

STAFF REPORT

Report Date: July 3, 2024

Application Name: LU32023-00667 Pointer Road Park

Application Numbers: CUN32023-00798 / DR32023-00665 / LLD12023-00799 / PD22023-00800 / TP22024-00065 / VAR32024-00079 / RP12024-00080

Proposal: The applicant, Tualatin Hills Park and Recreation District, requests approval for the development of a new public park and associated site improvements. A New Conditional Use application is included to allow a public park on the subject site which is a Conditional Use in the underlying zoning district. A Design Review Three application requests approval of site improvements and new structures associated with the park including but not limited to play equipment, pedestrian and vehicular circulation areas, landscaping, and lighting. A Legal Lot Determination application requests to establish the legal status of the two tax lots that comprise the site, and the Replat One application requests to consolidate the tax lots. The proposal also includes a Parking Requirement Determination application to establish a minimum required bicycle parking ratio for the proposed public park. A Variance application requests a reduction of the required minimum lighting level for on-site walkways contained in Section 60.55 (Transportation Facilities). A Tree Plan Two application also requests approval to remove approximately seven Community Trees to accommodate the development of the public park.



Proposal Location: The site is located at 7360 SW Pointer Road, specifically identified as Tax Lots 3301 and 4001 on Washington County Tax Assessor's Map 1S101DC.

Applicant: Tualatin Hills Park and Recreation District

Recommendation: APPROVAL of LU32024-00667 Pointer Road Park, CUN32023-00798 / DR32023-00665 / LLD12023-00799 / PD22023-00800 / TP22024-00065 / VAR32024-00079 / RP12024-00080, subject to conditions identified at the end of this report.

Hearing Information: 6:30 p.m. July 10, 2024, via Zoom Webinar

Note: Public Hearings are held remotely and can be viewed at the following link:
<https://beavertonoregon.gov/913/Agendas-Minutes>

Contact Information:

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Applicant/Property Owner: Tualatin Hills Park and Recreation District
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Applicant Representative: Lango Hansen Landscape Architects
Attn: Katherine Sheie
1100 NW Glisan Street, Unit 3A
Portland, OR 97209

Existing Conditions

Zoning: Residential Mixed C (RMC)

Site Conditions: The site is vacant land. A portion of the site serves as a private driveway from SW Canyon Lane for abutting residential properties.

Site Size: Approximately 1.95 acres

Location: Between SW Pointer Road and SW Canyon Lane, west of the intersection of SW 71st Avenue and SW Canyon Lane

Neighborhood Association Committee: West Slope NAC

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Residential Mixed C (RMC)	Right of Way (SW Pointer Road and Sunset Highway)
South	RMC	Single-Detached Dwellings
East:	RMC	Single-Detached Dwellings
West:	RMC	Single-Detached Dwellings

Application Information

Table 2: Application Summaries

Application	Application Type	Proposal Summary	Approval Criteria Location
CUN32023-00798	New Conditional Use	Development of a new public park in the RMC zoning district.	Development Code Sections 40.03.1 and 40.15.15.5
DR32023-00665	Design Review Three	Development of site improvements and structures associated with the park including but not limited to play equipment, pedestrian and vehicular circulation areas, landscaping, and lighting.	Development Code Sections 40.03.1 and 40.20.15.3
LLD12023-00799	Legal Lot Determination	Research legal status of the site's two lots to determine if they are existing legal lots of record or if they meet requirements to be established as legal lots of record for development.	Development Code Section 40.47.15.1
PD22023-00800	Parking Determination	Public parks are not a listed land use in Section 60.30 Off-Street Parking, and the applicant proposes 12 bicycle parking spaces to support the new public park.	Development Code Section 40.55.15.1
TP22024-00065	Tree Plan Two	Removal of seven Community Trees to accommodate the development.	Development Code Section 40.90.15.2
VAR32024-00079	Variance	Request for reduction of the required minimum lighting level for on-site walkways of Section 60.55. The request includes a complete waiver of the requirement in most areas of the park and a reduction within the shared accessway.	Development Code Section 40.95.15.1
RP12024-00080	Replat One	Consolidation of the two lots that comprise the site.	Development Code Section 40.45.15.2

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete*	120-Day**	365-Day***
CUN32023-00798	Nov. 8, 2023	Mar. 18, 2024	Aug. 29, 2024	Mar. 18, 2025
DR32023-00665	Sept. 21, 2023	Mar. 18, 2024	Aug. 29, 2024	Mar. 18, 2025
LLD12023-00799	Nov. 8, 2023	Mar. 18, 2024	Aug. 29, 2024	Mar. 18, 2025
PD22023-00800	Nov. 8, 2023	Mar. 18, 2024	Aug. 29, 2024	Mar. 18, 2025
TP22024-00065	Jan. 24, 2024	Mar. 18, 2024	Aug. 29, 2024	Mar. 18, 2025
VAR32024-00079	Jan. 31, 2024	Mar. 18, 2024	Aug. 29, 2024	Mar. 18, 2025
RP12024-00080	Feb. 1, 2024	Mar. 18, 2024	Aug. 29, 2024	Mar. 18, 2025

* The applicant deemed the applications complete on March 18, 2024. Staff received all required submittal materials on May 1, 2024, pursuant to the Application Completeness requirements of Section 50.25.1 of the Development Code.

** The applicant provided two continuances of the 120-day date totaling 44 days, which ended on May 1, 2024.

*** 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 7 of this report)
Exhibit 1.2	Vicinity Map (page 8 of this report)
Exhibit 2.	Public Comment
Exhibit 2.1	Comments from Maria Pomeroy, dated October 10, 2023
Exhibit 2.2	Comments from Tambra Slack, Sandra Popham, Lila Slack, and Kent Slack; dated June 20, 2024
Exhibit 2.3	Comments and images from Julie Draper and Mary Kroger, dated June 25, 2024 and June 29, 2024
Exhibit 2.4	Comments from Kelly Lusk, dated June 28, 2024
Exhibit 2.5	Comments from Maria Pomeroy, dated June 27, 2024
Exhibit 3.	Materials submitted by the Applicant
Exhibit 3.1	Land Use Application Forms
Exhibit 3.2	Written Statement
Exhibit 3.3	Land Use Drawings

- Exhibit 3.4 Easement Map
- Exhibit 3.5 Preliminary Plat
- Exhibit 3.6 Deed History
- Exhibit 3.7 Service Provider Letters
- Exhibit 3.8 Bollard Lighting Cutsheet
- Exhibit 3.9 Trip Generation and Parking Determination Exhibit
- Exhibit 3.10 Bicycle Parking Survey Data
- Exhibit 3.11 Geotechnical Report
- Exhibit 3.12 Impervious Area email
- Exhibit 3.13 Storm Report
- Exhibit 3.14 Arborist Report
- Exhibit 3.15 Pre-Application Notes
- Exhibit 3.16 Neighborhood Meeting Materials

Summary of Public Comment

Exhibit 2.1 Email from Maria Pomeroy (2100 SW 75th Avenue), voicing support for no lighting of the accessway and private access to the park [from SW Canyon Lane]. Maria states that adding lights would encourage people to walk and drive on the site when the park is closed. Maria also voiced safety and light pollution concerns for their property which abuts the accessway.

Staff Response: The applicant originally proposed no lighting on the site, including within the shared accessway area. Staff had significant concerns about the proposal to provide no lighting for the shared accessway since it is an area shared by pedestrians and vehicles with no physical separation. Because of this, the applicant revised the proposal to include lighting for safety purposes within the shared accessway and no lighting elsewhere on the site. For more information regarding staff's analysis of the proposed lighting, please see findings in Attachment C in response to Lighting Design Guidelines 60.05.50.1-4 and in Attachment G in response to Variance approval criteria 40.95.15.1.C.1-12.

Exhibit 2.2 Email from Tandra Slack (7440 SW Pointer Road), Sandra Popham (7380 SW Pointer Road), Lila Slack (7400 SW Pointer Road), and Kent Slack (7402 SW Pointer Road); voicing concerns that the proposed improvements to the park, namely the picnic tables,

playground, and water feature, will attract vandalism and loitering in the park and the surrounding neighborhood.

Staff Response: The Beaverton Development Code allows uses and structures that are customarily incidental to a permitted primary use on a site to be included in the development (Section 60.50.05). All proposed improvements and structures including the pavilion, picnic tables, water feature, play equipment, drinking fountain, and benches are all considered customarily incidental to a public park land use and are permitted. Staff has not identified any concerns that the public park development would result in safety or vandalism issues on the site or in the neighborhood.

Exhibit 2.3 Email from Julie Draper (7430 SW Pointer Road) and Mary Kroger, voicing concerns that the proposed extent of improvements including the playground, water feature, and covered picnic areas may lead to safety issues in the neighborhood. The comments also identify concerns about the proposed removal of seven trees to accommodate the development.

Staff Response: The Beaverton Development Code allows uses and structures that are customarily incidental to a permitted primary use on a site to be included in the development (Section 60.50.05). All proposed improvements and structures including the pavilion, picnic tables, water feature, and play equipment are considered customarily incidental to a public park land use and are permitted. Staff has not identified any concerns that the public park development would result in safety or vandalism issues on the site or in the neighborhood. Regarding proposed tree removal, staff cites the findings in Attachment F related to the requested Tree Plan Two approval which finds that the requested removal of Community Trees meets applicable approval criteria to accommodate development.

Exhibit 2.4 Email from Kelly Lusk (7420 SW Pointer Road), voicing concerns that the proposed development conflicts with an existing access easement to their adjacent property. The comments also identify concerns about traffic to the site due to the lack of on-street parking and about potential impacts caused by the water feature in its proposed location. Lastly, the comments voice concerns that the water feature may be used inappropriately.

Staff Response: The applicant submitted a Trip Generation Memorandum (Exhibit 3.9), and based on the findings of that analysis, staff does not have concerns about traffic generated by the proposed development. Staff cites the findings in Attachment B in response to Section 40.15.15.5.C.5 regarding potential livability impacts and in Attachment C in response to Section 60.05.45.11.a through d regarding landscape buffering and screening as relevant to potential impacts caused by the water feature. Staff is researching the easement conflict noted in this public testimony and any findings relevant to applicable approval criteria will be detailed in a supplemental memorandum prior to the Planning Commission hearing, if necessary.

Exhibit 2.5 Email from Maria Pomeroy, Alaina Pomeroy, Adelle Pomeroy, Cyrus Pomeroy, and Adam Pomeroy (2100 SW 75th Avenue); voicing concerns about the proposed facilities within the

park, including the water feature. The comments question is a bathroom is required to serve the park and if the City has policies or laws to address illegal camping or safety issues in the park if they occur. The comments mention support for limited non-intrusive, low-voltage lighting to minimize light pollution for wildlife and adjacent residences.

Staff Response: The Beaverton Development Code allows uses and structures that are customarily incidental to a permitted primary use on a site to be included in the development (Section 60.50.05). All proposed improvements and structures including the pavilion, picnic tables, water feature, and play equipment are considered customarily incidental to a public park land use and are permitted. Staff has not identified any concerns that the public park development would result in safety issues on the site or in the neighborhood. However, if safety issues occur, the City of Beaverton Police Department provides law enforcement services to this site and should be contacted. A bathroom is not required to be provided to serve the proposed park.

Exhibit 1.1 Zoning Map

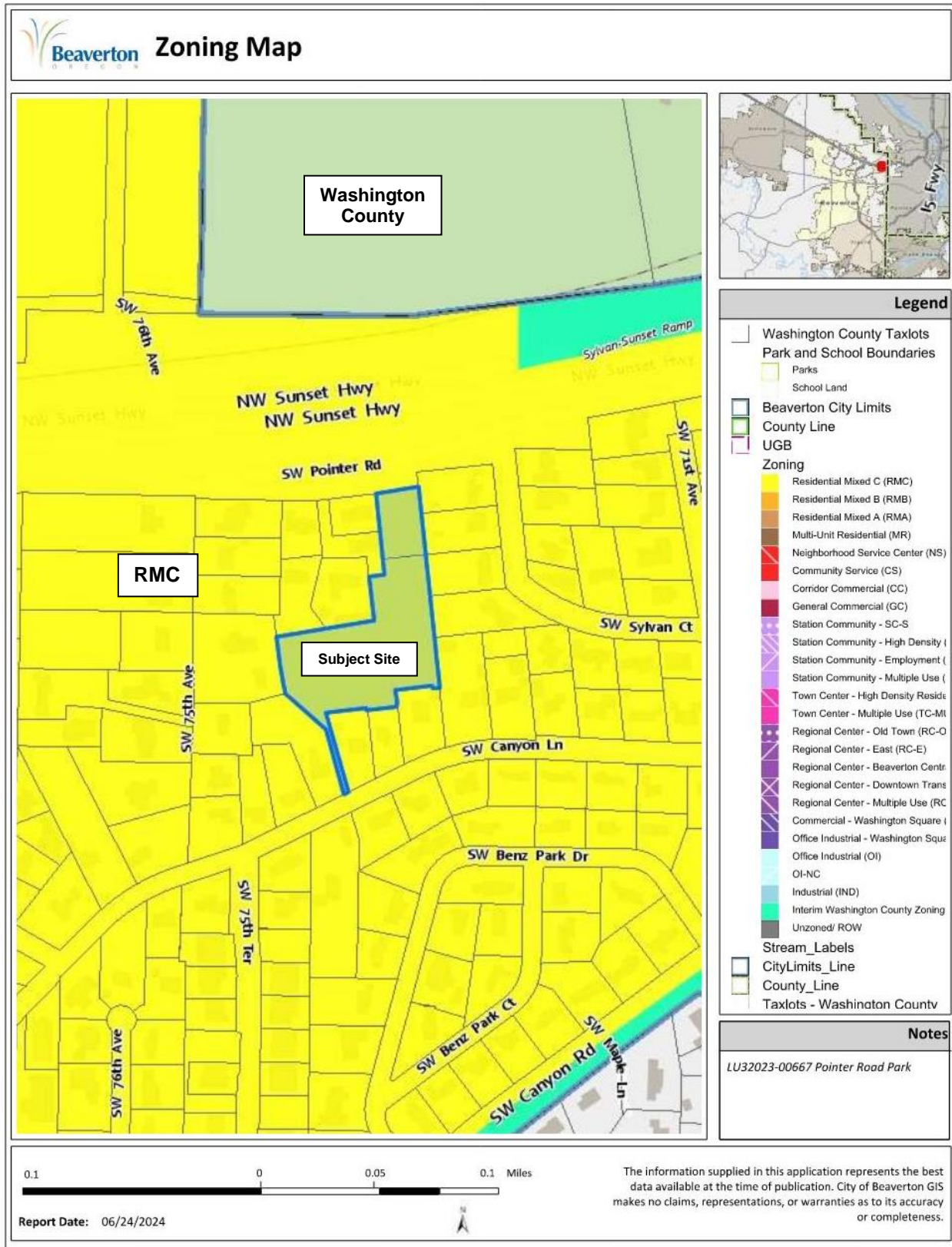
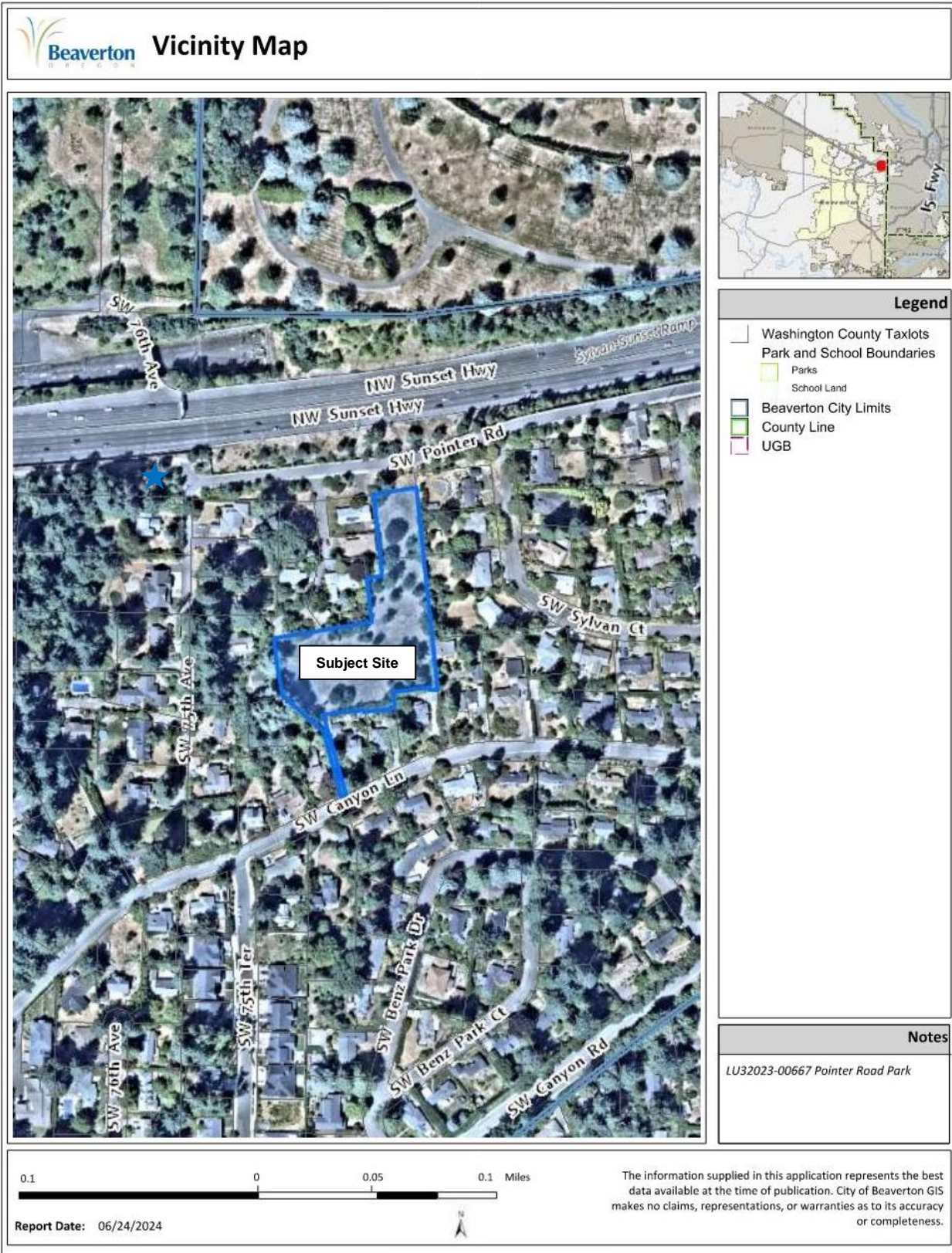


