



## MEMORANDUM

### City of Beaverton

Community Development Department

**To:** Interested Parties

**From:** City of Beaverton Planning Division

**Date:** June 24, 2019

**cc:** LD2019-0004

**Subject:** ***Notice of Decision for Peterkort Sunset Subdivision***

---

Please find attached the notice of decision for **LD2019-0004 (Peterkort Sunset Subdivision)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2019-0004 (Peterkort Sunset Subdivision) is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

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

***The appeal closing date for LD2019-0004 (Peterkort Sunset Subdivision) is 4:30 p.m. July 8, 2019.***

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4<sup>th</sup> Floor, Beaverton Building/City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jana Fox, Current Planning Manager, at (503) 526-3710.

---



## NOTICE OF DECISION

DECISION DATE: June 21, 2019

TO: All Interested Parties

FROM: Jana Fox, Current Planning Manager

PROPOSAL: **LD2019-0004 (Peterkort Sunset Subdivision)**

LOCATION: The site is generally located adjacent to the Sunset Transit Center, south of SW Barnes Road, west of the Highway 217 off-ramp, north of Highway 26, and east of the Sunset Station access road. Tax Lot 100 on Washington County Tax Assessor's Map 1S102CB, Tax Lots 500 and 600 on Washington County Tax Assessor's Map 1S102CA.

SUMMARY: The applicant, J. Peterkort Company, is seeking approval of a six lot subdivision with two private street tracts. The proposal includes two phases. The subdivision is intended to facilitate future development of the site and does not include physical development beyond internal street and utility construction is proposed at this time.

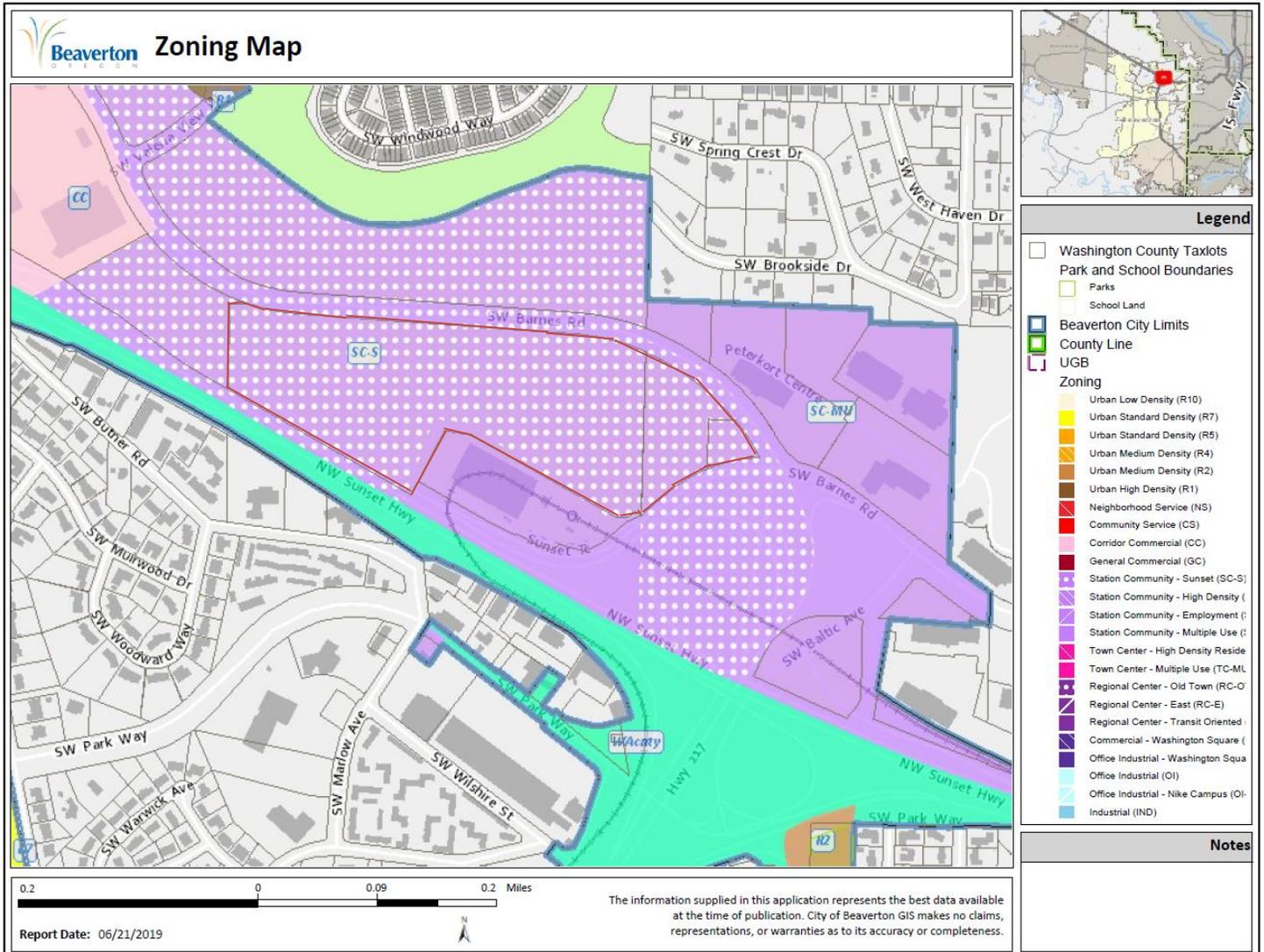
APPLICANT-PROPERTY OWNER: J. Peterkort Company  
Attn: Lois Ditmars  
9755 SW Barnes Road, Suite 690  
Portland, OR 97225

