



CITY OF BEAVERTON
Planning Division
Community Development Department
Tel: 503-526-2420
www.beavertonoregon.gov

MEMORANDUM

City of Beaverton
Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: October 28, 2024
Subject: **Notice of Decision for LU22024-00465 Center Street Commons Subdivision (PS22024-00463 / SDM12024-00464 / ADJ22024-00742)**

Decision: Approval of LU22024-00465 Center Street Commons Subdivision (PS22024-00463 / SDM12024-00464 / ADJ22024-00742), subject to conditions of approval.

Proposal: The applicant, BOZMA, LLC, requests Preliminary Subdivision approval to subdivide the site into five lots and one tract (PS22024-00463). Sidewalk Design Modification approval is also requested to eliminate the standard sidewalk corridor along the western and northern property lines of proposed Lot 5 (SDM12024-00464). The Minor Adjustment application requests approval of a reduced rear setback of approximately 14 feet on proposed Lot 5 for the existing dwelling where 15 feet is required in the underlying RMB zoning district (ADJ22024-00742).

Proposal Location: The site is located at 11035 SW Center Street, specifically identified as Tax Lots 2400 and 2401 on Washington County Assessor's Map 1S110DC. The site is zoned Residential Mixed B (RMB) and is within the Central Beaverton Neighborhood Association Committee boundaries.

Please find attached the statement of facts and conditions of approval for **LU22024-00465 Center Street Commons Subdivision (PS22024-00463 / SDM12024-00464 / ADJ22024-00742)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LU22024-00465 Center Street Commons Subdivision 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 LU22024-00465 Center Street Commons Subdivision (PS22024-00463 / SDM12024-00464 / ADJ22024-00742) is 4:30 p.m., November 11, 2024.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed by contacting the project planner, Brittany Gada, at bgada@beavertonoregon.gov.

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

Accessibility Information: This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact Brittany Gada by calling 971-724-0517 or email bgada@beavertonoregon.gov.

STAFF REPORT

Report Date: October 28, 2024

Application Name: LU22024-00465 Center Street Commons Subdivision

Application Numbers: PS22024-00463 / SDM12024-00464 / ADJ22024-00742

Proposal: The applicant, BOZMA, LLC, requests Preliminary Subdivision approval to subdivide the site into five lots and one tract (PS22024-00463). Sidewalk Design Modification approval is also requested to eliminate the standard sidewalk corridor along the western and northern property lines of proposed Lot 5 (SDM12024-00464). The Minor Adjustment application requests approval of a reduced rear setback of approximately 14 feet on proposed Lot 5 for the existing dwelling where 15 feet is required in the underlying RMB zoning district (ADJ22024-00742).



Proposal Location: The site is located at 11035 SW Center Street, specifically identified as Tax Lots 2400 and 2401 on Washington County Assessor's Map 1S110DC.

Applicant: BOZMA, LLC

Decision: APPROVAL of LU22024-00465 Center Street Commons Subdivision, PS22024-00463 / SDM12024-00464 / ADJ22024-00742, subject to conditions of approval.

Contact Information:

City Staff Representatives: Brittany Gada, Associate Planner
971-724-0517
bgada@beavertonoregon.gov

Applicant/Property Owner: BOZMA, LLC
Attn: Matt Wellner
14787 SW Millikan Way
Beaverton, OR 97003

Applicant Representative: Pioneer Design Group
Attn: Matt Sprague
9020 SW Washington Square Road, Suite 170
Portland, OR 97223

Existing Conditions

Zoning: Residential Mixed B (RMB)

Site Conditions: The site is developed with a single-detached dwelling and accessory buildings.

Site Size: Approximately 0.84 acres

Location: At the northwest corner of SW Center Street and SW 110th Avenue

Neighborhood Association Committee: Central Beaverton NAC

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Residential Mixed B (RMB)	Single-Detached Dwellings
South	Community Service (CS)	Retail
East	RMB & Washington County R-5	Single-Detached Dwellings
West	Residential Mixed C (RMC)	Single-Detached Dwellings

Application Information

Table 2: Application Summaries

Application	Application Type	Proposal Summary	Approval Criteria Location
PS22024-00463	Preliminary Subdivision	Development of a subdivision with five lots for future housing development and two tracts for stormwater and roadway purposes.	Development Code Sections 40.03.1 and 40.45.15.5
SDM12024-00464	Sidewalk Design Modification	Request to eliminate the standard sidewalk corridor along the western and northern property lines of proposed Lot 5 abutting the proposed internal private street.	Development Code Section 40.58.15
ADJ22024-00742	Minor Adjustment	Requests approval of a reduced rear setback of 14 feet on proposed Lot 5 for the existing dwelling where 15 feet is required in the underlying RMB zoning district.	Development Code Section 40.10.15.1

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
PS22024-00463	May 28, 2024	Aug. 20, 2024	Jan. 1, 2025	Aug. 20, 2025
SDM12024-00464	May 28, 2024	Aug. 20, 2024	Jan. 1, 2025	Aug. 20, 2025
ADJ22024-00742	Aug. 20, 2024	Aug. 20, 2024	Jan. 1, 2025	Aug. 20, 2025

* The applicant provided a 14-day continuance of the 120-day date consistent with BDC Section 50.25.10.

** 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.

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Exhibits

Exhibit 1. Materials submitted by Staff

Exhibit 1.1 Zoning Map (page 8 of this report)

Exhibit 1.2 Vicinity Map (page 9 of this report)

Exhibit 2. Public Comment

Exhibit 2.1 Comments from Leena Shrestha, dated September 27, 2024

Exhibit 3. Materials submitted by the Applicant

Exhibit 3.1 Application Forms

Exhibit 3.2 Written Statement

Exhibit 3.3 Preliminary Plans

Exhibit 3.4 Service Provider Letters

Exhibit 3.5 Preliminary Storm Report

Exhibit 3.6 Geotechnical Investigation Report

Exhibit 3.7 Subdivision Plat Naming

Exhibit 3.8 Tax Map

Exhibit 3.9 Title Report

Exhibit 3.10 Pre-App Hold Harmless Agreement

Exhibit 3.11 Completeness Response

Summary of Public Comment

Exhibit 2.1 Email from Leena Shrestha (11050 SW Cabot Street), voicing concerns about the requested Minor Adjustment for a 14-foot rear setback due to privacy concerns. The comments also voice concerns that future housing on the proposed lots will cause traffic and noise impacts.

Staff Response: Staff notes that the Minor Adjustment request would only approve a 14-foot-rear setback for the existing single-detached dwelling on Lot 5; the reduced rear lot would be interior to the development. Future development of housing on all other lots will be required to meet the 15-foot-rear setback requirement of the underlying RMB zoning district. Please refer to staff's analysis of the approval criteria related to the requested Minor Adjustment in Attachment D of this report.

