

STAFF REPORT

Report date: April 24, 2024

Application: LU32024-00140 SW 139th Ave Partition

Application Numbers: LLD12023-00393 / PP22023-00394 / VAR32024-00139

Proposal: The applicant, Kim-Hein Nguyen, requests approval of a Preliminary Partition to create two new parcels from the existing lot, a Legal Lot Determination to determine the legal status of the subject lot, and a Variance to reduce the minimum side setback of the existing single-detached dwelling to the edge of the proposed shared driveway from five feet to 1'-8".



Proposal location: The site is located at 4975 SW 139th Avenue, specifically identified as Tax Lot 03000 on Washington County Tax Assessor's Map 1S116CA.

Applicant: Kim-Hein Nguyen

Recommendation: APPROVAL of LLD12023-00393 / PP22023-00394 / VAR32024-00139

Contact information:

City Staff Representative: Lauren Russell, AICP, Associate Planner
503-278-0318 / lrussell@BeavertonOregon.gov

Applicant: Kim-Hein Nguyen
15 Duberstein Drive
San Ramon, CA 94583

Applicant's Representative: Isenhardt Consulting, LLC
Danelle Isenhardt
PO Box 2364
Beaverton, OR 97075

Property Owner: Minh-Thy Ha & Hein Kim Nguyen & Long Ha
4975 SW 139th Avenue
Beaverton, OR 97005

Existing Conditions

Zoning: Residential Mixed C (RMC)

Site Conditions: The lot is currently developed with a one-story single-detached dwelling and a detached accessory structure.

Site Size: 0.35 acres

Location: The subject site is located on the west side of SW 139th Avenue between SW Larch Place to the north and SW 6th Street to the south.

Neighborhood Association Committee: Central Beaverton

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Residential Mixed C (RMC)	Single-Detached Dwellings
South	Residential Mixed C (RMC)	Single-Detached Dwellings
East:	Residential Mixed C (RMC)	Single-Detached Dwellings
West:	Residential Mixed C (RMC)	Single-Detached Dwellings

Application Information

Table 2: Application Summaries

Application	Application type	Proposal summary	Approval criteria location
PP22023-00394	Preliminary Partition	Create two new parcels from the existing lot	Development Code Section 40.03.1 and 40.45.15.4.C
LLD12023-00393	Legal Lot Determination	Determine the legal status of the subject lot	Development Code Section 40.47.15.1.C
VAR32024-00139	Variance	Reduce the minimum side setback of the existing single-detached dwelling to the edge of the proposed shared driveway from 5 feet to 1'-8"	Development Code Section 40.95.15.1.C

Table 3: Key Application Dates

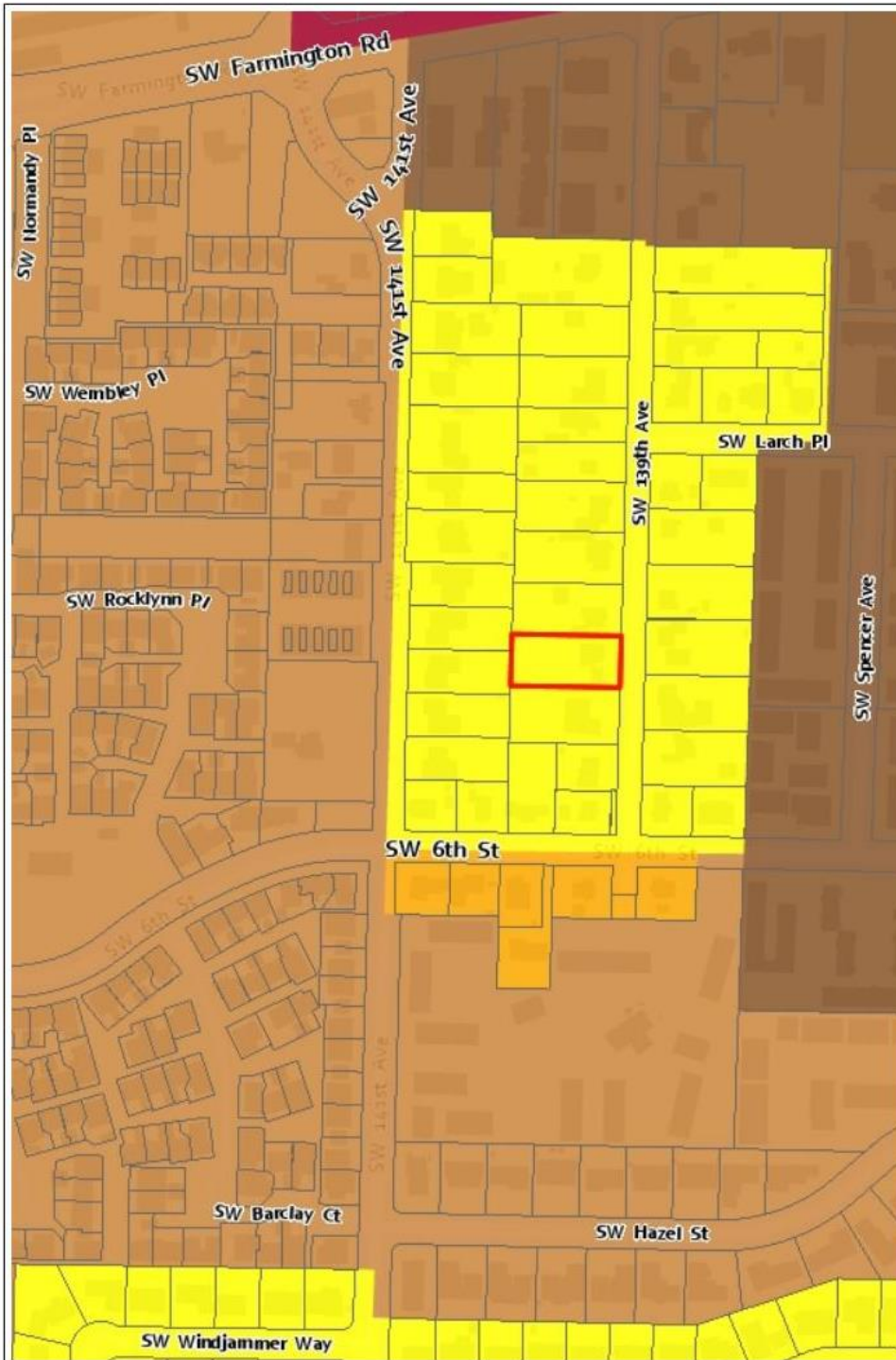
Application	Submittal Date	Deemed Complete	120-Day	365-Day**
PP22023-00394	June 7, 2023	December 4, 2023	June 21, 2024*	December 3, 2024
LLD12023-00393	June 7, 2023	December 4, 2023	June 21, 2024*	December 3, 2024
VAR32024-00139	February 28, 2024	February 28, 2024	June 27, 2024	February 28, 2025

