



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties

From: City of Beaverton Planning Division

Date: May 16, 2018

cc: LD2018-0012

Subject: ***Notice of Decision for Scholls Heights Elementary School Replat***

Please find attached the notice of decision for **LD2018-0012 (Scholls Heights Elementary School Replat)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2018-0012 (Scholls Heights Elementary School Replat) 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 alleged the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for LD2018-0012 (Scholls Heights Elementary School Replat) is 4:30 p.m. Tuesday, May 29, 2018.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building/City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Elena Sasin, Associate Planner, at (503) 526-2494.



NOTICE OF DECISION

DECISION DATE: Wednesday, May 16, 2018

TO: All Interested Parties

FROM: Elena Sasin, Associate Planner

PROPOSAL: **LD2018-0012 (Scholls Heights Elementary School Replat)**

LOCATION: The property is located at 16400 SW Loon Drive. The property is also described as Tax Lots 100 and 3800 on the Washington County Tax Assessor's Map 2S105BB. The total site is approximately 8.43 acres.

SUMMARY: The applicant, Beaverton School District, seeks Replat - Type 2 approval to consolidate two (2) lots that currently form the Scholls Heights Elementary School campus into one single parcel.

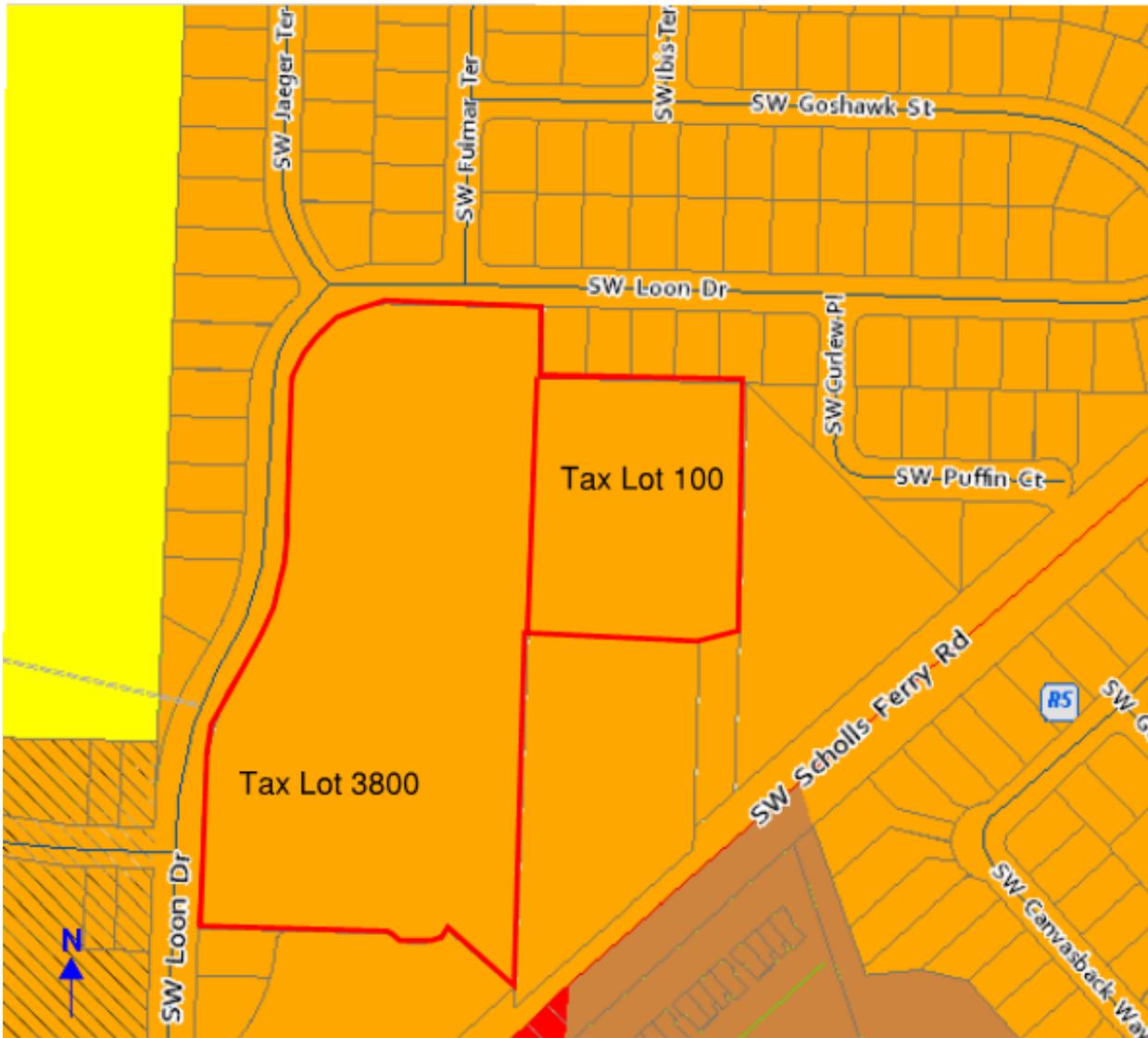
APPLICANT/PROPERTY OWNER: Beaverton School District
Attn: Steven Sparks
16550 SW Merlo Road
Beaverton, OR 97003