Exhibit 1.1 Zoning Map

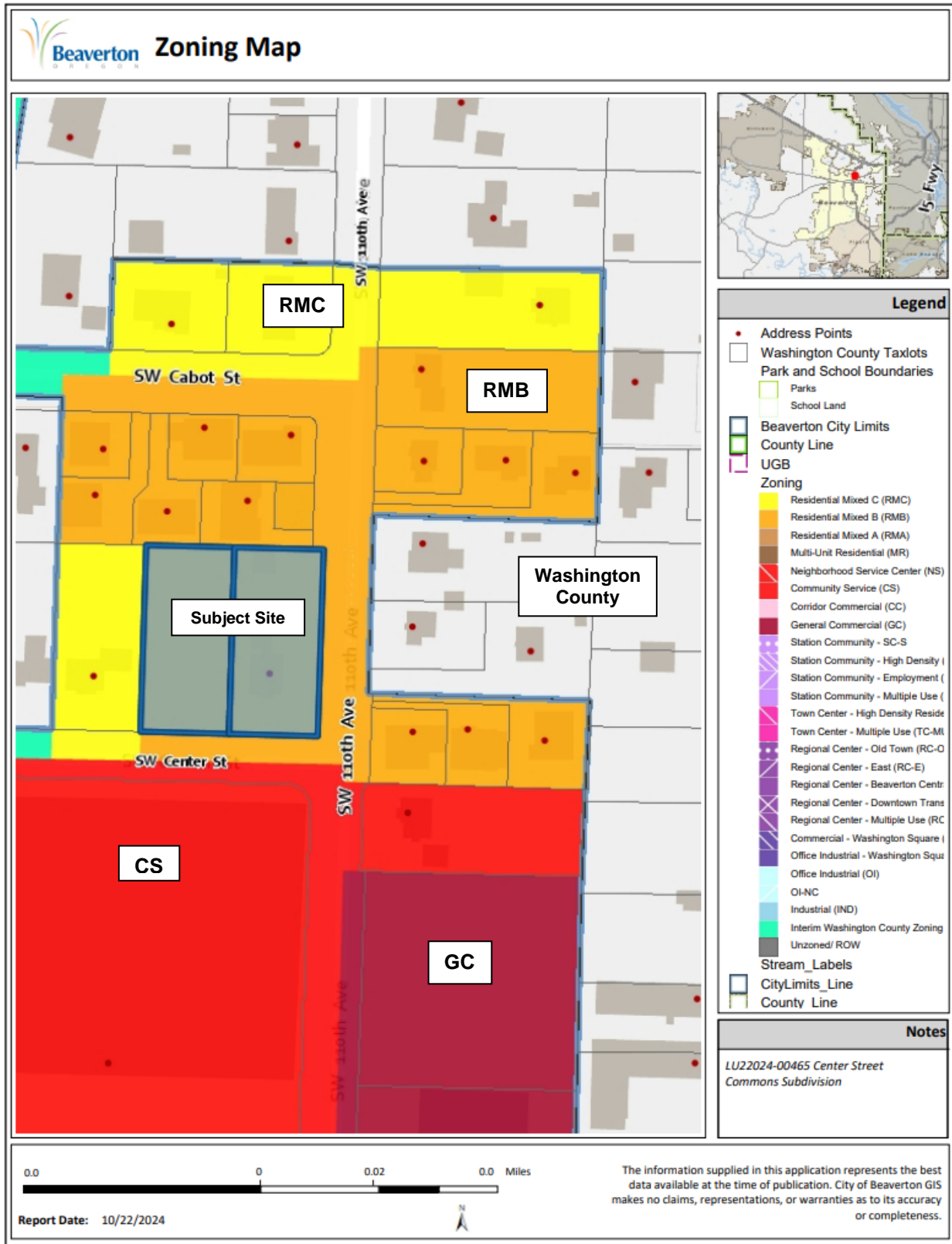
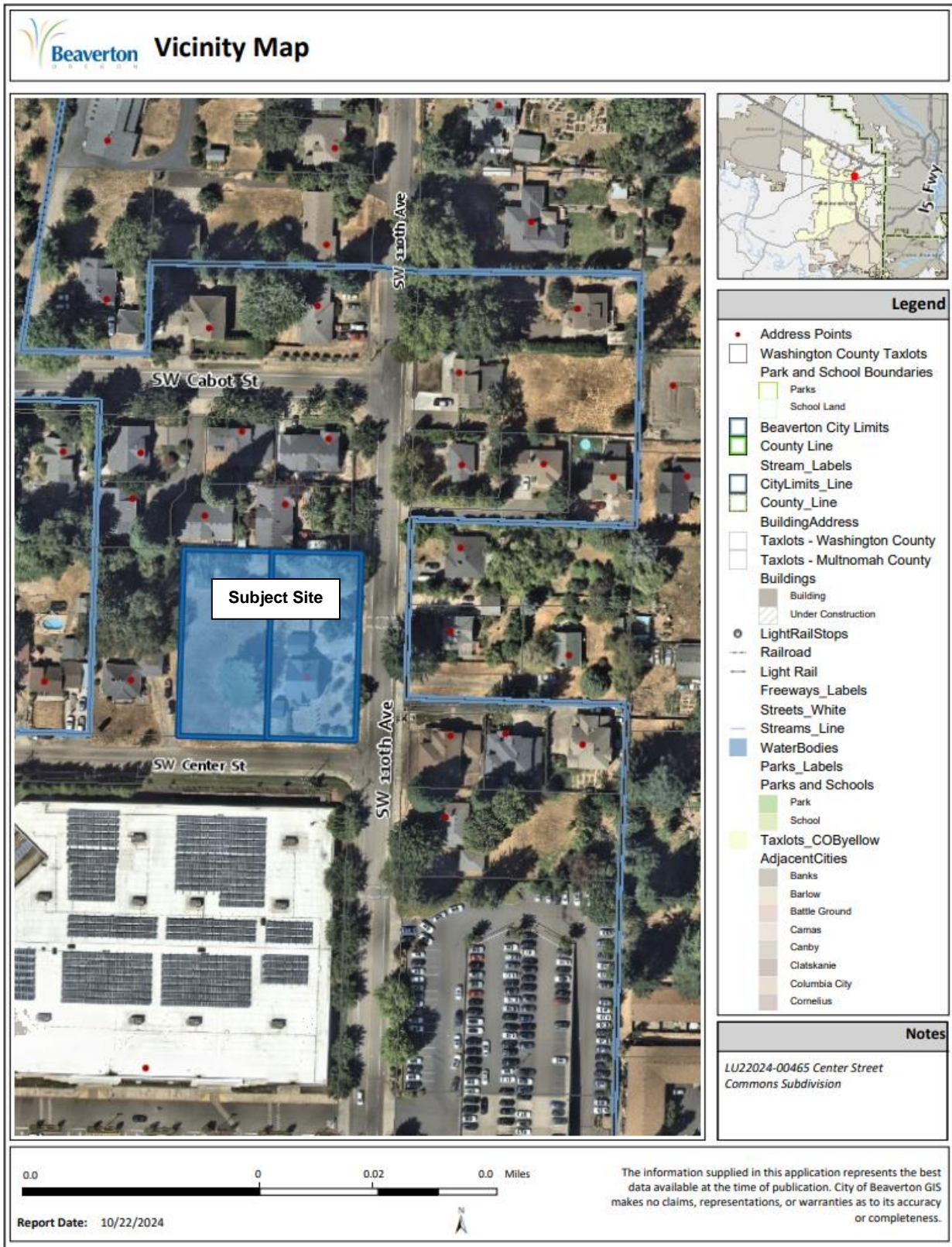


Exhibit 1.2 Vicinity Map



ATTACHMENT A: FACILITIES REVIEW COMMITTEE

TECHNICAL REVIEW AND RECOMMENDATIONS

Application: LU22024-00465 Center Street Commons Subdivision

Proposal: The applicant, BOZMA, LLC, requests Preliminary Subdivision approval to subdivide the site into five lots and one tract (PS22024-00463). Sidewalk Design Modification approval is also requested to eliminate the standard sidewalk corridor along the western and northern property lines of proposed Lot 5 (SDM12024-00464). The Minor Adjustment application requests approval of a reduced rear setback of approximately 14 feet on proposed Lot 5 for the existing dwelling where 15 feet is required in the underlying RMB zoning district (ADJ22024-00742).