* 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. The applicant has filed three continuance requests for a total of 80 days.

** The original 120-day final decision date can be extended 245 days.



Exhibit 1.1 Zoning and Vicinity Map



Legend

- Washington County Taxlots
- UGB
- Zoning**
- Residential Mixed C (RMC)
- Residential Mixed B (RMB)
- Residential Mixed A (RMA)
- Multi-Unit Residential (MR)
- Neighborhood Service Center (NS)
- Community Service (CS)
- Corridor Commercial (CC)
- General Commercial (GC)
- Station Community - SC-S
- Station Community - High Density
- Station Community - Employment
- Station Community - Multiple Use
- Town Center - High Density Reside
- Town Center - Multiple Use (TC-MI)
- Regional Center - Old Town (RC-C)
- Regional Center - East (RC-E)
- Regional Center - Beaverton Centr
- Regional Center - Downtown Trans
- Regional Center - Multiple Use (RC
- Commercial - Washington Square
- Office Industrial - Washington Squa
- Office Industrial (OI)
- OI-NC
- Industrial (IND)
- Interim Washington County Zoning
- Unzoned/ ROW
- Stream_Labels**
- CityLimits_Line
- County_Line
- BuildingAddress
- Taxlots - Washington County
- Taxlots - Multnomah County
- Buildings**
- Building
- Under Construction

