the Building Code.

Further comments included recommending changing the floor plan proposed by the applicant. The Development Code does not provide a definition for “reasonable alternative” in the context of physical development scenarios. For single-family dwellings, staff’s review of the design is limited to ensure the proposed dwelling meets the required height and setback of the building. Staff finds these factors identified in the public comments are outside the purview of this application and subjective for this non-discretionary application. Financial impacts, such as property values, are not part of the approval criteria, so the price of the property or the home built upon it cannot effect staff’s determination of the Tree Plan 2 application. Staff is unable to consider these factors in making a determination whether the proposal provides a reasonable alternative.

Staff find alternative placement of the dwelling in the middle or southern portion of the lot would create a greater ‘hole’ in the grove, which may have a greater impact than removing trees around a portion of the edge with the applicant’s proposed location of the dwelling at the northeastern portion of the lot. Staff finds the applicant’s proposal to reduce the trees to be removed from eight trees to six trees and the location of the proposed building areas is a reasonable alternative to other locations on the subject site.

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

- 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.**

The applicant has applied to remove one 8" Big Leaf Maple due to its poor health, and has provided an arborist's report affirming the tree has root crown and stem decay. This tree has not yet caused any damage but has been deemed hazardous by an arborist, which warrants its removal.

Staff has received public comment questioning the arborist's determination of tree 10104 as a hazard based on a visual assessment. Staff must rely on the opinion of certified experts in the field of tree health and find it would be an undue burden on the applicant to retain a second certified arborist to produce a second report when there is no reason to doubt the judgement of Ms. Giersch and City of Beaverton arborist staff. Without documentation to the contrary, staff defers to the expert judgement of the arborists.

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

- 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.**

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.

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

- 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.**

The applicant asserts while this criterion is not directly applicable, the applicant's arborist recommends the canopy spread of the trees along the southern property line will likely benefit from increased sun exposure. Staff agrees with the applicant's assessment that this criterion is not directly applicable.

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

- 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.**

The applicant states they are applying to remove just a fraction of the DBH of the significant grove, and are well within the Tree Plan 2 threshold of up to 75% DBH

removal. The trees proposed for removal are along the northeastern edge of the grove, leaving the majority of the grove intact.

The Beaverton Development Code defines Significant Groves thusly, and provides the following inventory analysis criteria (BDC Ch 90):

“Significant Grove: Groves that are mapped on the City’s Inventory of Significant Trees and Groves, that have a unique identification code and include all species within the grove boundary as listed in the inventory documents for that grove code”

“A grove as defined in Section 90 shall be considered significant if the Board finds that:
(a) The grove is relatively mature and evenly aged; and
(b) The grove has a purity of species composition or is of a rare or unusual nature; and
(c) The grove is in a healthy growing condition; or
(d) The grove has a crucial functional and/or aesthetic relationship to a natural resource.”

Staff has provided the relevant entries for NX13 from the City Inventory of Significant Trees and Groves below:

Site NX-13

This is an isolated grove surrounded by residential development. It has significant social value. Its location and existing land use limit habitat value and other environmental values, such as water quality value. Development of the impact area could be managed to minimize effects on the resource.

Recommendation: Manage the conflicting uses. A maximum amount of the existing forest habitat and associated values should be retained by application of the City’s tree protection ordinances.

Area Number	LANDSCAPE CHARACTERISTICS						TREE AND STAND CHARACTERISTICS																
	Stand Size		Connectivity		Riparian/wetland		Tree Size		Stand Composition			Species Composition			Understory Species			Stand Density		Stand Structure		Sustainability/stand health	
	Acres	Present	Absent	Present	Absent	Borders	Largest Tree DBH (inches)	Avg. Dominant DBH (inches)	Conifer	Hardwood	Mixed Conifer/Hardwood	1st	2nd	3rd	Native Plant Community	Invasive Exotic Species	Well-Stocked	Over-stocked	Under-stocked	Snags	Other Structures	No Apparent Problems	Decline, mortality, other
NX-13	2	X		X			36	18	X			WRC	DF	GS	X		X			N	N	X	

Comments:
 NX-13 is a dense, isolated stand of mixed conifers. Some large Douglas-fir (*Pseudotsuga menziesii*) and grand fir (*Abies grandis*) are probably older than most of the grove, which has trees of considerably less girth and height. Most of the understory is mowed grass, with some shrubs present. Access was not granted. Tree sizes are estimates based on observation from West Point.
 Photo 24 from West Point, view to NW.

The proposal requires six trees be removed from Significant Grove NX13. The city received public comment concerned that the removal of the trees will affect the status of the grove as Significant.

Comments were made that “removing half the trees would decimate the grove” and result in the reversal of the original determination. The Grove stretches across seven tax lots and is approximately 2 acres in size. The property under review contains the

northeastern corner of NX13. The total area of disturbance for this project is approximately 7,000 square feet (about 0.16 of an acre), and the proposal requests five trees in the northeastern edge of the Grove be removed, in addition to one 8" hazardous Big Leaf Maple located further west on the site. The original proposal was to remove 55% of the trees *on the individual lot*, not 55% of the total grove. In addition, the applicant has revised their proposal to preserve two additional trees, and now the proposed six trees to be removed will be only 39% of the trees on the individual lot. More than 1.75 acres of the grove will remain.

Comments were submitted asserting that the removal of the six trees will result in the remaining trees on the south side to form a linear strip. Referring to the aerial image on page SR 2, staff acknowledges the property lines of the two lots that contain the majority of NX13 are linear, but the grove itself is roughly circular and stretches between several properties to the north, south and west. Staff finds removal of trees at the edge of a grove allows the grove to remain contiguous and will not leave an orphan portion of the grove on the southern side of the property, as those trees are incorporated into NX13 on their northern, western, and southern sides.

Public comment was provided indicating the concern with the impact to the existing wildlife, the viability of the trees to remain, and that adequate tree protection is to be provided. As noted in the Tree Inventory, "its location and existing land use limit habitat value and other ecological values, such as water quality value." Additionally, there is no connectivity from NX13 to other natural resources, meaning animals are unlikely to use it for travelling. Finally, two environments that signal high biodiversity, riparian or wetlands, are documented to be absent from the area. The Tree inventory calls for managing the development on site to minimize the effect on the resource, but not complete conservation. Staff acknowledges the city's tree regulations permit the property owner to remove select trees, so long as standards for tree protection are being met.

Staff cite the findings in the Code Conformance Analysis Chart at the end of this section evaluating the project as it relates to applicable Tree and Vegetation requirements of Chapter 60 and includes a Condition of Approval requiring tree protection fencing be installed around all retained trees before any work starts and other conditions to protect the remaining portion of the grove on the subject site. Further the applicant is required to call for an inspection of the protection fencing, and staff will confirm at that point the fencing is aligned with the protection plan provided by the applicant's certified arborist shown in Exhibit 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, new impervious surfaces, trenching, staging, storing, and vehicle maneuvering or parking (BDC 60.60.20.1.B.). Staff finds as conditioned, the proposed removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the designation of NX13 as a Significant Grove.

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

- 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 wind throw.**

The applicant's arborist has provided a report stating "the removal of trees 10067, 10084, 10085, 10086, and 10087, will not result in the remaining trees posing a safety hazard due to the effects of wind throw. This is based on the size, condition, and location of the retained trees in relation to the removed trees." Staff notes, except for the 49" Douglas fir in the middle of the proposed building pad, the trees to be removed are smaller than the majority found on-site. As discussed in the response to approval criteria nos. 3 and 5, the applicant has proposed removing select trees along the northeastern edge of the Significant Grove, avoiding the creation of a hole within the stand of trees allowing the grove to remain contiguous.

City arborist technician Ben Mills had determined the trees in the grove are very mature and have grown independent of each other, and therefore are not particularly susceptible to the effects of windthrow.

To ensure proper protection of the root zone, a Condition of Approval has been included requiring fencing will be installed and there will be no excavation allowed within these zones, except hand excavation specifically approved by the City.

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

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

Staff cites the Code Conformance Analysis chart at the end of this section, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As conditioned the proposal will meet the applicable requirements in Chapter 60.

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

- 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.**

The lot has a 6-foot change in slope from north to south over the 100-foot wide lot. The applicant has provided a plan that shows minimal grading, in an effort to keep the lot as natural as possible. Public comment was received stating that a grading plan was not included in the applicant's submittal, however the approved site plan, which shows the finished contours of the lot closely resemble those seen on the existing conditions

plan. Staff finds the applicant has provided a plan that does not impact trees within NX13 that are outside their property.

Several neighbors raised concern over potential negative surface drainage effects to neighboring properties from this proposal. A service provider letter from Clean Water Services has been provided by the applicant stating connection to city storm main and utility connections shall not effect and Sensitive areas, as there are none located on or within 200 feet of the site.

An erosion control plan has been provided by the applicant adhering to the Standard Erosion Control Notes for sites less than one acre provided by Clean Water Services, shown on plan sheet OSP-EC.

A detailed grading plan and utility plan will be required upon submittal to the Site Development Division for utility and right of way permits. The City of Beaverton is the storm water and sanitary sewer provider for the site. The driveway must meet the City of Beaverton's residential driveway standard 211. The grade of the driveway will be evaluated by Site Development Engineers before issuance of the required right of way permit. On site water quality treatment is required unless City staff determine there is sufficient capacity in a proximal regional facility, in which case a fee in lieu payment would be required. In this case, a storm water system development charge for water detention and treatment for any new impervious surface is required. Grading will also be reviewed for compliance at the Building Permit stage.

Public comments included a request the applicant conduct a drainage impact study; the City does not require a drainage impact study based on Clean Water Services' exemption for single family dwelling and the size of new impervious surface created. The proposal will add less than 5,280 square feet of impervious surface, and is a detached single family dwelling, meeting CWS' exemption. Therefore, the city will not be requiring a drainage impact study. Staff finds the proposal complies with the approval criteria.

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

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

The application package for this submittal contained all of the applicable submittal requirements specified in Section 50.25.1 of the Beaverton Development Code. A member of the public has questioned whether the following materials were submitted:

- Project narrative.
- Grading plan.
- Facilities Review report;

The applicant's proposal contains a written narrative on pages 1-9 of the applicant's narrative package. Staff cite the findings in approval criterion no. 11 indicating a grading plan is not warranted. Facilities Review is not a requirement of the Tree Plan Two application (BDC 40.03), therefore responses to Section 40.03 of the Development is not required. Staff find the applicant's proposal meets the city's submittal requirements.

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

13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Applications and documents for this submittal have been submitted as required in the proper sequence. A letter deeming the application complete was issued on March 27, 2019. Comments questioned whether this criteria has been met; staff finds the materials submitted by the applicant meet the requirements of the Tree Plan Two application and are available for view by the public at the Planning Counter at City Hall.

The applicant's original proposal included Tree Plan Two and Sidewalk Design Modification applications; however the applicant has chosen to withdraw their Sidewalk Design Modification and comply with City standards for sidewalks on local streets. Comments raised regarding the Sidewalk Design Modification are not addressed as they do not apply to the Tree Plan application and are not warranted.

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

Code Conformance Analysis

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 (R7)			
Use	Detached Dwelling	Tree removal in preparation for construction of a detached single family dwelling unit.	Yes
Development Code Section 20.05.15 (R7)			
Minimum Lot Area	7,000 square feet	The lot is approximately 15,000 square feet. No change in lot area proposed.	Yes
Minimum Interior Lot Dimensions Width Depth	65' 90'	No changes proposed. 100' 150'	Yes
Yard Setbacks Front Side Rear Garage	17' 5' 25' 20'	The applicant has provided a site plan that shows a home in compliance with the standard setbacks.	Yes
Maximum Building Height	35'	The applicant has provided a site plan that shows a home in compliance with the height requirements.	Yes

Chapter 60 Trees and Vegetation & Significant Natural Resources Standards Code Conformance Analysis

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
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 less than 50% of the NX13, no mitigation is required. Protection measures have been conditioned with this proposal to ensure existing trees are to remain. There is one tree (#10104) that is hazardous and needs to be felled and removed from the site, according to the submitted arborist's report and confirmed by City arborists.	Yes with Conditions of Approval
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 submitted a tree protection plan created by a certified arborist. City staff shall inspect the tree protection fencing before any earthwork is to occur. None of the activities in subsection B shall be allowed without additional approval.	Yes with Conditions of Approval
60.60.25 Mitigation Requirements			
60.60.25.	Mitigation Standards	The applicant is proposing to remove less than 50% of the trees within NX13, therefore mitigation is not required.	N/A

DECISION

Based on the facts and findings presented, staff issues an **APPROVAL** of **TP2019-0003 West Point Single Family Detached**, subject to the applicable conditions identified in Section D.

CONDITIONS OF APPROVAL

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/BA)
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/BA)
3. Permits from the Building Division are required before commencing work. Please call Building Services at (503) 526-2542 for more information. (Building Services/TB)
4. Prior to any on-site excavation or concrete installation, a 48-hour minimum notice to the One Call Utility Locating Center (Ph. (503) 246-6699) shall be given. The applicant shall resolve any utility conflicts prior to work commencing as proposed. (Site Development Division/CR)
5. Provide erosion control using best management practices needed per Clean Water Services standard drawing no.945. (Site Development /CR)
6. Make provisions for installation of all mandated erosion control measures prior to site disturbance. These shall be maintained and replaced as necessary during the duration of the project to prevent sediment laden run-off from leaving the site. Erosion control fencing shall be installed outside of the tree protection fencing. (Site Development /CR)
7. 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/BA)
8. 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, new impervious surfaces, trenching, staging, storing, and vehicle maneuvering or parking. (Operations/TC)
9. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the new house frontage and any existing house frontage effected by the project. (Site Development Div./CR)

10. Obtain a facilities permit from the City for work within, and/or construction access to the West Point Avenue right of way. (Site Development Div./CR)
11. The driveway must meet City of Beaverton residential driveway detail #211. (Site Development Div./CR)
12. Storm water system development charges for water detention and treatment for any new impervious area is proposed are required. (Site Development Div./CR)

Exhibit 2.1

From: Erika Jones <erjonesww@gmail.com>
Sent: Sunday, April 14, 2019 4:42 PM
To: Brianna Addotta
Cc: twodogs55@centurylink.net
Subject: TP2019-0003 & SDM2019-0003 West Point Single Family Detached Home

Follow Up Flag: Follow up
Flag Status: Flagged

RE: TP2019-0003 & SDM2019-0003 West Point Single Family Detached Home

Hello Brianna,

I am writing to protest the destruction of a protected grove of trees for the purpose of building a gigantic single family home on the property.