Recommendation: APPROVE PS22024-00463 / SDM12024-00464 / ADJ22024-00742, subject to conditions.

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 (PS22024-00463) application as submitted.
- Facilities Review Committee criteria do not apply to the submitted Minor Adjustment (ADJ22024-00742) or Sidewalk Design Modification (SDM12024-00464) applications.

Section 40.03.1.A

Approval Criterion: *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 potable and non-potable public water; public sanitary sewer; stormwater drainage, treatment, and retention; transportation; and fire protection.

Potable Water: The subject site is located in the West Slope Water District. The submitted utility plan, Sheet P6.0, demonstrates that the proposed lots will be served by a new 6-inch water line that will connect to the existing 6-inch water line located in SW 110th Avenue right of way. The existing public water connection and service to the existing home on proposed Lot 5 will be retained. The applicant submitted a West Slope Water Service Provider Letter (SPL) confirming that the proposed development can be serviced by the existing water main. Therefore, the Committee finds that adequate potable public water service can be provided to the site to serve the proposed development.

Non-Potable Water: There is no non-potable water network in the area of development. Therefore, the proposal is exempt from connecting to a non-potable water network.

Sanitary Sewer: There are existing 8-inch public sanitary sewer mains located in SW 110th Avenue and SW Center Street rights of way. As shown on the submitted utility plan, Sheet P6.0, the development proposes to construct new 8-inch sanitary sewer mains to serve the proposed lots will connect to the existing sewer main in SW Center Street right of way. Sanitary sewer service to the retained home on proposed Lot 5 is proposed to be relocated and will connect to the new 8-inch sanitary sewer main within the private street tract. The Committee finds that adequate sanitary sewer service can be provided to the site to serve the proposed subdivision.

Stormwater Drainage, Treatment, and Retention: The proposal includes the development of an 1,880 square foot stormwater detention and treatment facility, identified as Tract B on the submitted plans, at the southwest corner of the site to provide stormwater management for the site. The applicant submitted a Preliminary Stormwater Report detailing the drainage and stormwater analysis used to size the proposed facility pursuant to applicable Clean Water Services requirements. As such, the Committee finds that adequate stormwater drainage, treatment, and retention can be provided to the site to serve the proposed development.

Transportation: The subject site has public city-maintained street frontage on SW 110th Avenue, a collector class street, and SW Center Street, a local street. The development proposes to construct a new private street, Tract A, to provide vehicular access to the proposed lots which connects to SW Center Street. The existing driveway access to SW 110th Avenue is proposed to be closed as a part of this development. A new five-foot-wide pedestrian pathway will connect the retained single-detached dwelling on proposed Lot 5 to the public sidewalk along SW 110th Avenue. Based on the scope of the proposed development, trip generation information was not required for this project.

Property dedication is required along the site's frontages with SW Center Street and SW 110th Avenue to accommodate required frontage improvements to the applicable local and collector street cross sections, respectively. The submitted plans (Sheet P5.0) demonstrate that six feet of the site area will be dedicated as right of way to accommodate the required improvements along SW 110th Avenue, consistent with EDM Standard Drawing 200-2. The plans also show that four feet will be dedicated to facilitate SW Center

Street improvements, consistent with EDM Standard Drawing 200-4. The site's frontage along SW Center Street will be improved with a five-foot-wide sidewalk, a 6.5-foot-wide planter strip, and new curb and gutter. SW Center Street will also be widened to accommodate on-street parking along the site's frontage. SW 110th Avenue frontage improvements will include a six-foot-wide sidewalk, a 7.5-foot-wide planter strip, a five-foot-wide bike lane, and new curb and gutter. As a part of required frontage improvements, new ADA-compliant corner ramps will be constructed at the intersection of SW Center Street and SW 110th Avenue abutting the site. Consistent with federal Public ROW Accessibility Guideline requirements, an ADA-compliant receiving ramp is also required to be constructed across the street from the site on the east side of SW 110th Avenue right of way, as shown on the submitted plans. Compliance with applicable EDM standards for all required frontage improvements will be confirmed at the time of site development permit.

The private street internal to the development (Tract A) is proposed as a two lane, two-way street designed to local street standards, consistent with EDM Standard Drawing 200-4, except as modified by the requested Sidewalk Design Modification. The submitted plans show that the private street will connect to SW Center Street in a way that is consistent with commercial driveway standards of the EDM, as required for private street to public street connections. The applicant has submitted a Preliminary Sight Distance Certification prepared by a licensed engineer which confirms that the proposed location of the private street connection to SW Center Street will operate safely to serve the development.

The proposed design of the private street includes the standard sidewalk corridor except along the northern and western edges of Lot 5 where Sidewalk Design Modification approval is requested to eliminate the standard sidewalk and planter strip. Staff refers to the findings associated with the Sidewalk Design Modification in Attachment C of this report. The provided sidewalks along the private street connect to the public sidewalk facilities along SW 110th Avenue and SW Center Street. Approval of the Preliminary Subdivision application with the proposed private street design is contingent upon Sidewalk Design Modification approval. At the time of site development permit, the private street improvements will be reviewed for consistency with applicable EDM standards and the Sidewalk Design Modification approval.

Proposed private and public street frontages are required to provide lighting consistent with EDM Section 450. Compliance with applicable street lighting EDM standards will be confirmed at the time of site development permit. Additionally, all street frontages are required to provide street trees in compliance with Section 60.55.30.3 which states that maximum linear street tree spacing is 30 feet. The submitted street tree plan (L1.0) shows that all street frontages include segments that exceed the maximum 30-foot spacing due to conflicts between street trees, street lights, driveways, sight clearance areas, and existing and proposed utilities. As such, the Committee recommends a condition of approval that the applicant either submit revisions showing street trees in compliance with this standard or obtain City Arborist approval of a street tree plan prior to issuance of the site development permit. Since the locations of street trees affect locations of street lights,

the Committee also recommends a condition of approval that the applicant submit revised photometric plans, as necessary, to reflect final locations of street lights and compliance with applicable EDM standards at the time of site development permit.