Notes

Subject site outlined in red

0.1 0 0.05 0.1 Miles

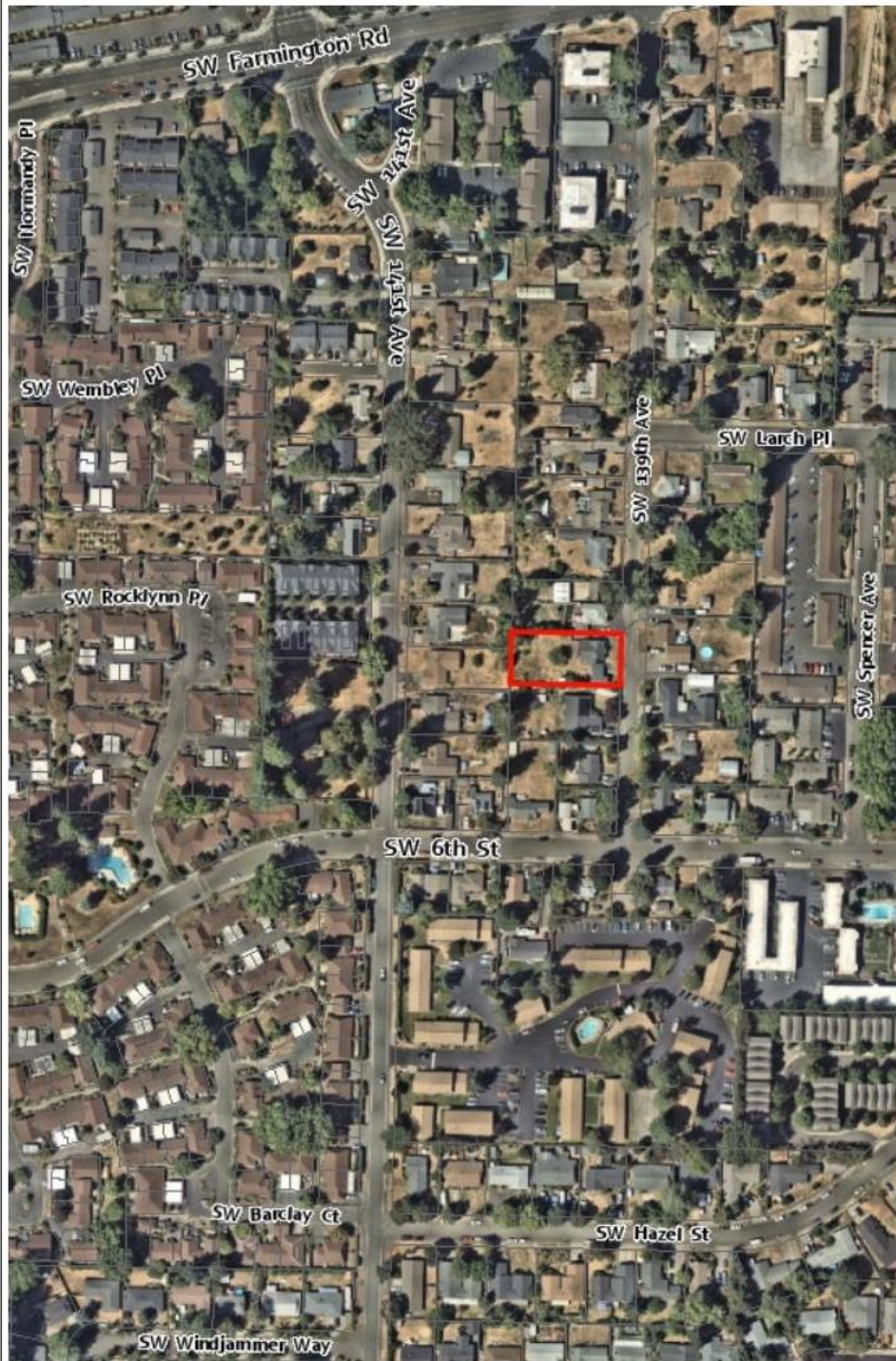
Report Date: 04/17/2024



The information supplied in this application represents the best data available at the time of publication. City of Beaverton GIS makes no claims, representations, or warranties as to its accuracy or completeness.



Exhibit 1.2 Aerial Map



Legend

- Washington County Taxlots
- UGB
- Stream_Labels
- CityLimits_Line
- County_Line
- BuildingAddress
- Taxlots - Washington County
- Taxlots - Multnomah County
- Buildings**
- Building
- Under Construction
- LightRailStops
- Railroad
- Light Rail
- Freeways_Labels
- Streets_White
- Streams_Line
- WaterBodies
- Parks_Labels
- Parks and Schools**
- Park
- School
- Taxlots_COBYellow
- AdjacentCities**
- Banks
- Barlow
- Battle Ground
- Camas
- Canby
- Clatskanie
- Columbia City
- Cornelius
- Damascus
- Dundee
- Durham
- Estacada
- Fairview

Notes

Subject site outlined in red



Report Date: 04/17/2024



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Exhibits:

Exhibit 1. Materials Submitted by Staff

- Exhibit 1.1 Zoning and Vicinity Map (page 4 of this report)
- Exhibit 1.2 Aerial Map (page 5 of this report)

Exhibit 2. Public Comment

- Exhibit 2.1 Email from Jim Hatlen, received March 26, 2024
- Exhibit 2.2 Email from Jim Hatlen, received April 10, 2024

Exhibit 3. Materials Submitted by the Applicant

- Exhibit 3.1 Narrative
- Exhibit 3.2 Preliminary Partition Application Form
- Exhibit 3.3 Legal Lot Determination Application Form
- Exhibit 3.4 Variance Application Form
- Exhibit 3.5 Plan Set
- Exhibit 3.6 Topographic Survey
- Exhibit 3.7 Pre-Application Conference Notes
- Exhibit 3.8 Beaverton School District Service Provider Letter

- Exhibit 3.9 Clean Water Services Service Provider Letter
- Exhibit 3.10 Tualatin Valley Fire and Rescue Service Provider Permit
- Exhibit 3.11 Water Service Provider Letter
- Exhibit 3.12 Neighborhood Review Meeting Documentation
- Exhibit 3.13 Stormwater Report
- Exhibit 3.14 Infiltration Report
- Exhibit 3.15 Sight Distance Memorandum
- Exhibit 3.16 Tree Protection Plan
- Exhibit 3.17 Title Report

Exhibit 4. Agency Comment

None received

Attachment A: Facilities Review Committee Technical Review and Recommendation

Application: LU32024-00140 SW 139th Ave Partition

Recommendation: APPROVE LLD12023-00393 / PP22023-00394 / VAR32024-00139

Finding: The Facilities Review Committee finds that the applicable Facilities Review Committee approval criteria have been met, subject to the conditions identified in Attachment E to this report.

Section 40.03 Facilities Review Committee:

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

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

- All 12 criteria are applicable to the Preliminary Partition (PP22023-00394) application as submitted.
- Facilities Review Committee criteria do not apply to the submitted Legal Lot Determination (LLD12023-00393) or Variance (VAR32024-00139) applications.

Section 40.03.1.A

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

FINDING:

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

Potable and Non-Potable Public Water: The property is served by City of Beaverton potable public water service and the applicant has stated that the water services are adequate to service the proposed development. There is an existing eight-inch water main in SW 139th Avenue. City staff reviewed the proposal and stated in their Service Provider Letter that there will be adequate capacity to service the proposed development. The property is not located within the South Cooper Mountain area, which is the only area of the City where properties can connect to the City's non-potable water service. The Committee finds that adequate potable public water service can be provided to the site to serve the proposed development and that connection to non-potable public water service is not required.

Sanitary Sewer: The property is served by City of Beaverton sanitary sewer service and the applicant has stated that the sanitary sewer services are adequate to service the proposed development. There is an existing City of Beaverton eight-inch sanitary sewer main in SW 139th Avenue. The Committee finds that adequate sanitary sewer service can be provided to the site to serve the proposed development.

Stormwater Drainage, Treatment, and Retention: The property does not currently have storm sewer service. The closest storm sewer main is located south of the site at the intersection of SW 139th avenue and SW 6th Street and is 15-inches. Due to site constraints, the applicant is proposing fee-in-lieu instead of providing stormwater facilities on the site.