Exhibit 1.2 Vicinity Map



Attachment A: FACILITIES REVIEW COMMITTEE

TECHNICAL REVIEW AND RECOMMENDATIONS

Application: LU32023-00667 Pointer Road Park

Proposal: The applicant, Tualatin Hills Park and Recreation District, requests approval for the development of a new public park and associated site improvements. A New Conditional Use application is included to allow a public park on the subject site which is a Conditional Use in the underlying zoning district. A Design Review Three application requests approval of site improvements and new structures associated with the park including but not limited to play equipment, pedestrian and vehicular circulation areas, landscaping, and lighting. A Legal Lot Determination application requests to establish the legal status of the two tax lots that comprise the site, and the Replat One application requests to consolidate the tax lots. The proposal also includes a Parking Requirement Determination application to establish a minimum required bicycle parking ratio for the proposed public park. A Variance application requests a reduction of the required minimum lighting level for on-site walkways contained in Section 60.55 (Transportation Facilities). A Tree Plan Two application also requests approval to remove approximately seven Community Trees to accommodate the development of the public park.

Recommendation: APPROVE CUN32023-00798 / DR32023-00665 / LLD12023-00799 / PD22023-00800 / TP22024-00065 / VAR32024-00079 / RP12024-00080, 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 New Conditional Use (CUN32023-00798), Design Review Three (DR32023-00665), and Replat One (RP12024-00080) applications as submitted.
- Facilities Review Committee criteria do not apply to the submitted Parking Determination (PD22023-00800), Tree Plan Two (TP22024-00065), Legal Lot Determination (LLD12023-00799), or Variance (VAR32024-00079) applications.

Section 40.03.1.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.

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 applicant states that the project will connect to an existing water line in Pointer Road to serve the site. A Service Provider Letter is not required for development in the West Slope Water District. 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: The project does not include facilities that require sanitary sewer service to the site, so sanitary sewer is not a required critical facility for this proposal.

Stormwater Drainage, Treatment, and Retention: City of Beaverton stormwater service is available to the site from facilities in both SW Pointer Road and SW Canyon Lane rights of way. The project proposes to connect to the existing stormwater facilities in SW Canyon Lane to the south of the site. As shown on Sheet C2.00 of the submitted plans, the proposed stormwater management system for the park carries stormwater across the site to the public facilities in SW Canyon Lane with stormwater detention and treatment provided on site by a stormwater planter on the west side of the park. 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 street frontage on SW Pointer Road, a local street, and SW Canyon Lane, a neighborhood route. There is an existing six-foot-wide public sidewalk along the site’s SW Pointer Road frontage. There are no existing public bicycle facilities abutting the site. The applicant submitted a Trip Generation Memo prepared by a licensed engineer which found that the proposed park is anticipated to generate a maximum of 90 new vehicular trips per day, including on weekends. Due to the limited structural improvements proposed, the existing public transportation infrastructure serving the site, and the anticipated number of new vehicular trips generated by the development, frontage improvements to current city standards are not required for this project.

Limited vehicle access to the park is proposed from SW Pointer Road for a THPRD maintenance vehicle. One accessible parking space is proposed within SW Pointer Road

right of way. Since the parking space is located in the right of way, it will be available to the public and will not be exclusive to park users. Vehicle access to the park is not proposed from SW Canyon Lane. However, the southern portion of the site is a 12-foot-wide strip of land with an existing easement for a shared private driveway serving five residences that abut the park. The existing asphalt driveway measures approximately 10 feet wide and is bordered by hedges, trees, a fence, and a stone wall. As a part of this project, the driveway is proposed to be demolished and rebuilt for continued use of the residences but will not provide vehicular park access.

The proposed park includes a network of pedestrian pathways that provide access to park amenities and connect to the public sidewalk facility on SW Pointer Road and to SW Canyon Lane right of way, as required by the Beaverton Development Code (BDC). The pedestrian connection to SW Canyon Lane, defined as an accessway, is proposed to be ADA-compliant and located within a shared facility with the driveway. This shared facility, called the shared accessway by this report, is proposed to be constructed of concrete with a maximum width of 12 feet. The shared accessway will be used, sometimes simultaneously, by park users accessing the site on foot or by bike and by vehicles accessing residences.

As shown on Sheet L1.01 of the submitted plans, the accessway is proposed to be over five-feet-wide and located on the western half of the shared accessway. Handrails and lighted bollards are located within the accessway but maintain a minimum width of five-feet two-inches at the narrowest point. The accessway is proposed to be striped using white and green thermoplastic paint and treated with a light broom concrete finish to differentiate it from the vehicle maneuvering area which is proposed to be treated with a medium broom concrete finish. Despite the proposed design to delineate a pedestrian walkway within the shared accessway, the accessway is not a dedicated pedestrian area since the shared accessway is not wide enough to accommodate two-way vehicular movements. Because of this, the full extent of the shared accessway will be used by vehicles which presents potential conflicts with pedestrians accessing the park from SW Canyon Lane. At its narrowest point, pedestrians and vehicles will share a 10-foot 9-inch-wide facility.

In addition to paint striping, the applicant proposes to include signage and lighting along the shared accessway to emphasize pedestrian use. Signage is proposed for the private driveway to indicate that only authorized vehicles may use the facility and that the walkway is shared with pedestrians and bicycles. A total of five lighted bollards spaced roughly 30 feet apart are also proposed along the west side of the shared accessway which provide lighting levels between 0.0 and 8.3 foot-candles over the pedestrian portion of the shared accessway, as shown on the submitted Photometric Plan (Sheet E4.02).

Based on the proposed design of the shared accessway and risk of vehicle-pedestrian conflict, staff has outstanding pedestrian safety concerns. Although the shared accessway is constrained by existing property lines, easements, and structural encroachments, staff

finds that additional safety improvements are feasible and are needed to create the safest possible conditions for pedestrians accessing the park from SW Canyon Lane.

Specifically, staff finds that the proposed paint striping and broom finishes to differentiate the accessway from the driveway within the shared facility is insufficient to create long-term, safe pedestrian conditions. Paint striping wears down over time and requires restriping to maintain a demarcation of the accessway, and City of Beaverton staff do not have the resources to regularly inspect and require restriping to maintain consistency with the land use approval. Furthermore, considering the maintenance needs of striping, staff is concerned that the proposed light and medium broom finishes will not provide adequate visual contrast between the two areas of the shared accessway, especially near dawn and dusk or at night when visibility is low. Since THPRD proposes to demolish and reconstruct the shared accessway as a part of this project, the Committee finds that reconstruction in a way that provides both visual and textural differentiation between the driveway and accessway areas of the shared facility is reasonable, and a more permanent, durable surfacing treatment is necessary for long-term pedestrian safety for all accessway users.

For these reasons, the Committee recommends a condition of approval requiring that either 1) a different paving material is used for the accessway compared to the driveway, or 2) if one paving material is used for the shared accessway, the accessway shall be permanently pigmented to create visual distinction and shall be textured to add contrast between the accessway and driveway. This option must be approved by the City Engineer. Examples of shared accessway designs that would meet the recommended condition of approval are a concrete accessway and an asphalt driveway or an asphalt shared accessway with pigmented, textured asphalt used for the accessway. The recommended condition of approval must be satisfied prior to site development permit issuance to ensure that the shared accessway will be constructed in a way that maximizes pedestrian safety for day one users of the park.

Regarding proposed vehicular connections to SW Pointer Road and SW Canyon Lane rights of way, staff finds that there are inconsistencies in the submitted plan set regarding proposed driveway designs and compliance with EDM standards. For the driveway connection to SW Pointer Road, the construction notes of the submitted civil plans indicate that the driveway will be constructed consistent with EDM Standard Drawing 210 for commercial driveways, but the proposed design does not meet these standards (Sheet C1.00, note 2). Therefore, the Committee recommends a condition of approval that the applicant submit plans prior to site development permit issuance showing that the commercial driveway to SW Pointer Road will be constructed to EDM standards (Standard Drawing 210) or obtain EDM Design Exception approval for an alternative design. The proposed design of the driveway connecting to SW Canyon Lane, the shared accessway facility, shows the construction of a concrete apron on Sheet L1.01 while asphalt is proposed on Sheet C1.00 (note 8). While the inconsistency in the submitted plans must be resolved prior to site development permit issuance, staff notes that the proposed driveway to SW Canyon Lane is not able to meet EDM standards for a commercial driveway due to property line boundaries at the access point and the absence of a public

sidewalk. Thus, the Committee recommends a condition of approval that the applicant obtain EDM Design Exception approval for an alternative commercial driveway design for the SW Canyon Lane access prior to site development permit issuance.

Within SW Pointer Road right of way, the applicant proposes multiple improvements to support the park use. First, THPRD proposes to provide an accessible parking space within the SW Pointer Rd right of way. The parking space is structurally supported by concrete curbing and a rock wall, and illegal parking in the access aisle is prevented by multiple removable bollards. Since the space is located in the right of way, it will be available to the general public and must be installed pursuant to ODOT standards, including but not limited to the access aisle and signage. Second, a maintenance vehicle parking area, restricted by a removable bollard, and a grasscrete paving area are proposed to support maintenance of the park. Additionally, irrigation is proposed in the right of way to support proposed plantings. Lastly, an existing stone retaining wall is located within the right of way and is proposed to be retained by the project. Retention of the stone retaining wall requires an Encroachment Agreement, subject to City Engineer approval, in a form approved by the City Attorney prior to site development permit issuance. All other proposed improvements within the SW Pointer Road right of way are allowed without an Encroachment Agreement. However, THPRD shall be responsible for the maintenance of these improvements unless they are removed at some point in the future. As such, the Committee recommends a condition of approval which details the maintenance requirements associated with these items. Separately, maintenance obligations for the existing stone retaining wall will be established by Encroachment Agreement approval, if obtained from the City Engineer.

Internal to the park site excluding the shared accessway, the applicant proposes a continuous network of paved pathways that are five-feet-wide or wider to access proposed park amenities. The applicant states that all pedestrian pathways within the park will meet or exceed ADA standards for universal access. Bicycle parking is also proposed in the park, and findings associated with the submitted Parking Determination application will be provided in the associated section of the staff report. Similarly, on-site lighting of pathways and the shared accessway does not comply with the applicable Technical Lighting Standards (Table 60.05-1) or Section 60.55 of the Development Code, for which the applicant has submitted Design Review Three and Variance applications to deviate from the standards, respectively. Design Review and Variance findings will be provided in the relevant sections of the staff report.

In conclusion, the Committee finds that by meeting the recommended conditions of approval, adequate transportation facilities will 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). TVF&R staff reviewed the proposal and found that the scope of work does not require a Service Provider Permit. TVF&R confirmed that the water supply to the site is adequate for fire protection, and firefighting will be conducted from the abutting public

streets. The Committee finds that adequate fire protection service can be provided to the site to serve the proposed development.

For these reasons, the Committee finds that by meeting the recommended conditions of approval, critical facilities and services related to the proposed development are available with adequate capacity to serve the development.

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

Section 40.03.1.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.

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. No new dwelling units are proposed as part of the development. Therefore, the Committee finds that the proposal will not affect the existing school capacity.

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 0.3 miles from the park entrance on SW Canyon Lane. 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 park. 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 Pointer Road and SW Canyon Lane. The existing site frontage along SW Pointer Road includes a 6-foot-wide curb-tight public sidewalk (including a 0.5-foot-wide curb) and no public bicycle facilities. There are no public pedestrian or bicycle facilities on SW Canyon Lane. Due to the scope of work of the project and the extent of existing public facilities in proximity to the project, no public pedestrian or bicycle facility improvements are required along the site’s

frontages for this proposal. A paved pedestrian pathway is proposed to connect to the existing public sidewalk along SW Pointer Road from the park. An accessway is also proposed to provide pedestrian access to the park from SW Canyon Lane right of way. The Committee finds that existing conditions of the site frontages provide adequate public pedestrian and bicycle facilities.

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

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 C (RMC) zoning district. The Committee refers to the Chapter 20 Use and Site Development Requirements table at the end of this report, 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

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

FINDING:

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60

(Special Requirements). Staff will provide findings for the Design Review Three request within the applicable section of the staff report.

Section 60.30 Off-Street Parking: No off-street parking is proposed by this project, and none is required. The applicant requests a Parking Determination to evaluate the required number of bicycle parking spaces that are needed for the proposed public park land use because the land use categories in Table 60.30.10.5.B does not include public parks. The applicant proposes 12 short-term bicycle parking spaces within approximately 35 feet of the SW Pointer Road access. No long-term bicycle parking spaces are proposed. The approval criteria for the Parking Determination will be addressed in the relevant section of the staff report. Facilities Review Committee criteria do not apply to the Parking Determination application.