APPLICANTS REPRESENTATIVE: David Evans & Associates, Inc.  
Attn: Kevin Apperson  
2100 SW River Parkway  
Portland, OR 97201

APPLICABLE CRITERIA: Facilities Review Section 40.03  
Preliminary Subdivision Section 40.45.15.5.C

RECOMMENDATIONS: **APPROVAL of LD2019-0004 (Peterkort Sunset Subdivision)** subject to conditions identified at the end of this report.

# Exhibit 1



## VICINITY/ZONING MAP

## BACKGROUND FACTS

### Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120-Day*</u>	<u>365-Day**</u>
LD2019-0004	February 28, 2019	April 29, 2019	September 3, 2019	February 27, 2020

\*This is the latest date, without a continuance, by which a final written decision on the proposal can be made.

\*\*This is the latest date, with a continuance, by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	Station Community-Sunset (SC-S)	
<b>Current Development</b>	Vacant	
<b>Site Size &amp; Location</b>	The site is generally located adjacent to the Sunset Transit Center, south of SW Barnes Road, west of the Highway 217 off-ramp, north of Highway 26, and east of the Sunset Transit Center access road. Tax Lots 100 and 200 on Washington County Tax Assessor's Map 1S102CB.	
<b>NAC</b>	Central Beaverton	
<b>Surrounding Uses</b>	<b>Zoning:</b> <u>North:</u> SC-S  <u>South:</u> Hwy 26 & SC-MU  <u>East:</u> Hwy 26/Hwy 217/Barnes Intersection  <u>West:</u> SC-S	<b>Uses:</b> <u>North:</u> Vacant  <u>South:</u> MAX light rail & Highway 26  <u>East:</u> Hwy 26/Hwy 217/Barnes Intersection  <u>West:</u> Vacant

**TABLE OF CONTENTS**

<b>Attachment A:</b> Facilities Review Committee Technical Review and Recommendation Report	FR1-FR11
<b>Attachment B:</b> LD2018-0019 <i>Preliminary Subdivision</i>	LD1-LD4
<b>Attachment C: Conditions of Approval</b>	COA6
<b>Exhibits by City Staff:</b>	
Exhibit 1 – Vicinity and Zoning Map (Page in this Staff Report)	SR-2
<b>Exhibits by Applicant:</b>	
Exhibit 2 – Applicant’s Materials	
<b>Public Agency Communication/Comments:</b>	
Exhibit 3.1 – Washington County Letter Dated May 23, 2019	
<b>Public Testimony / Comments:</b>	
None Received	

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
Peterkort Sunset Subdivision  
(LD2019-0004)**

**Section 40.03.1 Facilities Review Committee:**

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

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

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

- **All twelve (12) criteria are applicable to both the Preliminary Subdivision (LD2019-0004) application.**
- A. *All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes, or can be improved to have, necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

The applicant proposes to construct a three phase subdivision. The first phase, 1A, would create Lot 1 in its final configuration as well as a remnant parcel, Lot 2 and include construction of the private street labeled 1A on the applicants plan sheet, C101. In the second phase 1B involves construction of the remainder of the north/south internal road to the east of Parcel 1. No additional lots would be created and construction associated with 1B may be constructed concurrently with 1A if an agreement can be reached with TriMet for access. Phase 2 includes the creation of lots two (2) through six (6) from the remnant parcel created in Phase 1.