The applicant has provided a Preliminary Stormwater Report for the quantity and quality of stormwater resulting from the proposed development. The Committee recommends conditions of approval to address specific stormwater facility requirements pursuant to CWS standards. As conditioned, the Committee finds that adequate stormwater drainage, treatment, and retention service can be provided to the site to serve the proposed development.

Transportation: Per BDC Section 60.55.20.2.A, a Traffic Impact Analysis is required when a proposed development will generate 300 vehicles or more per day in average weekday trips. This proposal will not add 300 or more trips so it does not trip the threshold for a full traffic impact analysis.

The subject site has frontage on SW 139th Avenue, a two-lane local street that is under the jurisdiction of the City of Beaverton. The applicant will be required to dedicate an additional nine feet of right of way to accommodate the planned cross-section, which requires 29 feet from the centerline. As conditioned, the Committee finds that adequate transportation facilities can be provided to the site to serve the proposed development.

Fire Protection: Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R staff has reviewed and approved the proposed development's site plan. TVF&R had no comments or concerns regarding the proposal and did not require any conditions of approval. Therefore, 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 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

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

FINDING:

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

Schools: The proposed development is within the boundaries of the Beaverton School District (BSD). BSD staff reviewed the proposal and stated in their Service Provider Letter that the District believes that there will be sufficient capacity to accommodate new students from the project. BSD staff carefully monitors residential development projects, school capacity, and projected student levels and the District may take any actions necessary to manage utilization of capacity. Therefore, the Committee finds that adequate school capacity can be provided to the site to serve the proposed development.

Transit Improvements: The subject site is located one-third mile from Bus Line 52-Farmington/185th, which runs between Beaverton Transit Center, Aloha, Willow Creek Transit Center, Tanasbourne, and PCC Rock Creek along Farmington, 185th, and Springville. The subject site is also located one-half mile from Bus Line 62-Murray Blvd, which runs between Washington Square and Sunset Transit Center

along Scholls Ferry Road, Murray, Millikan, Hocken, Jenkins, Cornell, Cedar Hills, and Barnes. The Beaverton, and Sunset Transit Centers provide access to MAX Red and Blue light rail lines, which connect Hillsboro, Beaverton, Portland City Center, East and Northeast Portland, Gresham, and Portland International Airport. Therefore, the Committee finds that there are adequate transit services to serve the proposed development.

Police Protection: The City of Beaverton Police Department will continue to serve the development site. Therefore, the Committee finds that adequate police protection service can be provided to the site to serve the proposed development.

Pedestrian and Bicycle Facilities: The subject site has frontage on SW 139th Avenue. There are no existing sidewalks or bicycle facilities on SW 139th Avenue adjacent to the site. The applicant will be required to provide frontage improvements along SW 139th Avenue. The Committee recommends a condition of approval requiring the applicant to construct frontage improvements consistent with the City's adopted L1 / Local Street standards, which includes a five-foot-wide sidewalk. As conditioned, the Committee finds that adequate pedestrian and bicycle facilities can be provided to the site to serve the proposed development.

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

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

Section 40.03.1.C

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

FINDING:

The site is zoned Residential Mixed C (RMC). The Committee refers to Table 4, the Chapter 20 use and site development requirements table, at the end of this

attachment, which evaluates the project as it relates to applicable code requirements of Chapter 20 (Land Uses). Staff provides findings for the Variance request in Attachment D to this report. For this reason and as demonstrated in the table, the development proposal is consistent with all applicable provisions of Chapter 20 (Land Uses).

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

Section 40.03.1.D

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

FINDING:

The Committee cites Table 5, the Chapter 60 special requirements table, at the end of this attachment, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60 (Special Requirements).

Section 60.15 Land Division Standards: The applicant proposes to create two lots through a Preliminary Partition. The applicant states that the proposed development includes site grading within 25 feet of residential property lines and that the grading meets the standards of Section 60.15.10. There are no significant trees or groves on the subject site. The applicant has submitted a preliminary grading plan demonstrating compliance with these standards. The Committee recommends conditions of approval regarding the grading and contouring of the development site, which will be reviewed and approved prior to Site Development Permit issuance

Section 60.30 Off-Street Parking: Per Beaverton Development Code (BDC) Section 60.30.10.5.A, there are no minimum or maximum parking ratios for single-detached dwellings and duplexes in the RMC zone. The applicant indicates that off-street parking spaces will be provided for the proposed duplex units and will be accessed by a new shared driveway to the north of the existing house. The dimensions of these parking spaces will be reviewed at the time of Single-Detached and Middle Housing Design Review. A new parking vehicle parking space to serve the existing house is proposed at the rear of the house on Parcel 1. This space meets the minimum dimensions for a residential parking space.

Per BDC Section 60.30.10.5.B, the minimum parking ratio requirement for short-term bicycle parking is one space per unit and the ratio requirement for long-term bicycle parking is one space per unit for single-detached dwellings and middle housing, which includes duplexes. The proposed duplex will require two short-term and two long-term bicycle parking spaces. Compliance with the bicycle parking standards in Section 60.30.10.2.B will also be reviewed at the time of Single-Detached and Middle Housing Design Review.

Section 60.55 Transportation Facilities: As stated in the findings for approval criterion 40.03.1.A, above, per BDC Section 60.55.20.2.A, a Traffic Impact Analysis is required when a proposed development will generate 300 vehicles or more per day in average weekday trips. This proposal will not add 300 or more trips, so it does not trip the threshold for a full traffic impact analysis.

The subject site has frontage on SW 139th Avenue, a two-lane local street that is under the jurisdiction of the City of Beaverton. The applicant will be required to dedicate an additional nine feet of right of way to accommodate the planned cross-section, which requires 29 feet from the centerline. As conditioned, the Committee finds that adequate transportation facilities can be provided to the site to serve the proposed development. As conditioned, the Committee finds that the minimum street widths required by BDC Section 60.55.30 can be met.

