



Staff Report

DATE: March 20, 2017

TO: Interested Parties

FROM: Jana Fox, Associate Planner

PROPOSAL: **Peterkort 3-Lot Partition
LD2016-0027**

LOCATION: The subject site is located at the northwest corner of the intersection of SW Cedar Hills Boulevard and SW Barnes Road. Lot 200 of Washington County Assessor's Map 1S103AB.

SUMMARY: The applicant requests Preliminary Partition approval to create three (3) lots and one (1) tract from one (1) existing lot. The subject site contains a Kinder Care child care facility at the northeast corner of the site, adjacent to SW Cedar Hills Boulevard. No development is proposed concurrently with the partition.

APPLICANT/
PROPERTY
OWNER: J. Peterkort Company
Attn: Jeff Jorgenson
9755 SW Barnes Road, Suite 690
Portland, OR 97225

APPLICANT'S
REPRESENTATIVE: WHPacific, Inc.
Attn: Kevin Apperson
9755 SW Barnes Road, Suite 300
Portland, OR 97225

RECOMMENDATION: **APPROVAL of Peterkort 3-Lot Partition LD2016-0027** subject to conditions of approval as identified in Exhibit C.

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Application Deemed Complete	Day 120
LD2016-0027	November 16, 2017	February 15, 2017	June 15, 2017

Existing Conditions Table

Zoning	R1-Urban Standard Density	
Current Development	Primarily Vacant with a Kinder Care located in the northeast corner of the site.	
Site Size & Location	At the northwest corner of the intersection of SW Cedar Hills Boulevard and SW Barnes Road. Lot 200 of Washington County Assessor's Map 1S103AB and is approximately 20.38 acres.	
NAC	Central Beaverton	
Surrounding Uses	Zoning: <u>North:</u> R7 <u>South:</u> CC <u>East:</u> R1, R2, R4, SC-S <u>West:</u> SC-HDR	Uses: <u>North:</u> THPRD Park <u>South:</u> Vacant <u>East:</u> Single Family, Multi-family, resource area & vacant land. <u>West:</u> Vacant

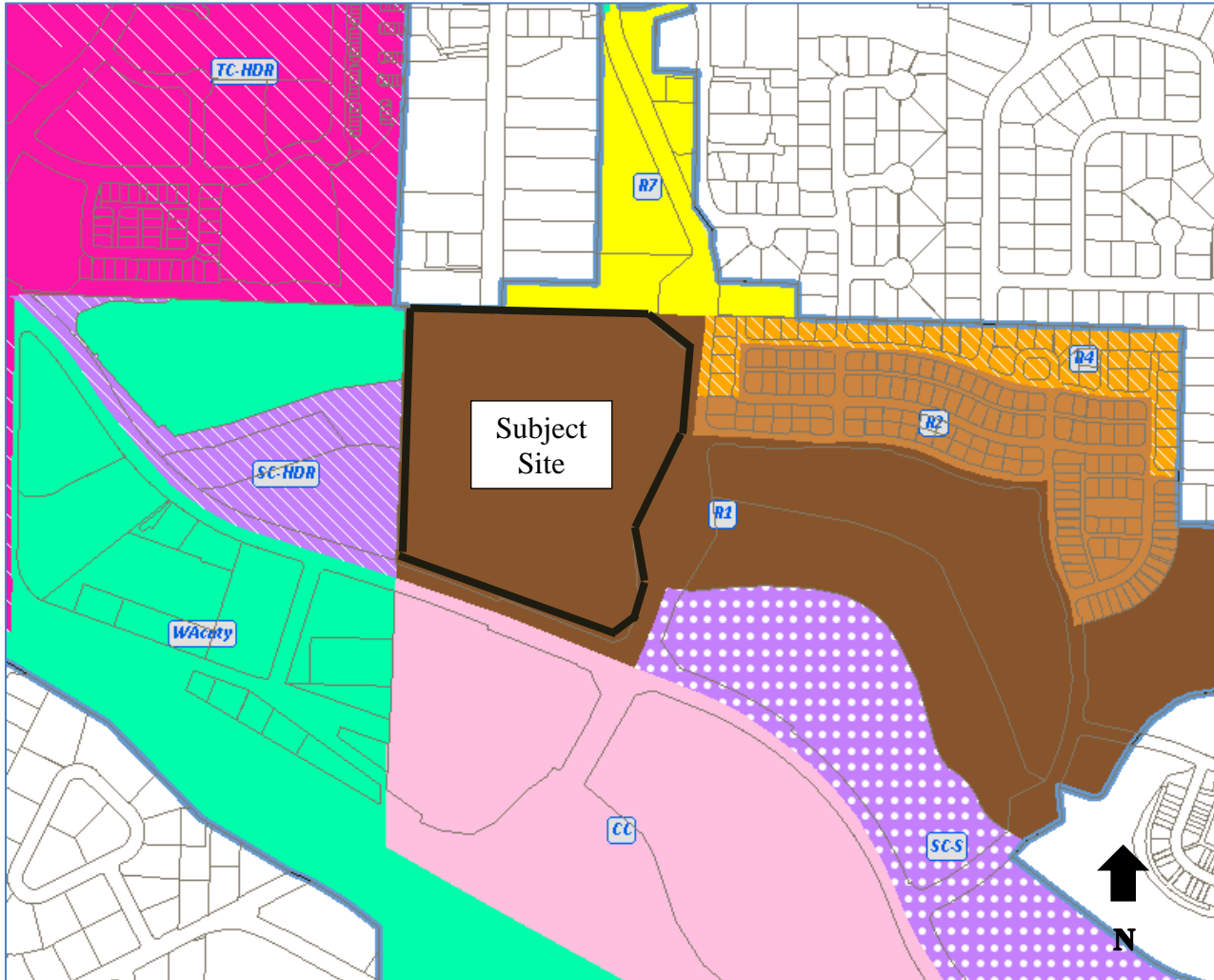
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<u>Attachment B:</u> LD2016-0019 <i>Preliminary Partition</i>	LD1-LD4
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Exhibits