**Public Water, Sanitary Sewer and Storm**

The City of Beaverton is the sanitary sewer and storm drainage provider to the site. Tualatin Valley Water District (TVWD) is the water service provider to the site.

TVWD water service is available from existing waterlines located in SW Barnes Road as well as along the Tri-Met access road to the west of the proposed Lot 1. The applicant

proposes to construct a water line within the private street to serve both lots created in the first phase. Phase 2 would loop the water line through the internal street system to serve all 6 lots and connect back into SW Barnes Road. There is adequate water capacity to serve the proposed development.

City of Beaverton sanitary sewer service must be extended from an existing line in SW Valeria View Drive through SW Barnes Road to serve the subject site. The sewer line will be extended to serve the Phase 1 development up to the Phase 1 boundary and further extended to serve the remaining 5 lots in Phase 2 through the private street. There is sufficient capacity to serve the proposed development with the sanitary sewer line extension.

Storm water service will be extended into the Phase 1 street area with the first phase of development, connecting to the existing stormwater system in SW Barnes Road. Phase 2 will include the extension of stormwater facilities within the middle and eastern most north/south streets connecting to SW Barnes Road to serve the remaining lots in Phase 2. Future development will be required to construct additional stormwater facilities to address the specific on-site development. There is adequate storm water capacity to serve the proposed development.

The Facilities Review Committee in review of the proposal finds that the capacity of the existing systems are adequate to support the increase uses of these critical facilities.

#### Transportation

The subject site is adjacent to SW Barnes Road, between the Highway 217 terminus and the TriMet Sunset Station access road, north of Highway 26. The subject site is part of the Sunset Station and Barnes Road PUD which was approved in 2013 and involved extensive transportation modeling and trip analysis. The conditions of approval for the PUD spell out all the transportation improvements that are necessary over the course of development of the entire PUD. The proposed land division does not include the creation of any floor area or location of any uses on the site. The zoning district is intended for dense mixed use development, not single family dwellings, which are prohibited in the SC-S zoning district. As no trips are associated with the proposed subdivision application no capacity improvements are required, nor is a TIA. The applicant is required to dedicate sufficient right-of-way to meet the ultimate road width standards, as identified in the Sunset Station and Barnes Road PUD with the first phase of the subdivision

The applicant previously received approval for the construction of a surface parking lot on what is proposed to become Parcel 1. TriMet which has exclusive rights to the signalized access that currently serves Sunset Transit Center. The applicant has been working with TriMet on their proposal and to utilize joint access to the site. As part of the approved parking lot TriMet provided a letter to the City indicating that they are in support of this concept and will continue to work with the applicant on this approach. While it is likely that this access point will be utilized by the proposed subdivision the applicant has provided a secondary access point on SW Barnes Road which can be utilized in addition to the TriMet access. Staff recommends a condition of approval that the applicant provide written approval from TriMet for the connection to the TriMet access road prior to Site Development permit issuance for the infrastructure associated with the first phase of the subdivision.

The Sunset Station and Barnes Road PUD approved access locations for the entirety of

the PUD, including the station site parcel, on which this proposed development is located. The PUD identified which intersections were to ultimately be full movement with signals and which were to be right-in/right-out only. The applicant proposes to align their accesses on Barnes Road to the approved PUD access points, including the two signalized accesses and the right-in/right-out access between the two signalized intersections. Currently no trips are proposed to be added with this subdivision signalization of the proposed intersections are not warranted. Interim right-in/right-out access may be necessary until signal warrants are met by future development. In order to maintain safe turning into the site Washington County has reviewed the provided TIA and determined that a deceleration lane on eastbound Barnes Road is required to serve the westernmost proposed right-in/right-out access. Washington County has proposed a condition as such. Construction of Phase 2 shall require additional Washington County and City review of the proposed connections to SW Barnes Road to ensure any interim conditions are safe and efficient depending on the timing of completion of the improvements relative to any potential proposed development. A facilities permit from Washington County, or a letter stating that a permit is not needed, is required for additional connections to SW Barnes Road beyond the proposed Phase 1A and 1B improvements.

