

# MEMORANDUM

## City of Beaverton

Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** April 12, 2023  
**Subject:** *Notice of Decision for LD2022-0001, ADJ2022-0001, ADJ2022-0002, TP2022-0001 and LLD2022-0004*

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Please find attached the Notice of Decision for **LD2022-0001, ADJ2022-0001, ADJ2022-0002, TP2022-0001 and LLD2022-0004 Division Meadows**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for DR2021-0059 is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

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

***The appeal closing date for LD2022-0001, ADJ2022-0001, ADJ2022-0002, TP2022-0001 and LLD2022-0004 Division Meadows is 4:30 p.m., April 24, 2023.***

The complete case file including findings, conclusions, and conditions of approval, if any, are available for review. The case file may be reviewed by contacting the project planner, Brett Cannon at [bcannon@beavertonoregon.gov](mailto:bcannon@beavertonoregon.gov) or at <https://apps2.beavertonoregon.gov/DevelopmentProjects/>

NOTE: The City of Beaverton Community Development Department customer service center is now open to the public Monday through Thursday from 8:30am – 4:30pm.

Accessibility information: This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, please contact Brett Cannon at 711-503-350-4038 or [bcannon@beavertonoregon.gov](mailto:bcannon@beavertonoregon.gov).

# STAFF REPORT

**Report date:** April 12, 2023

**Application/project name:** Division Meadows

**Application Numbers:** LD2022-0001, ADJ2022-0001, ADJ2022-0002, TP2022-0001 and LLD2022-0004

**Proposal:** The applicant, Homestead Development Corporation, requests Land Division Two, two Minor Adjustments, Tree Plan Two and Legal Lot Determination approval to subdivide an existing tax lot to create nine (9) new lots and construct a three-quarter local street for access. The first Minor Adjustment is to reduce the standard lot size of the R7 zone for Lot 1 from 7,000 square feet to 6,300 square feet. The second Minor Adjustment is to reduce the standard lot width of the R7 zone by ten percent from 65 feet to 58.5 feet for Lots 2-7. The Tree Plan Two is required to remove 43 of the 55 Community Trees on site. The Legal Lot Determination will memorialize the existing lot as a legal lot of record.



**Proposal location:** The site is located at 15660 SW Division Avenue, specifically identified as Tax Lot 02900 on Washington County Assessor’s Map 1S117CA.

**Applicant:** Homestead Development

**Recommendation:** APPROVAL LD2022-0001, ADJ2022-0001, ADJ2022-0002, TP2022-0001 and LLD2022-0004, subject to conditions of approval.

**Contact information:**

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

Applicant: Homestead Development Corporation  
PO Box 12

Hillsboro, Oregon 97123

Applicant representative: Trisha Clark  
NW Land Planning  
PO Box 1073  
Goldendale, WA 98620

Property owners: Sikh Center of Oregon  
17514 SW Scholls Ferry Road  
Beaverton, OR 97007

## Existing conditions

**Current Zoning: Residential Mixed C (RMC)**

**Zoning at time of application submittal:** R7 Residential Urban Standard Density District (R7)

**Site Conditions:** The site has a single-detached dwelling and associated accessory structures.

**Site Size:** 2.00 acres.

**Location:** 15660 SW Division Street.

**Neighborhood Association Committees:** West Beaverton

**Table 1: Surrounding uses**

Direction	Zoning	Uses
North	Washington County R-9	Single-Detached Dwelling
South	R-7	Single-Detached Dwelling
East:	Washington County R-5	Single-Detached Dwelling
West:	Washington County R-5	Single-Detached Dwelling

# Application information

**Table 2: Application summaries**

Application	Application type	Proposal summary	Approval criteria location
LD2022-0001	Preliminary Subdivision	Subdivide an existing lot into 9 lots and create a three-quarter local street for access from SW Division Avenue.	Development Code Section 40.45.15.5.C
TP2022-0001	Tree Plan Two	Removal of 43 of the 55 Community Trees on site.	Development Code Section 40.90.15.2.C
ADJ2022-0001	Adjustment Two	To reduce the standard lot width of the R7 zone by ten percent from 65 feet to 58.5 feet for Lots 2-7	Development Code Section 40.10.15.1.C
ADJ2022-0002	Adjustment Two	To reduce the standard lot size of the R7 zone for Lot 1 from 7,000 square feet to 6,300 square feet.	Development Code Section 40.10.15.1.C
LLD2022-0004	Legal Lot Determination	To memorialize the existing lot as a legal lot of record.	Development Code Section 40.47.15.1.C

**Table 3: Key Application Dates**

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
LD2022-0001	December 31, 2021	June 17, 2022	October 15, 2022	June 17, 2023

TP2022-0001	December 31, 2021	June 17, 2022	October 15, 2022	June 17, 2023
ADJ2022-0001	December 31, 2021	June 17, 2022	October 15, 2022	June 17, 2023
ADJ2022-0002	May 26, 2022	June 17, 2022	October 15, 2022	June 17, 2023
LLD2022-0004	May 26, 2022	June 17, 2022	October 15, 2022	June 17, 2023

\* The applicant has provided continuances to the 120 requirement, extending the required decision date until June 17, 2023.

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

## Summary of Public Comment

Staff has identified the following as the themes or issues raised in public testimony and addresses those issues herein, and/or refers to the portion(s) of the staff report and record in which those issue are addressed.

### Vehicular Traffic and Pedestrian Safety

A number of concerns were raised about the SW Division Streets ability to handle the increased traffic, the lack of pedestrian and bicycle infrastructure and narrow street widths. Due to the anticipated trip generation by the proposed development and traffic levels within the neighborhood, the L1 Local Street standard was determined by City staff to be the most appropriate street section for the new street developed on site. The factors used to determine the appropriate street standard include the need to provide access to the proposed lots that is wide enough for emergency vehicle access and two-way traffic. Oftentimes, with infill projects, a proposal is required to improve existing right(s)-of-way that abut(s) the site to meet current city standards, and those improvements typically only extend to the centerline of the abutting street. The other half of the street is therefore generally the responsibility of the property abutting that half. In this case, because of the need to serve the lots and meet emergency vehicle access standards, the subject site must accommodate more than half of the street and the applicant will be conditioned to construct a three-quarter Local Street to the L1 standard.

In addition to constructing the three-quarter Local Street the project, the project is conditioned to dedicate an additional 12 feet of right of way along the frontage abutting SW Division Street.

Washington County, which has jurisdiction over SW Division Street, has conditioned the project to dedicate the 12 feet of right of way and to improve the frontage with a gutter/curb, 7-foot planter strip with street trees, 6-foot sidewalk located 1 foot from ROW, and conduit per County/City standards. Additionally, to ensure the new proposed intersection meets sight distance requirements, as outlined in the Engineering Design Manual, the Committee recommends a number of conditions of approval requiring the applicant to submit plans that verify sight distance. Staff would also like to clarify that only proposals which are expected to generate 300 vehicle trips per day are subject to a Traffic Impact Analysis (Section 60.55.20.2.A). The proposed 9 lot subdivision for detached dwellings is not expected to reach that threshold and therefore is not required to conduct a Traffic Impact Analysis.

### **Number of Lots, Lot Width and Area**

Concerns were raised about the number of proposed lots proposed. The applicant is requesting to divide the subject site into 9 lots. The number of lots proposed is within the permitted density range for the R7 zoning district. The applicant has submitted two Minor Adjustment applications to be reviewed concurrently with the Preliminary Subdivision. The first Minor Adjustment is to reduce the lot width of Lots 2-7 from a minimum of 65 feet to 58.5 feet and the second is to reduce the area of Lot 1 from a minimum of 7,000 square feet to 6,300 square feet. The applicant states the existing lot configuration, access requirements and utilities requirements create a circumstance which supports minor adjustments to lot width and lot area. The request for Minor Adjustments are addressed in Attachments C and D of this report.

### **Housing Types**

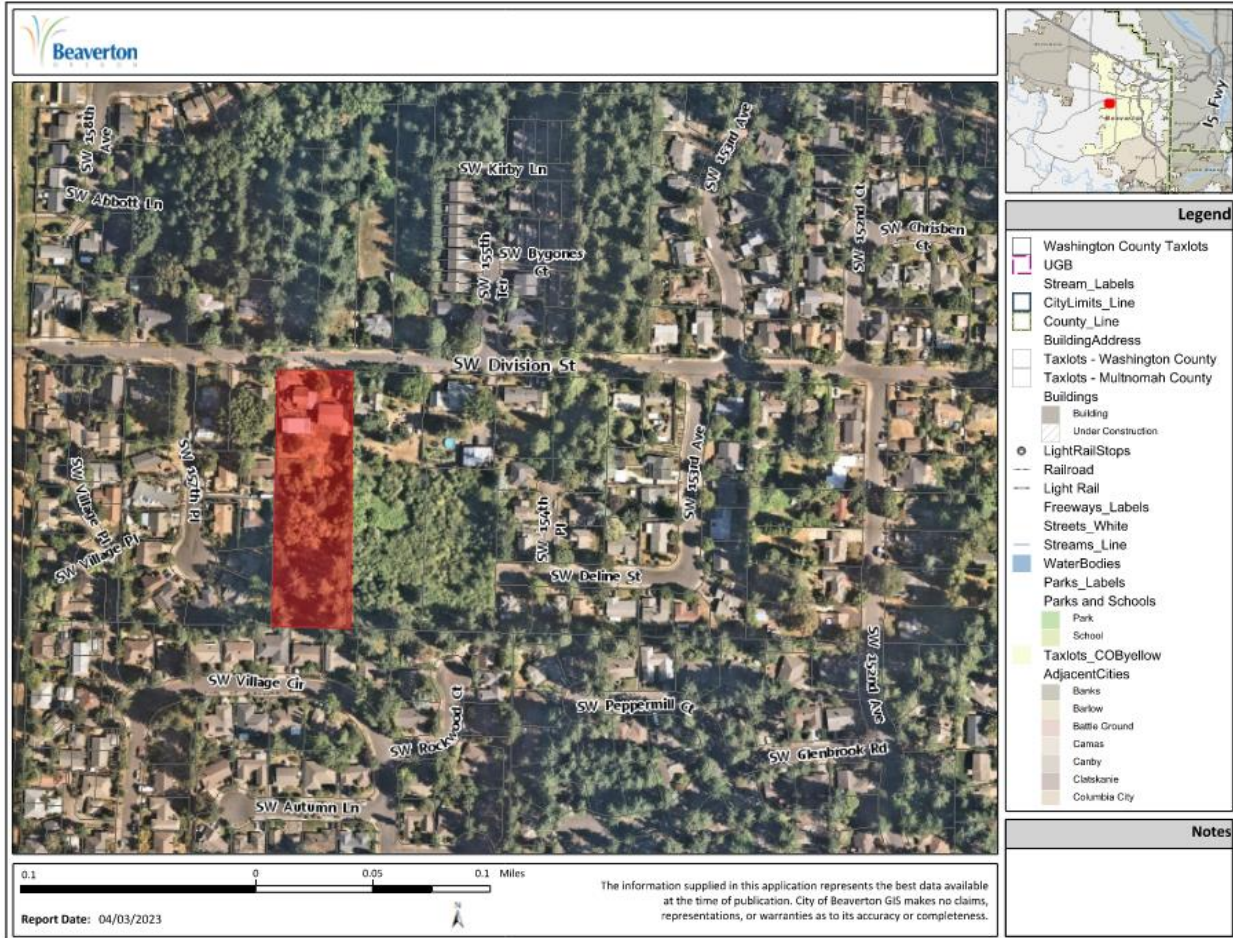
Inquiries were made concerning the types of housing proposed, the size of the dwellings and architectural style of the dwellings. The applicant isn't required to provide proposed housing types or styles for the Preliminary Land Division application. Future development of the site will be at the discretion of the applicant at the time of the building permit submittal. Oregon law (ORS 92.040) allows developers to request review under the code in place at the time of submittal of a preliminary subdivision application up to ten years after the date of submittal. Therefore, a developer can choose to build to the standards of the R7 zone and all other regulations in place on December 31, 2021 or they can choose to build to the standards of the code in place at the date of building permit submittal. Developers will not be allowed to mix and match regulations.