When the developer purchased the land, they were well aware of the protected grove and did so in full knowledge of that fact. The grove was granted protected status for a reason and to cavalierly remove those protections so a private developer can profit makes no sense. This is the destruction of EIGHT protected trees. This could have repercussions to the ecology of the area, to wildlife living in this grove, to soil and water drainage conditions for residences in all directions. Have any studies been conducted? Have any independent service providers who are not beholden to the developer done any research into the long-term effects this will have on the area?

Why are residents only being given less than two weeks to respond? I was notified via mail on April 11th and I must have my correspondence to you by May 1st??? That isn't enough time to do anything! Who does this government serve? The people who live here, or developers who live elsewhere and only seek to make money at the expense of those who you are supposed to be representing.

You have not given residents enough time to provide evidence of the negative effects this decision will cause. So, I can only say that I vehemently oppose the approval of this request. Not enough due diligence has been done to warrant a decision at this point, one that cannot be reversed once it is made, because the protected grove and all its wildlife, will be bulldozed as soon as the approval is given.

Please, do not throw away these protected trees that have been on that property longer than either of us has been alive. There are currently three homes of equivalent size for sale on West Point Ave, and even more in the immediate neighborhood. There is no scarcity of single family dwellings. Old, established trees, however, have become nearly extinct.

The answer from that standpoint is a no-brainer. Protect the trees or allow a developer to make some quick money at the expense of everyone in the neighborhood? I vote for the trees.

As for the sidewalk variance...again, if there is a code in place, why should a developer be allowed to violate it just because they want to build a behemoth house? We all abide by the same rules. If they can't build a house on a giant 1/3 acre lot and leave space for making the sidewalk according to code, then I suggest that they make a smaller house.

Enough bending the rules for developers! If there was an actual, legitimate reason to need a variance...sure. But, "I want to build a huge home that doesn't fit the lot as it was purchased" is not a valid reason to break the rules.

Sincerely,
Erika Jones
2930 SW West Point Ave
Portland, Oregon 97225

PS. I have posted my notice on Nextdoor to encourage other neighbors who may not be aware of this situation, and cc'd Carl Tebbe, who is the current chair of the West Slope Neighborhood Association Committee.

Exhibit 2.2

From: Roy Marshall <marshall@his.com>
Sent: Monday, April 15, 2019 3:15 PM
To: Brianna Addotta
Subject: Project Name West Point Single Family Detached
Attachments: West Slope 1945 aerial photo.pdf

Hi Brianna,

I'm Roy Marshall and, along with my wife Susan Marshall, we live at 7777 SW Linden Rd. My family has owned this property since 1972. We are writing to you about Case File Number TP2019-0003 and SDM2019-0003, Project name West Point Single Family Detached.

We are property owners of a major portion of the significant grove of protected trees referenced in this project. There are very few groves of significant trees left in Beaverton and we think that it is important to preserve as many of them as possible. I've attached an aerial photo of the west slope neighborhood taken in 1945. You can see the grove just above Linden Road. It was a significant grove almost 75 years ago. Today the grove is much smaller and removing another portion of it is in nobody's interest except the developer. It enhances neither Beaverton nor the neighborhood. There is no way that replacement trees like this will be grown in our lifetimes or that of our children.

The proposed application would remove eight protected trees and reduce the size of the significant grove including removing some of the largest and most significant trees in the entire grove. We see this as detrimental to our property and to the entire neighborhood and oppose the approval of this action. We have no position on the reduction of sidewalk width since it would be an orphaned section of sidewalk.

The developer has already advertised a spec-built home on this lot that they have priced at 25% more than the most expensive home sale ever in the neighborhood. This may be in part because they paid a high price for the land and will undoubtedly need to pay a lot to Beaverton to cut down the trees. It certainly is not because this type of home fits in the neighborhood.

Roy & Susan Marshall

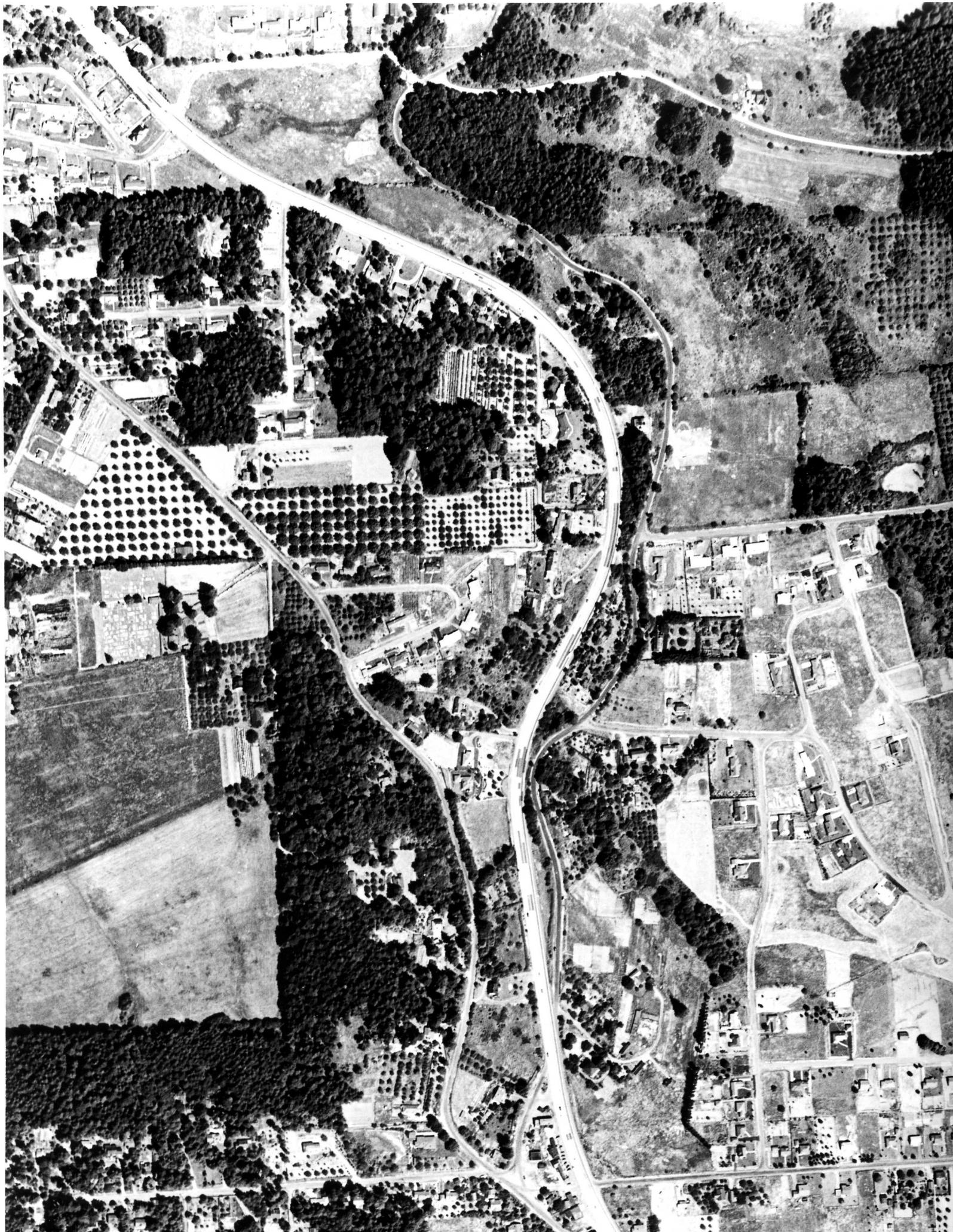


Exhibit 2.3

From: Gretchen Yost <gyostpdx@aol.com>
Sent: Tuesday, April 16, 2019 3:51 PM
To: Brianna Addotta
Subject: RE: Protected trees on Linden.

Sent you an email about trees on Linden.
You asked for my address. Thank you.

Gretchen A Yost
7800 SW Walnut Lane
Portland, Or 97225

On Tuesday, April 16, 2019 Brianna Addotta <baddotta@beavertonoregon.gov> wrote:

Good afternoon Gretchen,

Thank you for your comments. If you would like them submitted to the project record I will need your address. Please note that State of Oregon regulation provides the City with a limited amount of time to review an application, make a decision, and allow for the potential of a decision to be appealed. The Tree Plan Two application is a Type 2 process which means the decision is made administratively by the Community Development Director and does not require a public hearing or neighborhood meeting.

Like all other Type 2 applications, to meet the State of Oregon's timeline, we notice the affected neighbors once an application is ready for review and provide a 20-day public comment period to allow the public an opportunity to provide their concerns before an administrative decision is made. You can read about the required timeline for Type 2 land use processes in [Section 50.40 of the Beaverton Development Code](#). This chapter also addresses how to file an appeal of a land use application if a party of record believes the decision issued is not valid (again, based on the specific approval criteria). Once I have your address you will be a party of record.

Please be aware, staff can only approve or deny applications based on a series of approval criteria for a specific application. Because this is a Type 2 land use application process, staff have no discretion as to what makes a project "good" or "bad", we can only evaluate the responses to the approval criteria. You can see these approval criteria in [Section 40.58.15.C \(Sidewalk Design Mod.\) and Section 40.90.15.2.C \(Tree Plan Two\) of the Beaverton Development Code](#).

A copy of your letter has also been sent to the developer, if they elect to provide a response I will certainly pass it along. Please don't hesitate to contact me for clarification of the process, I am happy to help.

Kind Regards,

Brianna Addotta

Assistant Planner| Community Development

City of Beaverton | PO Box 4755 | Beaverton OR 97076-4755

p: 503.350.4026 | f: 503.526.2550 | www.BeavertonOregon.gov

**In Office M-F 7:30am-4:30pm **

From: gyostpdx

Sent: Tuesday, April 16, 2019 1:09 PM

To: Brianna Addotta

Subject: Protected trees on Lindin.

Have lived on Walnut Lane for 40 plus years. This is a great community. I believe protected trees are protected and should remain so. The buyer/construction Co. knew when they considered the buy/plan...they were protected. They should remain so. There is no need to bend to buyer/company that has no conscience, and are ready to just cut down any trees in their way of building/profit. Protected trees are protected for a reason and should remain protected.

Gretchen Yost

Sent from my Verizon, Samsung Galaxy smartphone

PUBLIC RECORDS LAW DISCLOSURE

This e-mail is a public record of the City of Beaverton and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

Exhibit 2.4

From: Roy Marshall <marshall@his.com>
Sent: Tuesday, April 23, 2019 3:29 PM
To: Brianna Addotta
Subject: Project Name West Point Single Family Detached

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brianna,

I'm Roy Marshall and, along with my wife Susan Marshall, we live at 7777 SW Linden Rd. We are the owners of a significant portion of the protected grove that is being considered for development. We are writing to you about Case File Number TP2019-0003 and SDM2019-0003, Project name West Point Single Family Detached. This comment is in addition to the comment we made on April 15th 2019.

We notice that the Arborist report lists tree 10097 for removal as it is too close to the proposed house. This may have been the Arborist's understanding in December 2018 when the survey was performed; however, referring to the proposed land use site plan, this is no longer correct.

After further study of the land use application and the type 2 tree plan application we notice that two of the eight significant trees proposed for removal are "to create an adequate landscape plan and to allow for more natural sunlight". Since the criteria for approval of the tree removal is "that no reasonable alternative exists", we suggest that there are reasonable alternatives that may satisfy the developer's desire to build a dwelling that a buyer will want and our desire to minimize the number of significant trees that are removed.

One reasonable alternative is to preserve trees 10094 and 10097 and let the eventual home buyer make the decision to remove them should they decide to.

Another reasonable alternative would be for the developer to request a sidewalk modification to have a sidewalk snug to the existing street curb. This would allow the house to be relocated as much as six and a half feet closer to the street and to still maintain current proposed setbacks from the sidewalk. This should gain more natural sunlight and allow the retention of trees 10094 and 10097.

We encourage the developer to consider these reasonable alternative suggestions and for Beaverton to consider them as the land use process proceeds.

Roy and Susan Marshall

Exhibit 2.5

From: Bina Mehta <bina@mehtamoreno.net>
Sent: Wednesday, April 24, 2019 6:10 PM
To: Brianna Addotta
Subject: Case File No.: TP2019-0003 & SDM2019-0003

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Addotta,

My name is Bina Mehta and I am writing to you as a concerned neighbor regarding the Case File Number TP2019-0003 & SDM2019-0003, Project Name West Point Single Family Detached.

My husband, Raymond Moreno, and I own and live at 2985 SW West Point Avenue, which is 3 doors downhill from the property in this case.

The applicant has proposed to remove eight significant trees in order to build a single family home. We understand that the largest caliper tree will need to be removed to develop this lot, but we feel that removing eight trees is excessive and detrimental to the neighborhood. We are particularly concerned about the water runoff that would result after tree removal. Our property is at the low point of this neighborhood, and we fear that excessive tree removal would lead to more water accumulating on our property. We request that a drainage survey be completed, and that the builder would be required to address/mitigate any identified issues.

We are also concerned that losing so many significant trees would reduce the natural beauty of this grove, and also limit the natural habitat of wildlife. We understand from our neighbors that several owls frequent or live in this grove.

Finally, we'd like to comment on the Sidewalk Design Modification. We would be in favor of no sidewalk at all. None of the immediate neighbors on the same side of the street have sidewalks. Therefore, the proposed new sidewalk would be an orphan sidewalk, of no use to anyone and aesthetically undesirable. The neighboring properties have beautiful landscaping extending right up to the street curb. We would endorse a modification that allowed for the new development to mimic its neighbors without sidewalks. We wonder if this could help the developer by enabling repositioning of the footprint of the new house so that fewer trees would need removal.

Respectfully,

Bina Mehta and Raymond Moreno
2985 SW West Point Ave
Beaverton, OR 97225

Exhibit 2.6

From: Odin Prigge <priggeodin@gmail.com>
Sent: Wednesday, April 24, 2019 11:38 PM
To: Brianna Addotta
Subject: Case File Number TP2019-0003 and SDM2019-0003

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,
I am writing with respect to a planned tree removal on an empty lot next to SW Westpoint Ave 2925 (ZIP 97225).
I recommend that the current owner (a developer) is asked to consider keeping all trees untouched.
These trees, and especially the tall one in the middle of the lot, are a treasure, and a vital part of our neighborhood and community.

With best regards - Odin Prigge
2665 SW Westpoint Ave

Exhibit 2.7

From: KARL GLASER <GLASER6993@msn.com>
Sent: Friday, April 26, 2019 2:25 PM
To: Brianna Addotta
Subject: RE: TP2019-0003 & SDM2019-0003 West Point Single Family Detached Home

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brianna,

My name is Karl Glaser and I am writing to you in reference to the proposed residential site development project that is under review. RE: Case File No. TP2019-0003 and SDM2019-0003- West Point Single Family Detached.