Per BDC Section 60.55.35.3.A, work adjacent to public streets must comply with the visibility at intersections standards in the Engineering Design Manual. The applicant has provided plans demonstrating that the minimum sight distance is met at the new driveway on SW 139th Avenue.

Section 60.60 Trees and Vegetation: The applicant states that there are three existing Community Trees on the subject property, which can be removed without a Tree Plan application and which are not subject to any mitigation requirements. One tree is proposed to remain on proposed Parcel 1.

Section 60.65 Utility Undergrounding: The applicant states that the existing overhead utilities will be undergrounded with the street improvements if feasible and that moving the existing power pole will be up to PGE or the pole owner to determine if the span length can change. All new utilities to the site will be provided underground.

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

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

Section 40.03.1.E

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

FINDING:

The applicant states that the owners of each proposed parcel will be responsible for maintaining the structures and improvements on each parcel. The shared access and utility easement will be maintained by both parcel owners and will be subject to a maintenance agreement that will be drafted during final plat review. The Committee recommends a condition of approval that an access and utility easement be recorded with the final plat. As conditioned, the Committee finds that the proposal as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

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

Section 40.03.1.F

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

FINDING:

The Committee incorporates the findings for Approval Criterion 40.03.1.D, above. The applicant states that the proposed shared access and utility easement to the north of the existing house will provide access to the duplex on proposed Parcel 2 and a new parking space for the existing house on proposed Parcel 1. The applicant proposes that the shared driveway where the access easement is located be nine feet wide, which does not meet the minimum residential driveway width in the Engineering Design Manual (EDM). The Committee recommends a condition of approval that the applicant obtain an approved EDM design exception for driveway width. As conditioned, the Committee finds that there are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the proposed development.

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

Section 40.03.1.G

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

FINDING:

The Committee incorporates the findings for Approval Criteria 40.03.1.D and 40.03.1.F, above. The subject site has frontage on SW 139th Avenue, a two-lane local street that is under the jurisdiction of the City of Beaverton. The applicant will be required to dedicate an additional nine feet of right of way to accommodate the planned cross-section, which requires 29 feet from the centerline. As conditioned, the Committee finds that adequate transportation facilities can be provided to the site to serve the proposed development. As conditioned, the Committee finds that the minimum street widths required by BDC Section 60.55.30 can be met.

Per BDC Section 60.55.35.3.A, work adjacent to public streets must comply with the visibility at intersections standards in the Engineering Design Manual. The applicant has provided plans demonstrating that the minimum sight distance is met at the new driveway on SW 139th Avenue.

As conditioned, the Committee finds that the development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

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

Section 40.03.1.H

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

FINDING:

Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R staff has reviewed the proposed development's site plan and endorsed the

proposal as shown without any conditions of approval. TVF&R will verify that their requirements are met prior to Site Development Permit issuance. The Committee finds that the site can be designed in accordance with City codes and standards and provide adequate fire protection.

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

Section 40.03.1.I

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

FINDING:

The applicant states all public facilities, consisting primarily of the utilities, have been designed per City codes and standards and laid out per City staff recommendations from the pre-application conference. No new residential structures are proposed with the Preliminary Partition. Construction documents will be reviewed at later permit stages to ensure protection from hazardous conditions. The Committee finds that review of the construction documents at the Site Development and Building Permit stages will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

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

Section 40.03.1.J

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

FINDING:

The applicant proposes to create two lots through a Preliminary Partition. The applicant states that the proposed development includes site grading within 25 feet of residential property lines and that the grading meets the standards of Section 60.15.10. There are no significant trees or groves on the subject site. The applicant has submitted a preliminary grading plan demonstrating compliance

with these standards. 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

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

FINDING:

The applicant states that the existing house is proposed to remain on proposed Parcel 1 and a duplex will be built on Parcel 2 at a later time. The partial street improvements along the site's SW 139th Avenue frontage and the intersection of the new driveway and sidewalk will be designed to meet ADA standards. The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code, and other standards as required by the 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 the proposal meets the approval criterion.

Section 40.03.1.L

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

FINDING:

The applicant submitted the Legal Lot Determination (LLD12023-00393) and Preliminary Partition (PP22023-00394) applications on June 7, 2023. The applicant requested that the applications be deemed complete on December 4, 2023. The Variance (VAR32024-00139) application was then submitted on February 28, 2024. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements identified in Section 50.25.1 are contained within this proposal.

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

Code Conformance Analysis

Table 4: 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			
Single Detached Dwelling	Permitted	The applicant proposes to retain the existing single detached dwelling on proposed Parcel 1.	YES
Duplex	Permitted	The applicant proposes a duplex on proposed Parcel 2. The actual construction of the duplex will occur at a later time and is not part of this review.	YES
Development Code Section 20.05.15			
Minimum Lot Area – Single-Detached and Duplex	5,000 square feet	Parcel 1: 6,582 square feet Parcel 2: 7,306 square feet	YES
Minimum Residential Density (units per acre)	7	2 units are required. The applicant proposes 3 units.	YES
Minimum Lot Width	20 feet	Parcel 1: 83 feet Parcel 2: 83 feet	YES
Minimum Yard Setbacks ¹⁸	Minimum Front: 10 feet Minimum Side: 5 feet Minimum Rear: 15 feet Minimum Garage: 18.5 feet	<u>Parcel 1</u> 15 feet 1'-8" 26 feet N/A Parcel 2 setbacks to be reviewed during Single Detached and Middle Housing Design Review	See VAR Findings
Maximum Building Height	35 feet	Parcel 1: Approximately 20 feet Parcel 2: to be reviewed during Single Detached and Middle Housing Design Review	YES
Maximum Floor Area Ratio – Single-Detached Dwelling	0.60	Parcel 1: 0.27 Parcel 2: to be reviewed during Single Detached and Middle Housing Design Review	YES
Footnote 18: In RMA, RMB and RMC, setbacks are measured from a building façade to a lot line or nearest edge of shared access, whichever is closest to the building.			