Staff notes that driveways are proposed as a part of the private street frontage improvements to provide vehicular access to individual lots. Based on the information required to be provided for the Preliminary Subdivision application, the driveways meet applicable requirements. However, driveways are also subject to the Design Standards of Section 60.05.60 which will be enforced at the time of Single-Detached and Middle Housing Design Review application for housing development. Regardless of approval of this Preliminary Subdivision application or the subsequent site development permit, revisions to driveways will be required at the time of Single-Detached and Middle Housing Design Review application submittal if the driveways are not consistent with applicable Design Standards.

In conclusion, the Committee finds that, by meeting the recommended conditions of approval, adequate transportation facilities can be provided to the site to serve the proposed development.

Fire Protection: Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). The applicant submitted an approved TVF&R Service Provider Permit (SPP) confirming that fire protection to the proposed lots can be provided. The TVF&R SPP approval is specific to serving dwellings in the R-3 occupancy classification of the Oregon Residential Specialty Code which will be confirmed at the time of subsequent Single-Detached and Middle Housing Design Review application. Therefore, the Committee finds that adequate fire protection service can be provided to the site to serve the proposed development.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.B

Approval Criterion: *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 proposed development is within the boundaries of the Beaverton School District and proposed new lots for the future development of housing. As such, a Beaverton School District Service Provider Letter was required to confirm that the District has the capacity to serve the proposed development. The submitted SPL describes that the District reviewed the proposal and confirms there is adequate capacity at nearby public schools to serve the estimated number of new students from this development.

Transit Improvements: There are no TriMet facilities abutting the subject site. TriMet bus stops for line 58 between the Beaverton Transit Center and downtown Portland are located approximately 1,000 feet south of the subject site. The Committee finds there is adequate transit service to serve the proposed development, and no transit improvements are required for the project.

Police Protection: The City of Beaverton Police Department will provide police services to the proposed subdivision. As of the date of this report, Beaverton Police have not provided comments or recommendations to the Committee. Any comments from Beaverton Police will be forwarded directly to the applicant, and 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 abuts SW 110th Avenue and SW Center Street. Frontage improvements to current collector and local street standards, respectively, are required along both streets for this project. The submitted plans (Sheet P5.0) demonstrate that the site's frontages along SW Center Street will be improved with a five-foot-wide sidewalk, and the SW 110th Avenue frontage improvements will include a six-foot-wide sidewalk and a five-foot-wide bike lane. Frontage improvements will also include upgraded ADA-compliant ramps at the intersection of SW Center Street and SW 110th Avenue and a receiving ramp on the east side of SW 110th Avenue.

The development proposes multiple connections from the development to the public pedestrian and bicycle facilities abutting the site. An internal network of five-foot-wide sidewalks along the north and west sides of the private street connect proposed Lots 1 through 4 to the sidewalks along SW Center Street and SW 110th Avenue. Cyclists will connect to SW Center Street via the private street which provides access to the bike lane along SW 110th Avenue. The Committee finds that the proposed development has been designed in a way that provides adequate public pedestrian and bicycle facilities and connections to those facilities from within the development site.

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 the proposal meets the approval criterion.

Section 40.03.1.C

Approval Criterion: *The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses), or Sections 20.25 and 70.15 if located within the Downtown Design District, 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) or Sections 20.25 and 70.15 if located within the Downtown Design District.*

FINDING:

The subject site is located in the Residential Mixed B (RMB) zoning district. The Committee refers to the Chapter 20 Use and Site Development Requirements table at the end of this attachment, which evaluates the project as it relates to the applicable code requirements of Section 20.05.15 Residential Site Development Standards and 20.05.20 Residential Land Uses. As demonstrated in the table, this proposal complies with all applicable standards in Chapter 20 Residential Land Use Districts.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.D

Approval Criterion: *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 attachment, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60 (Special Requirements).

60.55 Transportation Facilities: As stated in the findings for approval criterion 40.03.1.A, due to the limited scope of the project, trip generation information was not required for this project. Pedestrian pathways provide access to individual lots and connect the lots to the surrounding public sidewalk facilities along SW 110th Avenue and SW Center Street via five-foot-wide paved pathways. The proposed private street internal to the site is designed consistent with local street standards pursuant to the EDM, except where a Sidewalk Design Modification is proposed to eliminate the standard sidewalk corridor along the west and north edges of Lot 5. Staff cites the findings in Attachment C of this report for the approval criteria associated with a Sidewalk Design Modification request.

All street frontages within and abutting the site are subject to Section 60.55.30 including 60.55.30.3 which requires that street trees are planted at a maximum linear spacing of 30

feet along street frontages or in accordance with an approved street tree plan approved by the City Arborist. The applicant's submitted street tree planting plan (Sheet L1.0) shows that all street frontages include segments that exceed the maximum 30-foot spacing due to conflicts between street trees, street lights, driveways, sight clearance areas, and existing and proposed utilities. As such, the Committee recommends a condition of approval that the applicant either submit revisions showing street trees in compliance with this standard or obtain City Arborist approval of a street tree plan prior to issuance of the site development permit.

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

Section 40.03.1.E

Approval Criterion: *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 proposed subdivision includes two private common facilities, the private street (Tract A) and the detention facility (Tract B). The applicant states that easements to the benefit of Clean Water Services and the City of Beaverton will be provided for the detention facility which will ensure the city has the necessary permissions in place for ongoing maintenance. Maintenance responsibilities associated with the proposed private street can be established with the subsequent recordation of a final plat through the creation of a Homeowner's Association or other means which is a recommended condition of this approval. Garbage & recycling service to the proposed lots will be provided by individual service to each unit. Therefore, the Committee finds that, by meeting the recommended conditions of approval, adequate means will be provided to ensure the continued periodic maintenance of the private common facilities of this development.

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

Section 40.03.1.F

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

FINDING:

Staff cites the findings for Facilities Review Criteria 40.03.1.A as relevant to this approval criterion. Vehicular access into the subdivision and to individual lots is proposed from SW Center Street via a new private street (Tract A). The private street will be constructed to local street standards, as required by the EDM, which will ensure that vehicular circulation internal to the development is safe. The private street frontage includes the standard sidewalk corridor of a five-foot-wide sidewalk with a 6.5-foot-wide planter strip except where it abuts Lot 5 which is being reviewed through a concurrent Sidewalk Design Modification application (see findings in Attachment C of this report). As designed, the proposed pedestrian facilities along the private street provide safe and direct connections from Lots 1 through 4 to the public facilities along SW 110th Avenue and SW Center Street. A new five-foot-wide pedestrian pathway is proposed to connect the retained single-detached dwelling on Lot 5 to the public sidewalk along SW 110th Avenue. By meeting the conditions of approval to obtain approval of the Sidewalk Design Modification application, the proposed development will include safe and efficient vehicular and pedestrian circulation patterns internal to the site.