Section 60.55 Transportation Facilities: As stated in the findings for approval criterion 40.03.1.A, a Traffic Impact Analysis is not required for this project based on the findings of the submitted Trip Generation Memo. Pedestrian circulation areas are proposed within the public park and connecting to SW Pointer Road and SW Canyon Lane rights of way, including the accessway, as detailed in response to approval criterion 40.03.1.A. The Committee recommends a condition of approval to provide a minimum, delineated five feet of unobstructed width for the accessway in accordance with Section 60.55.25.10.B.5. Additionally, the applicant has submitted a Variance application for this project to deviate from the minimum 0.5 foot-candle lighting requirement for on-site pedestrian walkways pursuant to Section 60.55.25.10.B.7. Findings for the Variance request will be provided in the relevant section of the staff report. The Committee recommends conditions of approval that the New Conditional Use and Design Review Three application approvals are contingent on the Variance application approval. By meeting the recommended conditions of approval, the Committee finds that adequate transportation facilities in compliance with this Section will be provided to serve the proposed development.

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

Section 40.03.1.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.

FINDING:

The applicant, Tualatin Hills Park and Recreation District, is a public agency and will retain ownership of the site and maintain it as a public park. Therefore, maintenance and replacement of private common facilities and areas does not apply to this project.

Conclusion: Therefore, the Committee finds that this criterion is not applicable to the proposal.

Section 40.03.1.F

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 and D as relevant to this approval criterion. Vehicular access into the site is proposed from SW Canyon Lane, but its use is restricted to existing easement holders to access adjacent residences. This on-site private driveway does not provide vehicular access to the park and is located in a shared facility (shared accessway) with an accessway for pedestrian access to the park. The private driveway will be restricted by an automatic gate after the accessway connects to the internal park pathways. The Committee recommends a condition of approval related to revisions needed to maximize pedestrian circulation safety within the shared accessway due to potential vehicle and pedestrian conflict. By meeting the recommended condition of approval, staff finds that the proposed vehicular and pedestrian circulation areas on site will be safe for all park users. Additionally, staff finds that the proposed pedestrian pathway network within the park provides efficient access to park amenities and to the abutting rights of way.

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

Section 40.03.1.G

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, D, and F as relevant to this approval criterion. The project proposes to demolish and reconstruct a vehicular access to SW Canyon Lane to retain access for surrounding private residences. Due to existing site constraints and property boundaries, the vehicular access to SW Canyon Lane cannot be constructed to commercial driveway requirements of the EDM. For this reason, the Committee recommends a condition of approval that the applicant obtain EDM Design Exception approval for an alternative commercial driveway design prior to site development permit issuance. While vehicular access into the park site is not proposed from SW Pointer Road, the applicant proposes to locate an accessible parking space and other improvements within the right of way including but not limited to removable bollards, a maintenance vehicle parking area, a grasscrete paving, and retention of an existing

stone retaining wall. The existing stone retaining wall requires Encroachment Agreement approval by the City Engineer prior to site development permit issuance. Additionally, as designed, the commercial driveway connection to SW Pointer Road does not meet EDM requirements. As such, the Committee recommends two conditions of approval requiring revisions or additional approvals for SW Pointer Road and SW Canyon Lane right of way improvements.

Proposed pedestrian connections to the abutting public sidewalk facility in SW Pointer Road right of way are designed for ADA compliance and provide safe and efficient access to and from the park. The proposed accessway connects to SW Canyon Lane right of way, but there is no existing or required public sidewalk facility along the site's frontage. Staff finds that, as designed, the accessway connection to SW Canyon Lane is efficient, and by meeting the recommended conditions of approval, the connection will also be safe for all park users.

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

Section 40.03.1.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.

FINDING:

Fire protection will be provided by TVF&R. TVF&R staff reviewed the proposal and found that a Service Provider Permit was not required for the project and that firefighting activities will be conducted from the abutting SW Canyon Lane and SW Pointer Road rights of way. There is an existing fire hydrant across the street from the site on SW Canyon Lane and a second fire hydrant next to the site on SW Pointer Road. 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

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

FINDING:

The applicant states that all structures and public facilities serving the development site are designed in accordance with adopted City codes and standards. 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 Site Development and Building Permit review processes. 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

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

FINDING:

The applicant states that the proposed site grading accommodates the uses within the park and is designed to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

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

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

Section 40.03.1.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.

FINDING:

The applicant states that a handicap-accessible parking stall is proposed adjacent to Pointer Road, and all pedestrian pathways within the park will meet or exceed ADA standards for universal access. Site furnishings and play equipment will meet or exceed ADA standards for universal access.

Staff finds that the proposed network of accessible pedestrian routes provides continuous connections between the various elements of the park and is well-integrated into the site design. Furthermore, the park includes covered and uncovered ADA-compliant picnic tables and multiple benches with companion seating for those using mobility devices. 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 at Site Development and Building Permit stages 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

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

FINDING:

The applicant submitted the Design Review Three application on September 21, 2023. The New Conditional Use, Legal Lot Determination, and Parking Determination applications were submitted on November 8, 2023. The applicant submitted the Tree Plan Two application on January 24, 2024. The Variance application was submitted on January 31, 2024. The Replat One application was submitted on February 1, 2024. The applicant deemed the project complete on March 18, 2024. All required submittal materials as specified in Section 50.25.1 of the Code were received on May 1, 2024.

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

Code Conformance Analysis

Chapter 20 Use and Site Development Requirements Residential Mixed C (RMC) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20			
Public Parks	Conditional Use	The applicant proposes a new public park in a residential zone.	See CU Findings
Development Code Section 20.05.15			
Minimum Lot Dimensions	Width: 20 feet	Width: 112 feet	YES
Yard Setbacks	Front: 10 feet (SW Pointer Road & SW Canyon Lane) Side: 5 feet Rear: None	Front: Approximately 47 feet (picnic table) East Side: 28 feet West Side: Approximately 37 feet South Side: Approximately 101 feet	YES
Maximum Building Height	35 feet	11 feet 3 inches (picnic shelter)	YES

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.	The applicant proposes a new public park in a residential zone, and a Design Review Three application is required.	See DR Findings
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 L2.01) 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 Requirements	Minimum: None	No loading space is proposed.	N/A
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

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30			
Required Bicycle Parking	Use not listed in Table 60.30.10.5.B	12 short-term and zero long-term bicycle parking spaces are proposed.	See PD Findings
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.	The applicant proposes a six-foot-wall chain link fence with privacy slats where eight feet is the maximum permitted height along the side property lines and adjacent to the northern portion of the private driveway. The proposed fence is located outside of the required 10-foot front setback.	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 herein.	YES w/ COA
Development Code Section 60.60			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	Applicant proposes to remove seven Community Trees.	See TP Findings
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

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.70			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	N/A

Attachment B: NEW CONDITIONAL USE CUN32023-00798

ANALYSIS AND FINDINGS FOR NEW CONDITIONAL USE APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **CUN32023-00798**, subject to the applicable conditions identified in Attachment I.

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 criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, by meeting the conditions of approval, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

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

Section 40.15.05 Purpose:

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional Uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied. This Section is carried out by the approval criteria listed herein.

Planning Commission Standards for Approval:

Section 40.15.15.5.C of the Development Code provides standards to govern the decisions of the Planning Commission as they evaluate and render decisions on New Conditional Use applications. The Planning Commission will determine whether the application, as presented, meets the New Conditional Use approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for a New Conditional Use.

To approve a New Conditional Use application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

Section 40.15.15.5.C.1

The proposal satisfies the threshold requirements for a Conditional Use application.

FINDING:

The applicant proposes a new public park in the RMC zone, a residential zoning district. A public park is Conditionally Permitted in the RMC zone. As such, the proposal meets Threshold 1 of a New Conditional Use application, which reads:

1. *The proposed use is Conditionally permitted in the underlying zoning district and a prior Conditional Use approval for the proposed use is not already in effect.*

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

Section 40.15.15.5.C.2

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

FINDING:

The applicant paid the required fee for this New Conditional Use application.

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

Section 40.15.15.5.C.3

The proposal will comply with the applicable policies of the Comprehensive Plan.

FINDING:

The following Comprehensive Plan policies are applicable to this request:

Chapter 3 (Land Use Element)

3.1.1.a: Emphasize pedestrian convenience and safety in all developments and transportation facilities.

The applicant states that this project proposes a new dedicated ADA-compliant pedestrian connection to the existing sidewalk on SW Pointer Road, and an upgraded ADA-compliant

pedestrian connection with signage and safety enhancements via the shared accessway to SW Canyon Lane.

Staff concurs that the proposed public park prioritizes convenience for pedestrians to connect to the rights of way abutting the park. Staff has safety concerns regarding the pedestrian facility connecting to SW Canyon Lane, identified as the accessway throughout this report, since the accessway surface is shared with vehicles (shared accessway). Due to the narrow width of the shared accessway, it is not possible to construct a form of physical separation between vehicles and pedestrian users. As a result, there is a risk of conflict between pedestrians and vehicles. As designed using striping and a broom finish to delineate the pedestrian portion of the shared accessway, staff does not find that the project emphasizes pedestrian safety in this area of the site. As detailed in the findings for Facilities Review Criterion 40.03.1.A (Attachment A), staff finds that a more permanent, durable surfacing treatment that provides both visual and textural contrast between the pedestrian and vehicle areas is necessary to create the safest conditions possible given the constraints within the shared accessway. Staff recommends a condition of approval that would require the applicant to provide a surfacing treatment consistent with these requirements. Together with the proposed safety lighting proposed in the shared accessway, staff finds that, by meeting the recommended conditions of approval, the proposal will emphasize pedestrian safety throughout the development in a way that is consistent with this Comprehensive Plan policy.

Policy 3.1.1.c: Ensure that new development is designed to provide safe, comfortable and direct pedestrian and bicycle connections for all, regardless of ability or age, to and through the development, including to reach nearby points of interest.

The applicant states that pedestrian and bicycle facilities will be provided throughout the park that provide direct connections to Pointer Road and the Sunset Highway Trail at the north end of the park, Canyon Lane at the south end of the park, and all park amenities within the park itself including the handicap parking stall at Pointer Road. Pathways will generally be constructed with concrete paving for stability, durability, and ease of maintenance, and will meet or exceed ADA standards. The main pathway will be six feet wide and secondary pathways will be five feet wide; it is not feasible to provide full multi-modal pathway widths because of site constraints such as grading and tree protection requirements. Ample bicycle parking will be provided at the north end of the park, close to the Sunset Highway Trail. Since the shared accessway at the south end of the park must accommodate both pedestrian and vehicular traffic, the accessway will be striped and signed to emphasize pedestrian use of the accessway as well as no public vehicular access to the park and will include lighting for safety and gates and bollards to prevent vehicle entry to the park.

Staff concurs that the proposed park improvements will provide direct and comfortable connections for all park users, regardless of ability or age, through the park site and to nearby points of interest including the public sidewalk and trail network to the north of the

site. Staff has outstanding safety concerns regarding the SW Canyon Lane connection at the south end of the site via the shared accessway as discussed in response to Facilities Review Criterion 40.03.1.A (Attachment A). To ensure that the accessway is safe for all users, including those with visual impairments, surfacing treatments for the shared accessway must provide permanent visual and textural differentiation between the pedestrian and vehicle area. By meeting the recommended conditions of approval, staff finds that the proposed development will provide safe, comfortable, and direct connections for users of all ages and abilities.

3.8.1.g Ensure integration of parks and schools into neighborhoods in locations where safe, convenient connections from adjacent neighborhoods on foot and by bike are or will be available.

The applicant states that this project proposes a new dedicated ADA-compliant pedestrian connection to the existing sidewalk and active transportation route on SW Pointer Road, and an upgraded ADA-compliant pedestrian connection with signage and safety enhancements via the shared accessway to SW Canyon Lane.

Staff concurs that the proposed park includes a safe and convenient connection to the existing public sidewalk and bicycle infrastructure on SW Pointer Road which links park users to other parts of the neighborhood. A connection is also proposed to SW Canyon Lane via a shared accessway which will be convenient for park users accessing the site from the south. A condition of approval is recommended to improve safety for pedestrians within the shared accessway by providing permanent visual and textural treatments to the accessway. By meeting the conditions of approval, the park will be safely and conveniently accessed from the neighborhood in compliance with this policy.

Chapter 6 (Transportation Element)

6.2.2.e Provide connectivity to each area of the City for convenient multimodal access. Ensure pedestrian, bicycle, transit, and vehicle access to schools, parks, commercial, employment, and recreational areas, and destinations in station areas, regional and town centers by identifying and developing improvements that address connectivity needs.

The applicant states that the proposed park improvements provide pedestrian and bicycle access within and through the park. Given the physical and budgetary constraints of the park, the internal pathways cannot be developed to full multimodal standards, but still allow access through the park for active transportation modes. This scope of this project does not extend beyond the site or adjacent street frontages, so it does not address shortcomings in the neighborhood transportation system.

Staff concurs with the applicant that the proposed public park provides pedestrian and bicycle connections into the park and between SW Canyon Lane and SW Pointer Road.

Vehicle access to the park is not proposed or required. Staff finds that the proposal is consistent with this policy.

Chapter 8 (Environmental Quality and Safety Element)

Policy 8.4.1.a: Noise impacts shall be considered during development review processes.

Action 1: Adopt and implement appropriate design standards for development permits for all commercial, industrial, high density, mixed use and transportation projects, and others as appropriate. Development applications should be required to demonstrate compliance with applicable noise level standards. Means of meeting the design standards might include, but are not limited to:

- ***Use of year-round landscape elements that absorb parking lot and street noise.***
- ***Use of underground parking.***
- ***Use of extra-thick windows.***
- ***Facades constructed of materials that help to absorb sounds.***
- ***Pervious surface landscape and parking lot materials that absorb sounds.***
- ***Use of building materials that aid in the reduction of sound traveling through common floors and walls.***
- ***Dampers on heating and cooling equipment.***

The applicant states that the proposed programming of the park has placed the most uses with the most potential for noise impacts, such as the play area and picnic shelter, in a location where there is more of an existing buffer to adjacent properties, while also maintaining visibility from Pointer Road for security reasons.

Staff agrees that the proposed placement of physical improvements such as the play structure, water play area, and picnic shelter provides the greatest separation from abutting residences while maintaining “eyes on the street” from SW Pointer Road to promote safety within the park. Staff also agrees that existing and proposed landscaping around the perimeter of the park near these amenities will provide some noise mitigation for surrounding properties. Lastly, staff notes that the park is proposed to be open from dawn until dusk, so any potential noise impacts would be limited to those hours. Overall, staff finds that noise impacts associated with the proposal will be minimal, and the applicant has incorporated siting and landscaping strategies into the design of the park to limit noise impacts to the greatest degree possible. For these reasons, staff finds that the proposal is consistent with this policy.

Chapter 10 (Community Health Element)

Physical Activity Policy 10.2.a: Provide a comprehensive and integrated system of parks, plazas, playgrounds, trails and open space to promote health and social connectedness through physical activity.

The applicant states that the proposed design integrates several different kinds of play areas with loop trails and open lawn areas to help promote health and social connectedness through physical activity.

Staff concurs that the new public park furthers the goal of an integrated parks system, and the proposed amenities within the park such as the pathways, play structures, water play, and open space encourage physical activity.