APPLICANTS REPRESENTATIVE: Pioneer Design Group, Inc.
9020 SW Washington Square Road, Suite 170
Portland, OR 97223

APPLICABLE CRITERIA: Facilities Review Section 40.03
Replat Two Section 40.45.15.3.C

RECOMMENDATIONS: **APPROVAL of LD2018-0012 (Scholls Heights Elementary School Replat)** subject to the condition identified at the end of this report.

Vicinity/zoning Map



BACKGROUND FACTS

Key Application Dates

| <u>Application</u> | <u>Submittal Date</u> | <u>Deemed Complete</u> | <u>120-Day*</u> | <u>365-Day**</u> |
|--------------------|-----------------------|------------------------|-----------------|------------------|
| LD2018-0012 | March 9, 2018 | April 2, 2017 | July 31, 2018 | March 9, 2019 |

* Pursuant to Section 50.25.8 of the Beaverton Development Code, the City will reach a final decision on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise.

** 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.

Existing Conditions Table

| | | |
|-----------------------------------|---|--------------------|
| Zoning | R5 – Residential Urban Standard Density | |
| Current Development | This property is currently developed with an elementary school and ancillary uses and structures. | |
| Site Size | Approximately 8.43 acres | |
| NAC | Neighbors Southwest | |
| Surrounding Uses | <u>Zoning:</u> | <u>Uses:</u> |
| | North: R5 (Urban Standard Density) | North: Residential |
| | South: R5 (Urban Standard Density) and NS (Neighborhood Service) | South: Retail |
| | East: R5 (Urban Standard Density) and R4 (Urban Medium Density) | East: Residential |
| West: R5 (Urban Standard Density) | West: Residential | |

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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| Attachment A: Facilities Review Committee Technical Review and Recommendation Report | FR1-5 |
| Attachment B: LD2018-0012 – Scholls Heights Elementary School Replat | LD1-5 |
| Attachment C: Conditions of Approval | COA-1 |

Exhibit 1. Vicinity/Zoning Map

Exhibit 2. Applicant's Materials

Agency Comments

No agency comments received.

Public Comments

Public comments were not received.

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Scholls Heights Elementary School Replat
(LD2018-0012)**

Section 40.03 Facilities Review Committee:

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

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

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

- A. *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.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

The Committee finds that the proposal does not affect existing, or impede potential future, necessary on-site and off-site connections to public water, public sanitary sewer and storm water drainage facilities. The applicant's plans were shared with Tualatin Valley Fire and Rescue (TVF&R) and Transportation staff, who did not provide comments in response to the proposed Replat Type 2.

All critical facilities serve the site and were found to have adequate capacity at the time of the initial school proposal, CUP1998-0001.