We own a neighboring property: 2955 SW West Point Ave - the second house south of the development property under review.

A very big concern we have is the adverse effects on our property the removal of so many trees for this development can have on us. Our home is on the same side of the street and downhill from the property under review. We ask that proper requirements are placed onto the development of this property for it to be approved that will guarantee there will be no adverse effects on our property (as well as all the other neighboring properties) with regards to surface drainage, potential flooding and erosion, and the public storm drainage system – both during construction as well as after completion. Are there civil engineering calculations and design drawings that have been submitted for approval that ensure proper on site storm water management?

Secondly, we are concerned about the well-being and health of the existing grove of significantly sized cedar trees that exist within several residential properties - including the proposed site development under review. My property includes several of the trees that are part of this grove as well. The removal of one tree from a grove can cause tremendous stress and impact the health of the remaining trees in that grove – yet this development is requesting approval to remove eight protected full growth trees. We would like to ensure that proper measures are being taken to preserve as many of the trees within reason – (we do not support the removal of trees just so the proposed development can have an open back yard. There are plenty of potential homebuyers who appreciate trees and would be happy to purchase a new home in our neighborhood that has these beautiful full growth trees as part of their property.)

Thirdly, we are concerned about the construction of a new sidewalk along the street frontage of this property. No sidewalk exists along the full length of properties from the adjacent corner property (2855 SW West Point Ave.) at the top of the hill on down to the bottom of the

street where West Point Ave. terminates onto SW Linden Rd. Having an island of sidewalk that does not connect at either side of the property makes for an unpleasant streetscape and serves no purpose. Perhaps the funds that would be used to construct this sidewalk could be applied to street improvement that are needed elsewhere.

Thank you for your time and the opportunity for me to express my concerns.

Kind regards,
Karl and Shelagh Glaser
2955 SW West Point Ave
Portland, OR. 97225

Exhibit 2.8

From: Eve Heidtmann <eveandden@gmail.com>
Sent: Tuesday, April 30, 2019 12:21 PM
To: Brianna Addotta
Subject: Comments on Tree Plan Two

April 30, 2019
Brianna Addotta
City of Beaverton
Planning Division

Dear Ms. Addotta,

I am writing in regard to the application to remove trees on SW West Point Avenue. The project name is West Point Single Family Detached and the case file numbers are TP2019-0003 and SDM2019-0003.

The applicant wants to remove 8 of 13 "protected trees in a significant grove." I feel strongly that the trees really do deserve protection and should not be removed. Also, the grove is indeed significant and removing more than half of the trees would decimate the grove. These trees are huge and beautiful and of a venerable age. As a grove, they provide life-giving habitat for native plants and wildlife as well as ecological benefits for the neighborhood. I live nearby and always appreciate spending time with them as I go by on my daily walk. Their presence is an essential element in the character of the neighborhood and a blessing to all who see them. It would take a century to replace this grove. Please don't let it be destroyed!

Thank you,

Eve Heidtmann
7820 SW Walnut Lane
Portland 97225

Ex. 2.9, paper submitted April 30, 2019

April 29, 2019

Brianna Addotta
City of Beaverton Planning Division
PO Box 4755
Beaverton, Oregon 97076

Received
Planning Division
04/30/2019

RE: Project Name: West Point Single Family Detached
Case File Number TP2019-0003 & SDM2019-0003

Dear Brianna,

My name is Debbie Shaw and I am writing to you regarding the Case File Number TP2019-0003 & SDM2019-0003, West Point Single Family Detached. My husband Tom and I live at 2810 SW West Point Avenue and have owned our home for nearly 18 years. We love our neighborhood and are concerned about the potential for the upcoming development to negatively affect the properties on our street.

The applicant has proposed to remove eight trees in the NX13 Significant Tree Grove of the West Point Park Plat in order to build a large single-family home. Because of the grove's proximity to multiple homes, and the size and height of the trees, it provides a unique, wooded backdrop to many homes on the street, giving a unique and established character to our neighborhood as a whole. This significant grove is visible from nearly the entire length of West Point Avenue and provides a lush view from windows up and down the street . . . one of the very desirable attributes that made us want to move here. In addition to reducing the natural beauty of the grove, cutting more trees will limit the natural habitat of the wildlife which frequents it. I have heard owls and other birds in the grove calling to birds in our trees. Over the years we have seen blue heron fly from trees behind our house to the grove, and deer coming through our yard to and from the grove. It's rare to find this in a neighborhood so close to town, and it's to everyone's benefit that we try to preserve this natural resource as much as possible.

I take issue with the trees needing to be removed because "no reasonable alternative exists". I propose there are reasonable alternatives and believe a different home plan with a smaller footprint could fit on the lot without requiring the removal of so many trees. Renaissance Homes offers plans that could work, such as the Thurman Farmhouse and the Thurman Prairie, an optional elevation which would stylistically be a better fit in our neighborhood, bridging the traditional homes adjacent to this lot with the mid-century homes of the neighborhood. Ideally it would be a custom home designed to fit the nature and topography of the site.

The rendered elevation shows the house setting on a level, flat lot but this will not be the case as there is a significant drop in grade over the width of the lot. I would be interested seeing how they plan to deal with the grade and integrate the structure as it steps down the hill. Along with the slope, I am concerned about additional water runoff from the result of so many trees being removed and how this would affect our friends down the street, as it did when the lots adjacent to this one, were developed. I would like to see the grading plan and how they will address and mitigate the extra runoff from the removal of trees, root systems and reduction of permeable surfaces.

I understand a certain profit needs to be made, and this usually comes with the higher square footage of a larger home. There is currently an ample inventory of homes with large square footage on our street,

RE: Project Name: West Point Single Family Detached
April 29, 2019

probably in excess of what is needed by many families these days. I'm suggesting a smaller home, with potentially higher end finishes, detailing and materials (and consequently higher cost per square foot), be considered. I'm sure there are families who want to live in a beautiful neighborhood and who can afford the upgrades, but don't need such so much square footage. I believe a mix of modest sized homes with the larger inventory would encourage diversity of ages and family sizes. A smaller footprint would allow for the more of the tree grove to stay intact for the benefit of the entire neighborhood.

The City states that it expects the applicant to take into consideration the reasonable concerns and recommendations of the neighborhood regarding this application, and in turn, expects us to provide reasonable concerns and recommendations. I want to believe that anyone choosing to build on this particular lot would take a sensitive approach to the natural resources that define it. It's not a flat, open lot ready for a spec house. This lot offers a rare, wooded setting that would lend itself to a custom home that is designed to be integrated with its distinctive and precious features. I was hoping to at least see evidence of an intention to try to modify the plan to fit around some of the existing trees. Unfortunately, I have not seen this demonstrated and believe more work is needed to arrive at a better solution worthy of this unique lot and the neighborhood.

I sincerely hope the applicant will reconsider this case and consider the ideas and concerns brought to light as the land use process proceeds.

Thank you very much,



Debbie Shaw
West Point Park Neighbor
2810 SW West Point Avenue
Portland, OR 97225

RECEIVED
City of Beaverton

Tom Shaw
2810 SW West Point Avenue
Portland, OR 97225
April 29, 2019

Ex. 2.10, paper submitted May 1, 2019

MAY 01 2019

Brianna Addotta
City of Beaverton Planning Division
P.O. Box 4755
Beaverton, OR 97076

Planning Division

RE: Project Name: West Point Single Family Detached
Case File Number TP2019-0003 & SDM2019-0003

Dear Brianna,

My name is Tom Shaw and I am writing to you regarding the proposed project located within the NX13 Significant Tree Grove of the West Point Park Plat. The Applicant intends to remove enough of the remaining protected trees to trigger a Type Two Tree Plan.

My wife Debbie and I live due north of the property, across the street and one lot away. We have owned our home for nearly 18 years and every day we cherish seeing those gentle giants that have blessed our neighborhood. We are concerned about how the upcoming development plans to needlessly remove as many trees as possible under the guise that a large speculative home is needed on that particular piece of land. That particular grove of trees has given character to the neighborhood since its beginning. In fact that lot was originally part of the lot to the north at 2855. Reasonable alternatives exist although any amount of development in that grove will require some amount of tree removal, there are a few that require much less than what is proposed. In fact, what the applicant has proposed is in excess of the stated criteria. I do believe the proposal will negatively affect the properties on our street.

The applicant has proposed to remove eight trees in this significant grove in order to build a single family home. In addition to reducing the natural beauty of this grove as it stands as a backdrop to several houses from various vantage points around the neighborhood, it will reduce the natural habitat frequented by small mammals, birds and insects and it will compromise the natural filtering effect the living branches and root systems have cleaning the air and water. That property contributes to the ecosystem of eight contiguous lots that are part of the designated NX13 Grove. Beaverton's code states that the number one reason to protect a significant grove of trees is for the aesthetics it offers.

Attached is my thorough review of what the applicant has submitted and what the Beaverton Code states. In my review of the both applications, I felt that several obvious features of the West Point Park neighborhood were overlooked and other standards were substituted in their place. That prompted me to offer some research and investigation into the basis for what has already been done. It does appear more work is needed on the applicant's part to arrive at a better solution.

Please take the time to read through what I have provided here. I hope that you will agree that a better plan is out there because this rare property deserves a careful and delicate approach to development.

Respectfully,



Tom Shaw
West Portland Park Neighbor
tg_shaw@hotmail.com

Project Name: West Point Single Family Detached
Case File Numbers: TP2019-0003 & SDM2019-0003

Commentary

Project Name: **West Point Single Family Detached**

- Case File Number: TP2019-0003
- Case File Number: SDM2019-0003

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Project Name: West Point Single Family Detached
Case File Numbers: TP2019-0003 & SDM2019-0003

A. Preface

In the Beaverton Development Code, section 40.90.05.Purpose, it begins:

“Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource.”

That last sentence of the above quote, “*Tree resource protection focuses on the aesthetic benefits of the resource*”, strongly states that if for no other reason, a significant tree or stand of significant trees must be protected from adverse management for the benefit of the community in which they live simply because of the way their aesthetic properties affects that community in a positive way.

Upon reviewing the Tree Plan Two application and the Sidewalk Design Modification application, it quickly became clear that the applicant has dedicated very little time or effort to provide adequate means and methods in their proposal to develop this property in the sensitive manner it deserves. Many of the statements have little if anything to do with the criteria they are supposed to be based on.

Within the tree plan two criteria the applicant is urged to explore reasonable alternatives to reduce the amount of protected trees that are removed to accommodate physical development. That is the key. Unfortunately it is one the applicant has turned a blind eye to. The applicant needs to go back and reduce the house footprint, combine different foundation methods, reduce impervious surfaces and make the house more compatible with the protected tree grove.

Ideally, the lot should be put back on the market for the right buyer who understands what it takes to build in the unique setting. A true owner-occupant should commission a one-off home designed and built to fit the nature of the site and retain as many of the trees as possible while using the fallen trees as part of the house.

Inevitably the property will be developed; the point is to develop it in the least invasive manner possible. Presented here and in the accompanying supporting material is a thorough review of what was submitted and what should have been submitted

Project Name: West Point Single Family Detached
Case File Numbers: TP2019-0003 & SDM2019-0003

B. Tree Plan Two Approval Criteria Comments

Case File Number: **TP2019-0003**

Approval Criteria: (1)

Approval Criterion (1) of the application seeks to know why the applicant must go through a type II procedure. The threshold is based on which type of work from which of the four tree plans described in Section 40.90.15 applies when the work proposed does not fit any of the actions described in Section 40.90.10 Applicability.

In reviewing Section 40.90.10, Action 40.90.10.2, removal of any hazardous, dead or diseased tree, describes part of the work proposed by the applicant.

In reviewing the tree plans in Section 40.90.15, none of the type of work proposed meets any of the thresholds described in tree plan one, section 40.90.15.1, so the applicant must determine if the work proposed meets one or more of the thresholds of tree plan two in section 40.90.15.2. It appears the proposed work will satisfy the criteria of two of the thresholds described in Tree Plan Two. Thresholds A.3 and A.4 of Tree Plan Two apply to the proposed work. Threshold A.3 is the removal of up 75% of the total DBH of non-exempt surveyed trees found on the project site within Significant Groves. Threshold A.4 is the removal of a Significant Individual Tree.

The above discussion has established that the work proposed satisfies the threshold requirements for a Tree Plan Two application found in Section 40.90.15.A. It also establishes that one of the actions proposed requires no Tree Plan as per Section 40.90.10.2.

Approval Criteria: (3)

Approval Criterion (3) of the application seeks to determine if the removal of any tree is necessary to observe good forestry practices according to ANSI A300- 1995 and the International Society of Arboriculture standards. The applicant has not responded yet to determine whether or not the trees proposed for removal are being removed to observe good forestry practices.

After reviewing the arborist's tree condition and survey report, there is no indication as to whether any of the trees need to be removed for reasons of observing good forestry practices. Every tree with the exception of one is noted as being in fair condition. No forestry management practice such as tree thinning, clearing or evening-up the aging of the tree stand has been recommended. The one tree, #10104, recommended for removal and noted as having extensive root, crown and stem decay should be reassessed. It appears to be thriving as observed on the morning of April 22, 2019.

Approval Criteria: (4)

Approval criterion (4) of the application seeks to determine if any tree has to be removed to accommodate physical development where no reasonable alternative exists. The only reason

why, the applicant has proposed to remove several protected status trees from this property is to build a pre-designed detached speculative house with a large footprint and attached four car garage. The large trees were already on the property in plain view at the time of purchase. It is obvious that the proposed development is more than what the property can support. The proposed sales price of the completed development warrants the design of a custom floor plan that better accommodates the significant trees as much as possible. It is critical that the occupying homeowner work with a team consisting of an Arborist, Structural Engineer, Home Designer and Building Professional with knowledge and experience designing and constructing buildings near significant tree stands to develop and build a home on this exceptional property. Low impact helical pier foundation systems and elevated boardwalks together with a smaller building footprint and pervious paving systems can all be used to allow the home and trees to co-exist while require less of the major trees to be removed due to development. That is a reasonable alternative to what is currently proposed and is within the proposed selling price.

The applicant notes that they propose to remove trees #10097 and #10094 for reasons of gaining more natural sunlight and to change the landscape. Neither natural sunlight nor landscaping is physical development, so the removal of those trees does not fit this criterion. These two trees cannot and should not be permitted to be removed based on written criteria #4.