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

Section 40.15.15.5.C.4

The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

FINDING:

The applicant states that the size and configuration of the property is able to easily accommodate all the proposed features of the project such as pedestrian pathways, play area, picnic area, and open space, and also accommodates all code-required setbacks, buffers, and pedestrian and vehicular connections to the site. While the 12-foot-wide shared accessway from Canyon Lane is too narrow to allow for mode separation and required buffers, it is wide enough to be able to accommodate both pedestrian and vehicular circulation with additional signage, striping, and lighting. The topography of the site allows the site to be graded to provide ADA-compliant pathways and site amenities throughout the site without requiring large retaining walls or mass removal of healthy, non-invasive trees, and is able to accommodate on-site stormwater collection and treatment.

Staff agrees that the proposed design and amenities of the roughly two-acre park are suitable for the site given the topography, narrow lot width at the south end of the site for the shared accessway, and the configuration of the site. All proposed improvements are reasonably accommodated by the site.

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

Section 40.15.15.5.C.5

The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate use and development of properties in the surrounding area of the subject site.

FINDING:

The applicant states that, according to THPRD's 2023 Comprehensive Plan, the West Slope Neighborhood generally has a lower access to recreation than most neighborhoods in Beaverton, with the neighborhood immediately around the proposed park site particularly underserved. THPRD identified and purchased these properties with the specific intent of addressing the lack of accessible recreational areas and open space in this area. The proposed project will provide a high-quality neighborhood park for this neighborhood where none currently exist, and where there are no other alternatives for recreational and open space; as such, the proposed project is an appropriate use and development of the property. In addition, the proposed park amenities have been selected based on feedback from neighborhood residents as part of an extensive public engagement process and are intended primarily for neighborhood use. The proposed park development is therefore not only compatible with but will be a major improvement for the livability of the neighborhood and will positively impact the use and development of properties in the surrounding area.

Staff agrees that the development of a public park in a residential neighborhood has a positive impact on livability for surrounding residents and does not impact the appropriate use of nearby properties. The park is bordered on all sides by residential dwellings, and staff finds that the proposed locations of park amenities adequately distance high-traffic areas with greater potential for noise from neighboring homes to the greatest extent possible. Staff notes that the design of the shared accessway to SW Canyon Lane has been designed to minimize potential light spill impacts to neighboring residences given the constrained width of the facility. As shown on the submitted plan set, the proposed lighted bollards are spaced roughly every 30 feet apart and installed next to existing dense vegetation or walls which will significantly reduce light spill on to adjacent properties. In summary, staff finds that the proposal has adequately mitigated potential noise and light spill impacts, and no other potential impacts to livability or appropriate use of surrounding properties have been identified.

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

Section 40.15.15.5.C.6

The proposed residential use located in the floodway fringe meets the requirements in Section 60.10.25.

FINDING:

The proposal does not include any residential uses.

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

Section 40.15.15.5.C.7

For parcel(s) designated Interim Washington County, the proposed use, identified in the land use designation previously held for the subject parcel(s), meets the use requirements identified in Washington County's Development Code.

FINDING:

The proposal is not located in the Interim Washington County zone designation.

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

Section 40.15.15.5.C.8

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 submitted Design Review Three, Parking Determination, Legal Lot Determination, Replat One, Tree Plan Two, and Variance applications to be processed concurrently with this New Conditional Use request. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

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 CUN32023-00798, subject to the applicable conditions identified in Attachment I.

Attachment C: DESIGN REVIEW THREE DR32023-00665

ANALYSIS AND FINDINGS FOR DESIGN REVIEW THREE APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **DR32023-00665**, subject to the applicable conditions identified in Attachment I.

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 criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, by meeting the conditions of approval, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

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

Section 40.20.05 Purpose:

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary, and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by ensuring the proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

Planning Commission Standards for Approval:

Section 40.20.15.3.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Design Review Three applications. The Commission will determine whether the application as presented, meets the Design Review Three approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Type Three Design Review.

To approve a Design Review Three 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 40.20.15.3.C.1

The proposal satisfies the threshold requirements for a Design Review Three application.

FINDING:

The applicant proposes a new park in a residential zone, which satisfies Design Review Three Threshold 7.

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

Section 40.20.15.3.C.2

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

FINDING:

The applicant paid the required fee for this Design Review Three application.

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

Section 40.20.15.3.C.3

For proposals meeting Design Review Three application thresholds numbers 1 through 7, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

FINDING:

This criterion applies because the proposal meets Design Review Three Threshold 7 for a new park in a residential zone. As detailed in the Design Review Guidelines Analysis section of this staff report, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) by meeting the recommended conditions of approval.

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

Section 40.20.15.3.C.4

For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can

demonstrate that the additions or modifications are moving towards compliance with specific Design Guidelines if any of the following conditions exist:

- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or
- b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or
- c. The location of the existing structure to be modified is more than 300 feet from a public street.

FINDING:

The proposal is for a new public park development, not an addition or modification of an existing development; therefore, this criterion is not applicable.

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

Section 40.20.15.3.C.5

For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.

FINDING:

The applicant does not propose a Design Review Build-out Concept Plan (DRBCP); therefore, this criterion is not applicable.

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

Section 40.20.15.3.C.6

For proposals meeting Design Review Three application Threshold numbers 8 or 9, where the applicant has decided to address a combination of standards and guidelines, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is instead subject to the applicable corresponding Design Guideline(s).

FINDING:

This criterion does not apply because the proposal meets Design Review Three Threshold 7 and does not meet Thresholds 8 or 9.

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

Section 40.20.15.3.C.7

For proposals meeting Design Review Three application Threshold numbers 8 or 9, where the applicant has decided to address Design Guidelines only, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).

FINDING:

This criterion does not apply because the proposal meets Design Review Three Threshold 7 and does not meet Thresholds 8 or 9.

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

Section 40.20.15.3.C.8

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 submitted New Conditional Use, Parking Determination, Legal Lot Determination, Replat One, Tree Plan Two, and Variance applications to be processed concurrently with this Design Review Three request. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

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 DR32023-00665, subject to the applicable conditions identified in Attachment I.

Design Review Guidelines Analysis

In the following analysis, staff has only identified the Design Guidelines that are relevant to the subject development proposal. Non-relevant Guidelines have been omitted.

60.05.35 Building Design and Orientation Guidelines.

1. Building Articulation and Variety

- B. Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standards 60.05.15.1.A and B)**

FINDING:

The applicant proposes one 20-foot by 20-foot picnic shelter that is approximately 11 feet tall. The picnic shelter is accessory to the public park use. The shelter has been designed for park users, and staff finds that the size and open design of the shelter provides visual interest to pedestrians. The picnic shelter is proposed to be constructed using a combination of steel and wood which provide adequate articulation considering the size and height of the structure.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- C. To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)**

FINDING:

The proposed picnic shelter structure is accessory in nature, and the maximum elevation length is 20 feet long. Therefore, the building elevations do not require significant vertical balancing.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- D. Buildings should promote and enhance a comfortable pedestrian scale and orientation. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.1.B)**

FINDING:

The proposed picnic shelter is accessory in nature and designed for pedestrian use and interaction. The picnic shelter will be open and unenclosed to be easily accessed by

visitors. The design of the shelter and the single-story height promotes a comfortable pedestrian scale for park users.

Conclusion: Therefore, staff finds the proposal meets the guideline.

2. Roof Forms

- A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be emphasized. (Standards 60.05.15.2.A and B)**

FINDING:

The picnic shelter is the only roofed structure proposed with this development. It features a pitched, gable roof and uses an unenclosed design. Staff finds that the open-air structure with a pitched roof includes sufficient variety and detail, as it is an accessory structure to support the park use.

Conclusion: Therefore, staff finds the proposal meets the guideline.

3. Primary Building Entrances

- A. The design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. This guideline does not apply to buildings in Industrial districts where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities. (Standard 60.05.15.3)**

FINDING:

The proposed picnic shelter will be open, unenclosed, and provides weather protection for park patrons.

Conclusion: Therefore, staff finds the proposal meets the guideline.

4. Exterior Building Materials

- A. Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standards 60.05.15.4.A and B)**

FINDING:

The picnic shelter will be open and unenclosed, allowing complete visual and physical access to the structure. The submitted architectural elevations for the picnic shelter show that it will be constructed of steel and wood which convey an impression of permanence and durability.

Conclusion: Therefore, staff finds the proposal meets the guideline.

60.05.40 Circulation and Parking Design Guidelines.

- 1. Connections to public street system. The on-site pedestrian, bicycle and motor vehicle circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets in accordance with connections identified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan. (Standard 60.05.20.1)**

FINDING:

The applicant's internal circulation system is designed to connect to the abutting street system in a direct and efficient manner. The park will include a mixture of paved, gravel, and wood chip pedestrian pathways within the park. A paved pedestrian pathway connects the park to the abutting public sidewalk on SW Pointer Road, and the accessway provides access to the SW Canyon Lane right of way. Together, these facilities provide adequate pedestrian and bicycle facilities within the development site and to the abutting street system. Vehicular access is not proposed into the park. However, the project involves the reconstruction of an existing private driveway to SW Canyon Lane that is used as vehicular access by several of the abutting residential properties. Due to the limited scope of physical improvements, low anticipated traffic volume, and the existing pedestrian and bicycle facilities along SW Pointer Road, frontage improvements were not required for this project. Staff finds that all proposed pedestrian, bicycle, and vehicular access and circulation within the site are efficient and are consistent with the Comprehensive Plan.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- 2. Loading area, solid waste facilities, and similar improvements.**

- A. On-Site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)**

FINDING:

The submitted site plan (Sheet L1.01) shows that one electrical cabinet is proposed approximately six feet from the front property line abutting SW Pointer Road and is visible from the public street. Screening is provided by a five-foot-tall evergreen hedge planted with Oregon grape shrubs, as detailed on Sheet L3.01. Two planting areas in the right of way provide additional screening. The proposed plantings adequately screen the utility structure from view of the public street.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- 3. Pedestrian circulation.**

- A. Pedestrian connections should be made between on-site buildings, parking areas,**

and open spaces. (Standard 60.05.20.3.A)

FINDING:

As shown on the applicant's site plan (Sheet L1.01), the park will include a mixture of paved, gravel, and wood chip pathways that will provide pedestrian connections between the picnic shelter, the accessible parking space within SW Pointer Road right of way, and all other park amenities including the play areas, open space, bicycle parking, seating areas, and others. The proposal also includes the construction of a paved approximately five-foot-wide accessway which provides pedestrian access into the park from SW Canyon Lane. Staff finds the on-site pedestrian connections are sufficient.

Conclusion: Therefore, staff finds the proposal meets the guideline.

B. Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)

FINDING:

As shown on the applicant's site plan (Sheet L1.01), the on-site pathways within the park are proposed to connect directly to the public sidewalk along SW Pointer Road, and the proposed accessway provides a paved connection to the SW Canyon Lane right of way. The accessway facility is proposed to be five feet wide. However, it is located within a shared facility with a private driveway, so vehicles are intended to use the approximately five-foot-wide pedestrian facility for maneuvering. Due to existing structural encroachments and narrow lot boundaries in this area, the accessway (pedestrian area) is not physically separated from the vehicular driveway area. Considering the constraints within the accessway, staff finds that the accessway connection to SW Canyon Lane provides sufficient access to the street. As such, all proposed pedestrian connections to abutting pedestrian facilities and streets are sufficient to serve the development.

Conclusion: Therefore, staff finds the proposal meets the guideline.

C. Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)

FINDING:

The proposed park does not include any buildings with entrances since the picnic shelter is an open structure. However, the park design proposes a pathway network that connects all park amenities to the abutting streets which then provide access to other nearby pedestrian destinations. Staff finds the pedestrian connections to abutting streets are sufficient.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standards 60.05.20.3.A through H)**

FINDING:

Staff cites the findings in Attachment A in response to Facilities Review Criterion 40.03.1.A which states that frontage improvements are not applicable to this proposal. The existing six-foot-wide public sidewalk and bicycle facility on SW Pointer Road are adequate to support the development. There are no existing pedestrian or bicycle facilities on SW Canyon Lane abutting this site or in the vicinity of this project, and none were required as a part of this project. Therefore, staff finds that the existing facilities on SW Pointer Road have been designed for high levels of pedestrian activity and are adequate to serve the new public park.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- F. Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)**

FINDING:

Staff cites the findings in Attachment A in response to Facilities Review Criterion 40.03.1.A and the findings in Attachment B in response to New Conditional Use approval criterion 40.15.15.5.C.3 as relevant to this criterion. The proposed park includes concrete pedestrian pathways through the site which connect park amenities to one another and to the abutting rights of way. The applicant states that all paved pathways will meet or exceed ADA requirements and will be five-feet-wide or wider.

The pedestrian pathway network also includes a roughly six-foot-wide accessway which provides a connection to SW Canyon Lane. As discussed in Attachments A and B, the accessway is located in a roughly 12-foot-wide shared facility (shared accessway) that will be used by both vehicles and pedestrians. Due to the existing structural constraints and property line boundaries in this area of the site, it is not possible to construct a facility wide enough to physically separate the two modes of transportation. The accessway is proposed to be constructed of concrete, brushed with a light broom finish, striped using thermoplastic paint, and partially lit using lighted bollards. The driveway portion of the shared accessway is proposed to be brushed with a medium broom finish. Due to the potential for vehicle and pedestrian conflict, staff finds that additional safety precautions must be taken with the design of the shared accessway to maximize pedestrian safety in this area and to provide an obvious and permanent delineation of the accessway. Considering the maintenance concerns regarding striping and the subtle difference between a light and medium broom finish, staff is concerned that the proposed design is not durable and may pose safety risks for individuals with visual impairments who may rely on visual contrast or texture to identify the pedestrian area and for pedestrians using the facility near dawn, dusk, or at night when visibility is low. For these reasons, staff

recommends a condition of approval that the accessway either be constructed of a different material compared to the driveway, such as concrete and asphalt, or that the accessway is permanently pigmented to create visual distinction and textured to add contrast between the accessway and driveway. By meeting the recommended conditions of approval, staff finds that all pedestrian connections will be both durable and designed for safe pedestrian movement.

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

60.05.45 Landscape, Open Space and Natural Areas Design Guidelines.

2. Minimum landscaping in Residential zones.

- A. Landscape treatments utilizing plants, hard-surface materials, or both should be provided in the setback between a street and a building. The treatment should enhance architectural elements of the building and contribute to a safe, interesting streetscape. (Standard 60.05.25.4)**

FINDING:

The park development includes one building, a picnic shelter located approximately 160 feet from the front property line abutting SW Pointer Road. Within the front setback area abutting SW Pointer Road, the site is proposed to be landscaped with buffer areas and a gleaner garden with edible plants which adds visual interest when viewed from the street. Paved pedestrian pathways are also located within the front setback areas abutting SW Pointer Road and SW Canyon Lane.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- B. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.4)**

FINDING:

The submitted site plan (Sheet L1.01) shows that the picnic shelter is the only building proposed in the park, and there is no on-site parking area. The landscape planting plan (Sheet L3.01) includes groundcover and grass around the concrete pad for the picnic shelter with shrubs and trees planted around the open lawn areas. The majority of the site is landscaped with a combination of deciduous and evergreen trees, shrubs, edible plants, and groundcover, many of which are native varieties as indicated on the planting plan. Staff finds that the proposed landscaping increases the attractiveness of the site and prioritizes dense, aesthetically pleasing plantings at the perimeter of the site adjacent to residences.

Conclusion: Therefore, staff finds the proposal meets the guideline.

3. Minimum landscaping for Conditional Uses in Residential zones and for developments in Commercial, Industrial, and Multiple Use zones.