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

Section 40.03.1.G

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

FINDING:

Staff cites the findings for Facilities Review Criteria 40.03.1.A and F as relevant to this approval criterion. The submitted plans show that the proposed private street will connect to SW Center Street, a public local street, consistent with commercial driveway standards, as required by the EDM. The applicant also submitted a Preliminary Sight Distance Certification prepared by a licensed engineer which confirms that the proposed location of the private street connection to SW Center Street will operate safely considering the speeds and volumes of abutting streets. The proposed sidewalk network along the private street provides safe, efficient, and direct connections from Lots 1 through 4 to the public circulation system along SW 110th Avenue and SW Center Street. A new five-foot-wide pedestrian pathway is also proposed on Lot 5 which provides a connection from the retained single-detached dwelling to SW 110th Avenue. As designed, the proposed on-site vehicular and pedestrian circulation systems connect to the surrounding network in a safe, efficient, and direct manner.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.H

Approval Criterion: 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:

Fire protection will be provided by TVF&R. TVF&R staff reviewed the proposal and provided an approved Service Provider Permit for the development. The applicant states that there are existing streets and utility facilities available to provide emergency vehicle access, including water lines and hydrants, which are immediately available and adequate to serve this development. The Committee finds that the site can be designed in accordance with City codes and standards and provide adequate fire protection.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.I

Approval Criterion: 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:

Beaverton Police will provide law enforcement services to the subject site. As of the date of this report, Beaverton Police have not raised any concerns about crime or accident at the development site. If received, any comments from Beaverton Police will be forwarded directly to the applicant. Additionally, the applicant will be required to submit development permits for life and safety review as part of the subsequent Site Development Permit review and the future Building Permit review process to develop housing on the site. Accordingly, the Committee finds that review of the construction documents at the Site Development and Building Permit stages, as required by the conditions of approval, will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

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

Section 40.03.1.J

Approval Criterion: 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 Committee has reviewed the proposed preliminary grading plan and finds no adverse effects on neighboring properties, the public right-of-way, or the public storm system are anticipated. Following land use approval, the project is required to obtain site development permit approval which will confirm that grading and contouring of the site meets applicable requirements and will not result in adverse effects to neighboring properties, rights of way, or other facilities.

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

Section 40.03.1.K

Approval Criterion: *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 vehicle access and pedestrian facilities [within the development] have been designed consistent with ADA standards and provide direct connections to SW 110th Avenue [and SW Center Street]. Staff notes that the proposed facilities provide continuous routes to both frontages from all lots. The applicant will also be required to meet all applicable accessibility standards of the International Building Code, Fire Code, and other standards as required by the ADA. The Committee finds that review of the proposed plans for the subsequent Site Development Permit is sufficient to guarantee compliance with accessibility standards.

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

Section 40.03.1.L

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

FINDING:

The applicant submitted the Preliminary Subdivision and Sidewalk Design Modification applications on May 28, 2024, and the Minor Adjustment application on August 20, 2024. The application was deemed complete on August 20, 2024. As of the date of this report, all required submittal materials as specified in Section 50.25.1 of the Code have been received.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Code Conformance Analysis

Chapter 20 Use and Site Development Requirements

Residential Mixed B (RMB) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20			
Dwellings (Single-Detached and Middle Housing)	Permitted Uses	<p>The applicant proposes to subdivide the subject site into five total lots for future housing development on Lots 1 through 4 and retention of the existing single-detached dwelling on Lot 5.</p> <p>Confirmation that the proposed dwelling type on Lots 1 through 4 will be confirmed at the time of future Single-Detached and Middle Housing Design Review application.</p>	YES
Development Code Section 20.05.15			
Minimum Lot Size	<p>3,000 sf (Single-Detached and Duplex Dwellings)</p> <p>4,000 sf (Triplex and Quadplex Dwellings)</p> <p>1,300 sf (Townhouses)</p>	<p>Different dwelling types require different lot sizes in the RMB zone. This project is not proposing to develop new dwellings at this time. At the time of future Single-Detached and Middle Housing Design Review for Lots 1 through 4, compliance with the required minimum lot size associated with the proposed dwelling type will be confirmed.</p> <p>Lot 5 retains a single-detached dwelling and is, therefore, subject to the 3,000 square-foot minimum lot size requirement.</p> <p>Proposed Lot Sizes:</p> <ul style="list-style-type: none"> • Lot 1: 3,793 sf • Lot 2: 3,723 sf • Lot 3: 5,339 sf • Lot 4: 3,265 sf • Lot 5: Approximately 7,230 sf 	YES

Minimum Residential Density	10 dwelling units per acre	Based on the net acreage of the site, a minimum of 5 dwelling units are required. The site proposes four new lots which can accommodate at least one single-detached dwelling each and the retention of one existing single-detached dwelling on Lot 5. Therefore, the proposal accommodates a minimum of five dwelling units on the site.	YES
Minimum Lot Dimensions	Width: 20 feet	Lot 1: 40 feet Lot 2: 55 feet Lot 3: 77 feet Lot 4: 48 feet Lot 5: 66 feet	YES
Yard Setbacks	Front: 10 feet Garage (Front): 5 or 18.5 feet Side: 0, 3 or 5 ⁷ feet Rear: 15 feet	Structures are not proposed on Lots 1 through 4 at this time. Compliance with applicable setback requirements will be confirmed at the time of future Single-Detached and Middle Housing Design Review application. The proposal includes the retention of a single-detached dwelling on Lot 5 which is subject to these setback requirements. Front (SW Center St): 36 feet Side (East): 33 feet Side (West/Northwest Curve): Approximately 4.5 feet where 3 feet is required per Footnote 7. Rear (North): 14 feet (requires Minor Adjustment approval) Due to the proposed dimensions of Lot 5, the layout of the existing house, and the need for vehicle, pedestrian, and stormwater infrastructure within the development, the existing home is not meeting the rear setback requirement of the RMB zone. The applicant has submitted a concurrent Minor Adjustment application to request approval of the 14-foot rear setback where 15 feet is required. Please refer to the findings for the approval criteria associated with the Minor Adjustment request in Attachment D of this report.	SEE ADJ FINDINGS

Maximum Building Height	35 feet ¹⁴	<p>This requirement applies to the existing single-detached dwelling on Lot 5. However, this project does not propose modifications to the dwelling's exterior, so this standard is not applicable to this Preliminary Subdivision application. Structures are not yet proposed for Lots 1 through 4.</p> <p>Compliance with the maximum building height requirement will be confirmed at the time of future Single-Detached and Middle Housing Design Review application.</p>	N/A
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Footnotes:

- 4. Refer to Section 20.25.05.D for exceptions to minimum density standards in the RMA, RMB, and RMC districts.
- 7. Side setbacks are 5 feet except when a different dimension is described in this footnote. For townhouses, the minimum side setback is zero for the attached side of the townhouse and 5 feet for sides that are not attached. For land divisions, except for townhouses or middle housing land divisions, the perimeter side setbacks are 5 feet, but side setbacks internal to the land division may be reduced to 3 feet with a total of 6 feet between buildings. In no case shall a building encroach into a Public Utility Easement (PUE).
- 14. Also subject to additional height limitations in Section 20.30.