Approval Criteria: (5)

Approval criterion (5) of the application seeks to determine if any tree has to be removed because it has become a nuisance by virtue of damage to property or improvements on the site or adjacent sites. After careful review of the arborist's report and observation on the site, no tree on the property has become a nuisance by virtue of damage to property. The applicant says tree #10104 fits this criterion but by definition it does not fit Tree Plan Two Approval Criteria. There is no record of this tree causing property damage.

Approval criteria: (7)

Approval criterion (7) of the application seeks to determine if any tree has to be removed to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles. As of this writing, there is no vehicle access to parking or movement on this property and no built structure has been located on this property. In that regard, no tree is in conflict with any structures or vehicles on this property so it is not necessary to remove

Project Name: West Point Single Family Detached
Case File Numbers: TP2019-0003 & SDM2019-0003

any tree. The applicant has also not yet provided their commentary based on the thesis of this criterion.

Approval criteria: (8)

Approval criterion (8) of the application seeks to determine if any tree that is removed within the Significant Grove will result in a reversal of determining that the Significant Grove is significant.

"Significant Tree. [ORD 4348; May 2005] A tree or grouping of trees that is mapped on the City's Inventory of Significant Trees and Groves, which has a unique identification code as listed in the inventory documents for that individual tree code.

Significant Tree and Grove Inventory Analysis. [ORD 4224; September 2002] The inventory of significant trees and groves conducted under the direction of the Beaverton Board of Design Review in 1991. The criteria on which listed trees and groves were determined to be significant are as follows:

1. *An individual tree shall be considered significant if the Board finds:*
 - (a) *The tree has a distinctive size, shape, or location which warrants a significant status; or*
 - (b) *The tree possesses exceptional beauty which warrants a significant status; or*
 - (c) *The tree is significant due to a functional or aesthetic relationship to a natural resource.*
2. *A grove as defined in Section 90 shall be considered significant if the Board finds that:*
 - (a) *The grove is relatively mature and evenly aged; and*
 - (b) *The grove has a purity of species composition or is of a rare or unusual nature;*
and
 - (c) *The grove is in a healthy growing condition; or*
 - (d) *The grove has a crucial functional and/or aesthetic relationship to a natural resource."*

The Significant Tree Grove spreads across parts of eight adjoining individual R7 tax lots. The trees proposed for removal will result in the reversal of the original determination that the Significant Grove is significant in that it splits the remaining northern cluster from the natural main grove and results in the remaining trees on the south side to form a linear strip. The aesthetic relationship the tree cluster has to each individual tree will be permanently altered. The applicant argues that they propose to remove the significant trees to accommodate new development because "this site has never been maintained" and they go on to say that "all of the surrounding neighborhood lots have already been developed." While that line of

reasoning has little to do with the criteria, everything is true in that statement except for the part about the site not being maintained. Throughout the many years of at least two long term ownerships, the site has always been well maintained up until its recent purchase by its current owner in June of 2018.

Approval Criteria: (9)

Approval criterion (9) of the application seeks to determine if the trees that are removed within the Significant Grove will result in the remaining trees posing a safety hazard due to the effects of windthrow.

Yes, there is a high probability that the remaining trees, following the removal of several of the significant trees at the outer edge of the significant grove, will pose a safety hazard during the process of becoming windthrow. In the current state, the trees in this Significant Tree Grove rely on each other for shelter from high winds coming from any direction. The proposed remaining trees have not been directly exposed to high winds as they developed and their roots are intertwined with the root systems of the trees to be removed. The surrounding soil will be further significantly weakened due to the effect of the foundation excavators in the effort to remove the trunks and tree roots.

Approval criteria: (10)

Approval criterion (10) of the application seeks to determine if this proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources

Section 60.60 provides protection for Trees within Significant Groves (60.60.10.4). The pruning and removal of significant trees are regulated in section 60.60.15. Removal of protected trees shall be mitigated per section 60.60.25. The minimum diameter at breast height total that must remain is 25% of non-exempt surveyed trees found on a project site. The retained trees shall be preserved in cohesive areas termed Preservation Areas. The native understory vegetation and trees shall be preserved in the Preservation Areas. Preservation Areas should connect with adjoining portions of the Significant Grove on other sites. The remaining significant trees shall be preserved in clusters rather than in linear strips.

These created Preservation Areas shall be set aside in conservation easements and recorded with a deed restriction prohibiting future development and specify the conditions for maintenance. The easement shall be recorded with Washington County.

Hazardous and dead trees within the Significant Grove should be fallen only for safety reasons and left at the resource site to serve as habitat for wildlife. The Big Leaf Maple is a native species and considered significant when DBH = six inches. Tree number 10104 is a Big Leaf Maple with an eight inch DBH. It has been noted as dead / hazard and to be removed

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although it appears to be healthy. But unless it gets a status change, it must be fallen if required for safety reasons and left in the grove.

Section 60.60.20 requires that the remaining trees be protected during the development of the site. A four foot tall construction fence must be placed around a tree or grove beyond the edge of the root zone. The fence must be placed before physical development starts and remain in place until physical development is complete. The fence must consist of six foot tall metal posts driven two feet into the ground at intervals sufficient to support heavy 12 gauge wire tightly strung at the top and midpoint of each post. A four foot tall orange plastic or snow fence shall be secured continuously around the posts. Colored flagging indicating the area is a tree protection zone is to be placed at five linear foot intervals along the top of the fence and visible to alert construction crews of the sensitive nature of the area. Within the protected root zone of each tree, no construction or placement of new buildings, no grade changes, no new impervious surfaces, no trenching of any kind, no staging or storage, and no vehicle maneuvering or parking is permitted to occur.

The applicant has not yet addressed the methods or extent of providing tree protection as noted above for the remaining trees before and during construction. It is unknown if the applicant is consistent with these provisions of section 60.60

Section 60.60.25 requires that tree mitigation occurs following the removal of significant trees. It requires that mitigation trees be spaced a minimum of ten feet apart and the monitoring plan of the trees planted for mitigation takes place for a minimum of two years. The trees planted for the purpose of tree removal mitigation shall be set aside in a conservation easement and designated as "mitigation trees". They shall also be recorded in a deed restriction identifying them as "mitigation trees". Each mitigation tree must also carry a performance security equal to 110% of the cost of the landscaping and filed with the City for a period of two years. The applicant has proposed the removal of over 50% of the trees from the significant grove a threshold that requires tree mitigation of the trees removed. Trees that are fallen for safety shall not be removed from the site.

Deciduous trees that are removed must be replaced with minimum two caliper inch in diameter deciduous trees. Coniferous trees that are removed shall be replaced with native coniferous trees that are no less than three feet in height and no more than four in height. A three foot mitigation tree equals two inches diameter at breast height and a four foot mitigation tree equals three inches diameter at breast height. In a Significant Grove where tree removal has occurred and all tree mitigation is to occur on site, the ratio for planting shall be on a 2:1 basis. The replacement tree shall be a substantially similar species to the one removed.

Important note: The applicant has chosen to avoid any of the applicable provisions of Section 60.60 for on-site tree mitigation noted above and instead chooses to simply pay a fee of \$1,050.00 as a “fee in-lieu” payment deposited to the City of Beaverton’s Tree Mitigation Fund.

The stating of this applicable fact was left out of the written narrative and instead added as a footnote in the left sidebar of the sheet titled “ECM – Site Plan”, sheet number, OSP-ECM.

Section 60.67 has provisions for protected wetlands and riparian corridors, neither of which occur on this site.

Approval criteria: (11)

Approval criterion (11) of the application seeks to determine if the grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties including surface storm drainage. The site has a natural grade averaging greater than 6% from the north property line to the south property line fairly consistent across the site. The north to south property dimension is approximately 100 feet. The NW corner elevation is 503 feet and the SW corner elevation is 496 feet. That’s a difference of seven feet in grade. The NE and SE corners have an eight foot difference in grade. The site plan that the applicant submitted locates the house footprint between the 502 elevation contour at the north side and the 496 foot elevation contour at the south side. That is a difference of six feet. By definition, this is considered another full story above grade. There is no grading design submitted to review and evaluate. The building elevation drawings do not show any differences in height from the north side of the house to the south side of the house that take into account the significant change in grade across the street facing side of the house. Critical elements such as driveway cross slopes and grade to the front door as well access to a rear patio or deck have not been taken into account. The elevations note that there is a maximum height limit of 35 feet from grade. The ridge height is note as 28 feet 9 inches from a grade line on the south that aligns with the grade at the north side of the house. Taking into account the north to south grade difference of six feet noted above, the ridge height is closer to 34 feet 6 inches above the grade at the south side. This dimension is much closer to the 35 foot maximum height limit.

The applicant notes that the “site will not require extreme grading to construct the New Single Family Residence . . .”, and that the design supports “very limited” ground disturbance. With the removal of several tree trunks and established tree root systems the excavation will be quite substantial. Douglas-fir root systems average to a depth of 18 inches below the

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ground and the primary and secondary tap roots extend even farther down. It will be required to over excavate in the area of the foundation to remove all of the woody material and to get to firm undisturbed soil before forming the foundation of the house.

Final grading and methods of controlling storm water run-off within the site have not yet been considered by the applicant. The evaluation of the possible effects the proposed grading will have on neighboring properties is not possible at this point.

Approval criteria: (12)

Approval criterion (12) of the application seeks to determine if the applicant has completed all applicable submittal requirements as specified in Section 50.25.1 of the Beaverton Development Code. Upon cursory review of the proposal items made available in support of this application and also noted within the text of the commentary above, it appears that substantial critical analysis, code compliance and standard level of care for a project of this nature has been glaringly omitted.

Section 50.25.1.B specifically asks the applicant for a written statement that includes substantial evidence identifying the criteria and development regulations relevant to the application. The applicant is asked to demonstrate with facts that the application complies with the criteria and development regulations with a full explanation as to why the application should be approved in fact. The applicant has not provided a written statement consisting of fact and substantial evidence as to why this is a valid proposal that should be approved as presented.

The section further requires the applicant to address in the written statement all the applicable technical criteria specified in Section 40.03 Facilities Review Committee of this code.

One of the relevant critical paragraphs that the applicant has been specifically asked to provide a written statement in response to and has not been addressed by the applicant deals with the grading design of the site, Section 40.03:

40.03.1.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

C. Sidewalk Design Modification Approval Criteria CommentsCase File Number: **SDM2019-0003**

First of all, the summary of the application for the sidewalk modification is asking for a reduction in sidewalk width from six feet to five feet. City of Beaverton Engineering Standards drawing for a standard sidewalk, drawing number 215, already shows a five foot minimum width for sidewalks along neighborhood routes and local streets. The entire sidewalk and planter section requires 12 feet of width as shown on the city drawing.

Approval Criteria: (1)

Approval criterion (1), in the discussion, the applicant is proposing an overall sidewalk / planter / R.O.W. width of 11 feet 6 inches. This will be 6 inches short of the required section width of 12 feet required for the standard sidewalk design, but there is no request for a variance on the difference. Because of that, the application appears to be missing crucial information in order to make an informed comment.

Even more negligent is the intent to install a standard sidewalk design in this existing and established neighborhood is misplaced especially when the Engineering Standards recognize that not all neighborhood streets are built the same. It would be much more appropriate to install a curb tight sidewalk as noted on Beaverton Engineering Standards drawing number 216. Note (1) allows for this situation.

Note (1):

“Curb tight sidewalks require preapproval by the City Engineer. They are used for sidewalk repairs, replacements and installations in existing developments. Match width of existing sidewalks, and widths and lengths of existing sidewalk panels.”

The completed sidewalks on either side of West Point Avenue are this curb-tight type and are 4 feet 6 inches in width abutting a 6 inch curb. This creates an overall clear width of 5 feet.

The existing sidewalk that is on the same side of the street that this proposal is on currently ends at the west edge of the driveway of 2855. In the future, if lot 2855 were to complete its sidewalk that is existing on the west side of its driveway, it should be allowed to match the same sidewalk design of the curb-tight sidewalk.

The three recently developed properties at 2965, 2955, and 2925 do not have sidewalks as well as most of lot 2855 as it rounds the corner. The entire east side of the street from SW Canyon Lane to SW Linden has a curb tight sidewalk except in front of the developed property at 2900.

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Recently, the house at 2900 was purchased by a developer with the intent to fix up and resell. A major whole house remodel and repair including major exterior changes and a full re-landscaping took place. The house was then put back on the market and sold. However, a sidewalk was not required to be installed as part of the renovation permit. The nature and extent of the work should have required the developer to construct a new curb-tight sidewalk to complete the entire sidewalk on that side of the street. The gap in the sidewalk on that side of the street makes it hard for pedestrians to use in a safe manner.

The standard sidewalk design as proposed here for 2895 would be completely out of place and awkward to use for pedestrians, even more so than the missing sidewalk in front of 2900. To further exasperate the inappropriate use of the standard sidewalk design for the frontage of 2895, the planter portion at the curb is completely out of character with the rest of West Point Avenue. as you look at the next three properties to the south, and the one to the north, all four have established and substantial landscaping that aligns with the proposed location of the sidewalk at 2895. Besides that, the standard sidewalk design will require each property owner to dedicate 18 inches of R.O.W. to the city of Beaverton and rip out all of the mature landscaping to be able to fit it in.

Matching any new sidewalk with the established curb tight sidewalk design of this neighborhood is already accommodated and allowed per the Engineering Standards, why would another standard be imposed?

Approval Criteria: (3)

Approval criterion (3) of the application deals with questions about the standard sidewalk design and if there is anything that prevents from being constructed. The applicant has proposed a standard design sidewalk which does not physically fit between the curb and the property line. The standard sidewalk should not be considered for reasons discussed above especially when the current sidewalk at the curb works perfectly well . The curb-tight sidewalk is allowed to be used by code and has very strong reasons behind its continued use.

But the answers given do not adequately demonstrate how any sidewalk will be accommodated. The applicant has noted that approval criterion 3 (b) (i) is not applicable. However, at the north end of the property where the sidewalk is proposed, an existing fence in excellent condition ends 9 feet 10 inches from the face of the curb. Since the fence line ends in the right of way, it will need to be adjusted to allow the proposed sidewalk to be built for clear passage.

If the preferred curb-tight sidewalk design was built instead, there would be a conflict with an existing utility device as noted by 3(b)(ii). There is a Century Link monument located between 4 feet 6and 5 feet 4 inches from the face of the curb at the north end of the property that

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would pose a minor conflict. Compared to all the similar Century Link monuments nearby, this one was installed much closer to the curb than usual. Moving it or abandoning it to accommodate a curb-tight sidewalk would be much less disruptive compared to building a standard sidewalk design. Even if these comments were ignored, and the standard sidewalk was built on the proposed lot, it would still need to transition to the curb within the boundaries of lot 2895 to align with the future curb-tight sidewalk of lot 2855. To do that would also require the Century Link monument to be moved or abandoned.