- A. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest and generally increase the attractiveness of a development and its surroundings. (Standards 60.05.25.5.A, B, and D)**

FINDING:

The submitted site plan (Sheet L1.01) shows that the picnic shelter is the only building proposed in the park, and there is no on-site parking area. The landscape planting plan (Sheet L3.01) includes groundcover and grass around the concrete pad for the picnic shelter with shrubs and trees planted around the open lawn areas. The majority of the site is landscaped with a combination of deciduous and evergreen trees, shrubs, edible plants, and groundcover, many of which are native varieties as indicated on the planting plan. Staff finds that the proposed landscaping increases the attractiveness of the site and prioritizes dense, aesthetically pleasing plantings at the perimeter of the site adjacent to residences.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- C. Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standards 60.05.25.5.A and B)**

FINDING:

The applicant's planting plan (Sheet L3.01) shows that the park will be landscaped with three varieties of native trees including Douglas Fir, Oregon White Oak, and Incense Cedar. All proposed shrubs and LIDA plantings are native to the region, and the proposed grass for the lawn area is a drought and heat tolerant variety. The applicant states that the non-native plant varieties were selected for their suitability to the local climate. Staff finds that the combination of native and non-native plant species are compatible with local and regional climatic conditions, and that the proposed landscaping emphasizes native varieties.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- D. Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standards 60.05.25.5.A and B)**

FINDING:

The submitted Arborist Report (Exhibit 3.14) details the 51 existing trees on the site and that 13 of those trees are proposed to be retained. The majority of existing trees on the site are nuisance species which will be removed, and the applicant's narrative states that most shrubs are invasive and must also be removed. The 13 retained trees have been

incorporated into the design of the park. Of the retained trees, most are native types. Staff finds that the proposal has retained mature trees, where possible, and incorporated the trees into the site design.

Conclusion: Therefore, staff finds the proposal meets the guideline.

E. A diversity of tree and shrub species should be provided in required landscaped areas. (Standard 60.05.25.5)

FINDING:

The applicant's planting plan (Sheet L3.01) shows that three of the eight proposed types of trees are native varieties, and several existing native trees will also be retained by the project. A combination of deciduous and evergreen trees are incorporated into the landscaping design. According to the planting plan, all 21 proposed shrub species are native to the region. Staff finds that the trees and shrub species used throughout the park provide diversity while emphasizing native plants.

Conclusion: Therefore, staff finds the proposal meets the guideline.

6. Retaining Walls. Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material. (Standard 60.05.25.8)

FINDING:

The submitted plan set shows one retaining wall located at the north end of the site which extends into the right of way to support the new accessible parking space. The portion of the retaining wall on the subject site is roughly 30 inches tall and is less than 50 feet long. Therefore, this guideline does not apply.

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

7. Fences and walls.

a. Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.9)

FINDING:

The applicant proposes two fences on the site. A six-foot-tall black vinyl-coated chain link fence with privacy slats is located along all side property lines, except for a portion of the southern interior side property line where a six-foot-tall wooden privacy fence will be constructed to connect to an existing fence that encroaches onto the subject site. The chain link fence is also proposed along the edges of the northern part of the private driveway on the west side of the site. All proposed fencing will be constructed of attractive and durable materials that are appropriate for their function.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- b. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.9.E)**

FINDING:

The project does not include fencing within the front setback areas adjacent to SW Pointer Road or SW Canyon Lane.

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

- 8. Changes to existing on-site surface contours at residential property lines. The perimeters of properties should be graded in a manner to avoid conflicts with abutting residential properties such as drainage impacts, damage to tree root zones, and blocking sunlight. (Standard 60.05.25.10)**

FINDING:

The applicant states that the proposed grading limits for the project are several feet inside of the property lines and will not change drainage patterns on adjacent properties. The proposed grading also limits impacts to existing trees both on site and on adjacent properties. The proposed grading will not affect sun exposure for adjacent properties. Changes to the grading along the shared accessway can be accommodated on both sides by existing walls and curbs and will not affect adjacent properties beyond the walls or curbs.

Staff notes that existing residential homes abut the site to the east and west. Staff has reviewed the submitted preliminary grading plan (Sheet L2.01) which shows that grading within 0 to 5 feet of all side property lines will result in a maximum two-foot slope differential from existing elevations of the abutting properties, thereby minimizing impacts to these residential homes. Further, the submitted demolition plan (Sheet L0.02) shows that tree root zones of retained trees on site and of off-site trees bordering the site will be protected during construction.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- 9. Integrate water quality, quantity, or both facilities. Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design. (Standard 60.05.25.11)**

FINDING:

The applicant states that the main stormwater facility proposed for the site is a vegetated stormwater basin that is integrated with the site design. The secondary stormwater facility

is proposed to be a cartridge catch basin to serve the shared accessway since there is no room for a vegetated facility in this area.

The proposed above-ground stormwater facility is not visible from surrounding streets and is located to the far side of an open space area which is landscaped with grass. Staff finds that the vegetated stormwater facility is well-integrated into the landscape design of the park.

Conclusion: Therefore, staff finds the proposal meets the guideline.

11. Landscape buffering and screening.

- a. **A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer should not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.13)**

FINDING:

BDC Table 60.05-2, Footnote 7 requires parks in residential zones to provide B3 buffers along property lines abutting residential uses in residential zones, and BDC Table 60.05-2, Footnote 5 allows the B3 buffer to match the width of minimum required setbacks. The subject site abuts existing residential homes on all sides and is, therefore, required to provide a minimum 5-foot-wide B3 buffer along all side property lines. As detailed in BDC 60.05.25.13.D, a B3 buffer consists of a six-foot-tall sight-obscuring fence or wall, one tree for every 30 lineal feet, evergreen shrubs, and live ground cover.

As shown on the proposed landscape planting plan (Sheet L3.01), the proposal includes landscape buffers along all side property lines, except in two areas of the site. First, on the west side of the park, fencing is located at the edge of the private driveway, rather than on the property line. Since the private driveway must connect to existing driveways, it is not possible to locate the buffer between the site and adjacent residences in this area. A planting area is provided along a portion of the west property line, but it does not comply with the buffer standard as it does not include a fence or trees. Second, fencing and buffer plantings are not proposed within the shared accessway due to structural constraints and narrow lot dimensions in that area. It is not possible to maintain existing access for residents and provide the new pedestrian accessway in that part of the site in a way that also accommodates a landscape buffer.

Proposed buffer planting areas maintain a minimum width of ten feet, in excess of the minimum required width of five feet. In most areas, buffers are 20 feet wide or wider where lawn is present in addition to ten feet or more of tree and shrub plantings. Six-foot-tall privacy fencing is proposed around the perimeter of the site using either wood or slatted chain-link fencing. Within proposed buffer planting areas, 13 trees will be retained, and 30 new trees will be planted. Two other trees are proposed to be retained on the north side of the site. Based on the spacing requirement of 1 tree per 30 lineal feet of required buffer

area, 49 trees are required. However, 43 total trees are proposed within buffer areas, and some gaps between on-site trees exceed the minimum 30-foot spacing. The applicant states that the 30 new trees are strategically located in areas where there are not already existing trees on adjacent properties, as opposed to a strict 30-foot on center spacing; the applicant believes this will provide a more natural feeling to planting areas in the park and will allow new trees more space to mature when not in conflict with adjacent trees. In addition, grouping similar trees such as Douglas firs more closely together than the 30-foot spacing allows the trees to support each other during high wind events.

While the Development Code does not recognize off-site trees as a part of buffer requirements, staff concurs that the proposed spacing and number of trees in buffer areas have appropriately clustered trees to provide enhanced screening around high-traffic areas like the playground, water play area, and picnic shelter and to create a more natural landscape to support the health of native tree varieties. Buffer planting areas on the west side of the site near these higher-use areas are between 20 and 25 feet wide, and tree spacing meets or exceeds the 30-foot spacing standard with 11 trees proposed where five trees would have met the standard.

Regarding shrub and groundcover plantings, the applicant states that the buffer will include larger evergreen shrubs such as pacific wax myrtle, ceanothus, and tall Oregon grape; larger deciduous shrubs such as mock orange and snowberry; and smaller shrubs and groundcovers such as evergreen huckleberry, sword fern, and kinnikinnick. Shrubs and groundcovers will be positioned and layered to screen the park from adjacent properties and to provide visual interest within the park. Groundcover will be planted wherever there are not trees or shrubs planted, except in the gleaning garden where bark mulch will be provided to allow easier access to the berry bushes and fruit trees by park visitors.

Staff concurs that buffers include large, hedging evergreen shrub varieties, many of which will meet or exceed the standard of four to six feet tall within two years of planting. Based on the shrub spacing information provided on the planting plan, the variety of proposed shrubs, and excess buffer width, staff finds that buffers will be heavily vegetated with diverse plantings in a way that provides adequate screening. Groundcover is present in all other areas, in compliance with the B3 buffer standard.

In summary, staff finds the applicant's proposed landscape buffers provide adequate screening in all areas and emphasize visual and horizontal separation between the park site and abutting residences near higher traffic park amenities.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- b. When potential impacts of a Conditional Use are determined, or when potential conflicts of use exist between adjacent zoning districts, such as industrial uses abutting residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts of uses are not as great, such as a commercial use abutting an industrial use, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.13)**

FINDING:

The proposal is for a new public park in a residential zone and requires a New Conditional Use. The park site borders existing residential uses on all sides. As noted above in response to landscape buffering and screening guideline A, the applicant proposes buffers along the majority of the site's side property lines, with the exception of the site boundaries next to the shared accessway and private driveway traversing the site. These buffers exceed the minimum five-foot width in all areas and include six-foot-tall screening fencing. In areas of the site where potential conflict between park uses and residences is greatest, including around the water play area, playground, and picnic shelter, a 20 to 25-foot buffer width is provided along the western site boundary with large native trees such as Douglas Fir and Incense Cedar, retained trees, and a variety of shrubs. Lawn areas are provided around the perimeter of the site in all areas in addition to the tree and shrub planting areas which provide greater horizontal separation from residential property lines in potential conflict areas. Along the eastern site boundary in these areas, planting areas ranging from ten to 30 feet are proposed with additional lawn area between the property line and park play areas. Proposed tree planting is less dense in other areas of the park abutting open lawn and pathways where impacts are expected to be not as great compared to the structured play areas. Accordingly, staff finds the applicant's proposed landscape buffers provide adequate screening and horizontal separation between the park and abutting residential properties in a way that maximizes buffering around the park areas with the greatest potential for impacts to neighbors.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- c. **Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.13)**

FINDING:

As noted above in response to landscape buffering and screening guidelines A and B, the applicant's planting plans show the buffer areas will include eight varieties of trees in addition to 13 retained trees. Multiple existing and new trees are native species. Proposed shrubs are all native of varying size and aesthetic. Many are large, hedging evergreen shrubs such as Tall Oregon Grape, Salal, and Evergreen Huckleberry. Groundcover is a drought and heat-tolerant type of grass which is proposed for the open lawn areas of the park. Staff finds that the proposed plantings will adequately screen potential conflict areas, and the use of native varieties and proposed spacing creates a natural visual aesthetic throughout the park. Thus, staff finds that the buffer areas complement the overall visual character of the park and surrounding residential neighborhood.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- d. **When changes to buffer widths and buffer standards are proposed, the applicant should describe the physical site constraints or unique building or site characteristics that merit width reduction. (Standard 60.05.25.13.E).**

FINDING:

As noted above in response to landscape buffering and screening guidelines A and B, the proposed landscaping plan demonstrates that the site meets or exceeds the B3 buffer standard in most areas of the site with the exception of the shared accessway, private driveway, and tree spacing near open lawn areas. Structural encroachments, access easements, and property line boundaries prevent meeting the buffer standard next to the shared accessway and private driveway. Regarding tree spacing, staff finds that the proposed buffer plantings maximize tree planting in potential conflict areas adjacent to residences and concurs with the applicant that some trees benefit from clustering to support tree health and resilience. Where tree spacing exceeds the 30-foot buffer standard, buffer width (including lawn areas) ranges from ten to 30 feet wide and occurs in lower traffic areas of the park away from programmed play and picnic areas. Staff finds that the existing physical site characteristics and tree health requirements coupled with maximized buffers in potential conflict areas merit the requested buffer reductions.

Conclusion: Therefore, staff finds the proposal meets the guideline.

60.05.50 Lighting Design Guidelines.

1. **Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standards 60.05.30.1 and 2)**

FINDING:

The applicant states the no lighting is proposed within most of the park. Unlike a typical housing development in an RMC zone in which morning and evening activity is expected, and therefore lighting is required for safety, THPRD's policy is for parks to be open only between dawn and dusk to discourage off-hours use in neighborhood parks, limit anti-social behavior in the park, and limit light trespass on adjacent properties. This is also in keeping with years of precedent for dozens of THPRD neighborhood parks in the City of Beaverton. Pedestrian-scale full-cutoff bollard lighting will be installed along the west side of the shared accessway near Canyon Lane, immediately adjacent to the primary pedestrian route. The west side location for the bollards was selected because the driveway on the west side is narrower than the one on the east side, to avoid conflicts with the existing stone retaining wall on the east side, and to take advantage of more existing vegetated screening on the east side. The bollards must be located near the property line to preserve vehicular access for adjacent property owners with access easements. The unique conditions along the shared accessway make it impossible to provide lighting at the levels specified in the code while also maintaining vehicular access in the accessway and satisfying the code-required light trespass limits. Because the bollard luminaires will need to be located very close to the property line to maximize clear space in the

accessway, the bollards will exceed the code-required light trespass limits at every single bollard: 3.0 foot-candles, while only 0.5 foot-candles is allowed by code. The bollards cannot be located farther from the property line as they would impede use of the accessway by neighbors with driveway access easements. While it is technically possible to space the bollard lights closely enough along the west side of the accessway to provide the required 0.5 fc minimum, the applicant has proposed a wider bollard spacing as a compromise between providing some lighting for pedestrian safety, while trying to minimize the light trespass on the adjacent property as much as possible. Given the special conditions of the shared accessway, the applicant states the proposed solution is a compromise between meeting the minimum lighting requirements for safety while also minimizing the amount of light trespass on the adjacent property.

Where lighting is proposed within the park along the shared accessway, staff finds that the proposed spacing of lighted bollards is strategic and provides sufficient safety lighting of the accessway while minimizing the light spill impacts caused by the proximity of the bollards to the western property line. Considering the existing structural constraints within the shared accessway, existing private accesses, and required handrails for ADA compliance, staff finds that the proposed lighting creates safe conditions for pedestrians accessing the park from SW Canyon Lane despite gaps in lighting due to bollard spacing.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- 2. Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)**

FINDING:

The applicant states that no lighting is proposed for the project in accordance with THPRD policy, with the exception of the shared accessway. Staff notes that pole and wall-mounted lighting is not proposed. The five lighted bollards within the shared accessway are appropriate for a pedestrian scale and will provide sufficient safety lighting for users of the accessway. The bollards have been integrated into the design of the shared accessway considering existing constraints and ADA requirements.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- 3. Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standards 60.05.30.1 and 2)**

FINDING:

The applicant states that no lighting is proposed for the project, except along the shared accessway. The light bollards proposed for the accessway will be full-cutoff and will be located to minimize light trespass onto adjacent properties as much as feasible.

Based on the submitted photometric plan (Sheet E4.02) and cut sheet for the lighted bollards (Exhibit 3.8), staff concurs that the full cut-off light fixtures and the proposed spacing of bollards prevents direct glare and minimizes indirect glare impacts to adjacent residences and from view of SW Canyon Lane. Considering the constraints within the shared accessway and the need to provide safety lighting for pedestrians, staff finds that it is not possible to provide lighting in a way that meets the 0.5 maximum foot-candle lighting level at property lines required by the Technical Lighting Standards of Table 60.05-1, and the design limits glare impacts to adjacent residential properties to the greatest extent possible.

Conclusion: Therefore, staff finds the proposal meets the guideline.