### **Tree Removal**

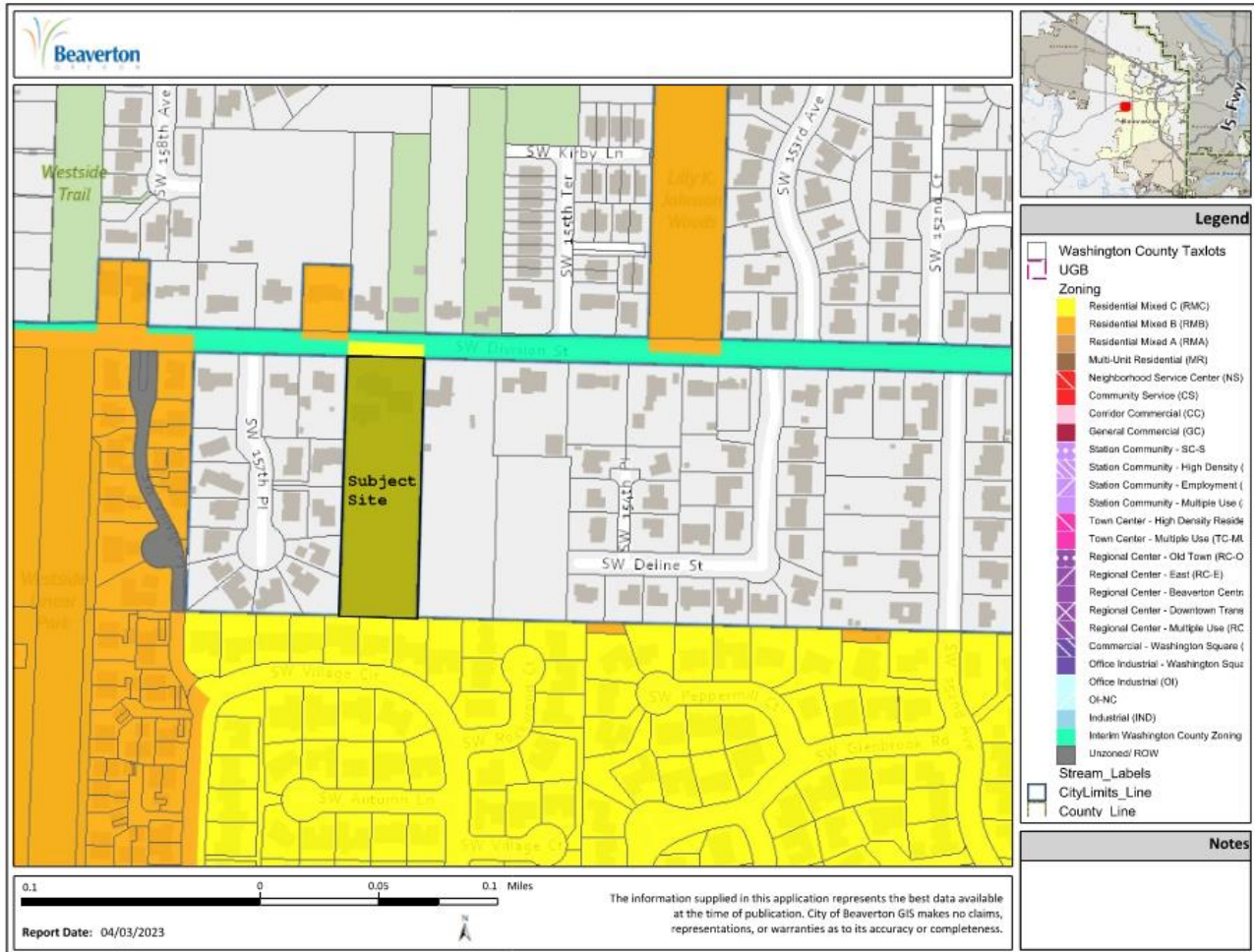
A few concerns were raised about mature trees being removed. The City of Beaverton Development Code outlines several tree classifications; Community Trees, Protected Trees, Landscape Trees and Street Trees. Trees within different categories are subject to different regulations. The proposed development site does contain a number of Community Trees,

including some that are greater than 30 inches in diameter at breast height (DBH), however, none of the trees located on the site are designated as Protected Trees and the size of the tree does not correlate to its classification. Tree Removal is addressed in the Tree Plan Two section of this report, Attachment E.

## Exhibit 1.1 Vicinity Map



# Exhibit 1.2 Zoning Map





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## Exhibits

### Exhibit 1. Materials submitted by Staff

Exhibit 1.1 Vicinity Map (Page 7 of this report)

Exhibit 1.2 Zoning Map (Page 8 of this report)

### Exhibit 2. Public Comment

Exhibit 2.1- Email from Ann Woolston-Smith

Exhibit 2.2- Email from Cathy White

Exhibit 2.3- Email from Colby Anderson

Exhibit 2.4- Email from Margo Russell

Exhibit 2.5- Email from Marie Mclean

Exhibit 2.6- Email from Mary Ellen Ulmer

Exhibit 2.7- Email from Michael and Kelly Kalkofen

Exhibit 2.8- Email from Sharon Chappel

Exhibit 2.9- Email from Tami Katz

Exhibit 2.10- Letter from Cynthia Taft and William Baun

Exhibit 2.11- Email from Yvonne Sattler

Exhibit 2.12- Letter from Cheryl Clemenston and Neighbors

Exhibit 2.13- Email from Anthony Blume

Exhibit 2.14- Email from Stephen Gingell

Exhibit 3. Materials submitted by the Applicant

Exhibit 3.1 Application Package

# Attachment A: FACILITIES REVIEW REPORT

## FACILITIES REVIEW COMMITTEE

### TECHNICAL REVIEW AND RECOMMENDATIONS

**Application:** Division Meadows

**Proposal:** The applicant, Homestead Development Corporation, requests Land Division Two, two Minor Adjustments, Tree Plan Two and Legal Lot Determination approval to subdivide an existing tax lot to create nine (9) new lots and construct a three-quarter local street for access. The first Minor Adjustment is to reduce the standard lot width of the R7 zone by ten percent from 65 feet to 58.5 feet for Lots 2-7. The second Minor Adjustment is to reduce the standard lot size of the R7 zone for Lot 1 from 7,000 square feet to 6,300 square feet. Tree Plan Two is required to remove 43 of the 55 Community Trees on site. The Legal Lot Determination will memorialize the existing lot as a legal lot of record.

**Recommendation:** APPROVE LD2022-0001, ADJ2022-0001, ADJ2022-0002, TP2022-0001 and LLD2022-0004

**Finding:** The Facilities Review Committee finds that the proposal complies with all technical approval criteria and therefore, the Committee recommends that the decision-making authority in approving the proposal, adopt the conditions of approval found at the end of this report.

### Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in a different order. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application(s) as identified below:

- All twelve (12) criteria are applicable to the Preliminary Subdivision (LD2022-0001) application as submitted.
- Facilities Review Committee criteria do not apply to the submitted ADJ2022-0001, ADJ2022-0002, LLD2022-0004 and TP2022-0001 application.

## Section 40.03.1.A

**Approval Criteria:** All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.

### FINDING:

Chapter 90 of the Development Code defines “critical facilities” to be services that include public water; public sanitary sewer; stormwater drainage, treatment, and retention; transportation; and fire protection.

**Sanitary Sewer:** An existing 8-inch City of Beaverton sanitary sewer line is located north of the site within SW Division Street. The applicant proposes that sanitary sewer service to the site be provided by a an 8-inch public line extension within the proposed public street. Each of the proposed lots will be served by an individual 4-inch lateral.

**Storm Water:** The property is served by City of Beaverton storm sewer service and the applicant has stated that the storm sewer services are adequate to service the proposed development. The applicant has provided a Preliminary Stormwater Report for the quantity and quality of stormwater resulting from the nine-lot subdivision, public street, water quality tract and future 12’ right of way dedication along SW Division Street. The applicant’s plans show an existing 12-inch storm line located within SW Division Street approximately 183 feet to east of the site. There is no existing surface water management infrastructure on the site. The existing site topography slopes to the northeast to an existing ditch along SW Division Street and ultimately into South Johnson Creek approximately 2,000 feet east of the site.

The applicant proposed stormwater management approach consists of connecting to the existing 12-inch storm line in SW Division Street with a new 12-inch storm line, which will then be extended through the proposed public street and connected to each proposed lot through separate lateral lines. The storm-drainage system will collect storm water for the proposed subdivision via the new laterals, and the public line in the proposed street, which will then convey storm water to the water quality facility proposed within Tract A. The water quality facility within Tract A will treat the sites storm water before releasing it to the existing system within SW Division Street. Finally, the applicant proposes a fee-in-lieu for approximately 749 square feet of new impervious area which will not be captured and treated in the proposed stormwater pond due to grading challenges of the site.

While the Stormwater Drainage Report states that the proposed stormwater facilities are adequate to service the site, the Committee recommends conditions of approval prior to the

issuance of the site development permit to address specific stormwater facility requirements pursuant to CWS standards. As conditioned, the Committee finds that adequate stormwater drainage and detention service can be provided to the site to serve the proposed development.

- **Transportation:** The subject site has frontage on SW Division Street which is a two-lane collector and maintained by Washington County. The ultimate right of way (ROW) width for SW Division Street is 74 feet per Washington County standards. The existing ROW is approximately 50 feet; therefore, the applicant proposes to dedicate 12 feet of ROW across the project's frontage along SW Division Street. The 12-foot dedication will satisfy the ultimate half-street width requirement for projects frontage along SW Division Street. The applicant's plan set dated March 15, 2023, indicates a sidewalk width of 5.5 feet and a planter width of 6.5 feet. The Beaverton Engineering Design Manual states the minimum sidewalk and planter widths for a Collector are 6.5 and 7.5 feet respectively. To accommodate the additional two feet required to meet the standard staff propose a condition of approval that the applicant submit a revised set of plans showing a gutter/curb of 0.5 feet, 7-foot planter strip with street trees and a 6-foot sidewalk located 1 foot from ROW prior to the issuance of the Site Development Permit. This will require the curb to be moved two and a half feet to the north of the location seen on the preliminary plan set. The applicant proposes a new public street which is identified as SW 156th in the applicant's package. The proposed street will have a functional classification of a Local Street as identified in the City's Transportation System Plan (TSP). The applicant proposes to dedicate 38 feet along the site's eastern boundary to construct a three-quarter Local Street to the L1 standard identified in Engineering Design Manual Standard Drawing 200-1. The proposed local street will provide vehicular, bicycle and pedestrian access to the proposed lots, and to comply with applicable City connectivity goals and policies, the applicant's plans show the possible extension of the local street connecting to SW Deline Street when the lots to the east of the project site develop. The proposed local street is shown on the applicant's plans as having a paved right-of-way width of 24 feet accompanied by a 5-foot wide sidewalk behind a 6.5-foot wide planter, directly west of the paved travel lanes. The applicant's plans show the proposal is accommodating approximately three-quarters of a required through-street on the subject site to enable two-way traffic and adequate fire access. However, the applicant is not proposing a sidewalk along the north-bound travel lane because a pedestrian walkway is provided along the south-bound travel lane, which is most accessible to the proposed lots.

A Traffic Impact Analysis is not required for the proposed development. Section 60.55.20.2 of the Beaverton Development Code states that a Traffic Impact Analysis is required when the proposed land use change of development will generate 300 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer. The Institute of Traffic Engineers (ITE) Trip Generation, 10th Manual provides professional guidance for estimating trip generation of potential development. This industry-accepted document, which is also codified in Beaverton Development

Code (Section 60.55.20) as the source for traffic generation estimates, provides estimated traffic rates based on various land uses. The ITE estimates a single-family home as generating, on average, 10 trips per day. Based on the ITE's estimate of 10 trips per day for a single-family home, and the proposed number of 9 lots, the City Traffic Engineer estimates approximately 90 new trips per day.