Criterion 3 (d) says that the applicant is giving the City of Beaverton one foot of additional right of way to construct the standard sidewalk design profile according to the Engineering Design Manual detail. The additional one foot will only provide 11 feet 6 inches of overall right of way width which will not meet the required 12 feet of required width for the standard sidewalk design profile. The applicant will need to provide 1 foot 6 inches of right of way in order to provide the 12 feet of width.

Approval Criteria: (4)

Approval criterion (4) of the application has to do with street, bicycle, and pedestrian connectivity. As proposed, the new sidewalk presents a major hindrance to pedestrian and bicycle movement. To be able to use this sidewalk will require either jumping the curb and traveling across a landscaped planter at one end and then abruptly doing the opposite at the other side of the lot. It is clear at this point that the site was not assessed for connectivity hindrances nor has an appropriate proposal been made. As mentioned above, a sidewalk transition from the standard sidewalk design to the curb-tight sidewalk at the lot to the north needs to be made within the site boundaries of the lot at 2895. The transition will allow future pedestrian connectivity with the existing sidewalk system. Section 60.55.25.14 is the most appropriate allowance at this time. As far as the question of minimum street widths, it is 50 feet wide which is adequate as long as the correct sidewalk design is used. There is no reason why additional right of way has to be given up when it is demonstrated that the street width works while accommodating curb tight sidewalks on both sides allowing safe pedestrian connectivity.

Approval Criteria: (5)

Approval criterion (5) states that from the applicant they will provide additional documentation to complete the application. Please notify all commenters when these documents are available.

Approval Criteria: (6)

Approval criterion (6) says that the proposed sidewalk design modification provides safe and efficient pedestrian circulation in the site vicinity. As proposed, there is no modification

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requested in the proposed sidewalk design that is any different from the standard sidewalk design #215. The key issues noted from the pre-application meeting apply L2 Local Street Standards to an existing street built to different standards before annexation by the City of Beaverton. The street was built with a right-of-way of 50 feet. The City of Beaverton L2 Standard street right-of-way is 52 feet. The street was built with a four and a half foot wide curb-tight sidewalk along over 90% of its length. The total width of sidewalk including the six inch curb is five feet. The as-built pavement width from centerline is 15 feet 2 inches. The existing width from face of curb to property line is 9 feet 10 inches. The L2 Standard requires a pavement width from centerline to face of curb at 14 feet. The standard sidewalk design requires 12 feet from the face of curb to the property line. Included in this width is a six inch curb, six foot planter strip and a five foot wide sidewalk with an additional six inches for survey monuments. The note number (4) from the pre-application meeting, Sidewalk and planter Area, erroneously states that the sidewalk needs to be six feet wide. To include a six foot wide sidewalk, a 6 foot 6 inch planter and a 6 inch monument right of way would require a 13 foot wide face of curb to property line dimension, a right-of way from centerline to property line of 27 feet and an overall right of way of 54 feet. This is beyond the stated right of way width for an L2 street. Optionally, to accommodate the six foot wide sidewalk width within the L2 right of way, the planter width would have to be reduced by a foot. The as built dimension of West Point Avenue from centerline to face of curb is 15 feet 2 inches, 14 inches more than the L2 centerline to face of curb dimension of 14 feet. The 14 inches of extra width added to the as built width of the sidewalk results in an overall sidewalk / curb allowance of 6 feet 2 inches, a dimension wider than the L2 standard for an alternative curb tight sidewalk.

At most, the applicant's request is for a modification to the right of way width. That would create a new street right of way width of 51 feet for the 100 foot length of the front property line. The Applicant has explained that they propose to dedicate a one foot strip inside the property line to increase the right of way of the street. They say that will allow 11 feet 6 inches of width to accommodate a 5 foot wide sidewalk and a 6 foot 6 inch wide planter. This dimension comes up short. The information on the applicant's sheet OSP-ECM, indicates an as-built face of curb to property line width of 9 feet 10 inches. Adding the one foot dedication, it will be increased to 10 feet 10 inches, a shortage of 8 inches.

No one has stated why the original street design needs to be changed for that 100 feet. The abrupt change will be out of character and forced. It does not consider the existing sidewalk infrastructure with a proposal to match it for neighborhood cohesiveness. This proposal creates a hardship and confusion for the future completion of the sidewalks. The proposal makes no mention of using the standard sidewalk design. The applicant states they have followed the requirements of section 60.55.25 to provide pedestrian connectivity but the supporting documents fail to show how the sidewalk connects back to the street or to join to

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the existing curb-tight sidewalk in a safe and efficient manner. There also is no proposal to match the existing sidewalk design used throughout the neighborhood and no request to the city engineer for approval to use the curb tight design because it better matches what is already in use. The preference is to not build a sidewalk on this property especially the way it is proposed. It will look misguided and disconnected from the established street pattern. The proposed 30 foot width of driveway will be more than enough extra impervious surface. If a sidewalk is absolutely required, the original standard curb-tight sidewalk design that matches the rest of the street is the one that fits.

The applicant proposes a 30 foot wide driveway approach that must be crossed by the sidewalk. There is also a two foot change in elevation from one side of the driveway to the other which will require it to transition in the other direction from a sloped condition to level at the garage doors. This may affect the cross slope of the sidewalk and the amount of storm water run-off across its surface. The applicant has not addressed how this will affect the pedestrian experience.

D. Summary

There is reasonable evidence presented here that the applicant has not taken into account the sensitive natural environment of the site and the way the proposed action will negatively affect the surrounding properties including the greater neighborhood as a whole. The findings here indicate that it is too early to approve this application. There are many items that have not been considered and no sincere effort to accommodate existing natural conditions of the site and adjacent dependent properties. The Pacific Northwest Chapter of the International Society of Arboriculture recommends changing the construction project to avoid the tree. They also recommend that tree protection begin at least one growing season prior to the beginning of construction activities.

Beyond the tree removal, this project proposes to locate the house within 10 feet of the north property line. They will remove a significant stand of tall trees near the north property line in order to make room for the house. The exempt trees have cast a winter shadow deep into the rear yard of the neighbor's to the north but provide the natural ambience of a significant tree in return. Those magnificent trees will be gone and a tall house with artificial cladding and plastic windows will take their place. The winter shadows cast deep into the neighbor's yard to the north will now be hard edged and unyielding house shaped sweeps of darkness across the once private lawn. Section 60.45 suggest the ridgeline height to be a maximum of 16 feet above grade when located 10 feet to the north property line. The applicant proposes the ridgeline height to be located 26 feet from the grade. This will guarantee more shadows cast almost 45 feet into the neighbor's yard. This can be avoided easily if instead the applicant builds a narrower house that they already have available and locate the house further to the south.

This commentary also includes drawings and photos to support and illustrate the ideas and comments made.



Tree 10104 Big Leaf Maple, Fair Condition in April 1919, New Spring Growth

E-1



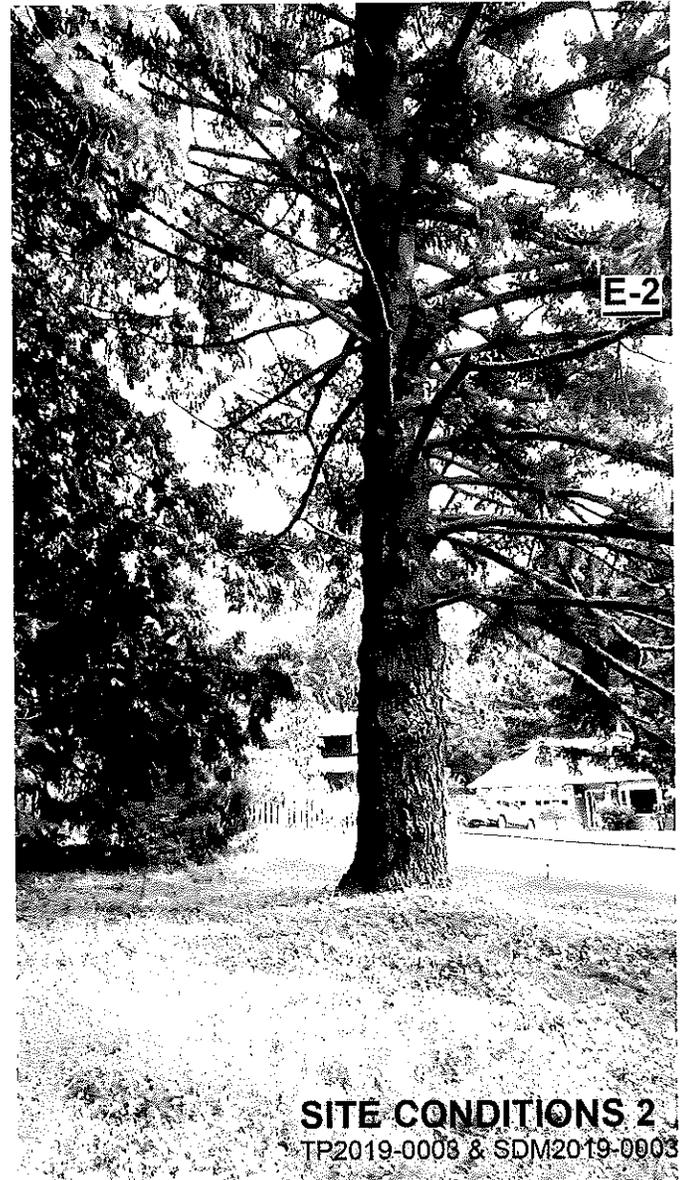
SITE CONDITIONS 1
TP2019-0003 & SDM20019-003



Significant Tree 10097 Western Red Cedar



Significant Tree 10067 Douglas-fir, April 2019



E-2

SITE CONDITIONS 2
TP2019-0003 & SDM2019-0003



2895 SW West Point Ave, behind oversized jobsite sign (16 sf) April 2019

Looking west towards
Big Leaf Maple, 10094
from near tree 10067
Douglas-fir, April 2019



View west along north fence line April 2019



**SITE
CONDITIONS 3**

TP2019-0003 &
SDM2019-0003

Looking west towards
Western Red Cedar,
10097 from northeast
of Douglas-fir, 10067,
April 2019



Street view northwest, site beyond driveway, April 2019

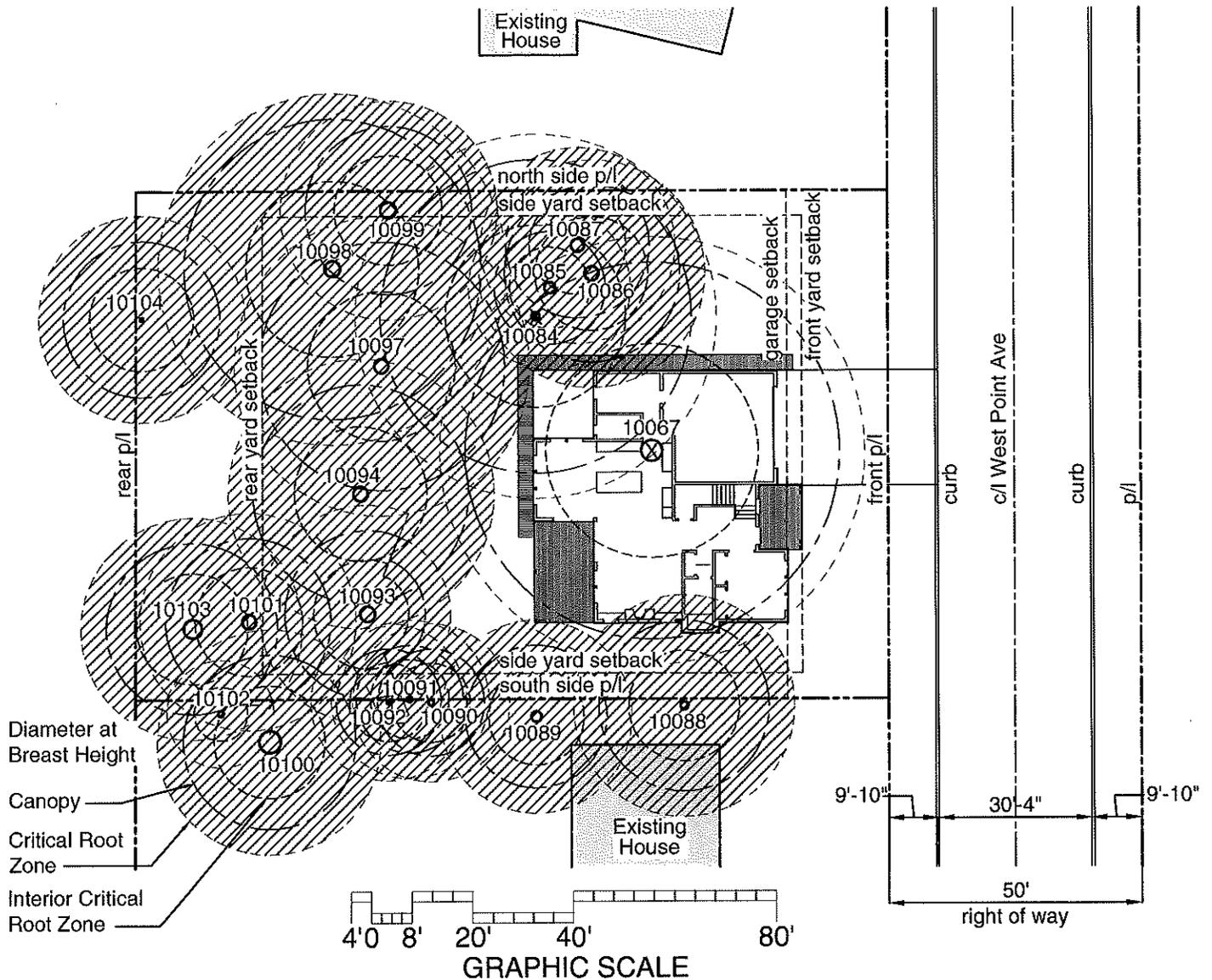


View south under crown of Douglas-fir, 10067 towards neighboring garage. April 2019