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	This project does not include a request for a Single-Detached and Middle Housing Design Review since new or modified structures are not proposed at this time. Compliance with applicable Design Standards will be confirmed at the time of Single-Detached and Middle Housing Design Review application.	N/A
Development Code Section 60.07			
Drive-Up Window Facilities	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a floodplain.	N/A
Development Code Section 60.11			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	The applicant is not proposing a food cart or food cart pod.	N/A
Development Code Section 60.12			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits are requested.	N/A
Development Code Section 60.15			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property, and within 25 feet of a Significant Tree or Grove.	The applicant's grading plan (Sheet P4.0) demonstrates compliance with the applicable grading standards in BDC 60.15.10.	YES
Development Code Section 60.20			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	N/A
Development Code Section 60.25			
Off-Street Loading	Minimum: None	No loading space is proposed.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30			
Maximum Off-Street Motor Vehicle Parking	Use not listed in Table 60.30.10.5.A	No on-site parking is proposed.	N/A
Development Code Section 60.30			
Required Bicycle Parking	Use not listed in Table 60.30.10.5.B	Bicycle Parking is not required at this time. Compliance with these requirements will be required for Lots 1 through 4 at the time of future Single-Detached and Middle Housing Design Review application when dwellings are proposed.	N/A
Development Code Section 60.33			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
Development Code Section 60.35			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	N/A
Development Code Section 60.40			
Sign Regulations	Requirements for signs.	All signs requiring a permit will be reviewed under a separate sign permit and are not reviewed with this proposal.	N/A
Development Code Section 60.50			
Fences	Height restrictions for fences and walls.	New fencing is not proposed. Retaining walls are proposed to support the detention facility within Tract B and on the north side of Lots 2 through 4. The top of the retaining walls within Tract B are at-grade, and the retaining wall on Lots 2 through 4 has a maximum height of 4.2 feet. All proposed walls meet the height limitations of this Section.	YES
Development Code Section 60.55			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings of Attachment A of this report.	YES w/ COA

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.60			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	Applicant proposes to remove four Community Trees which may be removed without Tree Plan approval pursuant to Section 40.90. There are no provisions of Section 60.60 applicable to this project.	N/A
Development Code Section 60.65			
Utility Undergrounding	Requirements for placing overhead utilities underground.	New electrical, water, and stormwater utilities are proposed to be installed underground.	YES
Development Code Section 60.67			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	No Significant Natural Resources are located on site.	N/A
Development Code Section 60.70			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	N/A

ATTACHMENT B: PRELIMINARY SUBDIVISION PS22024-00463

ANALYSIS AND FINDINGS FOR PRELIMINARY SUBDIVISION APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **PS22024-00463**, subject to the applicable conditions identified in Attachment E.

Section 40.03.1 Facilities Review 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:

Facilities Review Approval Criteria Section 40.03.1.A-L

FINDING:

Staff has reviewed the applicable Facilities Review Committee approval criteria in Attachment A of this report and cites the findings in response to those 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 E.

Conclusion: Therefore, the Committee finds that the proposal meets the criteria.

Section 40.45.05 Purpose:

The purpose of 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.

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 proposed Preliminary Subdivision application includes the creation of five lots and two tracts from two existing lots. Therefore, the proposal meets Threshold 1 for a Preliminary Subdivision which states:

- 1. The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year.*

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

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 City of Beaverton received the appropriate fee for a Preliminary Subdivision application.

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

Section 40.45.15.5.C.3

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:

The proposal does not conflict with any existing City approval, nor does it propose to modify a previous approval.

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

Section 40.45.15.5.C.4

Oversized lots resulting from the subdivision 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 subdivision 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.

FINDING:

The proposed Preliminary Subdivision does not include any oversized lots.

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

Section 40.45.15.5.C.5

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 proposal does not include phasing.

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

Section 40.45.15.5.C.6

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 applicant does not propose lot averaging.

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

Section 40.45.15.5.C.7

If lot area averaging standards are proposed pursuant to Section 20.05.15.D, no further applications for Adjustment or Variance from this standard are required or permitted.

FINDING:

The applicant does not propose lot averaging.

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

Section 40.45.15.5.C.8

For proposals which create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district.

FINDING:

No proposed lots or tracts will have more than one zoning designation.

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

Section 40.45.15.5.C.9

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 Sidewalk Design Modification and Minor Adjustment applications to be reviewed concurrently with this Preliminary Subdivision request. No additional applications or documents are needed at this time.

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

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of PS22024-00463, subject to the applicable conditions identified in Attachment E.

ATTACHMENT C: SIDEWALK DESIGN MODIFICATION SDM12024-00464

ANALYSIS AND FINDINGS FOR SIDEWALK DESIGN MODIFICATION APPROVAL

Decision: Based on the facts and findings presented below, staff recommends **APPROVAL** of **SDM12024-00464**, subject to the applicable conditions identified in Attachment E.

Section 40.58.05 Purpose

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.

Section 40.58.15.C Approval Criteria

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

Section 40.58.15.C.1

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

FINDING:

The development proposes to eliminate the standard local street sidewalk corridor along the northern and western lot lines of Lot 5 for the private street (Tract A). Therefore, the proposal meets Threshold 1 for a Sidewalk Design Modification which reads:

- 1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.*

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

Section 40.58.15.C.2

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

FINDING:

The applicant has paid the required fee related to the Sidewalk Design Modification application.

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

Section 40.58.15.C.3

One or more of the following criteria are satisfied:

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

FINDING:

The applicant's narrative states that the applicant proposes to retain the existing dwelling on Lot 5... the addition of a sidewalk on the west side of Lot 5 would result in a shift of the private street to the west by between 5 feet (without planter strip) to 11.5 feet (to accommodate a planter strip). This results in proposed Lot 1 having a depth of between 57 to 62 feet, which creates a significantly asymmetrical site layout preventing the logical or economic development of the lot. In combination with the above, following discussions with City staff the revised stormwater facility in the southwest corner of the site is required to shift northward to accommodate a PUE along the SW Center Street frontage. The resulting change to the location and shape of the storm facility would further reduce the lot area of Proposed Lot 1 to between 2,447 and 2,665 square feet, which is considerably below the minimum lot size of the district. Additional movement of Lot 1 northward would in turn move the private street hammerhead northwards between 5.5 and 9.7 feet, potentially ameliorating the need for a sidewalk design modification but similarly impacting the lots to the north of the private street. Based on the information provided above, the applicant believes that the non-discretionary standards of Section 40.58.15 have been

satisfied... [and] considers that the existing structure (dwelling) prevents the construction of a standard sidewalk, pursuant to BDC Section 40.58.15.C.3.b.i.

Staff concurs that the existing house on proposed Lot 5 is an existing structure which prevents the construction of a standard sidewalk along the northern and western Lot 5 property lines. Due to the existing house's location on the site relative to the required hammerhead turnaround on the north side of Lot 5 and the required size and location of the stormwater facility to the west, there is not adequate room on the site to provide the standard sidewalk corridor while meeting lot size, setbacks, fire access, and stormwater requirements of the development. For these reasons, staff finds that the requested Sidewalk Design Modification is warranted due to existing local physical conditions of the site in compliance with this criterion.

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

Section 40.58.15.C.4

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

FINDING:

Staff cites the findings in response to the Facilities Review approval criteria of Section 40.03.1 in Attachment A of this report as relevant to this criterion. The submitted plans demonstrate that the development complies with all applicable provisions of Section 60.55.25 and provides pedestrian connections and facilities in compliance with the Code. The plans also show that, by meeting the recommended conditions of approval, the proposal will comply with all applicable standards of Section 60.55.30.