The proposed driveways for Lots 6 through 9 do not meet the Engineering Design Manual for spacing between driveway aprons. The Committee recommends a condition of approval that the applicant submit plans demonstrating each proposed future driveway for Lots 6 through 9 demonstrate compliance with EDM Standard Drawing 211. As conditioned, the Committee finds that adequate transportation service can be provided to the site to serve the proposed development.

**Fire Protection:** Fire protection will be provided to the site by Tualatin Valley Fire and Rescue (TVF&R). The applicant has provided a copy of a TVF&R permit for Fire Code and Land Use Code, including a note that a TVF&R final inspection is required for the project. The Committee recommends a condition of approval that the applicant comply with the TVF&R Permit #2022-0077. By meeting the conditions of approval, the proposal will meet TVF&R requirements, which will be verified at the time of Site Development Permit issuance.

In review of the proposal, the Facilities Review Committee has determined that by meeting the conditions of approval at the end of this report, the proposal does not impact the level of facilities and services available. The capacity of the existing systems is adequate to support the increased use of these critical facilities.

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

## Section 40.03.1.B

**Approval Criteria:** Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both, will be provided to serve the proposed development within five (5) years of occupancy.

### FINDING:

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

**Schools:** The applicant has submitted a Service Provider Letter provided by Beaverton School District, dated August 13, 2021, which states that the school district believes there will be sufficient capacity to accommodate new students from the project. BSD staff continuously monitors enrollment and capacity at all schools and may from time to time take additional actions to manage enrollment and capacity issues as needed. Therefore, the Committee finds that adequate school capacity can be provided to the site to serve the proposed development.

**Transit Improvements:** There isn't any direct access to transit at the site, the closest Tri Met bus routes include:

#52, runs on SW Farmington Road, approximately a quarter mile from the subject site;

#88, runs on SW 170th Avenue., approximately 0.65 miles from the subject site.

Both routes provide access to the Beaverton Transit Center and run seven days a week. The Committee finds that there are adequate transit services to serve the proposed development.

**Police Protection:** At the date of this report Beaverton Police have not provided comments or recommendations to the Committee. Beaverton Police will serve the development site and any comments will be shared with the applicant. Therefore, the Committee finds that adequate police protection service can be provided to the site to serve the proposed development.

**Pedestrian and Bicycle Facilities:** The subject site is located along SW Division Street, which is a Washington County maintained street and is designated as a collector. SW Division Street is also classified as an enhanced bikeway, which requires buffered bike lanes. The county has conditioned the half street improvement along SW Division Street to include a buffered bike, which includes a six-foot-wide bike lane with a 2-foot buffer. The applicant's plan set dated March 15, 2023, indicates a sidewalk width of 5 feet, a planter width of 6.5 feet and a half-foot between sidewalk and right of way. The Beaverton Engineering Design Manual states the minimum sidewalk and planter widths for a Collector are 6 and 7.5 feet respectively, with a half-foot between sidewalk and right of way. Additionally, Washington County requires the sidewalk to be located one foot from the right of way, one half foot greater than the City's requirement. To accommodate the additional two and a half feet required to meet County and City standards staff recommend a condition of approval that the applicant submit new site plans displaying a half-street improvement consisting of pavement width per County Engineer, gutter/curb, 7-foot planter strip with street trees and a 6-foot sidewalk located 1 foot from ROW prior to the issuance of the Site Development Permit. The proposed local street is shown on the applicant's plans as having a paved right-of-way width of 24 feet accompanied by a 5-foot-wide sidewalk behind a 6.5-foot wide planter, directly west of the paved travel lanes. Bicycle lanes are not proposed on the local street, as they aren't required on streets designated as Local or Neighborhood Routes.

For these reasons, the Committee finds that essential facilities and services related to the proposed development are available with adequate capacity to serve the development.

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

### **Section 40.03.1.C**

**Approval Criteria:** The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).

#### **FINDING:**

Staff cites the Code Conformance Analysis chart at the end of the Facilities Review Report, which evaluates the project as it relates to applicable code requirements of Chapter 20 for the Residential Urban Standard Density (R7) zone, which was the zoning designation at the time of the project submittal, as applicable to the aforementioned criterion. As demonstrated in the chart, the development proposal either meets all applicable standards, or can meet the standard if the Minor Adjustment for lot size (Lot 1) and Minor Adjustment for lot width (Lots 2-7) are approved by the decision making authority.

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

### **Section 40.03.1.D**

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

#### **FINDING:**

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, as applicable to the above mentioned criteria. Staff will provide findings for the applicable Land Division criteria within the applicable section of the staff report. As demonstrated in the code conformance analysis chart the proposal meets all applicable sections of Chapter 60.



**Section 60.15 Land Division Standards:** The applicant proposes to create nine lots through a Preliminary Subdivision. The applicant states that the proposed development includes site grading within 25 feet of residential property lines and that the grading meets the standards of Section 60.15.10. There are no significant trees or groves on the subject site. The applicant states that most of the grading occurs in the area of the proposed local street and the water quality facility within Tract A. Additionally, the final plat standards of Section 60.15.15 do not apply at the time of a Preliminary Partition request.

The Committee recommends conditions of approval regarding the grading and contouring of the development site, which will be reviewed and approved prior to Site Development Permit issuance.

**Section 60.30 Off-Street Parking:** Per Beaverton Development Code (BDC) Section 60.30.10.5.B, short-term and long-term bicycle parking spaces are not required for detached dwelling units. Per BDC Section 60.30.10.5.A, the minimum parking ratio requirements for motor vehicles is one parking space for each detached dwelling unit. There is no maximum parking ratio requirement. The applicant states that the minimum vehicle parking requirement will be met or exceeded because each of the proposed lots will have at least one parking space within the driveway or within a garage or carport. These parking spaces will meet the minimum dimensions of 8.5 feet wide by 18.5 feet long and will be located outside the fire lane. Final design and configuration of the parking spaces will be determined at the time of building permit submittal.

**Section 60.45 Solar Access Protection:** The subject property is located within the R7 zone; therefore, the proposed development is subject to the standards of this section. The applicant states that Lots 1,8, and 9 meet the Solar Access standards, or 33% of the proposed development, which is less than the 80% required by Standard 60.45.10.3. The applicant asserts that the proposed local street and resulting site layout to connect with SW Deline Street when the lots to the east develop restrict Lots 2-7 from meeting the standards for Solar Access Protection, satisfying adjustment standard 60.45.10.5.A.3

**Section 60.55 Transportation Facilities:** The applicant states that the proposed development did not meet the threshold for a Traffic Impact Analysis or Traffic Management Plan. Analysis is required when the proposed land use change of development will generate 300 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer. The Institute of Traffic Engineers (ITE) Trip Generation, 10th Manual provides professional guidance for estimating trip generation of potential development. This industry-accepted document, which is also codified in Beaverton Development Code (Section 60.55.20) as the source for traffic generation estimates, provides estimated traffic rates based on various land uses. The ITE estimates a single-family home as generating, on average, 10 trips per day. Based on the ITE's estimate of 10 trips per day for a single-detached dwelling, and the proposed number of 9 lots, the City Traffic Engineer estimates approximately 90 new trips per day.

**Section 60.55.25 Street and Bicycle Pedestrian Connection Requirements:** The applicant states that access to the development will be via a new public north/south street from SW Division Street. The existing access via SW Division Street to the proposed Lot 1 has been conditioned by Washington County to be closed prior to the issuance of a Site Development permit. The county has conditioned the half street improvement along SW Division Street to include a buffered bike, which includes a six-foot-wide bike lane with a 2-foot buffer. The applicant's plan set dated March 15, 2023, indicates a sidewalk width of 5 feet, a planter width of 6.5 feet and a half-foot between sidewalk and right of way. The Beaverton Engineering Design Manual states the minimum sidewalk and planter widths for a Collector are 6 and 7.5 feet respectively, with a half-foot between sidewalk and right of way. Additionally, Washington County requires the sidewalk to be located one foot from the right of way, one half foot greater than the City's requirement. To accommodate the additional two and a half feet required to meet County and City standards staff recommend a condition of approval that the applicant submit new site plans displaying a half-street improvement consisting of pavement width per County Engineer, gutter/curb, 7-foot planter strip with street trees and a 6-foot sidewalk located 1 foot from ROW prior to the issuance of the Site Development Permit. The proposed local street is shown on the applicant's plans as having a paved right-of-way width of 24 feet accompanied by a 5-foot-wide sidewalk behind a 6.5-foot-wide planter, directly west of the paved travel lanes. Bicycle lanes are not proposed on the local street, as they aren't required on streets designated as Local or Neighborhood Routes.

The applicant will dedicate 12-feet of right of way along SW Division Street to satisfy the required half-street improvements conditioned by Washington County. The dedication and proposed condition of approval to provide a sidewalk and planter width in compliance with the Beaverton EDM and County requirements will ensure that adequate Street, Bicycle and Pedestrian requirements serve the proposed development.

**Section 60.55.30 Minimum Street Widths:** Staff proposes a condition of approval that the applicant receive a Design Exception to the Engineering Design Manual for Driveway Spacing between the proposed driveway apron for access to Lot 1 and the proposed driveway apron for Tract A.

**Section 60.55.35 Access Standards:** The applicant states the Preliminary Plan Set depicts access to the site via the proposed local street has been designed to meet the required standards identified in the Beaverton Development Code and Engineering Design Manual. The proposed access to Lot 1 on the Preliminary Plan Set dated March 15, 2023, shows access which staff has conditioned to obtain a Design Exception to the Engineering Design Manual for driveway spacing. All lots will be accessed via the proposed local street and all access to proposed Lot 1 has been conditioned by Washington County to be closed prior to issuance of the Site Development permit.

The applicant states that all intersection standards will be met with the final engineering plans. Additionally, Washington County has conditioned the project to provide a preliminary Sight

Distance Certification for the site's new public street prior to the issuance of the Site Development permit.

**Section 60.60.20 Tree Protection Standard:** The applicant states that all protection standards for protection of trees which are to remain on the project site will be adhered to. Staff proposes a condition of approval that prior to removal of trees on the project site staff will inspect the site to ensure tree protection fencing and other tree protection measures identified in the Beaverton Development Code are properly installed.

All trees on the site have been identified as "Community Trees," therefore, no mitigation will be required.

**Section 60.65 Utility Undergrounding:** The applicant states that all utilities proposed for the development will be installed underground and that the existing overhead power line that serves the existing house will be installed underground as well. To meet the requirements of this section, the Committee recommends a standard condition of approval requiring that utility lines are placed underground.

For these reasons, the Committee finds that the proposed development is consistent with the applicable provisions of Chapter 60.

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

## Section 40.03.1.E

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

### FINDING:

The applicant states no common privately-owned facilities are proposed. The committee recommend a condition of approval, requiring the applicant to record and provide a copy of a shared access easement for the recommended shared driveway for Lots 7, 8 and 9. Furthermore, the proposed conditions state that the easement must be consistent with EDM Sections 210.21 J "Joint-Use Agreement for Common Driveways" and K "Maintenance Agreement for Common Driveways". The applicant also asserts that easements will be placed over the water quality facility within Tract A and over any other areas where public utilities exist. Staff finds that the design of the development does not preclude the continued maintenance of private common facilities.

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

## Section 40.03.1.F

**Approval Criteria:** There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

### FINDING:

In review of Criterion F, staff incorporates the findings prepared in response to A, B and D above. The applicant proposes to improve the site's frontage on SW Division Street with 5-foot sidewalks, 6.5-foot planter strips and standard curbs. The applicant proposes a local street to access the proposed lots, it will consist of 5-foot sidewalks, 6.5-foot planter strips and standard curbs. All sidewalks within the development will be designed to meet or exceed ADA standards to ensure pedestrian safety.

Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). An emergency vehicle turnaround easement shared by Lots 6 and 7 is provided according to TVF&R standards (TVF&R Permit 2022-0077) and could also be used by residents and visitors as a turnaround for personal vehicles. The easement has sufficient width to serve as a path for pedestrians and vehicles. The emergency turnaround will be posted with signs restricting parking as required by TVF&R. With the conditions of approval, the Committee finds that there are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the proposed development.

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

## Section 40.03.1.G

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

### FINDING:

In review of Criterion G, staff incorporates the findings prepared in response to A, B, D and F above. The applicant's plans show vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

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

## Section 40.03.1.H

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

### FINDING:

The applicant states that all structures and public facilities serving the development site have been designed in accordance with adopted City codes and standards. The applicant has provided an approved set of plans by TVR&R, TVF&R permit 2022-0077. The proposal will also be required to show compliance with the City's Building Code Standards prior to issuance of Building permits, which include compliance with TVF&R standards.

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

## Section 40.03.1.I

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

### FINDING:

The applicant states that all structures and public facilities serving the development site have been designed in accordance with adopted City codes and standards. The Committee finds that review of the construction documents at the Building and Site Development permit stages will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

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

## Section 40.03.1.J

**Approval Criteria:** 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.

### FINDING:

The applicant states that grading and contouring of the site has been designed to accommodate the proposed 9 lots and that the perimeter grading is designed to maintain existing grades at the abutting property lines consistent with City standards. The applicant states the site is primarily flat with a high-grade elevation of approximately 250 feet at the southwest corner of the site to a low of approximately 230 feet at the northeast corner of the site. To mitigate adverse effects during construction the applicant will be required to provide sediment fencing along the project boundaries, trees that are proposed to remain and for inlets and catch basins. Additionally, the proposed grading of the site is designed so water runs off to the streets or the proposed collection facilities, to mitigate adverse effect(s) on neighboring properties and adjacent public rights-of-way. Furthermore, the storm system has been designed to adequately accommodate surface drainage and necessary water storage facilities, consistent with the down-stream capacity of the existing public storm drainage system. To ensure adequate drainage of the site, the Committee recommends a condition of approval that prior to issuance of the Site Development Permit the applicant will be required to provide construction plans and a drainage analysis for the site prepared by a professional engineer.

**Conclusion:** Therefore, the Committee finds that by meeting the condition of approval the proposal meets the criterion for approval

## Section 40.03.1.K

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

### FINDING:

The applicant states that the proposed transportation facilities conform to the City's Transportation System Plan and that the pedestrian facilities have been designed consistent with ADA standards and serve to enhance the neighborhood circulation patterns for both vehicles and pedestrians. However, the applicant's plans do not currently show two directional curb ramps on the southwest corner of the public intersection of SW Division Street and the proposed local street. Therefore, The Committee recommends a condition of approval that the applicant submit revised site plans that show two curb ramps be provided at the aforementioned corner. The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals.

**Conclusion:** Therefore, the Committee finds that by meeting the condition of approval the proposal meets the criterion for approval.

## Section 40.03.1.L

**Approval Criteria:** The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.

### FINDING:

The application for the Preliminary Subdivision (LD2022-0001) was submitted on December 31, 2021, the Tree Plan (TP2022-0001) was submitted on January 6, 2022, the two Minor Adjustments (ADJ2022-0001 and ADJ2022-0001) and the Legal Lot Determination (LLD2022-0004) were submitted on May 26, 2022. The applicant deemed the application complete on June 17, 2022. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1, are contained within this proposal.

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

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**Residential Urban Standard Density District (R7) Zoning District**

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 20.05.20 (R7)</b>			
Detached Dwellings <sup>12</sup>	Permitted use <sup>11</sup>	Preliminary Subdivision to create 9 lots and one tract for stormwater management from one existing lot with a detached dwelling unit and accessory structures. No new structures are proposed with the preliminary subdivision	<b>N/A</b>
<b>Development Code Section 20.05.15 (R7)</b>			
Minimum Land Area <sup>1</sup>	7,000 square feet	Lot 1: 6,300 square feet Lot 2: 7,122 square feet Lot 3: 7,130 square feet Lot 4: 7,128 square feet Lot 5: 7,130 square feet Lot 6: 7,103 square feet Lot 7: 7,012 square feet Lot 8: 7,580 square feet Lot 9: 7,086 square feet	<b>YES; For Lot 1, See ADJ Findings</b>
Minimum and Maximum Residential Density	Minimum: 7 dwellings Maximum: 12 dwellings	9 dwellings	<b>YES</b>
Minimum Lot Width	Interior: 65 feet Corner: 70 feet	Lot 1 (interior): 68.4 feet Lot 2 (interior): 58.5 feet Lot 3 (interior): 58.5 feet Lot 4 (interior): 58.5 feet Lot 5 (interior): 58.5 feet Lot 6 (interior): 58.5 feet Lot 7 (interior): 58.5 feet Lot 8 (interior): 85 feet Lot 9 (interior): 77 feet	<b>YES; For Lots 2-7, See ADJ Findings</b>
Minimum Lot Depth	Interior: 90 feet Corner: 80 feet	Lot 1 (interior): 91.8 feet Lot 2 (interior): 121.85 feet	<b>YES</b>



		Lot 3 (interior): 121.9 feet Lot 4 (corner): 121.95 feet Lot 5 (interior): 120.05 feet Lot 6 (interior): 119.1 feet Lot 7 (corner): 124.1 feet Lot 8 (interior): 129.25 feet Lot 9 (interior): 108.05 feet	
Minimum Land Area for Land Divisions Utilizing Lot Averaging on Sites Less than Two Acres <sup>3 16</sup>	6,300 square feet	Lot averaging is not proposed	<b>N/A</b>
Minimum Lot Width for Land Divisions Less than Two Acres	Interior: 65 feet Corner: 70 feet	Parent parcel is greater than two acres.	<b>N/A</b>
Minimum Lot Depth for Land Divisions Less than Two Acres	Interior: 90 feet Corner: 80 feet	Parent parcel is greater than two acres.	<b>N/A</b>
Minimum Yard Setbacks <sup>4 16</sup>	Front: 17 feet Side: 5 feet Rear: 25 feet Garage <sup>7</sup> : 20 feet Garage door to rear <sup>9</sup> : 24 feet Between buildings <sup>10</sup> : 6 feet	The applicant's plans depict setback outlines which meet the minimum setbacks of the R7 zone. No buildings are proposed with the project, therefore, the garage door setbacks will be reviewed at building permit submittal.	<b>YES</b>
<b>Development Code Section 20.05.15 (R7) continued</b>			
Reduced Yard Setbacks <sup>11 16</sup>	Front: 10 feet Side: 5 feet Rear: 5 feet Garage: 20 feet	Reduced yard setbacks are not proposed	<b>N/A</b>
Maximum Building Height	35 feet	No buildings are proposed with this application	<b>N/A</b>

# Attachment B: PRELIMINARY LAND DIVISION LD2022-0001

## ANALYSIS AND FINDINGS FOR PRELIMINARY LAND DIVISION APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **LD2022-0001**, subject to the applicable conditions identified in Attachment G.

### Section 40.03.1 Facilities Review Committee Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B and all the following criteria have been met, as applicable.

#### FINDING:

Staff has reviewed the applicable Facilities Review Committee approval criteria in Attachment A of this report. Staff cites the findings presented in Attachment A in response to the Facilities Review Committee approval criteria. As identified in Attachment A, the proposal meets Approval Criteria 40.03.1.A through L, subject to conditions of approval identified in Attachment D.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval the proposal meets the Facilities Review Committee approval criteria.

### Section 40.45.05 Purpose:

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

### Section 40.45.15.5.C Approval Criteria

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

## Section 40.45.15.5.C.1

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

### FINDING:

The applicant proposes to divide one (1) lot into nine (9) lots, meeting the threshold for a Preliminary Subdivision. The applicant has also submitted a Legal Lot Determination to be processed concurrently with the Preliminary Subdivision application. Threshold 1 for a Preliminary Subdivision reads, “the creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year.” Therefore, the application meets Threshold 1 for a Preliminary Subdivision. Additionally, staff proposes a condition of approval that the applicant receives approval for a Legal Lot Determination at the time of approval for the Preliminary Subdivision application.

**Conclusion:** Therefore, staff finds that the proposal will meet the criterion for approval by meeting the conditions of approval.

## Section 40.45.15.5.C.2

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

### FINDING:

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

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

## Section 40.45.15.5.C.3

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

### Finding:

There aren't any existing or expired city approvals for the site.

**Conclusion:** Therefore, staff finds that the proposal meets the criterion.

## **Section 40.45.15.5.C.4**

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

**Finding:**

No oversized parcels are proposed with this development.

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

## **Section 40.45.15.2.C.5**

**Approval Criteria:** If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.

**Finding:**

The application does not request phasing with this proposal.

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

## **Section 40.45.15.2.C.6**

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

- a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,
- b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.

**Finding:**

The application does not propose lot averaging standards.

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

## **Section 40.45.15.2.C.7**

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

**Finding:**

The application does not propose lot averaging standards.

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

## **Section 40.45.15.2.C.8**

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

**Finding:**

The subject site is zoned R7. The proposal only includes lots zoned R7. No proposed lot will have more than one zoning designation.

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

## **Section 40.45.15.2.C.9**

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

**Finding:**

The applicant has submitted this Preliminary Subdivision application along with two Minor Adjustments, Legal Lot Determination and Tree Plan Two applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals. Staff suggest a condition of approval that the approval of the Preliminary Subdivision application is dependent upon

the approval of both Minor Adjustments, Legal Lot Determination and Tree Plant Two applications.

**Conclusion:** Therefore, staff find that by meeting the condition of approval, the proposal meets the criterion for approval.

### Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Grading Standards</b>			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed.	The proposal is subject to the grading standards contained herein.	<b>Yes</b>
60.15.10.2.A-C Exemptions	Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way.	The proposed preliminary grading plan includes street frontage improvements, storm detention facilities and on-site grading adjacent to existing public streets. All of these grading activities are exempt from the grading standards under this Section.	<b>Yes</b>
60.15.10.3.A 0-5 Feet From Property Line	Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property.	The applicant's plans show that the proposed grading does not exceed the maximum two (2) foot slope differential 0 to 5 feet from the abutting residential properties to the north and west.	<b>Yes</b>
60.15.10.3.B 5-10 Feet From Property Line	Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property.	The applicant's plans show that the proposed grading does not exceed the maximum four (4) foot slope differential 5 to 10 feet	<b>Yes</b>

		from the abutting residential properties to the north and west.	
60.15.10.3.C 10-15 Feet From Property Line	Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property.	The applicant's plans show that the proposed grading does not exceed the maximum six (6) foot slope differential 10 to 15 feet from the abutting residential properties to the north and west.	<b>Yes</b>
60.15.10.3.D 15-20 Feet From Property Line	Maximum eight (8) foot slope differential from the existing or finished slope of the abutting property.	The applicant's plans show that the proposed grading does not exceed the maximum eight (8) foot slope differential 15 to 20 feet from the abutting residential properties to the north and west.	<b>Yes</b>
60.15.10.3.E 20-25 Feet From Property Line	Maximum ten (10) foot slope differential from the existing or finished slope of the abutting property.	The applicant's plans show that the proposed grading does not exceed the maximum ten (10) foot slope differential 20 to 25 feet from the abutting residential properties to the north and west.	<b>Yes</b>
60.15.10.3.F Pre-development slope	Where a pre-development slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, the slope after grading shall not exceed the pre-development slope	The applicant states that no existing slopes exceed the standards within this Section.	<b>Yes</b>
<b>Significant Trees and Groves</b>			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	Significant Trees or Groves are not located on the subject site.	<b>N/A</b>