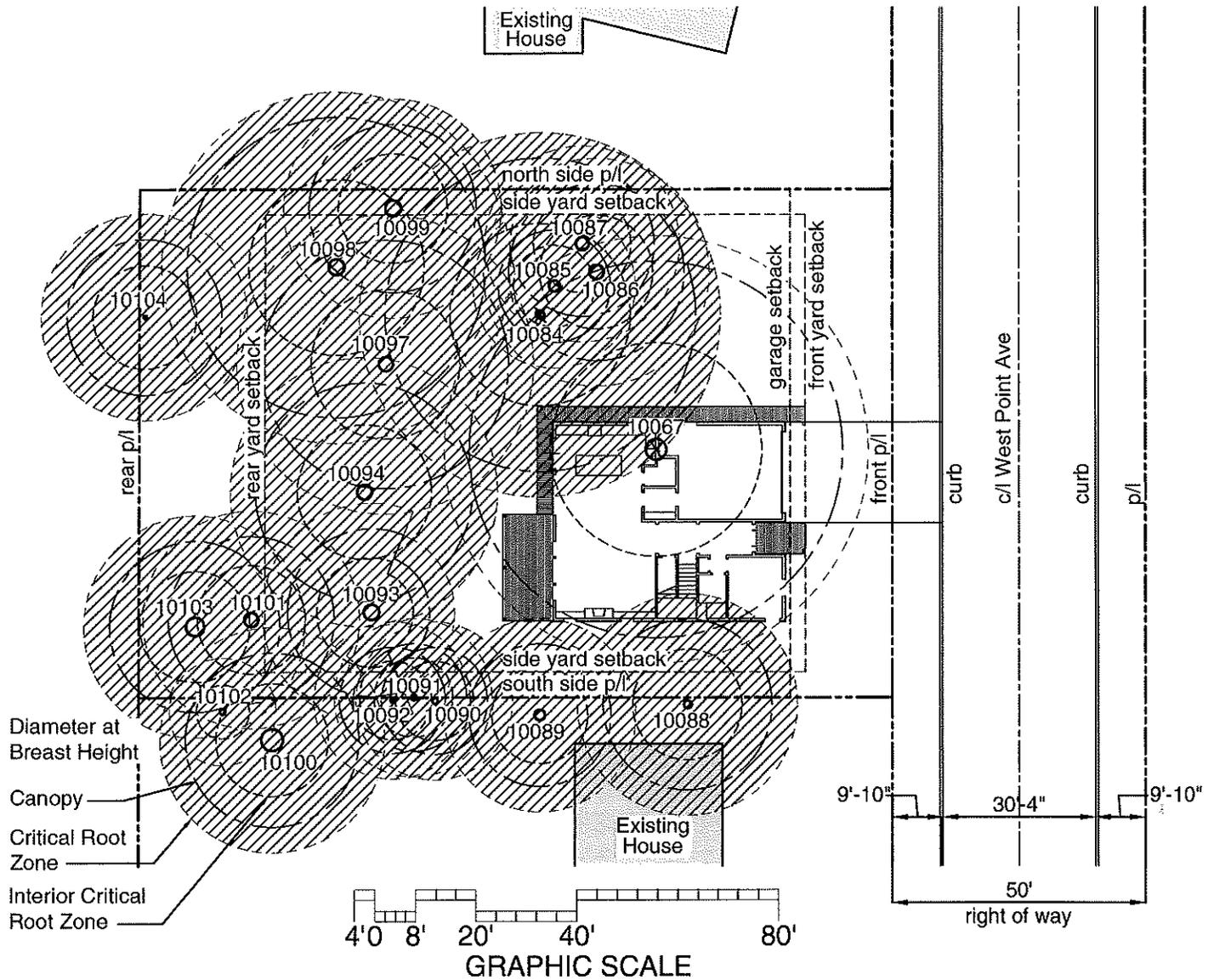
Looking east from interior of lot. These are trees 10103, Western Red Cedar, 10101, Douglas-fir, and 10093, Douglas -fir. Tree 10067, Douglas-fir is in background

**SITE
CONDITIONS 4**
TP2019-0003 &
SDM2019-0003



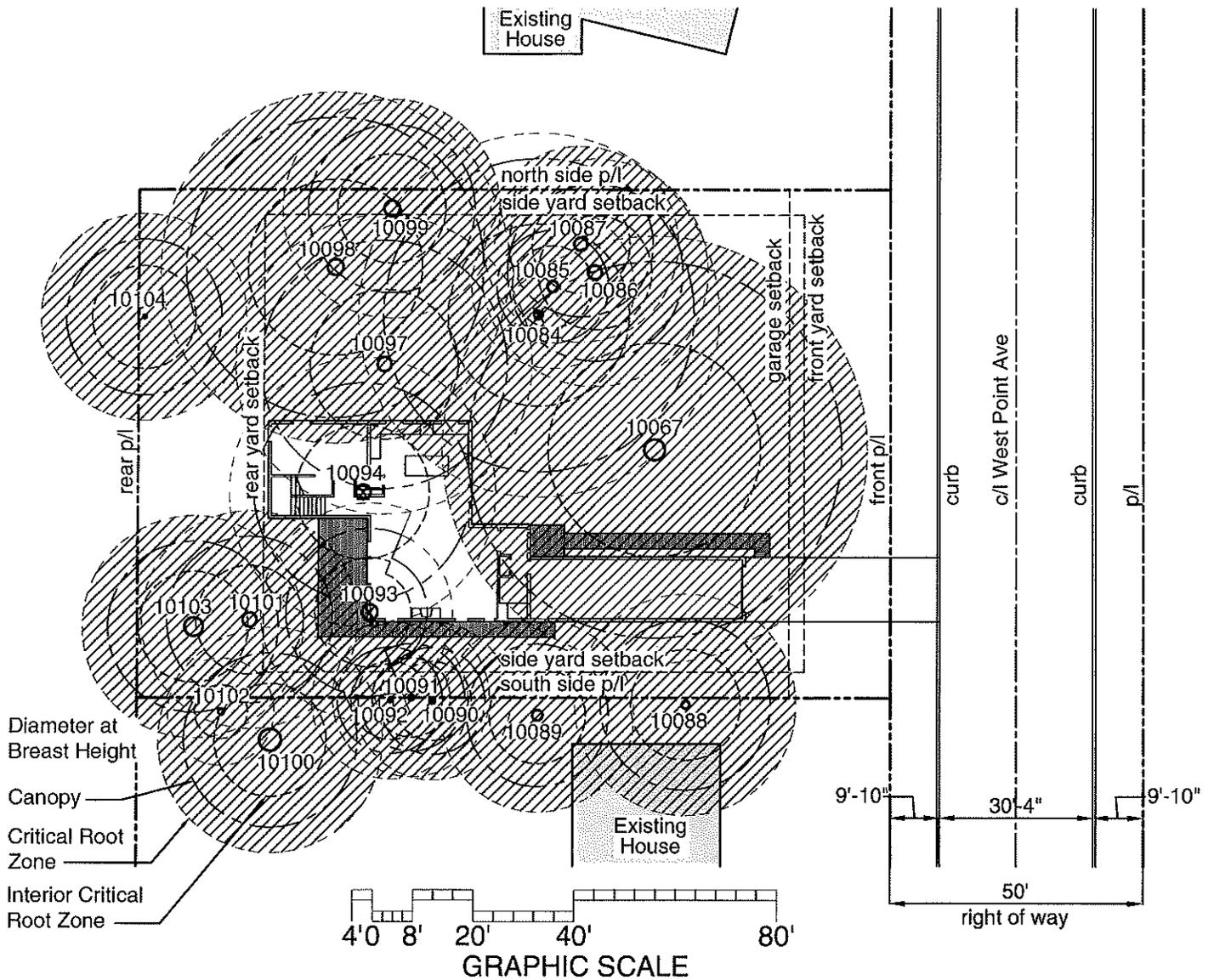
Reasonable Alternative No. 1 Site Layout

- Sundeleaf Farmhouse Plan by Renaissance Homes with 1 Garage Bay Removed
- 2 protected trees (10084, 10067) fit the criteria for removal unless a reasonable alternative exists
- Significant Douglas-fir tree (10067) in middle of property cannot be preserved
- Will create 2,956 square feet of impervious surfaces from the roof and impervious driveway surfaces. All other walkways to be pervious.
- If the driveway is made pervious, it will reduce the total impervious surface to 2,461 square feet.
- Floor area of ground floor = 1,503 square feet (not including garage area)



Reasonable Alternative No. 2 Site Layout

- Thurman Farmhouse Plan by Renaissance Homes with the Kitchen-Great Room reversed
- 1 protected tree (10067) fits the criteria for removal unless a reasonable alternative exists
- Significant Douglas-fir tree (10067) in middle of property cannot be preserved
- Will create 2,385 square feet of impervious surfaces from the roof and impervious driveway surfaces. All other walkways to be pervious.
- If the driveway is made pervious, it will reduce the total impervious surface to 1,972 square feet.
- Floor area of ground floor = 1,323 square feet (not including garage area)

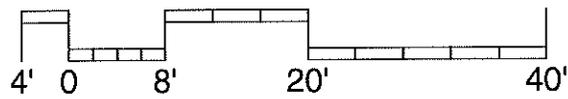


Reasonable Alternative No. 3 Site Layout

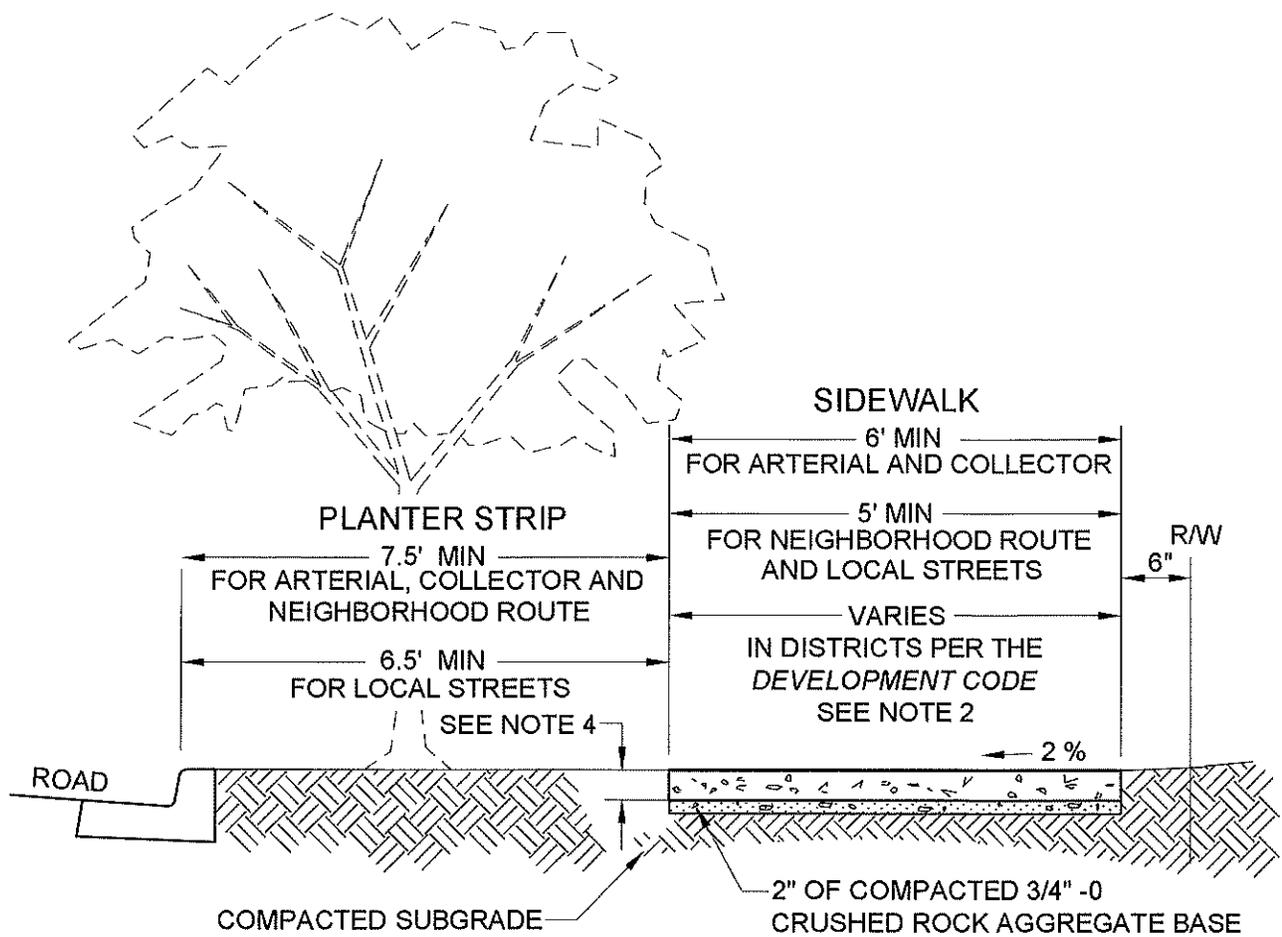
- Thurman Farmhouse Plan modified and tandem garage
- 2 protected trees (10094, 10093) fit the criteria for removal unless a reasonable alternative exists
- Significant Douglas-fir tree (10067) in middle of property can be preserved if continuous root care observance during site disturbance and low-impact foundation techniques such as helical piers and raised bridge framing are used.
- Will create 2,470 square feet of impervious surfaces from the roof and impervious driveway surfaces. All other walkways to be pervious.
- If the driveway is made pervious, it will reduce the total impervious surface to 2,102 square feet.
- Floor area of ground floor = 1,400 square feet (not including garage area)



FRONT ELEVATION - EXISTING GRADE REVIEW



GRAPHIC SCALE



H-1

NOTES:

1. Concrete shall have a minimum compressive strength of 4,000 psi at 28 days. For slump see specifications.
2. Sidewalk panels shall be square with their length equal to the sidewalk's width, except that sidewalks in the Regional Center, Town Center, Station Area and Station Community districts may be wider than 6 feet, in which cases their panels may be 4 to 6 feet square, but all of equal size.
3. Expansion joints to be placed at sides of driveway approaches, utility vaults, sidewalk ramps and/or at points of tangency in curb as shown on the standard drawings for sidewalk ramps and at spacing not to exceed 45 feet.
4. Sidewalk shall have a minimum thickness of 4 inches, except that sidewalk that is intended as a portion of a driveway shall have a minimum thickness of 6 inches. See *Beaverton Standard Dwg*s 210 & 211.
5. Finish with broom and edge all joints.
6. Width of curb is included in planter strip width.
7. Street trees are required except where specifically modified or waived in writing by the City Engineer.
8. For sidewalk repairs, replacements and installations in existing developments, match existing width of sidewalks, and sidewalk panels' widths and lengths.