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

Section 40.58.15.C.5

Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.

FINDING:

The applicant also submitted Preliminary Subdivision and Minor Adjustment applications to be processed concurrently with this Sidewalk Design Modification request. No additional applications or documents are needed at this time.

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

Section 40.58.15.C.6

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

FINDING:

The applicant states that the sidewalk is proposed to be eliminated on the east side of the new internal private street, along the western boundary of proposed Lot 5. Sidewalks will remain on the north and west side of the private street, separated from the curb by a planter strip. In addition, new sidewalks will be constructed on SW 110th Avenue and SW Center Street, along with a direct pedestrian connection between the eastern hammerhead terminus and SW 110th Avenue. In addition to anticipated low trip generation and the dead-end nature of the street, low speeds are expected due to the narrower street section and short length between SW Center Street and the far curblines of the hammerhead turnaround of approximately 125 feet. As such, it is expected that the proposed Sidewalk Design Modification will provide safe and efficient pedestrian circulation in the site vicinity.

Staff cites the findings for Facilities Review approval criterion 40.03.1.A, F, and G as relevant to this criterion. The submitted plans demonstrate that all proposed lots will have continuous sidewalks along their frontages if this Sidewalk Design Modification request is approved. Safe and efficient pedestrian circulation patterns from Lots 1 through 4 are provided within the development and connecting to the public sidewalks along SW 110th Avenue and SW Center Street via the five-foot-wide sidewalks along the western and northern sides of the private street. For Lot 5, the proposal includes the construction of a five-foot-wide paved pathway which connects the existing dwelling to the public sidewalk along SW 110th Avenue. As such, the development ensures that there will be safe and efficient pedestrian circulation provided to each proposed lot upon approval of this Sidewalk Design Modification request.

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

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of SDM12024-00464, subject to the applicable conditions identified in Attachment E.

ATTACHMENT D: MINOR ADJUSTMENT ADJ22024-00742

ANALYSIS AND FINDINGS FOR MINOR ADJUSTMENT APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **ADJ22024-00742**, subject to the applicable conditions identified in Attachment E.

Section 40.10.05 Purpose:

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in the Development 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

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

The proposal satisfies the threshold requirements for a Minor Adjustment application.

FINDING:

The applicant proposes to retain the existing single-detached dwelling on the site on proposed Lot 5 of the subdivision. Based on the location of the existing house and the proposed dimensions of Lot 5, the house is setback 14 feet from the rear (northern) property line where a rear setback of 15 feet is required in the RMB zoning district. Therefore, the proposal meets threshold 1 for a Minor Adjustment application which reads:

- 1. Involves up to and including a 10% adjustment from the numerical Site Development Requirements specified in CHAPTER 20 (Zoning Districts) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District. This threshold does not apply where credits have been earned for height increase through Habitat Friendly Development Practices, as described Section 60.12.40.4., .5., .6. and .7.*

A 14-foot rear setback is a 6.7% adjustment from the applicable 15-foot rear setback requirement of Chapter 20 in the RMB zoning district. As such, the request meets the threshold requirement for this Minor Adjustment application.

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

Section 40.10.15.1.C.2

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

FINDING:

The application was deemed complete on August 20, 2024, upon submittal of all required materials consistent with Section 50.25.1. The applicant paid the required fee for this Minor Adjustment application.

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

Section 40.10.15.1.C.3

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

FINDING:

The applicant states that there are several special conditions and circumstances on the subject site which create challenges in efficiently meeting the applicable development standard. The site is a corner lot with 2 existing public street frontages. SW 110th Avenue is designated in the City TSP as a collector street, and as such, access to the site from SW 110th Avenue would not meet the minimum required spacing standards for residential access. Accordingly, access is only available from SW Center Street, which necessitates the use of a new internal street to access the site to meet minimum density requirements and associated dimensional standards. From SW Center Street, the private street must enter the site between the existing dwelling and the proposed stormwater facility, which must be located in the southwest corner of the site due to existing topography. The internal street must then pass the dwelling before turning to provide a hammerhead turnaround for emergency and solid waste vehicles. The location of this turnaround is determined by the location of the existing dwelling, which being set back approximately 36 feet from the front lot line already pushes the turnaround deep into the site, potentially compromising the depth of future lots to the north. The applicant has reduced the encroachment to the extent practicable by proposing to demolish the existing detached garage, however the most practical location for the street and lots to the north and west, and the fact that the existing dwelling does not sit square to the existing lot line, necessitate the adjustment in order to allow the site development in a logical fashion. [Please see the exhibit provided by the applicant in the written statement (Exhibit 3.2, page 27) in response to this approval criterion to accompany this statement.]

Staff concurs that there are multiple special conditions related to existing site conditions and applicable requirements that warrant the requested Minor Adjustment. First, the location of the existing house is significantly more setback from the south (front) and east (side) property lines than the applicable site development standards of the RMB zoning district require. As a result, the applicant is demolishing an attached garage on the north side of the house to create a 14-foot rear yard for Lot 5. Second, development requirements related to stormwater, site access (private street and required frontage improvements), emergency access design (hammerhead turnaround), and site development standard compliance on Lots 2 through 4 combine to make the site physically difficult to develop while meeting the 15-foot rear setback requirement to retain the existing home. For these reasons, staff finds that the request meets this approval criterion for a 6.7% reduction of the standard.

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

Section 40.10.15.1.C.4

The special conditions and 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 that a number of special conditions and circumstances on the subject site combine to necessitate the request for a minor adjustment. As described above, these include access spacing restrictions, site topography, circulation requirements, and the location of the existing dwelling on site. These special conditions and circumstances are not the result of actions by the applicant, nor do they represent merely financial hardship or inconvenience. These special conditions and circumstances, as described above, serve to make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal. While removal of the existing dwelling may facilitate a different development option, the applicant is not required to demonstrate that no other options exist. While removal of the dwelling could constitute an economic hardship, retention of structures which have not met their useful life span also constitutes a significant waste of economic and environmental resources to the community. Conservation of existing housing stock also serves to provide a measure of continuity and stability in developing neighborhoods, especially when retained on prominent lots such as corner lots, facilitating a greater diversity of housing options in the community.

Staff concurs. The submitted application materials demonstrate that there are a variety of compounding applicable development requirements related to stormwater management, access and emergency access, and site development standards of Chapter 20 which, together, necessitate the requested Minor Adjustment to allow retention of the existing home in its current configuration. Staff concurs that, while the existing dwelling could be demolished or partially demolished to meet the 15-foot requirement, the applicant has sufficiently demonstrated that special conditions exist which are outside the control of the

applicant to warrant the requested 6.7% adjustment from the standard. These special conditions do not merely constitute financial hardship or inconvenience and are not the result of applicant action.

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

Section 40.10.15.1.C.5

Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.

FINDING:

The applicant states that the granting of the minor adjustment will result in an encroachment into the 15-foot rear yard setback of 0.92 feet (11.04 inches), with the rear yard of Lot 5 abutting the new internal private street. It is noted, however, that front yard areas in the RMB zone are a minimum of 10 feet, while side yards are a minimum of 5 feet. Accordingly, there is no reason to believe that existing dwelling, at approximately 14.08 feet from the property line, will in any way obstruct pedestrian or vehicular movement.