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.15</b>			
Land Division Standards	Grading and tree protection standards pertaining to land divisions.	Refer to Facilities Review Committee finding herein. Also, a Land Division-Preliminary Subdivision application has been applied for. Applicable Land Division Standards will be reviewed in greater detail in that section of the staff report.	<b>See 60.15 Grading Standards Table and TP2022-0001 Findings</b>
<b>Development Code Section 60.30</b>			
Off-street Parking Requirements	Detached Dwelling Units require 1 parking space per unit.  No required bicycle parking for Detached dwelling units.	No structures are proposed at this time. Compliance with parking requirements will be evaluated at the time of building permit review for future home construction.	<b>N/A</b>
<b>Development Code Section 60.45</b>			
Solar Access Protection	Regulations pertaining to the availability of solar access for dwellings within the subdivision.	Refer to Facilities Review Committee findings in Attachment A of this report.	<b>YES</b>
<b>Development Code Section 60.55</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings in Attachment A of this report.	<b>Yes, w/COA</b>
<b>Development Code Section 60.60</b>			
	Regulations pertaining	No Significant Natural	<b>See TP2022-</b>



Trees & Vegetation	to the removal and preservation of trees.	Resource Areas or Significant Groves are present on the subject site. The applicant proposes to remove 43 of the 55 identified Community Trees from the subject site. Mitigation is not required for Community Trees.	<b>0001 Section of Staff Report.</b>
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<b>Development Code Section 60.65</b>			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	All utilities are required to be placed underground in accordance with standards identified in Section 60.65. The Committee proposes a standard condition of approval to ensure utility undergrounding complies with Section 60.65.	<b>Yes, w/COA</b>

# Attachment C: MINOR ADJUSTMENT ADJ 2022-0001

## ANALYSIS AND FINDINGS FOR MINOR ADJUSTMENT APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **ADJ2022-0001**, subject to the applicable conditions identified in Attachment G

### Section 40.10.05 Purpose:

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in this Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

### Section 40.10.15.1.C Approval Criteria

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

#### Section 40.10.15.1.C.1

**Approval Criteria:** The application satisfies the threshold requirements for a Minor Adjustment application.

Section 40.10.15.1.A.1 Threshold: An application for Major Adjustment shall be required when the following threshold applies:

1. Involves up to and include a 10% adjustment from the numerical Site Development Requirements specified in Chapter 20 (Land Uses).

#### Finding:

The applicant is requesting a 10% adjustment in the minimum lot size from 7,000 to 6,300 square feet for Lot 1. The remaining 8 proposed lots will have a minimum lot size of at least 7,000 square feet. As proposed, the average minimum lot size for the subdivision is approximately 7,065 square feet.

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

## Section 40.10.15.1.C.2

**Approval Criteria:** The application complies with all applicable submittal requirements as specified in Section 50.25.1 and includes all applicable City application fees.

### Finding:

The applicant has paid the required application fee for a Minor Adjustment application.

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

## Section 40.10.15.1.C.3

**Approval Criteria:** Special conditions exist on the site that make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.

### Finding:

The subject site is located with access from SW Division Street, which is classified as a Collector by Washington County. To provide vehicular, pedestrian and bicycle access to the proposed lots, and to comply with applicable connectivity goals and policies of the City (Goal 6.2.4 and 6.2.7, Beaverton Comprehensive Plan), the applicant's plans show the proposed three-quarter L1 Local Street and a 12 foot right of way dedication along the site's frontage with SW Division Street. The total proposed dedication of right of way for the local street is 38 feet of what will ultimately be a 58 foot right of way if the lot to the east proposes development in the future. Therefore, the future development may only have to dedicate 20 feet of right of way to complete the full local street, 18 feet less than this application is required to dedicate. The 38-foot width for the proposed local street allows for two-way traffic, emergency access and a standard sidewalk corridor (5-foot sidewalk and 6.5 planter). Due to the narrow width of the lot (160.3 feet) and the 38-foot dedication for right of way being more than a typical half street dedication the applicant states meeting the standards for the R7 zone is infeasible.

To provide adequate stormwater facilities for the proposed subdivision, and to comply with applicable City Public Facility goals and policies (Goal 5.4.1, Comprehensive Plan), the applicant's plans show a stormwater facility identified as Tract A. The location of the stormwater facility is in this area because the existing topography of the site drains from the southwest to the northeast. The location of the stormwater facility and the location of the intersection of the proposed local street with SW Division Street severely reduces the buildable area along the site's frontage with SW Division Street.

The applicant states that the proposed layout for Lot 1 is the only feasible option to provide a street pattern for safe and efficient circulation while also providing for an adequate stormwater facility for the entire site.

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

## Section 40.10.15.1.C.4

**Approval Criteria:** The special conditions or circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.

### Finding:

To provide vehicular, pedestrian and bicycle access to the proposed lots, and to comply with applicable connectivity goals and policies of the City (Goal 6.2.4 and 6.2.7, Beaverton Comprehensive Plan), the applicant's plans show the proposed three-quarter L1 Local Street and a 12 foot right of way dedication along the site's frontage with SW Division Street. Because the adjacent property east of the subject site is not controlled by the applicant, the minimum street width must be provided by the subject site. The additional right-of-way dedication in excess of the typical half-street requirement is not the result of the applicant's actions and the resulting physical constraints do not merely constitute financial hardship or inconvenience.

To provide adequate stormwater facilities for the proposed subdivision, and to comply with applicable City Public Facility goals and policies (Goal 5.4.1, Comprehensive Plan), the applicant's plans show a stormwater facility identified as Tract A. The location of the stormwater facility is not result of the applicant's actions as the facility is located there because of the site's topography and the resulting physical constraints do not merely constitute financial hardship or inconvenience.

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

## Section 40.10.15.1.C.5

**Approval Criteria:** The adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.

### Finding:

The applicant's request to reduce the size of the proposed lot 1 will not obstruct pedestrian or vehicular movement. The applicant is requesting the Minor Adjustment due to the need to provide a 38-foot right of way dedication to accommodate a minimum right of way for

two traffic along with a full sidewalk corridor, a 12-foot dedication along SW Division Street to accommodate a new sidewalk and planter strip and a stormwater facility to serve the proposed subdivision. The proposed improvements will enhance pedestrian and vehicular access to the site.

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

## **Section 40.10.15.1.C.6**

**Approval Criteria:** City-designated significant trees and/or historic resources, if present, will be preserved.

**Finding:**

There are no City-designated significant trees and/or historic resources on the subject site.

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

## **Section 40.10.15.1.C.7**

**Approval Criteria:** Granting an adjustment to the grading standards will allow additional significant and/or community trees to be preserved.

**Finding:**

There are no adjustment requests to grading for the proposal.

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

## **Section 40.10.15.1.C.8**

**Approval Criteria:** If more than one (1) adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zoning district.

**Finding:**

The applicant states that there are two adjustments proposed for the project. The first adjustment application is for the minimum size of lot 1 to be reduced by 10% from 7,000 square feet to 6,300 square feet. The second adjustment application is to reduce the minimum lot width for lots 2-7 from a 65-foot minimum to a 58.5 foot minimum.

The applicant states that the Beaverton Comprehensive Plan has goals and policies which allow for responsible infill development without negatively impacting the livability of the existing neighborhood. The applicant has identified the following Comprehensive Plan goals and policies as showing the intent of the zoning district (R7) is still adhered to with multiple adjustments requests.

- *Goal 3.1.1 Encourage development and land use patterns that support a variety of transportation options.*
  - The proposed dedication of 38 feet to enable two-way traffic and a full sidewalk corridor constructed to the L1 local street standard and dedicating 12 feet of right of way along SW Division Street for a new sidewalk corridor will enhance the vehicular, pedestrian and bicycle circulation of the site. The curb location for the proposed sidewalk improvements along SW Division Street will set the placement of future sidewalk improvements along the south side of the street for future sidewalk improvements which will be required for new developments to the east and west of the site.
  - The location of the site is less than a half mile from Trimet bus line 52. The proposed right-of-way improvements and location near bus routes provide future residents with multiple transportation options to meet daily needs.
- *Goal 3.2.1 Provide for thoughtful and strategic infill and redevelopment.*
  - The location of the site near transit and existing infrastructure makes redevelopment of the site well suited to offer innovative housing types and designs. Additionally, the applicant will extend the public storm line and construct a new local street. The improvements proposed will enhance the infrastructure in the neighborhood and allow for future development to integrate into public facilities as well.
- *Goal 3.8.1 Complete and livable Neighborhoods.*
  - The adjustment for Lot 1 is the only one for lot area of the nine proposed lots for the subdivision. The other eight lots are all over 7,000 square feet and the average of the nine lots is 7,065, above the minimum 7,000 square feet required of the R7 zone. The size of the proposed lots are similar in size and shape to much of the surrounding community. For example, the Village Shire plat abutting the project

site to the west is comprised of 11 lots and has an average lot size of 7,903 square feet.

- The applicant states the 10 percent reduction in area for Lot 1 allows the development to meet the mid-range density (9 lots) for the site (7 minimum/12 maximum). By increasing the amount of lots to the mid-range density costs can be dispersed and more dwellings can be built, reducing the overall cost to the consumer.
- The proposed development will show the proposed three-quarter L1 Local Street and a 12 foot right of way dedication along the site's frontage with SW Division Street. The termination of the proposed local street is in the proximity of SW Deline Street to the east. When the properties to the east develop SW Deline Street will connect with the proposed local street improving the connectivity of the community. Additionally, the proposed sidewalk improvements along SW Division Street sets the ultimate location of the curb for SW Division Streets southern boundary which will enhance the pedestrian environment as more properties to the east and west of the site develop.
- While construction plans are not required for preliminary approval of the project, the applicant states that the lots are large enough to build single story dwellings, even after the reduction in area for lot 1 and the width reduction for lots 2-7 which will be discussed in further detail in the findings for ADJ2022-0002.

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

## Section 40.10.15.1.C.9

**Approval Criteria:** Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.

### Finding:

The applicant states that the 10% reduction in lot area for Lot 1 is the minimum necessary to allow for an additional lot within the density range for the site, while still being comparable to the lots in the surrounding area. The proposed location of the stormwater detention area (Tract A) and the required local street impact the amount of buildable land area along the northern portion of the project site. Had the stormwater facility been able to be located in another location then the adjustment for lot size may have not even been required. However, because the topography of the lot calls for the stormwater facility to be located as far north and east as possible there isn't another feasible location given the

requirement for the local street as well. Therefore, the 10% reduction to provide for an additional Lot 1 is the minimum necessary to permit a reasonable use of the northern portion of the site for a buildable lot.

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

## **Section 40.10.15.1.C.10**

**Approval Criteria:** The proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.

### **Finding:**

The applicant states the proposed development will provide needed future street and utility connections for adjacent properties that are not yet developed, mainly the property abutting to the east. The proposed development, specifically the local street is designed to connect with the existing termination of SW Deline Street to the east and allow for future development to occur along the future connection to have access to critical facilities that may not currently have access. Additionally, the applicant's plans show the remaining 8 lots all exceed the minimum 7,000 square foot requirement of the zone and the average for the subdivision is also above 7,000 square feet when including the reduced size of Lot 1.

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

## **Section 40.10.15.1.C.11**

**Approval Criteria:** The proposal is consistent with all applicable provisions of CHAPTER 20 (Land Uses) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District, unless applicable provisions are modified by means of one or more Adjustment, Variance, Planned Unit Development applications that already have been approved or are considered concurrently with the subject proposal.