CITY OF BEAVERTON SIDEWALK DRAWING
 WEST POINT SINGLE FAMILY DETACHED
 CASE FILE NUMBER SDM2019-0003

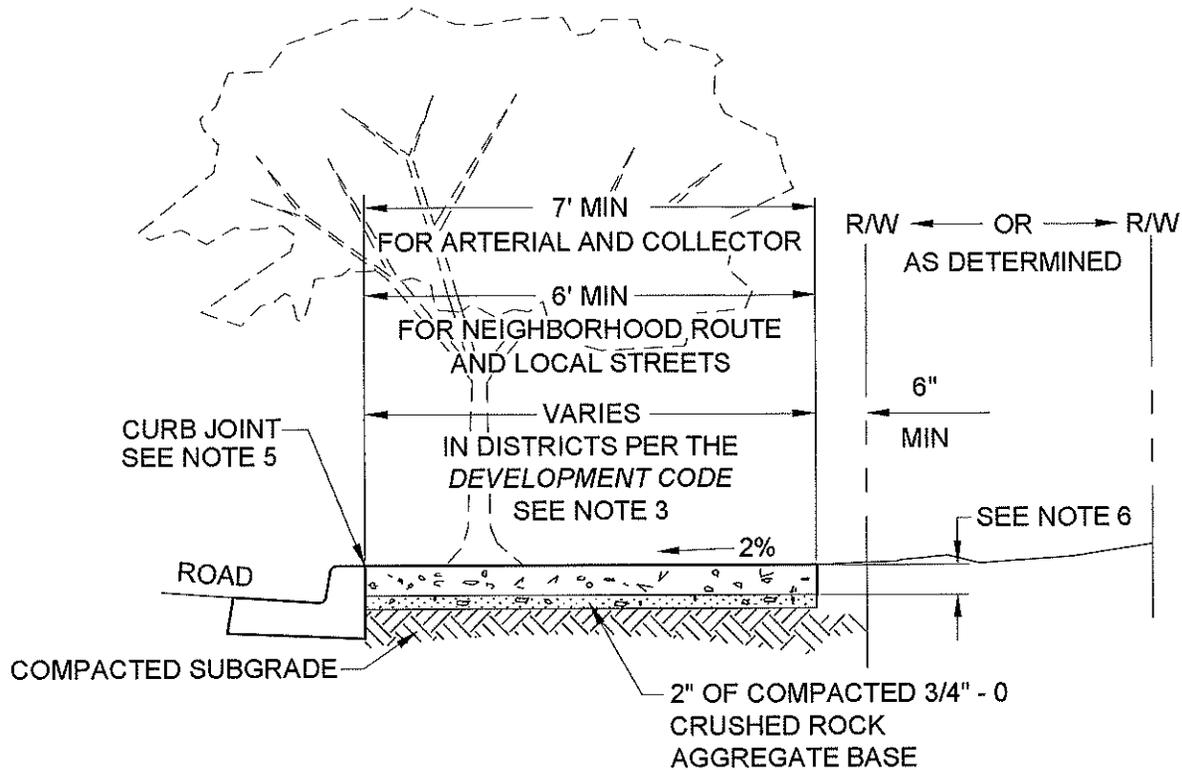


STANDARD SIDEWALK

SCALE: NONE

DATE: JUNE 2018

215



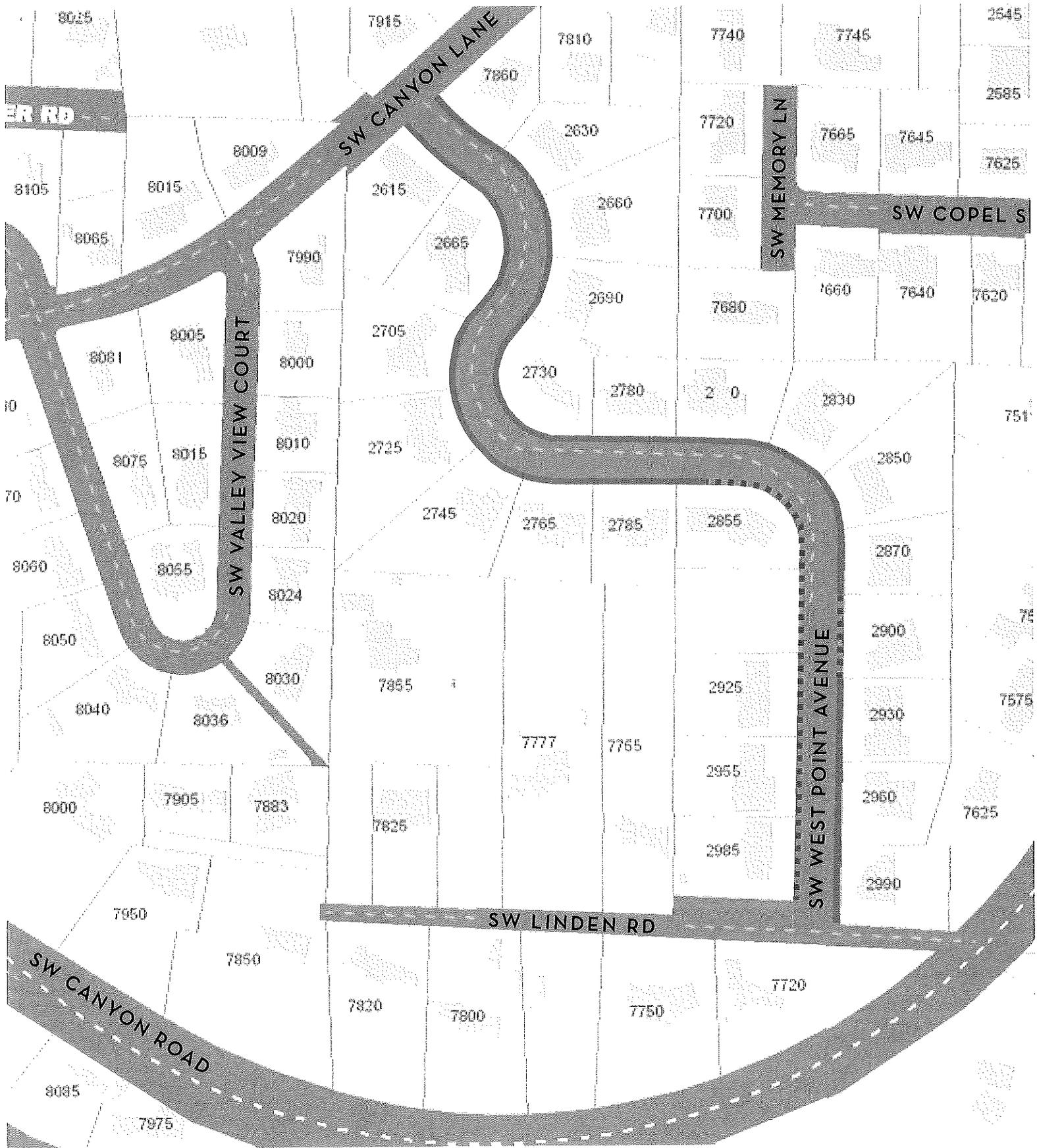
NOTES:

1. Curb tight sidewalks **REQUIRE PREAPPROVAL** by the City Engineer. They are used for sidewalk repairs, replacements and installations in existing developments. Match width of existing sidewalks, and widths and lengths of existing sidewalk panels.
2. Concrete shall have a minimum compressive strength of 4,000 psi at 28 days, For slump see specifications.
3. Sidewalk panels shall be square with their length equal to the sidewalk's width, except that sidewalks in the Regional Center, Town Center, Station Area and Station Community districts may be wider than 6 feet, in which cases their panels may be 4 to 6 feet square, but all of equal size.
4. Expansion joints to be placed at sides of driveway approaches, utility vaults, sidewalk ramps and/or at points of tangency in curb as shown on the standard drawings for sidewalk ramps and at spacing not to exceed 45 feet.
5. For sidewalks adjacent to the curb and poured at the same time as the curb, the joint between them shall be troweled with a minimum 1/2 inch radius.
6. Sidewalk shall have a minimum thickness of 4 inches, except that sidewalk that is intended as a portion of a driveway shall have a minimum thickness of 6 inches. See Drawings 210 & 211.
7. Where vehicular access across sidewalk is required by City, a 40 foot long section of sidewalk shall be provided in the access area, shall be 6-inches thick and shall be reinforced with 6"x6"x10 ga steel mesh. Location of 40 foot long section to be as directed by City Engineer.
8. Finish with broom and edge all joints.
9. Street trees, treewells and grates are required except where specifically modified or waived in writing by the City Engineer.
10. For sidewalk widths around grated treewells, and tree grate requirements, see *Beaverton Standard Dwg 241*.

H-2

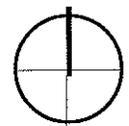
CITY OF BEAVERTON SIDEWALK DRAWING
WEST POINT SINGLE FAMILY DETACHED
CASE FILE NUMBER SDM2019-0003





SIDEWALK —————
 NO SIDEWALK - - - - -
 (sidewalk graphics not to scale)

West Point Avenue As-Built Sidewalk Locations
 CASE FILE NUMBER SDM2019-0003





Typical as-built utility cabinet in relationship to as-built sidewalk



Northeast corner of site beyond utility cabinet where flag is, mature landscaping and trees located where new sidewalk proposed, April 2019



View south to property line and beyond at path of new sidewalk.



Looking north from neighboring driveway apron toward property and location of proposed sidewalk. Extensive landscaping and grade changes in the same path.



J-1





SW West Point Ave view west, as-built sidewalk on righthand side connected except for one lot, 2900, directly across street from 2895, April 2019.

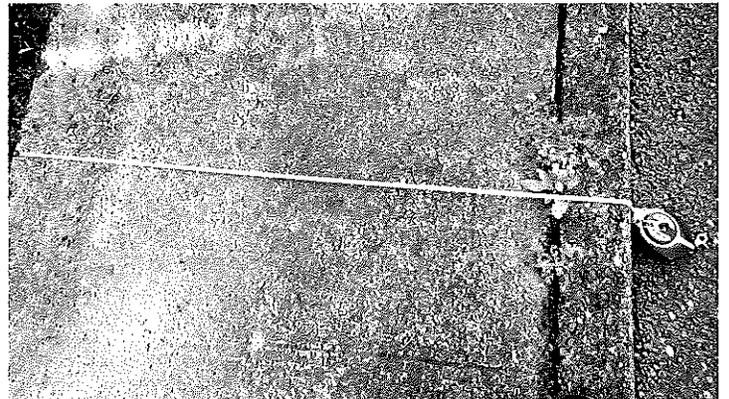
SIDEWALK CONDITIONS 2
SDM2019-0003



Sidewalk on lefthand side of street ends at east side of driveway at 2855.



Looking south as street rounds the corner. Only existing landscaping next to curb, no sidewalk on the south side of the street



Sidewalk design throughout West Point Park. Located curb tight with landscaping butting up to it. Width is 4 feet 6 inches against 6" curb.

View north where sidewalk on east side of street has not been built at 2900 but picks up at north lot line. The west side of the street in this location also does not have a sidewalk. April 2019



View from curb onto new grass lawn of lot 2900

View south where sidewalk picks back up at driveway of 2900. Beyond the driveway apron, standard curb-side sidewalk resumes. April 2019



Looking south along frontage of 2900 where mature landscaping was removed and grass lawn installed up to curb. Existing sidewalk ends at north property line of 2900.



Thurman Farmhouse

THURMAN HOUSE PLAN AS A REASONABLE ALTERNATIVE THURMAN FARMHOUSE PLAN CASE FILE NUMBER TP2019-0003

Thurman Farmhouse Plan displayed here for review, reseach, educational, and editorial purposes only. Not for commercial purposes. This image is part of a house plan collection by Renaissance Homes and not intended for resale from this commentary set.



Thurman Prairie

An optional elevation for
Thurman Farmhouse Plan
by Renaissance Homes

THURMAN HOUSE PLAN AS A REASONABLE ALTERNATIVE THURMAN FARMHOUSE PLAN CASE FILE NUMBER TP2019-0003

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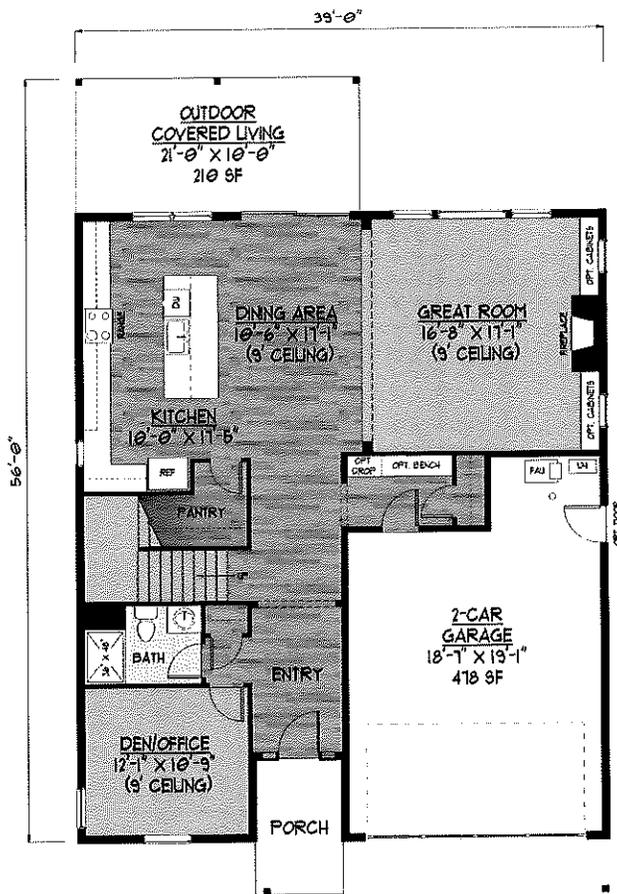


Thurman Prairie II

An optional elevation for
Thurman Farmhouse Plan
by Renaissance Homes

THURMAN HOUSE PLAN AS A REASONABLE ALTERNATIVE THURMAN FARMHOUSE PLAN CASE FILE NUMBER TP2019-0003

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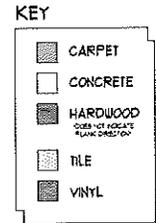


THURMAN FARMHOUSE - GR

AREA:

MAIN FLOOR:	1,211 SF
UPPER FLOOR:	1,613 SF
TOTAL LIVING:	2,824 SF
GARAGE:	418 SF

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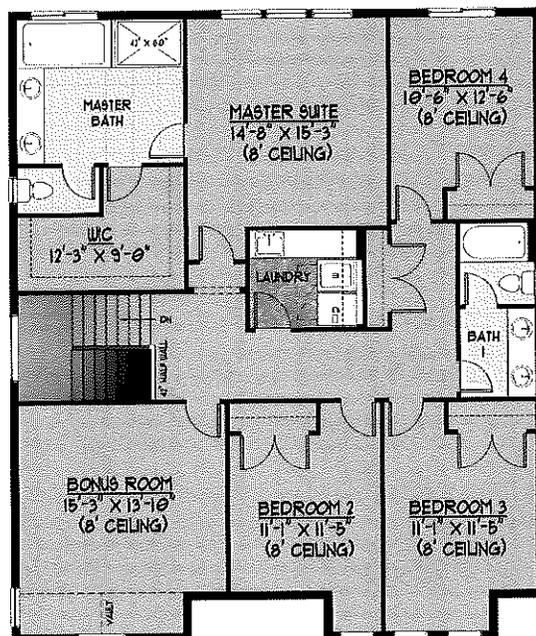


MAIN FLOOR PLAN

K-4

THURMAN HOUSE PLAN AS A REASONABLE ALTERNATIVE

THURMAN FARMHOUSE PLAN CASE FILE NUMBER TP2019-0003



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UPPER FLOOR PLAN

L. Definitions of Terms Used

For the convenience of the reader, the following selected definitions of terms used throughout the Beaverton Development Code have been provided below.