- Exhibit 1. Materials submitted by Staff**
- Exhibit 1.1 Zoning Map (page SR-5 of this report)
 - Exhibit 1.2 Aerial Map (page SR-6 of this report)
- Exhibit 2. Public Comment**
- No Comments Received

Zoning Map



Aerial View



**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Peterkort 3-Lot Partition
LD2016-0027**

Section 40.03 Facilities Review Committee:

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

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

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

- **All twelve (12) criteria are applicable to the submitted Land Division (Preliminary Partition) application as submitted.**
- A. *All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal 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 necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

Public Water

Water service will be provided to the site by Tualatin Valley Water District (TVWD). Parcel 1 contains the Kinder Care which is already served by the TVWD water line located in Cedar Hills Boulevard. Parcels 2 and 3 can be served by existing water lines located in Cedar Hills Boulevard or Barnes Road, and extended to serve the site at the time of development. Adequate capacity exists to serve the proposed development.

Public Sanitary Sewer

Sanitary sewer service will be provided by the City of Beaverton. Parcel 1 is served by the existing 18 inch sewer line that runs through the property. Parcels 2 and 3 can be served by the existing 8 inch public sewer line in an easement along the adjacent property to the west. Adequate capacity exists to serve the proposed development.

Stormwater

A Stormwater line is located in Cedar Hills Boulevard which serves Parcel 1. Parcels 2 and 3 are proposed to be served through the tract at the rear of the property. Adequate capacity exists to serve the proposed development.

Access

Parcel 1 has existing access to Cedar Hills Boulevard. The Sunset Station and Barnes Road PUD (CU2013-0003) has identified and assumes a new street, 117th Avenue along the western boundary of the parent parcel to serve the site. As the access for Parcels 2 and 3 will be from this new street, Parcel 3 must provide an access easement for the benefit of Parcel 2 to provide access. A non-access reservation easement must be placed along the Barnes Road frontage in accordance with the approved Sunset Station and Barnes Road PUD. Dedication of additional right-of-way along Cedar Hills Boulevard and Barnes Road is required to meet ultimate street width to accommodate the planned facilities.

As no development is proposed with this application, no new trips are associated with this partition application and therefore a TIA (Traffic Impact Analysis) is not required at this time. Future development of the subject site may require a TIA.

Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). TVF&R has no comments or conditions for this proposal.

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.

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

- B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to 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 years of occupancy.***

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

The applicant does not propose additional dwelling units at this time, therefore, the application was not forwarded to the Beaverton School District.

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

Dedication of additional right-of-way along Barnes Road and Cedar Hills Boulevard is required to provide the necessary width for the ultimate planned facilities. The applicant will need to show the dedication at the time of final land division application.

The City of Beaverton Police will serve the development site.

Transit

Tri-Met will serve the development site. The site is most directly served by the Numbers 20, 48, 50, and 62 bus lines. The number 62 bus line has a stop adjacent to the subject site along SW Barnes Road. The numbers 48 and 50 buses stop along Cedar Hills Boulevard at Celeste Lane, adjacent to the subject site. The number 20 bus line stops across the intersection of SW Cedar Hills Boulevard and SW Barnes Road from the subject site. All four bus lines serve the Sunset Transit Center which connects to multiple bus lines as well as Red and Blue line MAX trains.