### **Finding:**

Staff cites the findings in the Code Conformance Analysis chart in the Facilities Review section of this report for the R7 zone as applicable to the above-mentioned criteria. As demonstrated on the chart, the proposal meets the site development standards, with the exception of minimum lot size for Lot 1 and lot width for Lots 2-7. The applicant has submitted an additional Minor Adjustment request for the width reduction to lots 2-7, in addition to this Minor Adjustment request for the reduction in lot size for Lot 1. The site is not located in the Downtown Design District



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

## **Section 40.10.15.1.C.12**

**Approval Criteria:** The proposal is consistent with all applicable provisions of CHAPTER 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of CHAPTER 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

### **Finding:**

The applicant has submitted this Minor Adjustment requesting to reduce the size of Lot 1 by 10 percent concurrently with an additional Minor Adjustment application to reduce the width of Lots 2-7 by 10 percent. Compliance with applicable Chapter 60 provisions is addressed in the Facilities Review (Attachment A), Preliminary Subdivision (Attachment B) and Tree Plan Two (Attachment E) sections of this report.

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

## **Section 40.10.15.1.C.13**

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

### **Finding:**

The applicant states that there are no common facilities with this subdivision. The proposed water quality facility within Tract A will be dedicated to the city and/or Clean Water Services with the final plat. All fencing and landscaping will be private with each lot. The proposed access to Lot 1 via Lot 2 will be addressed through the recording of easements with plat recordation. Staff recommends a condition of approval requiring the applicant to provide a copy of a shared access easement for the shared driveway of Lots 1 and 2 concurrently with final plat recordation.

**Conclusion:** Therefore, staff find that by meeting the condition of approval, the proposal meets the criterion for approval.

## Section 40.10.15.1.C.14

**Approval Criteria:** The proposal does not include any lot area averaging as specified in Section 20.05.15.D.

### Finding:

The applicant states that lot averaging is not proposed for this project.

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

## Section 40.10.15.1.C.15

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

### Finding:

The applicant has submitted this Minor Adjustment application with an associated Minor Adjustment Application, Preliminary Subdivision, and Tree Plan Two applications. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant at this stage of City review. Staff recommend a condition of approval that approval of the Minor Adjustment application is dependent upon the Preliminary Subdivision approval.

**Conclusion:** Therefore, staff find that by meeting the conditions of approval the proposal meets the criterion for approval.

# Attachment D: MINOR ADJUSTMENT ADJ 2022-0002

## ANALYSIS AND FINDINGS FOR MINOR ADJUSTMENT APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **ADJ2022-0002**, subject to the applicable conditions identified in Attachment F

### Section 40.10.05 Purpose:

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in this Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

### Section 40.10.15.1.C Approval Criteria

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

#### Section 40.10.15.1.C.1

**Approval Criteria:** The application satisfies the threshold requirements for a Minor Adjustment application.

Section 40.10.15.1.A.1 Threshold: An application for Major Adjustment shall be required when the following threshold applies:

2. Involves up to and include a 10% adjustment from the numerical Site Development Requirements specified in Chapter 20 (Land Uses).

#### Finding:

The applicant is requesting a 10% adjustment in the minimum lot width from 65 feet to 58.5 feet for Lots 2-7.

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

## Section 40.10.15.1.C.2

**Approval Criteria:** The application complies with all applicable submittal requirements as specified in Section 50.25.1 and includes all applicable City application fees.

### Finding:

The applicant has paid the required application fee for a Minor Adjustment application.

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

## Section 40.10.15.1.C.3

**Approval Criteria:** Special conditions exist on the site that make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.

### Finding:

The subject site is located with access from SW Division Street, which is classified as a Collector by Washington County. To provide vehicular, pedestrian and bicycle access to the proposed lots, and to comply with applicable connectivity goals and policies of the City (Goal 6.2.4 and 6.2.7, Beaverton Comprehensive Plan), the applicant's plans show the proposed three-quarter L1 Local Street and a 12-foot right of way dedication along the site's frontage with SW Division Street. The total proposed dedication of right of way for the local street is 38 feet of what will ultimately be a 58 foot right of way if the lot to the east proposes development in the future. Therefore, the future development may only have to dedicate 20 feet of right of way to complete the full local street, just over half the amount that this application proposes. This 38-foot width allows for two-way traffic, emergency access and a standard sidewalk corridor (5-foot sidewalk and 6.5 planter). Due to the narrow width of the lot (160.3 feet) and the 38-foot dedication for right of way being more than a typical half street dedication the applicant states meeting the standard lot width of the R7 zone is infeasible.

To provide adequate stormwater facilities for the proposed subdivision, and to comply with applicable City Public Facility goals and policies (Goal 5.4.1, Comprehensive Plan), the applicant's plans show a stormwater facility identified as Tract A. The location of the stormwater facility is in this area because the existing topography of the site drains from the southwest to the northeast. The location of the stormwater facility and the location of the intersection of the proposed local street with SW Division Street severely reduces the buildable area along the site's frontage with SW Division Street.

The proposed reduction in the width for Lots 2-7 allows for the applicant to provide for adequate facilities including sidewalks, street trees and street lighting while also reaching the mid-density (Minimum 7, Maximum 12) for the site by proposing 9 lots. The applicant states that the proposed layout is the preferred design to ensure that public services will be provided for all the proposed lots and for future development of the surrounding lots if/when that may occur.

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

## Section 40.10.15.1.C.4

**Approval Criteria:** The special conditions or circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.

### Finding:

The applicant states the site is long and narrow, at approximately 160 feet wide by 545 feet deep. The proposed layout allows the site to meet the of the mid-density (Minimum 7, Maximum 12) for the site by proposing 9 lots. Reducing the lot width of 6 of the 9 proposed lots makes it feasible for the applicant to provide access to utilities and future street connections to adjacent properties that may develop. The special conditions such as the narrow lot and dedication requirements for a new local street were not the result of the applicant.

To provide vehicular, pedestrian and bicycle access to the proposed lots, and to comply with applicable connectivity goals and policies of the City (Goal 6.2.4 and 6.2.7, Beaverton Comprehensive Plan), the applicant's plans show the proposed three-quarter L1 Local Street and a 12 foot right of way dedication along the site's frontage with SW Division Street. Because the adjacent property east of the subject site is not controlled by the applicant, the minimum street width must be provided by the subject site. The additional right-of-way dedication in excess of the typical half-street requirement is not the result of the applicant's actions and the resulting physical constraints do not merely constitute financial hardship or inconvenience.

To provide adequate stormwater facilities for the proposed subdivision, and to comply with applicable City Public Facility goals and policies (Goal 5.4.1, Comprehensive Plan), the applicant's plans show a stormwater facility identified as Tract A. The location of the stormwater facility is not result of the applicant's actions as the facility is located there because of the site's topography and the resulting physical constraints do not merely constitute financial hardship or inconvenience.

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

## Section 40.10.15.1.C.5

**Approval Criteria:** The adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.

### Finding:

The applicant's request to reduce the width of Lots 2-7 will not obstruct pedestrian or vehicular movement. The applicant is requesting the Minor Adjustment due to the need to provide a 38-foot right of way dedication to accommodate a minimum right of way for two traffic along with a full sidewalk corridor, a 12-foot dedication along SW Division Street to accommodate a new sidewalk and planter strip and a stormwater facility to serve the proposed subdivision. The proposed improvements will enhance pedestrian and vehicular access to the site.

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

## Section 40.10.15.1.C.6

**Approval Criteria:** City-designated significant trees and/or historic resources, if present, will be preserved.

### Finding:

There are no City-designated significant trees and/or historic resources on the subject site.

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

## Section 40.10.15.1.C.7

**Approval Criteria:** Granting an adjustment to the grading standards will allow additional significant and/or community trees to be preserved.

### Finding:

There are no adjustment requests to grading for the proposal.

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

## Section 40.10.15.1.C.8

**Approval Criteria:** If more than one (1) adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zoning district.

### Finding:

The applicant states that there are two adjustments proposed for the project. The first adjustment application is for the minimum size of Lot 1 to be reduced by 1 percent from 7,000 square feet to 6,300 square feet. The second adjustment application is to reduce the minimum lot width for Lots 2-7 from a 65-foot minimum to a 58.5 foot minimum.

The applicant states that the Beaverton Comprehensive Plan has goals and policies which allow for responsible infill development without negatively impacting the livability of the existing neighborhood. The applicant has identified the following Comprehensive Plan goals and policies as showing the intent of the zoning district (R7) is still adhered to with multiple adjustments requests.

- *Goal 3.1.1 Encourage development and land use patterns that support a variety of transportation options.*
  - The proposed dedication of 38 feet to enable two-way traffic and a full sidewalk corridor constructed to the L1 local street standard and dedicating 12 feet of right of way along SW Division Street for a new sidewalk corridor will enhance the vehicular, pedestrian and bicycle circulation of the site. The curb location for the proposed sidewalk improvements along SW Division Street will set the placement of future sidewalk improvements along the south side of the street for future sidewalk improvements which will be required for new developments to the east and west of the site.
  - The location of the site is less than a half mile from Trimet bus line 52. The proposed right of way improvements and location near bus routes provides future residents with multiple transportation options to meet daily needs.
- *Goal 3.2.1 Provide for thoughtful and strategic infill and redevelopment.*
  - The location of the site near transit and existing infrastructure makes redevelopment of the site well suited to offer innovative housing types and designs. Additionally, the applicant will extend the public storm line and construct a new

local street. The improvements proposed will enhance the infrastructure in the neighborhood and allow for future development to integrate into public facilities as well.

- *Goal 3.8.1 Complete and livable Neighborhoods.*
  - The adjustment for Lots 2-7 reduces the proposed lot width for six of the nine proposed lots for the subdivision. Lots 1, 8 and 9 meet the standard minimum lot width for the R7 zone. Despite the proposed reduction in lot widths for Lots 2-7, each of the lots will still meet the standard minimum lot area of 7,000 square feet required of the R7 zone. The size of the proposed lots are similar in size and shape to much of the surrounding community. For example, the Village Shire plat abutting the project site to the west is comprised of 11 lots and has an average lot size of 7,903 square feet.
  - The applicant states the 10 percent reduction in width for Lots 2-7 allows the development to meet the mid-range density (9 lots) for the site (7 minimum/12 maximum). By increasing the amount of lots to the mid-range density costs can be dispersed and more dwellings can be built, reducing the overall cost to the consumer.
  - The proposed development will include the proposed three-quarter L1 Local Street and a 12 foot right of way dedication along the site's frontage with SW Division Street. The termination of the proposed local street is in the proximity of SW Deline Street to the east. When the properties to the east develop SW Deline Street will connect with the proposed local street improving the connectivity of the community. Additionally, the proposed sidewalk improvements along SW Division Street sets the ultimate location of the curb for SW Division Streets southern boundary which will enhance the pedestrian environment as more properties to the east and west of the site develop.
  - While construction plans are not required for preliminary approval of the project, the applicant states that the lots are large enough to build single story dwellings, even after the reduction in lot width for Lots 2-7 and the reduction in lot area for Lot 1 which was previously discussed in the findings for ADJ2022-0001.

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



## Section 40.10.15.1.C.9

**Approval Criteria:** Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.

### Finding:

The applicant states that the 10 percent reduction in lot width for Lots 2-7 is the minimum necessary to allow for an additional lot within the density range (Minimum 7, Maximum 12, Proposing 9) for the site, while still being comparable to the lots in the surrounding area. The proposed location of the stormwater detention area (Tract A) and the required local street impact the amount of buildable land area along the northern and eastern portions of the project site. Had the stormwater facility been able to be located in another location and the dedication for the local street not been greater than the typical half street requirement, the adjustment for lot width reduction may not have even been required. However, because the topography of the lot calls for the stormwater facility to be located as far north and east as possible there isn't another feasible location given the requirement for the local street as well. Therefore, the 10% reduction to lot width for Lots 2-7 is the minimum necessary to permit a reasonable use of the western portion of the site.