Taken from Chapter 90 - Definitions

Best Management Practices (BMPs). [ORD 4414; January 2007] A storm water Best Management Practice (BMP) is a technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of storm water runoff in the most cost-effective manner. BMPs can be either engineered and constructed systems ("structural BMPs") that improve the quality and/or control the quantity of runoff such as detention ponds and constructed wetlands, or institutional, education or pollution prevention practices designed to limit the generation of storm water runoff or reduce the amounts of pollutants contained in the runoff ("non-structural BMPs"). No single BMP can address all storm water problems. Each type has certain limitations based on drainage area served, available land space, cost, pollutant removal efficiency, as well as a variety of site-specific factors such as soil types, slopes, depth of groundwater table, etc. Careful consideration of these factors is necessary in order to select the appropriate BMP or group of BMPs for a particular location.

Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Envelope. [ORD 4414; January 2007] The internal area of a lot that remains after the minimum yard setbacks are applied.

Building Footprint. [ORD 4414; January 2007] The area of a lot that is covered by parking structures, buildings, or other roofed structures.

Building Height. [ORD 4542; June 2010] The vertical distance from grade plane to the highest point of roof structure.

Building Line. A line parallel to the front lot line and passing through the most forward point or plane of a building.

Caliper Measurement. [ORD 4224; September 2002] The thickness of trees measured in inches. A caliper measurement for trees shall be measured 12 inches above the soil line, or across the stump if the tree has been severed at less than 12 inches above the soil line.

Canopy. Area of the tree above ground including the trunk and branches measured in mass or volume.

Certified Arborist. [ORD 4348; May 2005] An individual who has demonstrated knowledge and competency through obtainment of the current International Society of Arboriculture arborist certification, or who is a member of the American Society of Consulting Arborists.

Conservation Easement. [ORD 4414; January 2007] Nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, ensuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Coverage, Building. That percentage of the total lot area covered by buildings, including covered parking areas.

Crown Cover. The area within the drip line or perimeter of the foliage of a tree.

Dead Tree. [ORD 4224; September 2002] A tree that is lifeless. Evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. [ORD 3563; May 1987]

Development, Surface Stormwater. [ORD 4155; May 2001] As it relates to Section 50.25., and pursuant to the Clean Water Services Design and Construction Standards manual, development shall refer to all human-induced changes of the following types to improved or unimproved real property: Construction of structures requiring a building permit if such structures are external to existing structures; land division; drilling; site alterations resulting from surface mining or dredging; grading; construction of earthen berms; paving; excavating; and clearing when it results in the removal of trees or vegetation which would require a City permit. The following activities are not included in the definition of development: Farming activities when conducted in accordance with accepted farming practices as defined in ORS 30.930 or under a Senate Bill 1010 water quality management plan, and construction on lots in subdivisions meeting the criteria of ORS 92.040(2).

Diameter at Breast Height (DBH). [ORD 4224; September 2002] The diameter of the trunk of a tree measured at 54 inches above natural grade.

Direct Access. The provision for immediate ingress and egress of vehicles from an abutting property to an adjacent street.

Double Wall Construction. [ORD 4332; January 2005] Where an interior wall is separated from the exterior wall with framing. The exterior wall has plywood bracing weather proofed with an exterior finishing material such as but not limited to lap siding, brick, or metal.

Drip Line: [ORD 4224; September 2002] A line on the ground below the edge of the maximum overhead canopy of a tree.

Driveway. A private drive giving access from a public street to a building or buildings on abutting property. [ORD 4061; October 1999]

Dwelling, Detached. [ORD 4224; September 2002] A dwelling that is not attached to any other dwelling, excluding accessory dwellings.

Dying Tree. [ORD 4348; May 2005] A tree with greater than 20% dead limbs during the growing season.

Freestanding Sign. A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Grade. (Adjacent Ground Elevation). The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

A. **Existing Grade.** The grade prior to grading.

B. **Rough Grade.** The stage at which the grade approximately conforms to the approved plan.

C. **Finish Grade.** The final grade of the site which conforms to the approved plan. [ORD 3587; January 1988].

Grove. A stand of three or more trees of the same or mixed species.

Habitat Friendly Development Practice (HFDP). [ORD 4414; January 2007] A development technique or activity that reduces detrimental impacts on fish and wildlife habitat resulting from traditional development practices.

Hazardous Tree. [ORD 4348; May 2005] A tree that possesses a structural defect which poses an imminent risk if the tree, or part of the tree, were to fall on someone or something of value (target).

- **Structural Defect.** Any structural weakness or deformity of a tree or its parts. A tree with a structural defect can be verified to be hazardous by a certified arborist and confirmed as such by the City Arborist.
- **Target.** People, vehicles, structures or property, such as other trees or landscape improvements. A tree may not be a hazard if a 'target' is absent within the falling distance of the tree or its parts (e.g., a substandard tree in a non-populated area away from pedestrian pathways may not be considered a hazard).

Impervious Area. [ORD 4414; January 2007] The amount of impervious surface within a defined area.

Imperviousness. [ORD 4414; January 2007] The percentage of all roads, parking lots, rooftops, sidewalks, and other impervious surfaces in a defined area.

Impervious Surface. [ORD 4414; January 2007] A surface that cannot be penetrated by water and thereby prevents infiltration and generates runoff.

Landscape Tree. [ORD 4224; September 2002] A tree, other than a Significant Tree, Historic Tree, or Tree within a Significant Natural Resource Area, that has been preserved or planted as a component of an approved landscaping plan.

Mitigation, Natural Resources. [ORD 4414; January 2007] The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute.

Mitigation Tree. [ORD 4348; May 2005] A tree planted in an effort to alleviate the impact of the removal of another tree(s). A mitigation tree takes on the designation of the tree(s) removed (i.e. tree(s) planted to mitigate for a tree(s) removed from a grove or SNRA becomes a tree(s) protected as if it were part of a grove or SNRA).

Natural Areas. [ORD 4332; January 2005] Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees.

Nuisance Tree. [ORD 4697; December 2016] Tree species that invade natural areas eventually resulting in their domination of native tree species. Includes those nuisance tree species listed in Section 40.90.10 of the Development Code.

Open Space. [ORD 4486; July 2008] An area of land publicly or privately owned, that remains in a natural or landscaped condition for the purpose of: providing usable space for a variety of recreational activities, providing adequate space for light and air, protecting natural resources, or any combination thereof. Open space shall be permanently reserved by common ownership among the owners of a development, dedicated to the public, or by other appropriate means. Open space may be accessible to the general public or owners of a development and may be created for the purpose of passive or active use or both.

Open Space, Common. [ORD 4486; July 2008] For the purposes of defining common open space as used in Section 60.05.25.1., open space which is under common ownership of all property owners of the development for which the open space was required.

Protected Tree. [ORD 4348; May 2005] Includes Significant Individual Trees, Historic Trees, Trees within a Significant Natural Resource Area or Significant Grove, and Mitigation Trees.

Pruning, Major. [ORD 4224; September 2002] Removal of greater than 10% of the tree's canopy or disturbance of over 10% of the root system. [ORD 4348; May 2005]

Qualified Professional. [ORD 4224; September 2002] As the term applies to trees, a professional with academic and field experience that demonstrates expertise in urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters certified by the Society of American Foresters, a registered landscape architect, or silvaculturist. A qualified professional must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures for preservation of trees during land development. [ORD 4584; June 2012]

Residential Local Street. A street that is intended to provide direct access to abutting residential properties and discourage through traffic movements not related to the neighborhood in which the Local Street is located [ORD 4584; June 2012]

Residential Neighborhood Route. [ORD 4061; October 1999] A Residential Neighborhood Route is a street that is usually long relative to Local Streets and provides connectivity to Collectors or Arterials. Neighborhood Routes generally have more traffic than Local Streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide/large area circulation.

Residential Street. A public way, lane, cul-de-sac, Local Street or Neighborhood Route serving primarily access functions, directly or indirectly, to one or more parcels that are predominantly residential in character or zoned for residential uses.

Root Zone. Area of the ground around the base of the tree measured from the trunk to 5 feet beyond the outer base of the branching system.

Setback. The minimum allowable horizontal distance from a given point or line of reference to a line which is parallel to the point or line of reference. The point of line of reference will be

the lot line following any required dedication or a special or reservation line if one is required pursuant to this ordinance. [ORD 4486; July 2008]

Significant Grove. [ORD 4348; May 2005] Groves that are mapped on the City's Inventory of Significant Trees and Groves, that have a unique identification code and include all species within the grove boundary as listed in the inventory documents for that grove code.

Significant Natural Resource Area (SNRA). [ORD 4224; September 2002] Resources identified in Volume III of the Comprehensive Plan as "significant" pursuant to Statewide Planning Goal 5. For the South Cooper Mountain Community Plan area Significant Natural Resource Areas include Class I and II riparian habitat areas and Class A and B upland wildlife areas as determined by Metro Council designation of these areas as regionally significant fish and wildlife habitat through Metro Title 13 implementation for areas brought within the Metro UGB after December 28, 2005. [ORD 4652; February 2015]

Significant Tree. [ORD 4348; May 2005] A tree or grouping of trees that is mapped on the City's Inventory of Significant Trees and Groves, which has a unique identification code as listed in the inventory documents for that individual tree code.

Significant Tree and Grove Inventory Analysis. [ORD 4224; September 2002] The inventory of significant trees and groves conducted under the direction of the Beaverton Board of Design Review in 1991. The criteria on which listed trees and groves were determined to be significant are as follows:

1. An individual tree shall be considered significant if the Board finds:
 - (a) The tree has a distinctive size, shape, or location which warrants a significant status; or
 - (b) The tree possesses exceptional beauty which warrants a significant status; or
 - (c) The tree is significant due to a functional or aesthetic relationship to a natural resource.
2. A grove as defined in Section 90 shall be considered significant if the Board finds that:
 - (a) The grove is relatively mature and evenly aged; and
 - (b) The grove has a purity of species composition or is of a rare or unusual nature; and
 - (c) The grove is in a healthy growing condition; or
 - (d) The grove has a crucial functional and/or aesthetic relationship to a natural resource.

Site Plan. A plan, prepared to scale, showing accurately and with complete dimensions all the uses proposed for a parcel of land, and other information as required by specific sections of this ordinance.

Site Soil Amendment. [ORD 4414; January 2007] A soil amendment is any material added to a soil that improves its physical properties, such as water retention, permeability, water infiltration, drainage, aeration and structure. To do its work, an amendment must be thoroughly mixed into the soil. Amending a soil is not the same thing as mulching, although many mulches also are used as amendments, a mulch is left on the soil surface. The mix of

amendments added to site soils varies depending on the composition of the site soils; please refer to the *Guidance Manual* for further information.

Story. That portion of a building between any floor and the next floor above, except that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement, cellar, or unused under floor space is more than six feet above grade at any point, such basement, cellar, or unused under floor space shall be considered a story.

Surveyed Tree. [ORD 4348; May 2005] 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 (*Tsuga heterophylla*) or mountain hemlock (*Tsuga mertensiana*) trees, Pacific madrone (*Arbutus andrachne*) trees, and big-leaf maple (*Acer macrophyllum*) trees.

Total Impervious Area (TIA). [ORD 4414; January 2007] Total area of surfaces on a developed site that inhibit infiltration of stormwater. The surfaces include, but are not limited to, conventional asphalt or concrete roads, driveways, parking lots, sidewalks or alleys, and rooftops.

Tree Canopy. [ORD 4414; January 2007] The shape of a tree produced by the outer most leaves. A tree's canopy cover is equal to the area within the drip line. The equation for determining tree canopy area is $3.1416 \times (r)^2 = x$ square feet (r being the radius from the center of the trunk to the drip line measured in feet). EXAMPLE: The tree canopy area for one tree with a radius of **20** feet will be equal to $3.1416 \times (20)^2 = 1,257$ square feet.

Tree Canopy, Mature. [ORD 4414; January 2007] The expected size of the tree canopy at 10 years.

Undevelopable Area. An area that cannot be used practicably for a habitable structure, because of natural conditions, such as slopes exceeding 20% in a direction greater than 45 degrees east and west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or manmade conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Unlawful Sign. A sign that does not conform to the provisions of this Code and is not nonconforming.

Temporary Signs in Residential zones (Private Property). In all Residential zoning districts, temporary signs are allowed under the following circumstances:

A. If Property is for Sale or Rent. When properties or dwellings are for sale or rent, the owner or the owner's authorized representative may erect the following signs;

1. Two (2) double-faced signs on the lot, not to exceed four (4) square feet per face.,

2. Four (4) off-premise portable signs no greater than four (4) square feet per face that comply with placement standards of Section 60.40.45.4 if placed in public right-of-way and with property owner consent if placed on private property. These signs must be removed within 24 hours of placement.

Windthrow. [ORD 4224; September 2002] A tree or trees uprooted or felled by the wind.

Yard. A required area of land space on the same lot with a principal use unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, other customary yard accessories, ornaments and furniture or other allowed accessory structures or uses may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. [ORD 4486; July 2008]

Yard, Front. A required area of land extending the full width of the lot between the front lot line or reservation line to a line which is parallel to the front lot line or reservation line. The distance between the two lines is established by the setback requirement for the subject zoning district. The required area of land is to remain, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance. [ORD 4486; July 2008]

Yard, Rear. A required area of land extending the full width of the lot between the rear lot line or reservation line to a line which is parallel to the rear lot line or reservation line. The distance between the two lines is established by the setback requirement for the subject zoning district. The required area of land is to remain unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance. [ORD 4071; November 1999] [ORD 4486; July 2008]

Yard, Side. A required area of land extending from the front yard to the rear yard between the nearest side lot line or reservation line to a line which is parallel to the side lot line or reservation line. The distance between the two lines is established by the setback requirement for the subject zoning district. The required area of land is to remain unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance. [ORD 4486; July 2008]