The applicant's site plan shows sidewalk construction along SW Barnes Road, which will be required, as a condition of approval, to meet City standards of 10 feet in width with trees in tree wells every 30 feet on center, as well as along the internal north-south street which connects to the TriMet access road on the west side of the street, adjacent to the approved surface parking lot. The applicant's plans do not show sidewalks extending east of the proposed Barnes Road access. As there are no additional trips associated with the proposed subdivision no additional physical improvements are required along the SW Barnes Road Frontage. Internal streets shall be required to provide sidewalks consistent with City standards. Development of each of the parcels to be created will require Design Review approval which will allow the City to review the trip generation for those proposed uses and require additional transportation improvements, including frontage improvements.

#### Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). The applicant has provided a service provider letter from TVF&R with no conditions of approval.

The Committee finds that the proposed development will provide the required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

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

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

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

#### Schools

The proposed development does not include new housing units and therefore does not directly affect the Beaverton School District (BSD).

#### Transit Improvements

The proposed site is located directly adjacent to TriMet’s Sunset Station Transit Center which is served by Blue and Red line MAX light rail as well as numerous bus lines. The proposal is limited to a subdivision which creates lots for commercial and multi-family development, no additional vehicle or transit trips are generated by the proposed subdivision application. No additional transit improvements are necessary in association with the proposed subdivision.

#### Police

The Beaverton Police Department serves, and will continue to serve, the subject site.

#### Pedestrian and Bicycle Facilities

The subject site is adjacent to SW Barnes Road, west of Highway 217 and north of Highway 26. The sites frontage is not improved with bicycle and pedestrian facilities. The applicant’s proposal includes sidewalks along the Parcel 1 frontage and the west side of the internal north-south private street, around the approved surface parking lot. The remainder of the site does not show additional frontage improvements, including sidewalks. As discussed in response to criterion A above, no additional trips are generated by the proposed subdivision which only includes infrastructure improvements and no physical development of the created lots. As no new trips are generated no additional improvements are required at this time, outside of dedication of the right-of-way of SW Barnes Road to ultimate buildout width, as identified in the Sunset Station & Barnes Road PUD conditions of approval.

#### Parks

The site will be served by the Tualatin Hills Park and Recreation District (THPRD).

The Committee has reviewed the proposal and has found that the essential facilities and services to serve the site are adequate to accommodate the proposal as conditioned.

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

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

Staff cites the Code Conformance Analysis chart at the end of the Facilities Review Report,

which evaluates the project as it relates to applicable code requirements of Chapter 20 for the Station Community-Sunset (SC-S) zone, as applicable to the aforementioned criterion. As demonstrated in the chart, the development proposal meets all applicable standards by meeting the conditions of approval.

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

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

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, as applicable to the above mentioned criteria. Staff will provide findings for the applicable Design Review Guidelines (Code Section 60.05) within the Design Review section of the staff report.

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

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

The applicant states that the owners will provide for routine maintenance of the proposed private streets. Staff concurs that the property can be maintained by the property owner in accordance with the requirements of the City of Beaverton.

**Therefore, the Committee finds that the proposal meets the criterion for approval.**

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

In review of Criterion F, staff incorporates the findings prepared in response to A and B above. The applicant proposes to connect to SW Barnes Road at the intersection locations approved with the Sunset Station and Barnes Road PUD in 2013. The internal street system creates a set of large blocks with a grid road system which will provide for safe and efficient circulation. No physical development on the lots is proposed which would add trips to the site. Future development will require additional review under this standard.

In review of the plan, the Committee finds that by meeting the recommended conditions of approval, the site will have safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

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

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

In review of Criterion G, staff incorporates the findings prepared in response to A, B and D above, including conditions. The on-site vehicular system will connect to the surrounding transportation system in a safe, efficient and direct manners at the points identified in the Sunset Station & Barnes Road PUD. As a condition of approval the applicant must provide dedication of right-of-way to the ultimate width on SW Barnes Road to comply with the Sunset Station & Barnes Road PUD.

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

***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.***

Fire protection will be provided to the site by TVF&R. TVF&R has provided a Service Provider Letter for the proposed development with no associated conditions of approval. Future development of the parcels will require building permits and will be required to show compliance to the City's Building Code Standards prior to issuance of building permits, which includes compliance with other TVF&R standards.