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

## Section 40.10.15.1.C.10

**Approval Criteria:** The proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.

### Finding:

The applicant states the proposed development will provide needed future street and utility connections for adjacent properties that are not yet developed, mainly the property abutting to the east. The proposed development, specifically the local street is designed to connect with the existing termination of SW Deline Street to the east and allow for future development to occur along the future connection to have access to critical facilities that may not currently have access. The 10 percent adjustment for lot width doesn't impact the lot area requirements of the R7 zone for Lots 2-7. The reduction in width is compensated for by the proposed three-quarter local street with access for all nine lots, minimizing the impact to vehicular traffic along SW Division Street.

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

## Section 40.10.15.1.C.11

**Approval Criteria:** The proposal is consistent with all applicable provisions of CHAPTER 20 (Land Uses) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District, unless applicable provisions are modified by means of one or more Adjustment, Variance, Planned Unit Development applications that already have been approved or are considered concurrently with the subject proposal.

### Finding:

Staff cites the findings in the Code Conformance Analysis chart in the Facilities Review section of this report for the R7 zone as applicable to the above-mentioned criteria. As demonstrated on the chart, the proposal meets the site development standards, with the exception of minimum lot size for Lot 1 and lot width for Lots 2-7. The applicant has submitted an additional Minor Adjustment request for the reduction of the minimum area for Lot 1 in addition to this Minor Adjustment request for the reduction in lot width for Lots 2-7. The site is not located in the Downtown Design District

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

## Section 40.10.15.1.C.12

**Approval Criteria:** The proposal is consistent with all applicable provisions of CHAPTER 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of CHAPTER 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

### Finding:

The applicant has submitted this Minor Adjustment requesting to reduce the width of Lots 2-7 by 10 percent and has submitted an additional Minor Adjustment application to reduce Lot 1 by 10 percent in lot area. Compliance with applicable Chapter 60 provisions is addressed in the Facilities Review (Attachment A), Preliminary Subdivision (Attachment B) and Tree Plan Two (Attachment E) sections of this report.

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

## Section 40.10.15.1.C.13

**Approval Criteria:** Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures,

recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.

**Finding:**

The applicant states that there are no common facilities with this subdivision. The proposed water quality facility within Tract A will be dedicated to the city and/or Clean Water Services with the final plat. All fencing and landscaping will be private with each lot. The proposed access to Lot 1 via Lot 2 will be addressed through the recording of easements with plat recordation. Staff recommends a condition of approval requiring the applicant to provide a copy of a shared access easement for the shared driveway of Lots 1 and 2 concurrently with final plat recordation.

**Conclusion:** Therefore, staff find that by meeting the condition of approval, the proposal meets the criterion for approval.

### **Section 40.10.15.1.C.14**

**Approval Criteria:** The proposal does not include any lot area averaging as specified in Section 20.05.15.D.

**Finding:**

The applicant states that lot averaging is not proposed for this project.

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

### **Section 40.10.15.1.C.15**

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

**Finding:**

The applicant has submitted this Minor Adjustment application with an associated Minor Adjustment Application, Preliminary Subdivision, and Tree Plan Two applications. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant at this stage of City review. Staff recommend a condition of approval that approval of the Minor Adjustment application is dependent upon the Preliminary Subdivision approval.

**Conclusion:** Therefore, staff find that by meeting the conditions of approval the proposal meets the criterion for approval.

# Attachment E: TP2022-0001

## ANALYSIS AND FINDINGS FOR TREE PLAN TWO APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **TP2022-0001**, subject to the applicable conditions identified in Attachment F

### Section 40.90.05 Purpose:

Healthy trees and urban forest 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.

### 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:

#### Section 40.90.15.2.C.1

**Approval Criteria:** The proposal satisfies the threshold requirements for a Tree Plan Two application.

#### Finding:

The applicant's plans show the proposal includes the removal of 43 Community Trees, which meets threshold one (1) for a Tree Plan Two application.

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

Community Trees are defined in Chapter 90 of the Beaverton Development Code as;

*"A healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. Community Trees are not those trees identified as*

*Significant, Historic, Landscape or Mitigation Trees, trees within a Grove or a Significant Natural Resource Area, or trees that bear edible fruits or nuts grown for human consumption.”*

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

## **Section 40.90.15.2.C.2**

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

**Finding:**

The applicant has paid the required fee for a Tree Plan Two application.

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

## **Section 40.90.15.2.C.3**

**Approval Criteria:** If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.

**Finding:**

The trees are not proposed for removal to observe good forestry practices. The trees are proposed for removal to accommodate the development of the site including the associated grading and construction.

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

## **Section 40.90.15.2.C.4**

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

**Finding:**

The applicant states that the removal of trees is necessary to accommodate public street improvements, preliminary site grading, and other physical development activities related to developing the 9 proposed lots. The applicant's plans show that most of the Community Trees found on the subject site are located within designated building

footprint, proposed driveways, proposed rights-of-way, proposed utility easements or are located too close to the proposed development areas to be preserved.

The applicant's plans show eleven Community Trees proposed for preservation along the site's northern and eastern boundary, within the boundaries of proposed lots 7, 8 and 9. The applicant also proposes to retain a Community Tree near the proposed shared lot line between Lots 5 and 6. Staff recommend a condition of approval that the 12 Community Trees proposed for retention be preserved during development by the application of tree protection standards outlined in Section 60.60.20 of the Beaverton Development Code.

Staff concur that the trees proposed to be removed are necessary to accommodate the proposed physical development.

Conclusion: Therefore, staff find that by meeting the condition of approval, the proposal meets this criterion for approval.

## **Section 40.90.15.2.C.5**

**Approval Criteria:** If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.

### **Finding:**

The applicant states that while several trees are identified in the Arborist Report and Tree Plan as being in poor health or invasive, no trees are designated for removal purely due to their nuisance value. Staff find that trees are being removed to facilitate development of the site.

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

## **Section 40.90.15.2.C.6**

**Approval Criteria:** If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.

### **Finding:**

The applicants' plans show approximately seven (7) Community Trees located within the proposed area designated for the new local street, in addition to eight (8) trees under 10 inches DBH. Additionally, two (2) Community Trees are within the proposed stormwater

detention area (Tract A). Staff finds that the removal of some of the identified Community Trees from the subject site is proposed to facilitate development of a public facility, and that no reasonable alternative exists to preserve these trees.

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

## **Section 40.90.15.2.C.7**

**Approval Criteria:** If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, [or] to eliminate conflicts with structures or vehicles.

### **Finding:**

The removal of trees is not necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with existing structures or vehicles. The subject site does not contain any designated Significant Groves and/or SNRAs (Significant Natural Resources Areas). The trees are proposed for removal to accommodate new development where no reasonable alternative exists.

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

## **Section 40.90.15.2.C.8**

**Approval Criteria:** If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.

### **Finding:**

No designated Significant Groves and/or SNRAs are present on the subject site. The trees are proposed for removal to accommodate new development where no reasonable alternative exists.

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

## **Section 40.90.15.2.C.9**

**Approval Criteria:** If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.



### Finding:

No designated Significant Groves and/or SNRAs are present on the subject site. The trees are proposed for removal to accommodate new development where no reasonable alternative exists.

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

## Section 40.90.15.2.C.10

**Approval Criteria:** The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources

### Finding:

Staff cites the applicable Development Code sections in the Development Code Conformance Analysis chart at the end of the Tree Plan Staff Report, 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 demonstrated on the chart, the proposal complies with all applicable provisions of Chapter 60.60 and 60.67.

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

## Section 40.90.15.2.C.11

**Approval Criteria:** Grading and contouring of the 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.

### Finding:

This approval criterion is identical to Facilities Review approval criterion J. The response contained within the Facilities Review report (Attachment A, above) is hereby cited and incorporated. The applicant's plans demonstrate a balance of accommodating the proposed use while minimizing the adverse effects on neighboring properties.

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

## **Section 40.90.15.2.C.12**

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

### **Finding:**

The applicant submitted the application on December 31, 2021, and deemed the application complete on June 17, 2022. In the review of the materials during the application review, staff finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

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

## **Section 40.90.15.2.C.13**

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

### **Finding:**

The applicant has submitted Tree Plan Two application two Minor Adjustment Applications, a Preliminary Subdivision application, and a Tree Plan Two application. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant at this stage of City review. Staff recommend a condition of approval that approval of the Tree Plan Two application is dependent upon the Preliminary Subdivision approval.

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

## Code Conformance Analysis

### Chapter 60.60 Trees and Vegetation & Chapter 60.67 Significant Natural Resources

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
<b>60.60.15 Pruning, Removal, and Preservation Standards</b>			
60.60.15.1A-B	Pruning Standards for Protected Trees	The subject site does not contain any Protected Trees.	<b>N/A</b>
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	The subject site does not contain any Protected Trees.	<b>N/A</b>
60.60.15.2.B	Mitigation is required as set forth in 60.60.25	The subject site does not contain any Protected Trees. No mitigation is required for Community Trees.	<b>N/A</b>
60.60.15.2.C.1-8	Standards for SNRA & Significant Groves	A SNRA (Significant Natural Resource Area) is not present on the site, not is a Significant Grove.	<b>N/A</b>
<b>60.60.20 Tree Protection Standards During Development</b>			
60.60.20.1	Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval.	The applicant proposes to retain 12 Community Trees. To preserve the remaining Community Trees, staff recommend the applicant demonstrate compliance with Section 60.60.20, prior to Site Development permit issuance.	<b>YES w/ COA</b>

# Attachment F: LLD2022-0004

## ANALYSIS AND FINDINGS FOR LEGAL LOT DETERMINATION APPROVAL

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **LLD2022-0004**, subject to the applicable conditions identified in Attachment G

### Section 40.47.05 Purpose:

The purpose of the Legal Lot Determination is to determine the legal status of lots and subdivisions that were created prior to the enactment of current subdivision regulations or prior to the City annexing a particular property. This section provides criteria for rendering decisions on the legal status of lots and subdivisions consistent with State Statute. This Section is carried out by the approval criteria listed herein.

### Section 40.47.15.1.C Approval Criteria

In determining if the subject lot or parcel is a Legal Lot, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

#### Section 40.47.15.1.C.1

**Approval Criteria:** The application satisfies the threshold requirements for a Legal Lot Determination.

#### FINDING:

The Director has required the applicant to submit a Legal Lot Determination application prior to, or concurrently with, the applicant's proposals for a Land Division Two, two Minor Adjustments, and a Tree Plan Two, which meets the following Legal Lot Determination threshold:

3. *The Director requires a Legal Lot Determination be made as a prerequisite to, or concurrently with, the filing of a land use application.*

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

## Section 40.47.15.1.C.2

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

### FINDING:

The City of Beaverton received the appropriate fee for a Legal Lot Determination application.

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

## Section 40.47.15.1.C.3

**Approval Criteria:** The unit of land conforms to the lot area and dimensional standards of CHAPTER 20 (Land Use) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District; except where a unit of land was created by sale prior to January 1, 2007 and was not lawfully established, the Director may deem the unit of land a Legal Lot upon finding:

- a. *The unit of land could have complied with the applicable criteria for creation of a lawful parcel or lot in effect when the unit of land was sold; or*
- b. *The City, or County prior to annexation, approved a permit as defined in ORS 215.402 or 227.160(2) for the construction or placement of a dwelling or other structure on the unit of land after the sale, and such dwelling has all of the features listed in ORS 215.755(1)(a)-(e).*

### FINDING:

The subject lot (Tax Lot 02900 on Washington County Assessor's Map 1S117CA) is in the R7 zone and is currently developed with an existing single detached dwelling. The R7 zone has a minimum lot area requirement of 7,000 square feet for single detached dwelling lots, a minimum lot width requirement of 65 feet and a minimum lot depth of 90 feet. (Table 20.05.15 in the Beaverton Development Code). The subject lot exceeds these minimum dimensional requirements because it is approximately two acres in size, 160 feet wide and 545 feet in depth. Accordingly, the unit of land may be deemed a Legal Lot.

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

## Section 40.47.15.1.C.4

**Approval Criteria:** The application contains all applicable submittal materials as specified in Section 50.25.1. of the Development Code.