- 4. On-Site lighting should comply with the City's Technical Lighting Standards. (Standards 60.05.30.1 and 2.) Where the proposal does not comply with Technical Lighting standards, the applicant should describe the unique circumstance attributed to the use or site where compliance with the standard is either infeasible or unnecessary.**

FINDING:

The applicant states that no lighting is proposed for the project in accordance with THPRD policy for neighborhood parks, except... along the shared accessway from Canyon Lane... For the shared accessway, pedestrian-scale full-cutoff bollard lighting will be installed along the west side of the shared accessway near Canyon Lane, immediately adjacent to the primary pedestrian route. The west side location for the bollards was selected because the driveway on the west side is narrower than the one on the east side, to avoid conflicts with the existing stone retaining wall on the east side, and to take advantage of more existing vegetated screening on the east side. The bollards must be located near the property line to preserve vehicular access for adjacent property owners with access easements. The unique conditions along the shared accessway make it impossible to provide lighting at the levels specified in the code while also maintaining vehicular access in the accessway and satisfying the code-required light trespass limits. Because the bollard luminaires will need to be located very close to the property line to maximize clear space in the accessway, the bollards will exceed the code-required light trespass limits at every single bollard: 3.0fc, while only 0.5fc is allowed by code. The bollards cannot be located farther from the property line as they would impede use of the accessway by neighbors with driveway access easements. While it is technically possible to space the bollard lights closely enough along the west side of the accessway to provide the required 0.5 fc minimum, the applicant has proposed a wider bollard spacing as a compromise between providing some lighting for pedestrian safety, while trying to minimize the light trespass on the adjacent property as much as possible. Given the special conditions of the shared accessway, the applicant states the proposed solution is a compromise between meeting the minimum lighting requirements for safety while also minimizing the amount of light trespass on the adjacent property. Therefore, the applicant request a modification of the [standards] to not include lightig along most of the pedestrian pathways in the park, and a modification to required light levels along the shared accessway. The

applicant also references their response to lighting guideline 1, above, which noted that no lighting is proposed within most of the park. Unlike a typical housing development in an RMC zone in which morning and evening activity is expected, and therefore lighting is required for safety, THPRD's policy is for parks to be open only between dawn and dusk to discourage off-hours use in neighborhood parks.

Staff concurs that providing lighting throughout a park that is only open from dawn to dusk is not necessary and may result in greater impacts to adjacent residences and wildlife due to light spill and glare. However, the proposed site includes a shared accessway that will provide pedestrian access to the park and vehicular access to adjacent residences. This area poses a significant safety risk to pedestrians using that shared facility, so staff concurs that safety lighting is necessary in this area. Based on the submitted photometric plan and site plan, staff concurs with the applicant's justification for lighting levels below the Technical Lighting Standards at intervals along the accessway and the brighter lighting levels at the western property line due to constraints related to the shared accessway. In these areas, meeting the Technical Lighting Standards is either not feasible or not necessary, and the lighting design provides sufficient safety lighting while minimizing glare impacts.

Conclusion: Therefore, staff finds the proposal meets the guideline.

Attachment D: REPLAT ONE RP12024-00080

ANALYSIS AND FINDINGS FOR REPLAT ONE FOR LOT CONSOLIDATION APPROVAL

Decision: Based on the facts and findings presented below, staff recommends **APPROVAL** of **RP12024-00080**, subject to the applicable conditions identified in Attachment I.

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 criteria in Attachment A to this report. Staff cites the findings presented in Attachment A in response to the Facilities Review approval criteria. As identified in Attachment A, above, by meeting the conditions of approval, the proposal meets Criteria A-L, and therefore meets the criterion for approval.

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

Section 40.45.05 Purpose

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

Planning Commission Standards for Approval:

Section 40.45.15.2.C of the Development Code provides standards to govern the decisions of the decision making authority as they evaluate and render decisions on Replat One for Lot Consolidation. The decision making authority will determine whether the application as presented meets the approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for a Replat One.

To approve a Replat One for Lot Consolidation 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 40.45.15.2.C.1

The application satisfies the threshold requirements for a Replat One.

FINDING:

The applicant states the proposal meets Threshold No. 1 as the request consolidates the two existing lots into one. Staff concurs and notes that the proposal also satisfies Threshold No. 2 for a Replat One, since the existing lots have never been a part of a previously recorded plat. As such, staff finds that proposal satisfies both Threshold 1 and 2 of the Replat One application which read:

1. *The reconfiguration of lots, parcels, or tracts within an existing single existing plat that decreases or consolidates the number of lots, parcels, or tracts in the plat; and*
2. *The creation of a plat for land that has never been part of a previously recorded plat where no new lots or parcels are proposed.*

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

Section 40.45.15.2.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 fees related to the Replat One application.

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

Section 40.45.15.2.C.3

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

FINDING:

Staff's analysis found that the proposed Replat One to consolidate two lots and to establish a plat for lots that have never been a part of a previously recorded plat does not conflict with any existing City approval, and there have been no prior approvals associated with the subject lots that require modifications to comply with current standards.

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

Section 40.45.15.2.C.4

The application is consistent with applicable requirements of CHAPTER 20 and CHAPTER 60, 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.

FINDING:

Staff cites the findings in Attachment A, including the Chapter 20 Use and Site Development Requirements table and the Chapter 60 Special Requirements table, as relevant to this criterion. Staff also cites the findings in Attachment B which evaluate the project's compliance with the Design Guidelines of BDC 60.05. Lastly, staff cites the findings in Attachment H which evaluate the project's consistency with Variance approval criteria of Section 40.95.15.1.C as relevant to this criterion. The application was found to be consistent with applicable requirements of these chapters as proposed or by meeting the recommended conditions of approval.

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

Section 40.45.15.2.C.5

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

FINDING:

An oversized parcel is defined in Chapter 90 as:

“Except in RMB, RMC, and RMA for lots where single-detached dwellings or middle housing are existing or proposed, a lot which is greater than twice the required minimum lot size allowed by the subject zoning district.”

The subject site is zoned RMC but does not propose single-detached or middle housing dwellings. According to the Site Development Standards of Section 20.05.15, minimum lot area standards apply to residential development, and there is no minimum land area requirement for other types of development in the RMC zone. As such, the lot cannot be oversized. The proposed consolidation of two lots will not preclude or hinder the future partitioning or subdividing of the resulting lot. Should the lot be subdivided or partitioned

in the future, the proposal will have the ability to meet site development requirements of the underlying zoning district and will have adequate access to abutting rights of way.

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

Section 40.45.15.2.C.6

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:

Phasing is not proposed with this development.

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

Section 40.45.15.2.C.7

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

FINDING:

The applicant states that the proposal will not eliminate any pedestrian, utility service, or vehicle access to the affected properties. Staff concurs and references the findings in Attachment A confirming that all critical and essential facilities will be available to serve the proposed development by meeting the conditions of approval.

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

Section 40.45.15.2.C.8

The proposal does not create a parcel or lot which will have more than one zoning designation.

FINDING:

Both tax lots associated with this Replat One request are currently zoned RMC. Therefore, the proposed lot consolidation would not create a parcel with more than one zoning designation.

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

Section 40.45.15.2.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 also submitted New Conditional Use, Design Review Three, Legal Lot Determination, Tree Plan Two, Parking Determination, and Variance applications to be processed concurrently with this Replat One request. No additional applications or documents are needed at this time. Staff recommends conditions requiring approval of the associated Legal Lot Determination application prior to Site Development Permit issuance and recordation of the final plat prior to final inspection.

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 RP12024-00080, subject to the applicable conditions identified in Attachment I.

Attachment E: LEGAL LOT DETERMINATION LLD12023-00799

ANALYSIS AND FINDINGS FOR LEGAL LOT DETERMINATION

Decision: Based on the facts and findings presented below, staff recommends **APPROVAL** of **LLD12023-00799**, subject to the applicable conditions identified in Attachment I.

Section 40.47.05 Purpose

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

Section 40.47.15.1.C Approval Criteria

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

Section 40.47.15.1.C.1

The application satisfies the threshold requirements for a Legal Lot Determination.

FINDING:

This Legal Lot Determination request is associated with a development proposal for a new public park. The project site is comprised of two lots, and the applicant has also submitted a Replat One application to consolidate the lots as a part of this development. There is no record that the lots have been a part of a previously recorded plat, and no prior Legal Lot Determination has been made to establish the legal status of the two lots. As such, the application satisfies Threshold number 3 for a Legal Lot Determination which reads:

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

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 40.47.15.1.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 Legal Lot Determination application.

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 40.47.15.1.C.3

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

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

FINDING:

The subject units of land are located in the Residential Mixed C (RMC) zoning district. The RMC Site Development Standards of BDC 20.05.15 have no minimum lot area requirement for non-residential development. The lot dimension standard is for a minimum lot width of 20 feet. This Replat One request proposes to consolidate two contiguous tax lots. The first lot, tax lot 1S101DC03301, is currently 0.29 acres in size with a lot width of approximately 89 feet. The second lot, tax lot 1S101DC04001, is currently 1.66 acres and has a lot width of approximately 120 feet. Since both existing tax lots meet the current lot area and dimensional standards of Chapter 20 (Land Use) for lots in the RMC zoning district, staff finds that the two units of land associated with this Legal Lot Determination request may be established as legal lots of record through recordation of a Final Plat with Washington County pursuant to BDC 40.47.15.1.E. Since the applicant is concurrently requesting Replat One approval to consolidate the two lots which also requires subsequent recordation of a Final Plat, staff recommends a condition of approval associated with the Replat One application requiring recordation of one Final Plat with Washington County prior to final inspection that will establish the final, consolidated tax lot as one legal lot of record.

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

Section 40.47.15.1.C.4

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

FINDING:

The applicant submitted the Legal Lot Determination application on November 8, 2023. The application was deemed complete on March 18, 2024. Staff finds that the proposal contains all applicable submittal materials.

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 40.47.15.1.C.5

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 New Conditional Use, Design Review Three, Parking Determination, Replat One, Tree Plan Two, and Variance applications to be processed concurrently with this Legal Lot Determination request. No additional applications or documents are needed at this time.

Conclusion: Staff finds that the proposal meets the approval criterion.

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of LLD12023-00799.

Attachment F: PARKING DETERMINATION PD22023-00800

ANALYSIS AND FINDINGS FOR PARKING DETERMINATION APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **PD22023-00800**, subject to the applicable conditions identified in Attachment I.

Section 40.55.05 Purpose:

The purpose of a Parking Determination is to establish required number of parking spaces for uses which do not have a parking ratio requirement listed in the Development Code. The Parking Determination application is established for determining the required number of off-street parking spaces in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.

Planning Commission Standards for Approval:

Section 40.55.15.1.C of the Development Code provides standards to govern the decisions of the decision making authority as they evaluate and render decisions on Parking Requirement Determination applications. The decision making authority will determine whether the application as presented, meets the Parking Requirement Determination approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for a Parking Requirement Determination.

To approve a Parking Requirement Determination 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 40.55.15.1.C.1

The proposal satisfies the threshold requirements for a Parking Requirement Determination application.

FINDING:

The applicant requests a Parking Requirement Determination to address the bicycle parking requirement for a public park land use which is not listed in the parking ratio requirements for bicycles table of Section 60.30.10.5.B. Off-street vehicular parking is not proposed by the development and is not required. Therefore, the following threshold is met for bicycle parking:

1. *A request that the Director establish, in writing, an off-street vehicle or a bicycle parking ratio or requirement for a use not listed or substantially similar to a use listed in Section 60.30. (Off-Street Parking) of this Code.*

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

Section 40.55.15.1.C.2

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

FINDING:

The applicant paid the required fee for this Parking Determination application.

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

Section 40.55.15.1.C.3

The determination is consistent with Title 4 of Metro's Regional Transportation Functional Plan.

FINDING:

The City's land use categories for parking ratio requirements for bicycles in Table 60.30.10.5.B does not include public parks. Therefore, the applicant is requesting a Parking Requirement Determination which is consistent with Title 4 of the Metro Regional Transportation Functional Plan which require cities and counties to establish minimum short and long-term bicycle parking ratios.

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

Section 40.55.15.1.C.4

The determination will not create adverse impacts, considering the total gross floor area, number of employees, potential customer volume, and the hours of operation of the use.

FINDING:

The applicant states that the determination for the proposed project is unlikely to create any adverse impacts, given that the site is currently a vacant lot. The proposed project does not have any gross floor area or employees. Customer (or user) volume will be relatively low, likely highest during the summer months. Hours of operation will only be during daylight hours.

Staff adds that the applicant proposes to provide 12 short-term bicycle parking spaces to serve the new public park. The applicant submitted a bicycle parking analysis which

evaluated the amount of bicycle parking available and utilized during a one-hour long observation period at three similar public parks at three different times during the week, including weekends, to support the requested Parking Determination application. The surveyed parks were larger than the proposed park but included similar amenities such as open space, playgrounds, picnic facilities, and trails. The data from the bicycle parking analysis shows that the three surveyed parks each provide two bicycle parking spaces, none of which were utilized during the observed times.

Considering the lack of regular employees and gross floor area associated with the proposed park and the findings of the submitting bicycle parking analysis, staff finds that the proposed 12 short-term bicycle parking spaces will adequately serve the proposed development. Staff did not identify any adverse impacts associated with the proposed bicycle parking.

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

Section 40.55.15.1.C.5

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

FINDING:

The applicant submitted the Parking Requirement Determination application on November 8, 2023. The application was deemed complete on March 18, 2024. Staff finds that the proposal contains all applicable submittal materials.

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

Section 40.55.15.1.C.6

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 submitted New Conditional Use, Design Review Three, Legal Lot Determination, Replat One, Tree Plan Two, and Variance applications to be processed concurrently with this Parking Determination request. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

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 PD22023-00800, subject to the applicable conditions identified in Attachment I.

Attachment G: TREE PLAN TWO TP22024-00065

ANALYSIS AND FINDINGS FOR TREE PLAN TWO APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **TP22024-00065**, subject to the applicable conditions identified in Attachment I.

Section 40.20.05 Purpose:

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

Planning Commission Standards for Approval:

Section 40.90.15.2.C of the Development Code provides standards to govern the decisions of the decision-making authority as they evaluate and render decisions on Tree Plan Applications. The decision-making authority will determine whether the application as presented, meets the Tree Plan Two approval criteria. In this portion of the report, staff evaluates the application in accordance with the criteria for Type 2 Tree Plan.

To approve a Tree Plan Two application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

Section 40.90.15.2.C.1

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

FINDING:

The applicant proposes a new public park on the subject site and requests approval to remove seven Community Trees to accommodate the associated improvements which is over ten percent of on-site Community Trees. Staff finds the proposal satisfies Threshold 1 for the Tree Plan Two application which reads:

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

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

Section 40.90.15.2.C.2

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

FINDING:

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

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

Section 40.90.15.2.C.3

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

FINDING:

The applicant states that all existing trees have been surveyed by an ISA-certified arborist. Arborist recommendations for the existing trees on the proposed project are included in the appendices. The applicant does not claim that tree removal is necessary to observe good forestry practices. Therefore, this criterion is not applicable.

Conclusion: Therefore, staff finds the criterion is not applicable to this proposal.