**Therefore, the Committee finds that the proposal meets the criterion for approval.**

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

The only improvements associated with the proposal are public utilities and private streets. The Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development.

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

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

The applicant states that grading on the site is limited to utility provision as well as private streets. No grading will impact adjacent properties. The proposed development will be designed to mitigate adverse impacts to neighboring properties as well as public systems. Grading will be limited to the area identified for the internal private street and access points. Minimal amounts of grading are necessary to construct the proposed improvements.

The applicant has submitted a Preliminary Storm Water Management Report, which demonstrate compliance with existing regulations and quantifies the runoff from the site.

The City Engineer has reviewed the proposed grading and Storm Report, and has identified recommended standard conditions of approval. These recommended conditions are necessary to ensure the proposed site work will be in compliance with adopted codes and standards and to ensure the proposal will not have an adverse impact to surrounding properties.

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

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

The applicant will be required to meet all applicable accessibility standards of the Uniform Building Code, the Uniform Fire Code, and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee finds that as proposed, it appears that the general site layout can meet accessibility requirements. Accessibility is thoroughly evaluated through the site development and building permitting reviews. As a condition of approval, the site shall be in conformance with all ADA requirements. This requirement is in conformance with the Development Code.

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

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

The application was submitted on February 8, 2019. The application was deemed complete on April 29, 2019. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

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

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**Station Community-Sunset (SC-S) District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.20.20 (Station Community-Sunset)</b>			
Use	No uses are proposed with this preliminary subdivision application.	No uses are proposed with this preliminary subdivision application.	N/A
<b>Development Code Section 20.20.15 (Regional Center-Transit Oriented)</b>			
Minimum/Maximum Lot Area	None	The proposal includes six new parcel which range in size from 1.5 to 12.51 acres.	YES
Floor Area Ratio	Min: 0.60 Min. w/ DRBC: 0.00 Max: None	No development is proposed, therefore the FAR requirement is not applicable. The proposed subdivision is intended to help facilitate future development which would provide FAR.	N/A
Minimum Lot Dimensions	None	No minimum lot dimensions are required in the zoning district.	YES
Minimum Yard Setbacks Front Side Rear	0 ft. 0 ft. 0 ft.	No structures are proposed.	N/A
Maximum Front Yard Setback	Governed by Design Review	No structures are proposed.	N/A
Maximum Building Height	120'	No structures are proposed.	N/A

## Chapter 60 – Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	No structures or site improvements are proposed outside of streets and public utilities, as such no Design Review is required.	N/A
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for development within floodplains.	The subject site is not within the floodplain.	N/A
<b>Development Code Section 60.25</b>			
Off-Street Loading	Off-street loading requirements.	No structures or uses are proposed.	N/A
<b>Development Code Section 60.30</b>			
Off-street motor vehicle parking	No structures or uses are proposed.	No structures or uses are proposed.	N/A
<b>Development Code Section 60.40</b>			
Sign Regulations	Requirements pertaining to the size and location of signs	No signs are proposed.	N/A
<b>Development Code Section 60.55</b>			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes, w/COA
<b>Development Code Section 60.60</b>			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	The applicant does not propose to remove any trees of sufficient size to be considered Community Trees and no protected trees exist on the site.	N/A
<b>Development Code Section 60.65</b>			

<p>Utility Undergrounding</p>	<p>All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (&gt;57kV) must be placed underground.</p>	<p>The applicant proposes to underground overhead utilities where frontage improvements are required. The Committee proposes a standard condition of approval to ensure utility undergrounding complies with Section 60.65.</p>	<p>Yes- with COA</p>
<p><b>Development Code Section 60.67</b></p>			
<p>Significant Natural Resources</p>	<p>Regulations pertaining to Significant Natural Resources</p>	<p>There are not significant natural resources on the site.</p>	<p>N/A</p>

**LD2019-0004  
Peterkort Sunset Subdivision  
ANALYSIS AND FINDINGS FOR  
PRELIMINARY SUBDIVISION**

**Section 40.45.05 Land Division Applications; Purpose**

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

**Section 40.45.15.5.C Approval Criteria.** *In order to approve a Preliminary Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

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

Threshold 1 for a Preliminary Subdivision states that an application for Preliminary Subdivision shall be required when the following threshold applies:

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

The applicant proposes a six (6) lot subdivision with two (2) tracts from three lots of record. This meets threshold 1 for a Preliminary Subdivision. The parent parcels are not subject to a pending Legal Lot Determination application.