Staff concurs that a 14-foot rear setback to the existing home on Lot 5 will not obstruct pedestrian or vehicular movement. Staff notes that, in addition to the requested Minor Adjustment, this proposal also includes a request for a Sidewalk Design Modification to eliminate the standard sidewalk corridor along the side (west) and rear (north) edges of Lot 5. Please see findings associated with the Sidewalk Design Modification request in Attachment C of this report. Despite the proposed elimination of the standard sidewalk corridor in the rear yard area of Lot 5, the proposal demonstrates that Lot 5 will have a safe and direct pedestrian connection to the public sidewalk along SW 110th Avenue which links pedestrians from Lot 5 with other areas of the development. Therefore, staff finds that the requested 14-foot rear setback will not obstruct pedestrian or vehicular movement within the development or connecting to surrounding public facilities.

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

Section 40.10.15.1.C.6

City designated significant trees and/or historic resources, if present, will be preserved.

FINDING:

There are no significant trees or historic resources on the subject site.

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

Section 40.10.15.1.C.7

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

FINDING:

The requested Minor Adjustment is not related to applicable grading standards.

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

Section 40.10.15.1.C.8

If more than one adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a proposal which is still consistent with the overall purpose of the applicable zoning district.

FINDING:

Only one adjustment is being requested.

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

Section 40.10.15.1.C.9

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

FINDING:

The applicant states that the requested minor adjustment will result in an encroachment into the 15-foot rear yard setback of approximately 0.92 feet (11.04 inches). It is noted that while the encroachment is an up to 6.1% reduction in the width of the setback, the area of the encroachment is only 14.86 sq ft, or 1.9% of the overall area of the 775 sq ft rear yard. It is considered that the encroachment will be barely discernable and is the minimum necessary to permit a reasonable use of land, including retention of the existing dwelling.

Staff concurs. While the development includes the demolition of the attached garage on the north side of the dwelling, the requested 14-foot-rear setback is the minimum request necessary to retain the dwelling in its current form without further demolition of the living area.

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

Section 40.10.15.1.C.10

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

FINDING:

The applicant states that the minor adjustment is requested to facilitate the reasonable use of the site while retaining the existing dwelling. Retention of the existing dwelling, which has not yet met its useful life span, constitutes a significant preservation of economic and environmental resources within the community, and prevents premature entry of construction debris into the waste stream. Conservation of existing housing stock also serves to provide a measure of continuity and stability in developing neighborhoods, especially when retained on prominent lots such as corner lots. It is also noted that the rear yard of Lot 5 is entirely internal to the site, therefore external visual impacts are minimized. The retention of the existing dwelling, and the benefits associated with it, serve to offset the adjustment the rear yard depth.

Staff concurs that the combined actions of demolishing the existing attached garage and retaining the existing dwelling compensate for the requested adjustment by minimizing the request for relief to the greatest extent possible while meeting all other applicable requirements of the development.

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

Section 40.10.15.1.C.11

The proposal is consistent with all applicable provisions of CHAPTER 20 (Zoning Districts) 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:

Except for this Minor Adjustment request, the submitted application materials demonstrate that the proposal is consistent with all applicable provisions of Chapter 20. Staff cites the findings in response to Facilities Review Criterion 40.03.1.C and the associated Chapter 20 Use and Site Development Requirements table in Attachment A of this report as relevant to this approval criterion.

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

Section 40.10.15.1.C.12

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 submitted application materials demonstrate that the proposal is consistent with all applicable provisions of Chapter 60 or will be consistent by meeting the recommended conditions of approval. Staff cites the findings in response to Facilities Review Criterion 40.03.1.D and the associated Chapter 60 Special Requirements table in Attachment A of this report as relevant to this approval criterion.

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

Section 40.10.15.1.C.13

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:

Staff cites the findings in response to Facilities Review Criterion 40.03.1.E in Attachment A of this report as relevant to this approval criterion. The proposed subdivision includes two private common facilities, the private street (Tract A) and the detention facility (Tract B). Easements and maintenance responsibilities associated with the private common facilities within the development will be established at the time of final plat recordation. Therefore, by meeting the recommended conditions of approval to record a final plat, adequate means will be provided to ensure the continued periodic maintenance of the private common facilities of this development.

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

Section 40.10.15.1.C.14

The proposal does not exceed the maximum number of permitted vehicle parking spaces identified in Section 60.30.10.2.

FINDING:

The proposed development does not include vehicular parking. Compliance with Section 60.30.10.2 will be evaluated at the time of future Single-Detached and Middle Housing Design Review application.

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

Section 40.10.15.1.C.15

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 also submitted Preliminary Subdivision and Sidewalk Design Modification applications to be processed concurrently with this Minor Adjustment request. No additional applications or documents are needed at this time.

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 ADJ22024-00742, subject to the applicable conditions identified in Attachment E.

ATTACHMENT E: CONDITIONS OF APPROVAL

Application: LU22024-00465 Center Street Commons Subdivision

Recommendation: APPROVE LU22024-00465 Center Street Commons Subdivision (PS22024-00463 / SDM12024-00464 / ADJ22024-00742), subject to conditions of approval.

Preliminary Subdivision (PS22024-00463)

A. General Conditions, the applicant shall:

1. Ensure that the Sidewalk Design Modification (SDM12024-00464) application has been approved and is consistent with the submitted plans. (Planning / BG)
2. Ensure that the Minor Adjustment (ADJ22024-00742) application has been approved and is consistent with the submitted plans. (Planning / BG)
3. The project shall conform to the approved plans, dated October 28, 2024, unless modified pursuant to applicable regulations and procedures. (Planning / BG)

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

4. 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. / HTJ)
5. Submit a revised street tree plan with street trees spaced no more than 30 linear feet apart or obtain City Arborist approval of a street tree plan in compliance with Section 60.55.30.3. (Planning / BG)
6. Submit a revised photometric lighting analysis and revised site plans to demonstrate that adequate street lighting will be installed along the site's SW 110th Ave and SW Center St frontages as well as along Tract A, 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 / FdF)

C. Prior to issuance of any building permit for the construction of new housing, the applicant shall:

7. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / HTJ)

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

8. Have completed 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. / HTJ)

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

9. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div. / HTJ)

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

10. Submit the required as built/record drawing plans with a wet signature or electronically stamped/sealed, and also electronically in AutoCad (latest version) format (.dxf or .dwg) compatible with City Window software. All GPS-survey improvements shall be reflected as state plane coordinates corrected to the coordinates of the City's base station on Griffith Drive (Site Development Div. / HTJ)

Sidewalk Design Modification (SDM12024-00464)

A. General Conditions, the applicant shall:

1. Ensure that the Preliminary Subdivision (PS22024-00463) application has been approved and is consistent with the submitted plans. (Planning / BG)

Minor Adjustment (ADJ22024-00742)

A. General Conditions, the applicant shall:

1. Ensure that the Preliminary Subdivision (PS22024-00463) application has been approved and is consistent with the submitted plans. (Planning / BG)