Section 40.90.15.2.C.4

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

FINDING:

The applicant states that there are currently 53 existing trees on site; 25 are categorized as Community Trees, 26 are smaller than 10" DBH, and one tree is in the right-of-way. Of the 25 Community Trees, 17 are exempt nuisance species such as European birch, or trees that have been identified by the arborist as dead or dying. All but three of the nuisance species trees are proposed for removal; the three remaining trees to be retained are mature shade trees such as Norway maple in decent condition. Of the remaining eight Community Trees, seven are proposed for removal: several of these are Scouler's willow

(which are short-lived and prone to suckering and decay); two are shore pines planted in very dense groups that make them unsuitable for retention; and the remaining two trees are a dogwood in decline, and a cottonwood that needs to be removed to accommodate development. Of the 26 smaller trees, 18 are proposed for removal. Again, this is primarily because they are identified as nuisance species, are willows, or are planted too closely together. In general, the majority of the trees identified for removal are nuisance species, trees such as willow that are not good long-term park trees, or trees that were planted too closely together. Where possible, the proposed layout of pathways, site amenities, and site grading has been done to preserve both Community Trees and smaller trees to the greatest extent possible. All trees are identified in the tree protection and removal drawings and in the arborist report.

Staff has evaluated the findings of the submitted Arborist Report and concur that all but seven Community Trees proposed for removal are exempt as they are either a nuisance tree species identified on the City of Portland's Nuisance Plant List or are a fruit tree. Staff concurs that the proposed public park development has been designed to retain Community Trees to the greatest extent possible while accommodating the spatial needs of the park use and associated improvements.

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

Section 40.90.15.2.C.5

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

FINDING:

The applicant does not claim that the trees need to be removed because they are a nuisance by virtue of damage to property or improvements. This criterion is not applicable.

Conclusion: Therefore, staff finds the criterion is not applicable to this proposal.

Section 40.90.15.2.C.6

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

FINDING:

The applicant does not claim that proposed tree removal is necessary to accomplish public purposes where no reasonable alternative exists without significantly increasing public cost or reducing safety.

Conclusion: Therefore, staff finds the criterion is not applicable to this proposal.

Section 40.90.15.2.C.7

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

FINDING:

The applicant does not claim that tree removal is necessary to enhance the health of any existing or adjacent trees or to eliminate conflicts with structures or vehicles. There are no groves or SNRAs on site.

Conclusion: Therefore, staff finds the criterion is not applicable to this proposal.

Section 40.90.15.2.C.8

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

FINDING:

There are no SNRAs or Significant Groves on the subject site.

Conclusion: Therefore, staff finds the criterion is not applicable to this proposal.

Section 40.90.15.2.C.9

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

FINDING:

There are no SNRAs or Significant Groves on the subject site.

Conclusion: Therefore, staff finds that the criterion is not applicable to this proposal.

Section 40.90.15.2.C.10

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

FINDING:

The applicant states the proposal complies with all applicable provisions of Section 60.60. Staff cites the table at the end of this section, which evaluates this project as it relates to applicable code requirements in Section 60.60 Trees and Vegetation, as applicable to this

criterion. The standards in Section 60.67 Significant Natural Resources do not apply to the proposal because there are no Significant Natural Resources on the site.

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

Section 40.90.15.2.C.11

Grading and contouring of the site are designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

FINDING:

The applicant states that the proposed site grading accommodates the uses within the park and is designed to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, the public storm drainage system, and existing trees within the site.

Staff cites the findings in Facilities Review (Attachment A) for analysis regarding the applicant's preliminary grading plan and concludes that no adverse effects on neighboring properties, the public right-of-way, or the public storm system are anticipated.

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

Section 40.90.15.2.C.12

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

FINDING:

The applicant submitted the Parking Requirement Determination application on January 24, 2024. The application was deemed complete on March 18, 2024. Staff finds that the proposal contains all applicable submittal materials.

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

Section 40.90.15.2.C.13

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

FINDING:

The applicant submitted a New Conditional Use, Design Review Three, Legal Lot Determination, Replat One, Parking Determination, and Variance applications to be

processed concurrently with this Tree Plan Two request. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

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 TP22024-00065, subject to the applicable conditions identified in Attachment I.

Code Conformance Analysis for Section 60.60 Trees and Vegetation

CODE STANDARDS	CODE REQUIREMENTS	PROJECT PROPOSAL	MEETS CODE?
Section 60.60.15.1 Pruning Standards for Protected Trees	Requirements and standards for pruning protected trees.	There are no Protected Trees on the subject site.	N/A
Section 60.60.15.2.C.1 Preservation Requirements for SNRAs and Significant Groves	Minimum 25% of the DBH of non-exempt surveyed trees found on a project site must be preserved in Residential, Commercial, or Industrial zones.	There are no SNRAs or Significant Groves on the subject site.	N/A
Section 60.60.15.2.C.2, 4-5 Preservation Areas Standards	Retained DBH shall be preserved in Preservation Areas and set aside in conservation easements recorded with a deed restriction.	There are no SNRAs or Significant Groves on the subject site.	N/A
Section 60.60.20 Tree Protection Standards During Development	Requirements for protecting trees classified as protected trees during development.	These standards apply to Protected Trees. There are no Protected Trees that would be affected by the development.	N/A
Section 60.60.25 Mitigation Requirements	If the total DBH of trees to be removed from SNRAs or Significant Groves is less than or equal to 50% of the total DBH of surveyed trees on the site, then no mitigation is required for the trees to be removed.	These requirements do not apply to the removal of Community Trees.	N/A

Attachment H: VARIANCE VAR32024-00079

ANALYSIS AND FINDINGS FOR VARIANCE APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **VAR32024-00079**, subject to the conditions of approval in Attachment I.

Section 40.95.05 Purpose:

The purpose of a Variance application is to provide for the consideration of varying from the applicable provisions of the Development Code where it can be shown that, owing to special and unusual circumstances, the literal interpretation of these provisions would cause an undue or unnecessary hardship without a corresponding public benefit. This Section is carried out by the approval criteria listed herein.

Planning Commission Standards for Approval:

Section 40.95.15.1.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Variance applications. The Commission will determine whether the application as presented meets the Variance approval criteria. In this attachment to the staff report, staff evaluates the application in accordance with the approval criteria for Variance applications.

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

Section 40.95.15.1.C.1

The application satisfies the threshold requirements for a Variance application.

FINDING:

The applicant proposes to deviate from a numerical requirement contained in Section 60.55. Specifically, the requested Variance relates to Section 60.55.25.10.B.7 which reads, "On-site walkways shall be lighted to 0.5 foot-candle level at initial luminance. Lighting shall have cut-off fixtures so that illumination does not exceed 0.5 foot-candle more than five (5) feet beyond the property line." The proposal includes no lighting in the majority of the park and lighting that does not meet these requirements along the shared accessway from SW Canyon Lane. Thus, the Variance application satisfies Threshold 3:

- 3. Excluding Section 60.55.30., any change from the numerical requirements contained in Section 60.55. (Transportation Facilities).*

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

Section 40.95.15.1.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 required fee for a Variance application.

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

Section 40.95.15.1.C.3

Special conditions exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same zoning district.

FINDING:

The applicant states that THPRD policy is to not provide lighting for neighborhood parks for several reasons: discouraging after-hours park use, park operations, and limiting light trespass for neighbors. City Staff and THPRD have recently discussed amending the BDC to exclude THPRD parks from this requirement, but at this time staff have indicated that lighting is required for public parks. However, this requirement goes against extensive precedent: as detailed in our response to 40.95.15.1.A.3, above, there are dozens of existing THPRD parks in the City of Beaverton that do not provide lighting for pedestrian pathways, including the recently completed La Raiz Park (Baker Loop). Excluding lighting from the property, except for the shared accessway, is a special condition unique to THPRD owned parks; requiring lighting in this park, when it has not historically been a requirement in other THPRD parks in the City of Beaverton, is a significant change from previous City of Beaverton procedure and would represent a unique and special condition for this park alone.

Additionally, the applicant states that the unique conditions along the shared accessway make it impossible to provide lighting at the levels specified in the code while also maintaining vehicular access in the accessway and satisfying the code-required light trespass limits. Because the bollard luminaires will need to be located very close to the property line to maximize clear space in the [12-foot-wide] accessway, the bollards will exceed the code-required light trespass limits at every single bollard: 3.0 foot-candles, while only 0.5 foot-candles is allowed by code. The bollards cannot be located farther from the property line as they would impede use of the accessway by neighbors with driveway access easements. While it is technically possible to space the bollard lights closely enough along the west side of the accessway to provide the required 0.5 foot-candle minimum, the applicant has proposed a wider bollard spacing as a compromise between providing some lighting for pedestrian safety, while trying to minimize the light trespass on the adjacent property as much as possible. Given the special conditions of the shared accessway, the applicant states the proposed solution is a compromise between meeting

the minimum lighting requirements for safety while also minimizing the amount of light trespass on the adjacent property.

Regarding the proposal to provide no lighting for pathways within the park except for the accessway, staff notes that past land use decisions associated with other parks do not set a precedent for this requested Variance application. Staff concurs with the applicant that operation of a park that is only open to the public from dawn to dusk and the need to discourage after-hours trespassing presents a unique circumstance that justifies the request to provide no lighting in the majority of the park.

However, this justification does not extend to the shared accessway where safety lighting is needed due to potential vehicle and pedestrian conflict in this area. THPRD proposes lighted bollards along the accessway, but the proposed lighting does not meet the two numerical requirements of Section 60.55.25.10.B.7. First, this section requires that a minimum 0.5 foot-candle lighting level is provided on all pedestrian walkways which includes the accessway. While most of the accessway exceeds this requirement (Sheet E4.02), the proposed spacing of bollards creates gaps of about three feet where no lighting is present and roughly ten feet where lighting is less than 0.5 foot-candles. Staff concurs with the applicant's justification that multiple special conditions associated with the shared accessway such as existing driveway accesses impact the spacing of bollards and make it unreasonable to meet the standard across the full extent of the accessway. Staff agrees that the proposed lighting levels provide safe conditions for pedestrians.

Second, the standard requires that lighting levels do not exceed 0.5 foot-candles more than five feet beyond property lines. As shown on the photometric plan, lighting levels of 0.5 foot-candles or greater extend approximately six feet across the western property boundary because the bollards must be located next to the property line to accommodate vehicle access. Full cut-off lighted bollard fixtures are used, and the fixture's lighting distribution pattern (T3) shown on the bollard lighting cutsheet demonstrates that the chosen light fixtures minimize light spill onto the adjacent property. Staff finds that the existing access easement in that area of the property and a separate Development Code requirement to provide an accessway to SW Canyon Lane are special conditions that justify the requested Variance for light levels near property lines.

In summary, staff finds that special conditions exist that are peculiar to the site and proposed land use which would not apply to other types of development in the RMC zoning district. These conditions adequately justify the requested Variance.

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

Section 40.95.15.1.C.4

Strict interpretation of the provisions of this ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district under the terms of the Development Code.

FINDING:

The applicant states that, unlike a standard housing development in an RMC-zoned site which can reasonably be expected to accommodate activity after dark, the proposed park will have dawn-dusk operating hours in accordance with THPRD policy. Moreover, since the City has not previously required pedestrian pathway lighting in neighborhood parks as detailed above, requiring lighting in Pointer Road Park would represent a significant change from the City's own precedent. Since proposed park deviates from a typical RMC-zoned development, and since the City has not previously required lighting in neighborhood parks, the applicant state that this requirement would deprive THPRD the right to develop and operate the property as a park in conformance with their standard operating procedures. In addition, the strict interpretation of this code for lighting along the shared accessway would require light fixtures to be located far enough away from the property line to avoid the specified light trespass limits, but given the 12' nominal width, shifting the bollards several feet away from the property line would make it impossible for adjacent driveway easement holders to access their driveways. Providing additional bollards would increase the light trespass levels on the adjacent property. The proposed bollard layout is a compromise between the pedestrian lighting requirements and light trespass requirements.

Staff notes that past land use decisions associated with lighting of other parks do not set a precedent for this Variance application. However, staff concurs with the applicant that safe operation of a park that is only open from dawn until dusk is a unique circumstance that is not relevant to other properties or types of development within the underlying RMC zoning district. Staff agrees that providing lighting in compliance with this Section 60.55 standard throughout the park would encourage after-hours use in addition to increasing light spill impacts to adjacent residences and wildlife around the site. Lastly, the site is located within the Residential Mixed C (RMC) zoning district, a residential designation primarily intended for single-detached dwellings and middle housing development. In the RMC zone, the same regulatory restriction for walkways being lit to 0.5 foot-candles isn't imposed upon single-detached dwellings or middle housing. As the applicant can't address the same standards in 60.55.25.10 as other properties in the same zoning district, staff concurs that strict interpretation of the subject provision would deprive the applicant of rights enjoyed by the other properties within the zoning district.

However, as noted above in response to Variance approval criterion 4, this justification does not apply to the shared accessway where safety lighting for pedestrians is needed. Staff concurs with the applicant that strict interpretation and implementation of this standard would require lighted bollards centered in the shared accessway which would conflict with the existing vehicular access easement. The necessary location of lighted bollards along the western property line is unique to the development of this property and generally would not apply to other developments in the RMC zoning district.

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

Section 40.95.15.1.C.5

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 the Variance proposes eliminating pedestrian walkway lighting within the park, except for the shared accessway. This is in accordance with THPRD district-wide standards for neighborhood parks and is not unique to this project. As noted above in the applicant's responses to 60.05.50 and 60.55.15, THPRD's standard operating procedure is for neighborhood parks to be open dawn to dusk; excluding lighting from parks is done to discourage after-hours use of the property, limit anti-social behaviors in the park after dark, and limit light trespass on neighboring properties. This is the standard in dozens of existing THPRD parks in the City of Beaverton, including the recently completed La Raiz Park (Baker Loop). Enforcing the lighting requirement for this park would be a departure from how the City has historically interpreted City code with respect to neighborhood parks in general.

Additionally, the applicant states that the unique conditions along the shared accessway make it impossible to provide lighting at the levels specified in the code while also maintaining vehicular access in the accessway and satisfying the code-required light trespass limits. Because the bollard luminaires will need to be located very close to the property line to maximize clear space in the accessway, the bollards will exceed the code-required light trespass limits at every single bollard: 3.0 foot-candles, while only 0.5 foot-candles is allowed by code. The bollards cannot be located farther from the property line as they would impede use of the accessway by neighbors with driveway access easements. While it is technically possible to space the bollard lights closely enough along the west side of the accessway to provide the required 0.5 foot-candle minimum, the applicant has proposed a wider bollard spacing as a compromise between providing some lighting for pedestrian safety, while trying to minimize the light trespass on the adjacent property as much as possible. Given the special conditions of the shared accessway, the applicant states the proposed solution is a compromise between meeting the minimum lighting requirements for safety while also minimizing the amount of light trespass on the adjacent property.

Staff notes that past land use decisions associated with lighting of other parks do not set a precedent for this Variance application. However, staff concurs with the applicant that not providing lighting in the park where safety lighting is not needed is necessary to discourage after-hours trespassing within the public park which is only open from dawn to dusk. Staff finds that this is not a self-imposed condition or a financial consideration, but a circumstance related to public safety and effective operation of a public park with restricted hours. Regarding safety lighting within the shared accessway, staff concurs with the applicant that proposed lighting in lieu of the standard is not proposed out of convenience or financial hardship. The existing vehicular access easement, the

Development Code requirement to provide an accessway to SW Canyon Lane, property boundaries, and structural encroachments create a special circumstance in this area which make meeting the standard infeasible.

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

Section 40.95.15.1.C.6

If more than one variance is being requested, the cumulative effect of the variances result in a project which is still consistent with the overall purpose of the applicable zone.

FINDING:

Only one variance is being requested.

Conclusion: Therefore, staff finds that the approval criterion does not apply to the proposal.

Section 40.95.15.1.C.7

Any variance granted shall be the minimum variance that will make possible a reasonable use of land, building, and structures.