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

- B. *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.***

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

The applicant is Beaverton School District and the subject site contains an elementary school. The applicant’s plans were shared with City Transportation staff who had no comments regarding the proposal. Essential facilities were reviewed with the initial Conditional Use Permit application (CUP1998-0001) which was approved. The proposed replat does not affect existing essential facilities.

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

- C. *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).***

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates to the applicable Code requirements of Chapter 20 for the Residential Urban Standard Density (R5) zone, as applicable to the above mentioned criteria. The proposal does not include any physical development of the site. The Replat Type 2 application proposes to eliminate one shared common lot line between two adjacent lots which are used by the existing elementary school, Scholls Heights.

Therefore, the Committee finds that the criterion is not applicable.

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

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates to the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff will provide findings for the applicable Replat Type 2 approval criteria within the applicable sections of the staff report.

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

- E. *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private***

common facilities and areas, as applicable: drainage 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.

The proposed Replat Type 2 does not include changes to any private common facilities or areas, therefore the Committee finds this criterion no applicable.

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

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

The proposed application does not entail physical changes to the subject site or building. The initial review of the existing school and ancillary areas were reviewed and approved in 1998 through a Conditional Use Permit application.

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

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

As noted above, the proposal does not include any changes to the subject site or building. On-site vehicular and pedestrian circulations system connections were reviewed through the initial Conditional Use Permit, CUP1998-0001 and were approved.

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

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

The proposal does not include any physical changes to the existing school site or building.

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

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

The proposal does not include any physical changes to the existing school site or

building.

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

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

The proposal does not include any physical changes to the existing school site or building.

Therefore, the Committee finds that the criterion is not applicable.

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

The proposal does not include any physical changes to the existing school site or building.

Therefore, the Committee finds that the criterion is not applicable.

- L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.***

The applicant submitted the land use applications on March 9, 2018 and was deemed complete on April 4, 2018. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

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

The Facilities Review Committee finds that the proposal is limited in scope to the lot consolidation of a site already developed with a school and its ancillary uses. No physical changes to the existing building or site are proposed, and as such, complies with all the technical criteria.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Residential Urban Standard Density (R5) District

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|---|----------------------------------|---|-------------|
| Development Code Section 20.05.20 (R5) | | | |
| Use - Conditional | Education Institutions | The elementary school is existing and changes to the school building, site or activities are not proposed with this application. Approval for the school was reviewed through CUP1998-0001 New Beaverton Elementary School CUP. | N/A |
| Development Code Section 20.05.15 (R5) | | | |
| Minimum Lot Area | 5,000 square feet | The consolidated lots will result in a lot size that is approximately 8.43 acres. | Yes |
| Minimum Lot Dimensions | 0' width 0' depth | The proposed lot will exceed the minimum width and depth requirements. | Yes |
| Yard Setbacks Minimums: | 15' front 5' side 20' rear | Not applicable, no physical improvements proposed | N/A |
| Maximum Building Height | 60' | Not applicable, no exterior changes are proposed | N/A |

Chapter 60 Special Requirements

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|--|---|---|-------------|
| Development Code Chapter 60 | | | |
| Standards related to physical development. | Requirements for new development and redevelopment. | No exterior or site changes are proposed. | N/A |

**LAND DIVISION
ANALYSIS AND FINDINGS
Scholls Heights Elementary School Replat
LD2018-0012**

The applicant requests approval of a Replat Two in order to consolidate two (2) lots which currently form the Scholls Heights Elementary School site, Tax Lot 100 and 3800 of Washington County's Tax Assessor's Map 2S105BB.

Section 40.45.05. Land Division; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of the boundaries of land within the City of Beaverton. This Section is carried out by the approval criteria listed herein.