Table 5: 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 will submit a Single-Detached and Middle Housing Design Review application for the Duplex at a later time.	N/A
Development Code Section 60.07			
Drive-Up Window Facilities	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The subject site is not located in the floodplain.	N/A
Development Code Section 60.11			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	No food cart pods are proposed.	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.	Refer to the Facilities Review Committee findings herein.	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 spaces are proposed.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30			
Off-Street Motor Vehicle Parking	Minimum: N/A Maximum: N/A	Refer to the Facilities Review Committee findings herein.	YES
Development Code Section 60.30			
Required Bicycle Parking	Short-term: 1 per unit Long-term: 1 per unit	Refer to the Facilities Review Committee findings herein.	N/A
Development Code Section 60.33			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
Development Code Section 60.35			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	N/A
Development Code Section 60.40			
Sign Regulations	Requirements for signs.	No signs are proposed.	N/A
Development Code Section 60.50			
Special Use Regulations	Maximum fence height	Proposed fence will not exceed 8 feet.	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.	Refer to the Facilities Review Committee findings herein.	YES
Development Code Section 60.65			
Utility Undergrounding	Requirements for placing overhead utilities underground.	Refer to the Facilities Review Committee findings herein.	YES
Development Code Section 60.67			
Significant Natural Resources	Regulations for wetlands and riparian corridors.	The subject site does not contain any Significant Natural Resources.	N/A

Attachment B: PP2023-00394 Preliminary Partition

ANALYSIS AND FINDINGS FOR PRELIMINARY PARTITION APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **PP2023-00394**, subject to the conditions of approval in Attachment E.

Section 40.03.1 Facilities Review Committee Approval Criteria

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

FINDING:

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

Conclusion: Therefore, staff finds that the proposal meets the Facilities Review Committee approval criteria.

Section 40.45.05 Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of 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 40.45.15.4.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Preliminary Partition applications. The Commission will determine whether the application as presented meets the Preliminary Partition approval criteria. The Commission may choose to adopt, not adopt, or modify staff's findings. In this portion of the report, staff evaluates the application in accordance with the approval criteria for Preliminary Partition applications.

In order to approve a Preliminary Partition 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 40.45.15.4.C.1

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

FINDING:

The applicant proposes to create two new parcels from the existing lot, which meets threshold:

1. The creation of up to and including three new parcels from at least one lot of record (parent parcel) in one) calendar year.

The existing lot, however, is not a lot of record and is subject to a pending Legal Lot Determination, which is being reviewed concurrently with the Preliminary Partition request. As identified in Attachment C of this report, the proposal meets Legal Lot Determination Approval Criteria 40.47.15.1.C.1 through 5.

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

Section 40.45.15.4.C.2

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

FINDING:

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

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

Section 40.45.15.4.C.3

Approval Criterion: *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 Tables 4 and 5 under the Code Conformance Analysis portion of the Facilities Review Committee findings in Attachment A of this report, which evaluate the project as it relates to applicable code requirements of Chapter 20 and Chapter 60. The applicant has submitted a Variance application, which is being reviewed concurrently with the Preliminary Partition request, to reduce the minimum side setback of the existing single-detached dwelling to the edge of the proposed shared driveway from five feet to 1'-8". As demonstrated in these tables, the proposal complies, or can be made to comply through conditions of approval, with all applicable provisions of Chapter 20 and Chapter 60.

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

Section 40.45.15.4.C.4

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

FINDING:

There are no existing City approvals on the subject site with which the proposed partition would conflict.

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

Section 40.45.15.4.C.5

Approval Criterion: *Oversized parcels (oversized lots) resulting from the Partition shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed partition and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot. Oversized parcels in the RMA (except for multi-dwelling structures), RMB, and RMC zones shall be subject to provisions in Section 20.25.05.d.*

FINDING:

The Preliminary Partition does not include any oversized parcels.

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

Section 40.45.15.4.C.6

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

FINDING:

The proposal will not create any parcels with more than one zoning designation.

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

Section 40.45.15.4.C.7

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

FINDING:

The applicant has submitted this Preliminary Partition application with associated Legal Lot Determination (LLD12023-00393) and Variance (VAR32024-00139) applications. No other applications are required of the applicant at this stage of City review. Staff recommends a condition of approval that approval of the Preliminary Partition application is dependent upon approval of the Legal Lot Determination and Variance applications.

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

Conclusion and Recommendation

Based on the facts and findings presented above, staff recommends **APPROVAL** of **PP22023-00394**, subject to the conditions of approval in Attachment E.

Attachment C: LLD12023-00393 Legal Lot Determination

ANALYSIS AND FINDINGS FOR LEGAL LOT DETERMINATION APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **LLD12023-00393**.

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.

Planning Commission Standards for Approval:

Section 40.47.15.1.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Legal Lot Determination applications. The Commission will determine whether the application as presented meets the Legal Lot Determination approval criteria. In this attachment to the staff report, staff evaluates the application in accordance with the approval criteria for Legal Lot Determination applications.