FINDING:

The applicant states that excluding lighting from the pedestrian pathways within the park is standard policy for THPRD, and is done to limit after-hours park use, limit anti-social activity, and limit light trespass for neighbors. These standards are supported by years of precedent with dozens of other THPRD neighborhood parks within the City of Beaverton that do not include lighting along their pedestrian pathways. Based on this extensive precedent, the applicant asserts it is a reasonable request to grant a variance to exclude lighting from most of the pedestrian pathways in the park. For the shared accessway, the applicant states that the proposed location and spacing of light bollards with a minimum 0.2 foot-candle illumination will provide sufficient lighting for pedestrian safety while also limiting the amount of 3.0 foot-candle illumination at the property line, for the following reasons:

1. The bollards cannot be located farther from the property line without impeding the adjacent neighbors' vehicular use of the accessway;
2. Increasing the number of bollards and spacing them closer together would increase the light trespass on the neighboring property; and
3. Vehicular use of the accessway is generally limited to use by the two adjacent property owners, meaning the proposed light levels will provide a reasonable level of safety given the level of use, particularly after hours when the park is closed.

Staff notes that past land use decisions associated with lighting of other parks do not set a precedent for this Variance application. However, staff concurs with the applicant that the Variance request to provide no lighting in the park where safety lighting is not needed is the minimum Variance needed to safely operate the dawn-to-dusk park and discourage after-hours use. Staff also concurs with the applicant that the constraints within the shared accessway and efforts to minimize light spill impacts to the adjacent residence to the west impact the lighting design, and the requested Variance is the minimum amount of relief possible. Staff adds a correction that there are gaps along the accessway where no lighting is provided (0.0 foot-candles), so in some areas of the accessway a complete waiver of the requirement is requested. In summary, staff finds that this Variance application requests the minimum amount of relief possible to make reasonable use of the land for the proposed public park development while maintaining safe conditions for pedestrians along the accessway.

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

Section 40.95.15.1.C.8

For a proposal for a variance from sign regulations, no variance shall be granted unless it can be shown that there are special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district, and that the granting of the variance will not result in material damage or prejudice to other property in the vicinity and not be detrimental to the public safety and welfare. Variances shall not be granted merely for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign.

FINDING:

The proposal is not a Variance from sign regulations.

Conclusion: Therefore, staff finds that the approval criterion does not apply to the proposal.

Section 40.95.15.1.C.9

The proposal is consistent with all applicable provisions of CHAPTER 20 (Land Uses) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District, unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

FINDING:

Staff cites the Code Conformance Analysis portion of the Facilities Review Committee findings in Attachment A of this report, which evaluates the project as it relates to applicable code requirements of Chapter 20. The proposal complies with all applicable Chapter 20 requirements.

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

Section 40.95.15.1.C.10

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:

Staff cites Code Conformance Analysis portion of the Facilities Review Committee findings in Attachment A of this report, which evaluates the project as it relates to applicable code requirements of Chapter 60. As demonstrated in this table, the proposal will comply with all applicable Chapter 60 provisions by meeting the recommended conditions of approval which require approval of the applications submitted concurrently with this Variance request.

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

Section 40.95.15.1.C.11

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

FINDING:

The applicant submitted the Variance application on January 31, 2024. The application was deemed complete on March 18, 2024. Staff finds that the proposal contains all applicable submittal materials.

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

Section 40.95.15.1.C.12

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 submitted a New Conditional Use, Design Review Three, Legal Lot Determination, Replat One, Parking Determination, and Tree Plan Two applications to be processed concurrently with this Variance request. No additional applications or documents are needed at this time. Staff recommends a general condition requiring approval of the associated applications.

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

Conclusion & Recommendation

Based on the facts and findings presented above, staff recommends **APPROVAL** of **VAR32024-00079**, subject to the conditions of approval in Attachment I.

Attachment I: RECOMMENDED CONDITIONS OF APPROVAL

Application: LU32023-00667 Pointer Road Park

Recommendation: APPROVE CUN32023-00798 / DR32023-00665 / LLD12023-00799 / PD22023-00800 / TP22024-00065 / VAR32024-00079 / RP12024-00080, subject to conditions

New Conditional Use (CUN32023-00798)

A. General Conditions, the applicant shall:

1. Ensure that the Design Review Three (DR32023-00665) application has been approved and is consistent with the submitted plans. (Planning / BG)
2. Ensure that the Parking Determination (PD22023-00800) application has been approved and is consistent with the submitted plans. (Planning / BG)
3. Ensure that the Legal Lot Determination (LLD12023-00799) application has been approved and is consistent with the submitted plans. (Planning / BG)
4. Ensure that the Replat One (RP12024-00080) application has been approved and is consistent with the submitted plans. (Planning / BG)
5. Ensure that the Variance (VAR32024-00079) application has been approved and is consistent with the submitted plans. (Planning / BG)
6. Ensure that the Tree Plan Two (TP22024-00065) application has been approved and is consistent with the submitted plans. (Planning / BG)

Design Review Three (DR32023-00665)

A. General Conditions, the applicant shall:

1. Ensure that the New Conditional Use (CUN32023-00798) application has been approved and is consistent with the submitted plans. (Planning / BG)
2. Ensure that the Parking Determination (PD22023-00800) application has been approved and is consistent with the submitted plans. (Planning / BG)
3. Ensure that the Legal Lot Determination (LLD12023-00799) application has been approved and is consistent with the submitted plans. (Planning / BG)
4. Ensure that the Replat One (RP12024-00080) application has been approved and is consistent with the submitted plans. (Planning / BG)
5. Ensure that the Variance (VAR32024-00079) application has been approved and is consistent with the submitted plans. (Planning / BG)

6. Ensure that the Tree Plan Two (TP22024-00065) application has been approved and is consistent with the submitted plans. (Planning / BG)
7. The Tualatin Hills Park and Recreation District (the District) shall be responsible for the maintenance of the following items within the SW Pointer Road right of way:
 - a. Accessible parking stall.
 - b. Accessible parking stall access aisle.
 - c. Proposed rockery wall.
 - d. Grasscrete.
 - e. Irrigation
 - f. Bollards

Maintenance obligations of the above items shall apply for as long as these items are located within the SW Pointer Road right of way. Said items shall be maintained in proper functional condition. Upon disrepair or deteriorating conditions of any of the items listed above, the District shall repair or replace said dilapidated or deteriorated item(s) to as-new conditions. All repair and/or replacement of these items shall be located as shown on the approved site plan (Sheet L1.01, Exhibit 3.3) and the approved grading and paving plan (Sheet C1.00, Exhibit 3.3). If the District does not maintain items a. through f. above in proper functional condition, the City may require the removal of said items within the SW Pointer Road right of way. (Transportation / FdF)

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

8. Submit the required plans in PDF format with either a wet signature or electronically stamped and sealed. In addition, submit electronically in AutoCad (latest version) format (.dxf or .dwg) compatible with City Windows 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. / HJ)
9. Submit application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div. / HJ)
10. Retain a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, current standards in place per the City Engineering Design Manual and Standard Drawings, Beaverton Development Code (Ordinance 2050, 4010 +rev.), the current standards in place per the Clean Water Services District, Design and Construction Standards, and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div. / HJ)
11. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site

development permit is issued, the City Engineer and the Planning Director must approve all revisions utilizing the process set out in the Beaverton Development Code, and the City Engineering Design Manual; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div. / HJ)

12. Have the applicant for the subject property guarantee all City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div. / HJ)
13. Submit an easement, executed and ready for recording, when required, to the City. City will require approval of legal description and form prior to execution. (Site Development Div. / HJ)
14. Submit a copy of the approved TVF&R Service Provider Letter. The service provider permit shall have attached stamped and approved fire service plan sheets that match what is shown on the site development permit application plan sets. (Site Development Div. / HJ)
15. Provide plans for street lights, illumination levels to be evaluated per City Engineering Design Manual; Option C requirement unless otherwise approved by the City Public Works Director. (Site Development Div. / HJ)
16. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. The City will route submittals to Clean Water Services on the Applicant's behalf. (Site Development Div. / HJ)
17. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div. / HJ)
18. Provide construction plans and a drainage report demonstrating compliance with City surface water management requirements per City 2019 Engineering Design Manual, Resolution 4542, Section 530; and with CWS Resolution and Order 2019-22 for quantity control for conveyance capacity, hydromodification and quality treatment. Fee-in-lieu can be requested if development meets criteria set forth in City EDM Sections 190, table 530.1, and 530.1.A.4 and CWS Design & Construction Standards Section 4.03.7.a and 4.04.2.a. (Site Development Div. / HJ)
19. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. The analysis shall also delineate all areas for this project that are

- inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. (Site Development Div. / HJ)
20. Any extra-capacity sanitary and storm water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to the development. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer or as permitted per sections 307 and 311 of Oregon Uniform Plumbing Code. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div. / HJ)
 21. Provide plans showing a proprietary stormwater treatment system for treatment of the site's piped surface water runoff as applicable. Plans shall also show a trash capture water quality pre-treatment unit located directly upstream from any proprietary stormwater treatment system vaults or manholes. Plans shall also show a high flow bypass system to bypass surface water runoff high flows. (Site Development Div. / HJ)
 22. Ensure that the stormwater facilities are sized appropriately per the CWS D&C Standards and the City of Beaverton Engineering Design Manual for the hydrologic characteristics of the proposed development. (Site Development Div. / HJ)
 23. 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. / HJ)
 24. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div. / HJ)
 25. Submit to the City a Stormwater Management Worksheet for the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. Any home demolition is credited at one equivalent surface unit (2640 square feet). The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking areas and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots/tracts. (Site Development Div. / HJ)
 26. Submit plans that show a direct worker access route to the structures in the pond area shall be provided no steeper than 4 (horizontal) to 1 (vertical) slope. This direct route shall be a minimum of 6-feet wide and have a surface consisting of the equivalent of 3-inches of $\frac{3}{4}$ "-minus crush rock to allow walking access in winter and vegetation shall allow easy access. This direct access route shall be delineated on the plans. (Site

Development Div. / HJ)

27. When required by OAR 918-780-0040, submit proposed private plumbing plans to the City Building Division for review. If private sewer systems crossing lot lines and within a private easement is proposed, please submit plumbing permit application to the Building Division. Drainage within covered areas shall be piped as approved by the City Building Division. (Site Development Div. / HJ)
28. Place the following stamp on only the sheets that show improvements in private property on the site development plans permit submittal. (Site Development Div. / HJ)

The approval of Site Development plans shall not constitute approval of improvements on private property that are to be constructed in accordance with plans in the approved plumbing and building permits. Private property improvements include, but are not limited to private: piping, ADA, sidewalk, parking, plumbing, signage, and electrical.

29. Provide plans showing a City standard commercial driveway apron or a City Engineer approved substitute at the intersection of any private, common driveway and a public street. (Site Development Div. / HJ)
30. Submit plans demonstrating that the proposed commercial driveway access to SW Pointer Road shall be constructed pursuant to EDM Standard Drawing 210. Alternatively, submit an application for an EDM Design Exception and obtain approval of a commercial driveway design that deviates from the EDM standard. (EDM Section 210.21 / Standard Detail Drawing 210 and EDM Section 160.1) (Transportation / FdF)
31. Submit an application and receive approval of an EDM Design Exception for an alternative commercial driveway design for the proposed access to SW Canyon Lane. (EDM Section 210.21 / Standard Detail Drawing 210 and EDM Section 160.1) (Transportation / FdF)
32. Submit plans demonstrating that permanent visual and textural differentiation shall be provided between the driveway and the accessway within the shared accessway facility, consistent with one of the following methods: (BDC 60.55.25; 40.03.1.A, F, and G) (Transportation / FdF)
 - a. Install a different paving material for the accessway compared to the driveway; or
 - b. If one paving material is used for the shared accessway, the accessway shall be permanently pigmented to create visual distinction and shall be textured to add contrast between the accessway and driveway. This option must be approved by the City Engineer.
33. Obtain approval of an Encroachment Agreement from the City Engineer in a form approved by the City Attorney for the existing stone retaining wall within the SW Pointer Road right of way. Alternatively, submit plans showing elimination of the existing stone retaining wall. (EDM Section 130.B.5) (Transportation / FdF)

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

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

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

35. Have verified to the satisfaction of the City Engineer that the location and width of all existing and proposed rights of way and easements are adequate; that each parcel and tract has proper access provisions; and that each parcel and tract has adequate public utility service provision/availability per adopted City standards and requirements. (Site Development Div. / HJ)
36. Show granting of any required on-site easements on the plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div. / HJ)
37. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div. / HJ)
38. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / HJ)
39. Submit to the City a copy of approval from West Slope Water District, stating that required improvements have been completed. (Site Development Div. / HJ)

E. Prior to final inspection and final occupancy permit, the applicant shall:

40. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div. / CR)
41. Have recorded the final plat in County records and submitted a recorded copy to the City. (Site Development Div. / HJ)
42. Ensure all site improvements, including grading and landscaping are completed in accordance with plans marked "Exhibit A," except as modified by the decision-making authority in conditions of approval. (On file at City Hall). (Planning / BG)

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

43. Have 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. / HJ)

44. Have completed the site development improvements and verified that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. The project shall meet all outstanding conditions of approval as determined by the City. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div. / HJ)
45. Have entered into a maintenance agreement with a Clean Water Services certified stormwater facility maintenance landscape contractor for the maintenance of the stormwater management facilities for the 2-year Maintenance Security period. If re-planting is required, additional 2-year plant re-establishment maintenance periods will apply until the plants are successfully established. Planting maintenance reports shall be submitted to the assigned Site Development project inspector twice a year no later than June 15 and October 30. (Site Development Div. / HJ)
46. Submit any required easements, executed and ready for recording, to the City. City will require approval of legal description and form prior to execution. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div. / HJ)
47. Provide a post-construction cleaning, system maintenance, and any proprietary stormwater treatment system recharge/replacement servicing report per manufacturer's recommendations for the site's proprietary storm water treatment systems by a qualified maintenance provider as determined by the City Engineer. Additional service reports will be required per maintenance schedule and until the maintenance and planting period is complete. (Site Development Div. / HJ)
48. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation as shown on the approved plan within the storm water management facility as determined by the City Engineer. If the plants are not well established (as determined by the City) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City prior to release of the security. (Site Development Div. / HJ)
49. A 2-year Maintenance Security will be required at 25 percent of the cost to construct City-owned and maintained public improvements, grading, storm water management facilities, and driveway paving. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount. It will run concurrently with the performance security for plant establishment and it is released 2 years after project acceptance, or will be extended for a period determined by the City Engineer following the correction of any identified defects. (Site Development Div. / HJ)

Replat One (RP12024-00080)

A. General Conditions, the applicant shall:

1. Ensure that the Legal Lot Determination (LLD12023-00799) application has been approved and is consistent with the submitted plans. (Planning / BG)

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

2. Have recorded the final plat in County records and submitted a recorded copy to the City. (Planning / BG)

Legal Lot Determination (LLD12023-00799)

No Conditions of Approval.

Variance (VAR32024-00079)

A. General Conditions, the applicant shall:

1. Ensure that the Design Review Three (DR32023-00665) application has been approved and is consistent with the submitted plans. (Planning / BG)
2. Ensure that the New Conditional Use (CUN32023-00798) application has been approved and is consistent with the submitted plans. (Planning / BG)

Parking Determination (PD22023-00800)

A. General Conditions, the applicant shall:

1. Ensure that the Design Review Three (DR32023-00665) application has been approved and is consistent with the submitted plans. (Planning / BG)

Tree Plan Two (TP22024-00065)

A. General Conditions, the applicant shall:

1. Ensure that the Design Review Three (DR32023-00665) application has been approved and is consistent with the submitted plans. (Planning / BG)