Section 40.45.15.3.C Replat Two Approval Criteria

In order to approve a Replat Two application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

1. *The application satisfies the threshold requirements for a Replat Two.*

Threshold number 3 for Replat Two states:

3. *The reconfiguration of lots, parcels, or tracts affecting more than one (1) recorded plat, or where the perimeter boundary of a recorded plat would change as a result of the proposed reconfiguration. [ORD 4498; January 2009]*

The proposal includes two tax lots. Tax Lot 100 is not located within a recorded plat. However, Tax Lot 3800 is identified as Lot 2 of Partition Plat 1998-123. The proposal to consolidate these lots would result in a change to the perimeter boundary of a recorded plat. Therefore, the proposal satisfies the threshold for a Replat Two application.

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

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

The applicant submitted the required fee for a Replat Two application.

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

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

As proposed, the Replat Two application does not conflict with any existing City approval. The City does not propose modifying prior approvals through this Replat process.

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

4. *Oversized lots or parcels (“oversized lots”) resulting from the Replat shall have a size and shape that facilitates 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 proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.*

An “oversized lot” is defined in the Development Code as, “A lot which is greater than twice the required minimum lot size allowed by the subject zoning district.” The minimum lot size required within the R5 zoning district is 5,000 square feet. The total proposed site area is 8.43 acres, therefore is oversized. However, the site is currently developed as an elementary school with associated parking and sports field. The proposed Replat to consolidate the two lots does not include any other changes to the site. As described in response to Section 40.03 above (Attachment A), critical and essential facilities serve the site and were reviewed as part of the initial proposal of the existing school, CUP1998-0001.

As the Replat affects a site which is already developed and does not propose any other changes to the site, the proposal satisfies criterion 4.

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

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

The applicant is not proposing to apply lot averaging standards.

Therefore, staff finds that the criterion is not applicable to the subject application

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

The applicant is not proposing to apply lot averaging standards.

Therefore, staff finds that the criterion is not applicable to the subject application.

7. *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.*

Phasing is not being proposed or requested as part of this application.

Therefore, staff finds that the criterion is not applicable to the subject application.

8. *The proposal will not eliminate pedestrian, utility service, or vehicle access to the affected properties.*

The proposal does not include any physical changes to the existing site. The proposal is to consolidate two lots which currently serve an existing elementary school. Existing pedestrian, utility service, or vehicle access will not be affected by this proposal.

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

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

The subject parcels are both currently zoned R5 and both will remain under the R5 zoning designation.

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

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

The applicant has submitted the required application materials for review of a Replat Two application in the proper sequence.

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

RECOMMENDATION:

Based on the facts and findings presented herein, staff recommends **APPROVAL of LD2018-0012 (Scholls Heights Elementary School Replat)** subject to the conditions, below.

Land Division Standards Code Conformance Analysis

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|---|--|---|-------------|
| Grading Standards | | | |
| 60.15.10.1 Applicability | Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review. | The proposal is does not include development. No grading is proposed. | N/A |
| 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. | Grading is not being proposed. | N/A |
| 60.15.10.3.A-G 0-5 Feet From Property Line | Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property. | Grading is not being proposed. | N/A |
| 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. | Grading is not being proposed. | N/A |
| 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. | Grading is not being proposed. | N/A |
| 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. | Grading is not being proposed. | N/A |
| 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. | Grading is not being proposed. | N/A |
| 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 | Grading is not being proposed. | N/A |
| 60.15.10.3.G | The on-site grading contours standards above apply only to the property lines of the parent parcel of a development. They do not | Grading is not being proposed. | N/A |

| | | | |
|--|--|---|------------|
| | apply to internal property lines within a development. | | |
| Significant Trees and Groves | | | |
| 60.15.10.4 Significant Trees and Groves | Standards for grading within 25 feet of significant trees or groves. | There are no significant trees or groves on site and grading is not proposed. | N/A |

**CONDITIONS OF APPROVAL
SCHOLLS HEIGHTS ELEMENTARY SCHOOL REPLAT
LD2018-0012**

LD2018-0012 Replat Type 2 Application:

A. Prior to Final Plat approval, the applicant shall:

1. Submit paper copies of the proposed final plat to the City for review, and approval, prior to recording. Mylars should not be printed for signature until the City has approved the final form of the proposed plat. (Planning / ES)