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

Section 40.47.15.1.C.1

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

FINDING:

The Director has required the applicant to submit a Legal Lot Determination application concurrently with the applicant's proposals for a Preliminary Partition and Variance, which meets threshold:

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

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

Section 40.47.15.2.C.2

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

FINDING:

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

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

Section 40.47.15.1.C.3

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

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

FINDING:

The subject site is zoned Residential Mixed C (RMC), which has a minimum lot area of 5,000 square feet and a minimum width of 20 feet. The subject lot is currently 14,640 square feet, 83 feet wide, and 175 feet deep, which meets the dimensional requirements for the RMC zone. Additionally, when the site was sold in 1979 and zoned R-10, which had a minimum lot area of 10,000 square feet, a minimum width of 80 feet, and a minimum depth of 120 feet, the unit of land could have complied with the applicable criteria for creation of a lawful parcel in effect when the unit of land was sold.

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

Section 40.47.15.1.C.4

Approval Criterion: *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 (LLD12023-00393) and Preliminary Partition (PP22023-00394) applications on June 7, 2023. The applicant requested that the applications be deemed complete on December 4, 2023. The Variance (VAR32024-00139) application was then submitted on February 28, 2024. In review of the materials during the application review process, staff finds that all applicable application submittal requirements identified in Section 50.25.1 are contained within this proposal.

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

Section 40.47.15.1.C.5

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

FINDING:

The applicant has submitted this Legal Lot Determination application with associated Preliminary Partition (PP22023-00394) and Variance (VAR32024-00139) applications. No other applications are required of the applicant at this stage of City review.

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

Conclusion and Recommendation

Based on the facts and findings presented above, staff recommends **APPROVAL** of **LLD12023-00393**.

Attachment D: VAR32024-00139 Variance

ANALYSIS AND FINDINGS FOR VARIANCE APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **VAR32024-00139**, subject to the conditions of approval in Attachment E.

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

Approval Criterion: *The application satisfies the threshold requirements for a Variance application.*

FINDING:

The applicant proposes to reduce the minimum side setback of the existing single-detached dwelling to the edge of the proposed shared driveway from five feet to 1'-8", which meets threshold:

1. A change of more than 50-percent to the numerical standards specified in the Site Development Requirements contained in CHAPTER 20 (Land Uses) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District. This threshold does not apply where credits have been earned for

height increase through Habitat Friendly Development Practices, as described in Sections 60.12.40.4., .5., .6. and .7.

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

Section 40.95.15.1.C.2

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

FINDING:

The City of Beaverton received the appropriate fee for a Variance application.

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

Section 40.95.15.1.C.3

Approval Criterion: *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 the existing single-detached dwelling on the subject lot is proposed to be retained with the partition. In order to provide a shared driveway that can serve both the existing dwelling on proposed Parcel 1 and the future development on proposed Parcel 2, a 12-foot-wide shared access and utility easement is proposed along the north side of the existing dwelling, which will contain the 11-foot-wide shared driveway with pavement one-foot in from the side property line. The subject site is constrained by the location of the existing dwelling, a special condition that is not applicable to other lands within the Residential Mixed C (RMC) zoning district.

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

Section 40.95.15.1.C.4

Approval Criterion: *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 a strict interpretation of the required five-foot setback from the existing dwelling to the edge of the proposed shared driveway would preclude proposed Parcel 2 from having vehicular access from SW 139th Avenue and thus future development on Parcel 2 from having any off-street motor vehicle parking. Other properties in the RMC zoning district have dwellings that are located on the lots so that there is enough room for a shared driveway to provide off-street motor vehicle parking.

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

Section 40.95.15.1.C.5

Approval Criterion: *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 location of the existing dwelling on the subject site, approximately 13'-8" from the side property line, is an existing special condition that is not the result of the applicant's actions and that it is not merely a financial hardship or inconvenience.

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

Section 40.95.15.1.C.6

Approval Criterion: *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

Approval Criterion: *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 the request to reduce the minimum side setback of the existing single-detached dwelling to the edge of the proposed shared driveway from five feet to 1'-8" is the minimum variance needed to provide a shared driveway that can feasibly, safely, and efficiently serve the existing dwelling on proposed Parcel 1 and future development on proposed Parcel 2, which will make possible a reasonable use of the land and the existing dwelling.

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

Section 40.95.15.1.C.8

Approval Criterion: *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

Approval Criterion: *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 Table 4 under 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 applicant has submitted a Variance application to reduce the minimum side setback of the existing single-detached dwelling to the edge of the proposed shared driveway

from five feet to 1'-8". As demonstrated in this table, the proposal complies with all other applicable provisions of Chapter 20.

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

Section 40.95.15.1.C.10

Approval Criterion: *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 Table 5 under 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 60. As demonstrated in this table, the proposal complies, or can be made to comply through conditions of approval, with all applicable provisions of Chapter 60.

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

Section 40.95.15.1.C.11

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

FINDING:

The applicant submitted the Legal Lot Determination (LLD12023-00393) and Preliminary Partition (PP22023-00394) applications on June 7, 2023. The applicant requested that the applications be deemed complete on December 4, 2023. The Variance (VAR32024-00139) application was then submitted on February 28, 2024. In review of the materials during the application review process, staff finds that all applicable application submittal requirements identified in Section 50.25.1 are contained within this proposal.

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

Section 40.95.15.1.C.12

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

FINDING:

The applicant has submitted this Variance application with associated Preliminary Partition (PP22023-00394) and Legal Lot Determination (LLD12023-00393) applications. No other applications are required of the applicant at this stage of City review.