**FINDING:**

The applicant submitted this Legal Lot Determination application on May 26, 2022, and it was deemed complete on June 17, 2022. In review of the materials during the application review process, staff finds that all applicable application submittal requirements identified in Section 50.25.1 are contained within this proposal.

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

**Section 40.47.15.1.C.5**

**Approval Criteria:** Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

**FINDING:**

The applicant submitted applications for a Land Division Two, two Minor Adjustments, and a Tree Plan Two to be processed concurrently with this Legal Lot Determination application. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated application.

**Conclusion:** Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion.

**CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, staff recommends APPROVAL of LLD2022-0004, subject to the applicable conditions identified in Attachment G.

# Attachment G: CONDITIONS OF APPROVAL

## Preliminary Subdivision (LD2022-0001)

### **A. General Conditions, the applicant shall:**

1. Ensure the associated land use applications (ADJ 2022-0001, ADJ2022-0002, LD2022-0004 and TP2022-0001) have been approved. (Planning / BC)

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

2. Submit the required plans, application form, fee, and other items as needed for a complete site development permit application per the applicable review checklist (Site Development Div. / KJ)
3. Retain a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div. / KJ)
4. Submit completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div. / KJ)
5. Have the applicant for the subject property guarantee all City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div. / KJ)
6. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the County right of way. (Site Development Div. / KJ)
7. Submit a geotechnical report with the site development permit application for review and approval. The report shall include an assessment of the stormwater facility

retaining wall. It shall be prepared by a professional engineer or registered geologist. (Site Development Div. / KJ)

8. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. The City will submit the review material to Clean Water Services for review and approval. (Site Development Div. / KJ)
9. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div. / KJ)
10. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / KJ)
11. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. (Site Development Div. / KJ)
12. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer or as permitted per sections 307 and 311 of Oregon Uniform Plumbing Code. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div. / KJ)
13. Submit a design for the retaining walls surrounding, adjacent, and within the storm water quality facility designed by a civil engineer or structural engineer for the expected hydrological conditions of the pond. These retaining walls shall be watertight for all areas of earthen fill or where deemed necessary by the City Engineer. Additionally, these walls shall be designed as poured-in-place, reinforced, 4000 PSI, portland cement concrete with a City Engineer approved texturing, and with minimum 18-inch stem wall thickness at the top of each wall. (Site Development Div. / KJ)
14. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Pad elevation shall be at least one foot higher and FFE shall be at least three feet higher than the 100 year/emergency overflow of the storm water management facility. (Site Development Div. / KJ)



15. Any changes to approved grading must meet provisions of Beaverton Code 9.05.110 and 9.05.115, no grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This applies to all exterior property boundaries of the proposed project. (Site Development Div. / KJ)
16. Pay any required storm water system development charges (storm water quality, quantity, hydromodification and overall system conveyance) for the new impervious area proposed. (Site Development Div. / KJ)
17. Provide plans showing the installation of a 60" diameter water quality manhole system with minimum five foot deep sump and Snout system. (Site Development Div. / KJ)
18. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. Any home demolition is credited at one equivalent surface unit (2640 square feet). The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div. / KJ)
19. Submit plans for the placement of underground utility lines within the site to the existing home, and for services to the proposed new home site. No overhead services shall remain on the site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div. / KJ)
20. Submit plans that show access for a maintenance vehicle within 9-feet from the front, or within 19-feet from the side of a vehicle to all control structures unless otherwise specifically approved by the City Engineer. A direct worker access route to the structures in the pond area shall be provided no steeper than 4 (horizontal) to 1 (vertical) slope. This direct route shall be a minimum of 6-feet wide and have a surface consisting of the equivalent of 3-inches of ¾"-minus crush rock to allow walking access in winter and vegetation shall allow easy access. This direct access route shall be delineated on the plans. (Site Development Div. / KJ)
21. When required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. (Site Development Div. / KJ)
22. Submit photometric lighting analysis and revised site plans to demonstrate that adequate street lighting will be installed along the future local street (referred to as

- SW 156th Place in applicant's site plans) in accordance with the street illumination standards within the City's Engineering Design Manual, Chapter 4. (BDC 40.03.1, 60.55.10 and EDM Chapter 4) (Transportation / KM)
23. Submit revised site plans demonstrating that two directional curb ramps will be provided on the southwest corner of the public intersection of Division Street and the new local street (referred to as SW 156th Place) in accordance with the City's Engineering Design Manual, Chapter 2. (BDC 40.03.1, 60.55.10, and EDM 210.23) (Transportation / KM)
  24. Submit revised site plans demonstrating that each proposed future driveway for Lots 6 through 9, including the driveway apron for the required public access turn around, meet the City's adopted standard drawing for a residential driveway (Standard Drawing 211). In order to meet this standard, shared access between one or more of Lots 6 through 9 may be necessary. (BDC 40.03.1, 60.55.10, and EDM Chapter 2) (Transportation / KM)
  25. Submit revised site plans demonstrating that the proposed public access turn-around located on Lots 6 and 7 is curbed around the perimeter to ensure there is no direct access from Lots 6 and 7 to the designated turn around area, and that turnaround is signed and/or marked for no-parking by either red curbs for fire lanes, or "No Parking" signs installed. (BDC 40.03.1, 60.55.10, and EDM Chapter 2) (Transportation / KM)
  26. Obtain an approved Design Exception Request to the Engineering and Design Manual for driveway spacing between the proposed driveway for Lot 1 access and the property line shared with Tract A. (EDM Section 210.21 Driveway, subsection I.2 Planning/ BC)
  27. Submit a plan showing the location of tree protection fencing for the 12 Community Trees proposed for retention. Tree protection fencing shall be installed prior to tree removal and remain during construction. The applicant shall contact the project planner to inspect protection fencing for all remaining trees before site work begins. (Planning Division/BC)
  28. Submit revised site plans demonstrating pavement width per County Engineer, gutter/curb, 7-foot planter strip with street trees, 6-foot sidewalk located 1 foot from ROW, and conduit per County/City standards. (Planning Division/BC)
  29. Obtain a Washington County Facility Permit for the following public improvements on SW Division Street. (Washington County / NV)
  30. Submit to Washington County Public Assurance Staff: A completed "Design Option" form (original copy), City's Notice of Decision (NOD) and County's Letter dated March 24, 2023. (Washington County / NV)

31. Electronic submittal of engineering plans, Geotech/pavement report, engineer's estimate and the "Engineer's Checklist" (Appendix 'E' of County Road Standards) for construction of the following public improvements: (Washington County / NV)
  - a. Construction of a half-street improvement: pavement width per County Engineer, gutter/curb, 7-foot planter strip with street trees, 6-foot sidewalk located 1 foot from ROW, and conduit per County/City standards. Note: Existing public/private improvements will be required to be relocated to allow for the half-street improvement. (Washington County / NV)
  - b. Installation of continuous street lighting along the site's frontage of SW Division Street to County standards, including adequate illumination at the intersection with SW 156th Place. (Washington County / NV)
  - c. Preliminary Sight Distance Certification for the site's new public street on SW Division Street. (Washington County / NV)
  - d. Closure of all existing driveways/access on SW Division Street. (Washington County / NV)
  - e. Construction of a public street connection to SW Division Street. (Washington County / NV)
  - f. Construction access and traffic circulation plan (if proposes on County-maintained streets). (Washington County / NV)

**C. Prior to building permit issuance, the applicant shall:**

32. Submit a complete site development permit and obtain the issuance of site development permit revision from the Site Development Division. (Site Development Div. / KJ)
33. Have substantially completed the site development improvements as determined by the City Engineer, including streetlights being fully functional and franchise utility undergrounding. (Site Development Div. / KJ)
34. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div. / KJ)
35. Pay a storm water system development charge (overall system conveyance) for each ESU (equivalent surface unit). (Site Development Div. / KJ)

**D. Prior to approval of the final plat, the applicant shall:**

36. Have verified to the satisfaction of the City Engineer that the location and width of all existing and proposed rights of way and easements are adequate; that each parcel and tract has proper access provisions; and that each parcel and tract has adequate

- public utility service provision/availability per adopted City standards and requirements. (Site Development Div. / KJ)
37. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div. / KJ)
  38. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div. / KJ)
  39. Dedicate property for a 38-foot-wide new local street (referred to as SW 156th Place in the applicant's site plans) to accommodate a future L1 Local Street (pursuant to the City's adopted Standard Drawings 200-4) and that meets the Engineering Design Manual's requirement to provide a minimum 20' paved width for two-way vehicle traffic for the street's interim use. (BDC 40.03.1, 60.55.10, and EDM 210.16) (Transportation / KM)
  40. Provide copies of any necessary shared access easements to be recorded with Washington County consistent with the City's Engineering Design Manual Sections 210.21 Driveways. (BDC 40.03.1, 60.55.30, and EDM 210.21) (Transportation / KM)
  41. Commence construction on the required public street improvements along the site's frontages to SW Division Street and the new local street (referred to as SW 156th Place on the applicant's plans). Required public improvements along SW 156th Place shall be consistent with the City's adopted L1 Local Street Standards and the staging requirement in EDM 210.16 that ensures a minimum 20-foot-wide paved width for two-way vehicle travel. (BDC 40.03.1, 60.55.10, and EDM Chapter 2) (Transportation / KM)
  42. The following shall be noted on the plat and recorded with Washington County Survey Division (Survey Division 503.846.8723): (Washington County / NV)
    - a. Provision of a non-access restriction along the site's frontage of SW Division Street. (Washington County / NV)
    - b. Dedication of right-of-way to meet 37 feet from the centerline of SW Division Street and adequate corner radius at the intersection with the public street. (Washington County / NV)
    - c. Dedication of an 8-foot PUE along the site's frontage of SW Division Street. (Washington County / NV)

**E. Prior to final inspection/occupancy of any building permit, the applicant shall:**

43. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div. / KJ)
44. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / KJ)
45. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div. / KJ)
46. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / KJ)
47. Submit to the City a copy of approval from Washington County stating that required improvements have been completed. (Site Development Div. / KJ)
48. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div. / KJ)
49. The road improvements required in condition I.A.3 above shall be completed and accepted by Washington County, including Final Sight Distance Certification for the intersection of SW Division Street/SW 156th Place. (Washington County / NV)

**F. Prior to release of performance security, the applicant shall:**

50. Have completed the site development improvements and verify that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div. / KJ)
51. Provide a post-construction cleaning, system maintenance, and any proprietary stormwater treatment system recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary storm water treatment systems by a qualified maintenance provider as determined by the City Engineer. Additional service report will be required per maintenance schedule and until the maintenance and planting period is complete. (Site Development Div. / KJ)

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

53. A 2-year Maintenance Security will be required at 25 percent of the cost to construct City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It will be released 2 years after project acceptance following the correction of any identified defects. (Site Development Div. / KJ)

## Minor Adjustment (ADJ2022-0001)

### **A. General Conditions, the applicant shall:**

1. Ensure the associated land use applications (LD2022-0001, ADJ2022-0002, TP2022-0001 and LLD2022-0004) have been approved. (Planning / BC)

## Minor Adjustment (ADJ2022-0002)

### **A. General Conditions, the applicant shall:**

1. Ensure the associated land use applications (LD2022-0001, ADJ2022-0001, TP2022-0001 and LLD2022-0004) have been approved. (Planning / BC)

## Tree Plan Two (TP2022-0001)

### **A. General Conditions, the applicant shall:**

1. Ensure the associated land use applications (LD2022-0001, ADJ2022-0001, ADJ2022-0002 and LLD2022-0004) have been approved. (Planning / BC)

## Legal Lot Determination (LLD2022-0004)

### **A. General Conditions, the applicant shall:**

1. Ensure the associated land use applications (LD2022-0001, ADJ2022-0001, ADJ2022-0002 and TP2022-0001) have been approved. (Planning / BC)