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

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

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

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

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

The applicant states that the proposed Preliminary Subdivision does not conflict with any other City approvals. The subject site is within the Sunset Station & Barnes Road PUD (CU2013-0003), the proposed subdivision does not conflict with the

Sunset Station & Barnes Road PUD.

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

4. ***Oversized lots resulting from the subdivision shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed subdivision and future potential development on oversized lots.***

Oversized lots are those which are twice as large or greater as the minimum lot size in the zoning district. The Station Community-Sunset (SC-S) zoning district does not have a minimum lot size, therefore oversized lots do not apply.

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

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

The applicant has proposed a two (2) phase approach for the subdivision, and intends to submit the appropriate development applications within five (5) years of PUD approval.

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

6. ***Applications that apply the lot area averaging standards of Section 20.05.50.1.B shall demonstrate that the resulting land division facilitates the following:***

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

The applicant does not propose lot averaging.

Therefore, staff finds that the criterion for approval does not apply.

7. ***Applications that apply the lot area averaging standards of Section***

***20.05.50.1.B do not require further Adjustments or Variance for the Land Division.***

The applicant does not propose lot averaging.

**Therefore, staff finds that the criterion for approval does not apply.**

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

The existing parcels are all zoned Station Community-Sunset (SC-S). All created parcels and tracts will have the SC-S zoning district.

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

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

The applicant has submitted the required application materials for review of a Preliminary Subdivision application in the proper sequence. No additional materials are needed at this time. A Final Land Division will need to be filed once substantial construction is complete, as a condition of approval.

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

**Recommendation**

Based on the facts and findings presented, staff recommend **APPROVAL** of **LD2019-0004 (Peterkort Sunset Subdivision)** subject to the applicable conditions identified in Attachment C.

## Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Grading Standards</b>			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is subject to the grading standards contained herein.	<b>Yes</b>
60.15.10.2.A-C Exemptions	Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way.	Storm water facilities and public rights-of-way are proposed within the applicable grading area. These areas are exempt from the grading standards.	<b>Yes</b>
60.15.10.3.A-E	When grading a site within 25 feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe A-E of this code section.	The subject site does not abut residentially zoned property.	<b>N/A</b>
60.15.10.3.F	Where an existing (pre-development) slope exceeds one or more of the standards in subsections 60.15.10.3.A-E above, the slope after grading (post-development) shall not exceed the pre-development slope.	The applicant proposes grading only to accommodate the construction of streets and utilities.	<b>N/A</b>
60.15.10.3.G	The on-site grading contours stated above apply only to the property lines of the parent parcel(s). They do not apply to internal property lines within a development.	The applicant has shown grading compliance for the parent parcel, as required.	<b>Yes</b>
<b>Significant Trees and Groves</b>			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	No significant trees or groves are located on the site.	<b>N/A</b>

**RECOMMENDATION AND CONDITIONS OF APPROVAL  
BY THE FACILITIES REVIEW COMMITTEE:  
Peterkort Sunset Subdivision  
LD2019-0004**

**LD2019-0004 Preliminary Subdivision**

**A. Prior to any site work commencing and issuance of the site development permit, the applicant shall:**

1. Submit a narrative that responds to all applicable conditions of approval and discusses how each condition has or will be satisfied prior to issuance of the Site Development Permit. (Site Development Div./JJD)
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Resolution 4542 (2019 City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (April 2017, Resolution and Ordinance 2017-05), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
3. 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 as set out in Ordinances 2050, 4010+rev., and Resolution 4542; 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./JJD)
4. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities including plantings, and common 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./JJD)
5. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form, including any approvals needed from TriMet. (Site Development Div./JJD)
6. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the SW Barnes Road right of way. (Site Development Div./JJD)

7. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
8. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
9. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div./JJD)
10. Provide final construction plans and a final drainage report, as generally outlined in the submitted preliminary drainage report, demonstrating compliance with CWS Resolution and Order 2017-05 in regard to water quality treatment and City of Beaverton Engineering Design Manual Chapter 5 requirements for detention. (Site Development Div./JJD)
11. Provide plans that delineate all areas on the site that are inundated during a 100-year storm event, including the safe overflow conveyance from proposed constructed stormwater management facilities. On all plan sheets that show grading and elevations, the 100 year inundation level shall be identified. (Site Development Div./JJD)
12. Submit to the City a certified impervious surface determination of the entire site prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces, in square feet. Calculations shall indicate the square footage of pre-existing impervious surfaces, all new impervious surface area created, and total final impervious surface area on the entire site after construction. (Site Development Div./JJD)
13. Pay storm water system development charges (storm quantity and overall system conveyance) for any net new impervious area proposed. (Site Development Div./JJD)
14. 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./JJD)
15. Provide plans for street lights (Option C unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles along

existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)

16. The following shall be recorded with Washington County (*Contact John Kidd, Survey Division: 846-7932*): (Washington County/NV)

- a. Dedication of additional right-of-way to meet 51 feet from the centerline of SW Barnes Road, including adequate corner radius at the intersection with the new access.

17. Submit to Washington County Public Assurance Staff (503-846-3843): (Washington County/NV)

- a. Completed "Design Option" form, Geotech/Pavement Report, and Engineer's Checklist (Appendix "E" of the County Road Standards).
- b. \$10,000.00 Administration Deposit.
- c. A copy of the City's Notice of Decision and the County's Letter dated May 23, 2019.
- d. Provide evidence that the document under 16.a. has been recorded.
- e. Preliminary certification of adequate sight distance for the access point to SW Barnes Road, in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
  - i. A detailed list of improvements necessary to produce adequate intersection sight distance (refer to the following webpage for sight distance certification submittal requirements).
- f. Two (2) sets of engineering plans to County standards for construction of the following public improvements:
  - i. Right-in/Right-out only access with a minimum 150 foot deceleration lane on SW Barnes Road to County Standards.
  - ii. Construction of a 10 foot wide sidewalk with tree wells and continuous street lighting along the site's frontage of SW Barnes Road from Sunset Transit Center Drive to the proposed access. Existing curb and gutter will be required to be replaced if damaged or to permit the construction of the sidewalk.
  - iii. Replacement of existing street lights and poles to County standards.

18. Obtain a Washington County Facility Permit upon completion of the following: (Washington County/NV)
  - i. Engineering Division approval of plans and a financial assurance for the construction of the public improvements listed in conditions 17.f.
19. Provide written consent from TriMet for the use of the access road. If consent is not provided all access must be from SW Barnes Road. (Planning/JF)
20. An access restriction shall be recorded along the southeastern property lines of proposed lots 5 and 6 precluding connection to the internal TriMet access road in this location. (Planning / JF)
21. Prior to issuance of a site development permit for Phase 2, the application shall be issued an updated Facilities Permit from Washington County, or written documentation that none is required, addressing the additional two accesses to SW Barnes Road within Phase 2. (Planning / JF)

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

22. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
23. 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/or 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./JJD/NP)
24. On-site easements and plat notes shall be 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. (Site Development Div./JJD/NP)
25. Demonstrate that all lots meet ordinance standards for lot size, dimension and frontage, as approved. The final plat shall be fully dimensioned and indicate the square footage of each lot. (Planning / JF)
26. Provide written assurance to the Planning Division that each and every lot is buildable without variance under City Ordinances effective as of the date of preliminary plat approval. Tracts and other parcels not proposed for development shall also be listed with a statement of their purpose. (Planning / JF)

27. Pay all City liens, taxes and assessments or apportion to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures. (Planning / JF)
28. Submit a completed Land Division Agreement form to provide assurance that all the conditions of approval shall be met and that the development will be constructed in accordance with City requirements. (Planning / JF)
29. Submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 2 years after preliminary plat approval, unless a time extension is approved. (Planning / JF)
30. 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./JJD)
31. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
32. Obtain a Final Washington County Facility Permit, subject to completion of the following: (Washington County/NV)
  - i. The road improvements required on condition 17.f above shall be completed and accepted by Washington County.

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

33. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. 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./JJD)
34. If applicable, submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. 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./JJD)
35. Provide a post-construction cleaning, system maintenance, and StormFilter recharge/replacement servicing report per manufacturer's

recommendations for the site's proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)

36. 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 treatment vegetation within the reconstructed surface water quality facility, as determined by the Public Works Director. If the plants are not well established (as determined by the Public Works Director) 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 Operations Director prior to release of the security. (Site Development Div./JJD)