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

Conclusion and Recommendation

Based on the facts and findings presented above, staff recommends **APPROVAL** of **VAR32024-00139**, subject to the conditions of approval in Attachment E.

Attachment E: Conditions of Approval

Application: LU32024-00140 SW 139th Ave Partition

Recommendation: APPROVE LLD12023-00393 / PP22023-00394 / VAR32024-00139

Finding: Staff finds that the proposal complies with all approval criteria and therefore, staff recommends that the decision-making authority in approving the proposal, adopt the following conditions of approval:

Preliminary Partition (PP22023-00394)

A. General Conditions:

1. The applicant shall ensure that the Legal Lot Determination (LLD12023-00393) and Variance (VAR32024-00139) applications have been approved and are consistent with the submitted plans. (Planning / LR)

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

2. Submit application, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div. / HJ)
3. 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)
4. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. The City will submit this material to CWS for review. (Site Development Div. / HJ)
5. Provide an erosion control plan showing best management practice per Clean Water Services Standard Drawing #945. Make provisions for installation of all mandated erosion control measures prior to site disturbance of 500 square feet or more. These shall be maintained and replaced as necessary during the duration of the project to prevent sediment laden run-off from leaving the site. (Site Development Div. / HJ)
6. 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)

7. Provide a drainage analysis of the subject site prepared by a professional engineer meeting the standards set by the City. The analysis shall identify all contributing drainage areas and plumbing systems for this project with the site development permit application. (Site Development Div. / HJ)
8. For all site sewer (storm and sanitary) plumbing that serves more than one lot or crosses onto another lot, shall either construct them as a public system per the requirements of the City Engineer, or construct them as private system and obtain a permit from the Building Division 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)
9. Submit a grading plan showing building pad elevation and minimum finished floor elevation (FFE). Grading shall direct stormwater to a conveyance system or existing natural drainage. (Site Development Div. / HJ)
10. Meet provisions of Beaverton Code 9.05.110 and 9.05.115 for any changes to approved grading. No grading can occur within 10 feet of a property line or half the height of the vertical embankment created, whichever is greater. This applies to all exterior property boundaries of the proposed project. (Site Development Div. / HJ)
11. Pay any required stormwater system development charges (stormwater quality, quantity, hydromodification, and overall system conveyance) for the new impervious area proposed. (Site Development Div. / HJ)
12. 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 (2,640 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)

13. 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 are 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)
14. Place the following stamp on only the sheets that show improvements in private property on the site development plans permit submittals. (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.

15. Submit revised site plans demonstrating the required dedication of property for right of way purposes and the required frontage improvements along SW 139th Avenue that satisfies City street standards for L1 / Local Streets. (BDC Sections 40.03.1.A and 60.55.10) (Transportation / FdF)
16. Submit revised site plans demonstrating that the proposed access driveway satisfies the EDM Standard Drawing 211 for a residential driveway. If the proposed access driveway cannot satisfy Standard Drawing 211, the applicant shall obtain approval of an EDM Design Exception. (BDC Sections 40.03.1 and 60.55.10 and EDM Chapter 2) (Transportation / FdF)
17. Submit revised site plans showing shared vehicle and pedestrian access easements. (BDC Section 60.55.35.C.2) (Transportation / FdF)
18. Submit a photometric lighting analysis and revised site plans demonstrating that adequate street lighting will be installed along the site's SW 139th Avenue frontage in accordance with the street illumination standards in EDM Section 450. (BDC Sections 40.03.1 and 60.55.10 and EDM Chapter 4) (Transportation / FdF)

C. Prior to final plat approval, the applicant shall:

19. 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)

20. 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)
21. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div. / HJ)
22. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div. / HJ)
23. Dedicate property to accommodate the standard half-street right of way width for an L1 / Local Street across section along the site's SW 139th Avenue frontage, pursuant to the City's adopted Standard Drawing 200-4. (BDC Sections 40.03.1 and 60.55.10 and EDM Section 210.16) (Transportation / FdF)
24. Commence construction on the required public street improvements along the site's SW 139th Avenue frontage that are consistent with the City's adopted L1 / Local Street standards and includes additional pavement as necessary. Standard pavement tapering design pursuant to EDM Section 210.27 shall also be provided. (BDC Sections 40.03.1 and 60.55.10 and EDM Chapter 2) (Transportation / FdF)
25. Include the proposed driveway as part of the required public street improvements along the site's SW 139th Avenue frontage. The driveway shall be designed and constructed consistent with the requirements of EDM Section 210.21 and EDM Standard Drawing 211 or per an approved EDM Design Exception. (BDC Sections 40.03.1 and 60.55.10 and EDM Chapter 2) (Transportation / FdF)
26. Provide copies of any necessary shared access easements for vehicles and pedestrians to be recorded with Washington County consistent with EDM Section 210.21. (BDC Sections 40.03.1 and 60.55.30 and EDM Chapter 2)

(Transportation / FdF)

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

27. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / HJ)
28. Provide proof of recording the necessary documents associated with the lot consolidation with Washington County Records, including any necessary easement quit claim deeds and a filed survey consistent with the approved site plan. (Site Development Div. / HJ)

E. Prior to final permit inspection or occupancy permit issuance of any building permit and the release of performance security, the applicant shall:

29. 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. (Site Development Div. / HJ)

Variance (VAR32024-00139)

A. General Conditions:

1. The applicant shall ensure that the Legal Lot Determination (LLD12023-00393) and Preliminary Partition (PP22023-00394) applications have been approved and are consistent with the submitted plans. (Planning / LR)