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

- C. *The proposal 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 proposal.***

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Urban High Density (R1) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards of the R1 zone.

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

- 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 proposal.***

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, in response to the above mentioned criteria. Staff will provide findings for the applicable Land Division criteria within the applicable section of the staff report.

The applicant is not required to provide a Transportation Impact Analysis (TIA) as the proposed partition will not generate additional trips. No new transportation facilities or parking facilities are proposed with this application, outside the dedication of right-of-way for SW Barnes Road and SW Cedar Hills Boulevard.

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

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

The applicant states that the proposal will create three (3) lots and one (1) resource tract. Street frontage and utility provisions will be addressed at the time of future development. The property owner will remain responsible for the maintenance of all on-site facilities until such time as the created lots are conveyed to a future developer. At this time no private common facilities are proposed.

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

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

The applicant does not propose any vehicular or pedestrian facilities within the boundaries of the development. Future development of the site will have to address this criterion.

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

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

The application does not propose modifications to existing vehicular and pedestrian circulation patterns. Subsequent development of the site will have to address this criterion.

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

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

The applicant does not proposed any structures or new public facilities. Future development of the site will be required to comply with this criterion.

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

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

The applicant does not proposed any structures or new public facilities. Future development of the site will be required to comply with this criterion.

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

- 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.***

No grading is proposed with this partition.

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

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

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA) with future development. No physical changes are proposed with this partition application.

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

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

The applicant submitted the land use applications on November 16, 2016 and was deemed complete on February 15, 2017. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

FINDING: Therefore, the Committee finds the proposal meets the criterion for approval.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Urban High Density (R1) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20 (R1)			
Use	No Uses Proposed	No Uses Proposed	N/A
Development Code Section 20.05.15 (R1)			
Minimum Lot Area	1000 sq. ft.	83,635 sq. ft. Parcel 1 257,875 sq. ft. Parcel 2 180,338 sq. ft. Parcel 3	Yes
Minimum Corner Lot Dimensions Width Depth	14 ft. interior / 20 ft. corner none	Width 515 sq. ft. Parcel 1 379 sq. ft. Parcel 2 421 sq. ft. Parcel 3	Yes
Yard Setbacks Front Side Rear	10' 0' or 5' or 10' 15'	No structures are proposed at this time.	N/A
Maximum Building Height	60 feet	No structures are proposed at this time.	N/A

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.	No development is proposed with the partition application.	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 techniques proposed.	N/A
Development Code Section 60.15 – Land Division Standards			
Land Division Standards	Standards pertaining to Land Divisions	A Land Division-Preliminary Partition application has been applied for.	See LD Findings
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking Parking Zone A Required Bicycle Parking	Parking standards for development.	No development is proposed with the partition application.	N/A
Development Code Section 60.55 - Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes-with COA
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No trees are proposed to be removed with this partition application.	N/A
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	No development is proposed with the partition application.	N/A

LD2016-0027
ANALYSIS AND FINDINGS FOR
PRELIMINARY PARTITION

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 40.45.15.4.C Approval Criteria

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:

- 1. The application satisfies the threshold requirements for a Preliminary Partition 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.***

The applicant proposes to divide one parcels into three parcels and one resource tract, and no Legal Lot Determination is pending for the parent parcel, meeting the threshold for a Preliminary Partition below.

- 1. The creation of up to and including three (3) new parcels from at least one (1) lot of record (parent parcel) in one (1) calendar year.***

Therefore, staff find 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 Partition application.

Therefore, staff find 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 partition process to comply with current Code standards and requirements.***

The subject site is part of the Sunset Station & Barnes Road PUD which was approved in 2013 and approved for a time extension in 2015. The proposed partition does not conflict with the approved PUD which identified potential developments on the site as well as trip generation and transportation infrastructure improvements required by future development within the PUD. The proposed partition requires that access easements be placed on the site

to allow for the future creation of 116th Avenue with physical development. Access reservations easements are required along SW Barnes Road and SW Cedar Hills Boulevard to be consistent with the access plan approved with the Sunset Station & Barnes Road PUD. The proposed application will not affect or modify any land use approvals.

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

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

There proposed partition will create three R1 parcels which have a minimum lot size of 1,000 square feet per dwelling unit. At this time only one of the three proposed parcels contains development, the Kinder Care center located on Parcel 1. The proposed Parcels 2 and 3 are of sufficient size (5.92 and 4.14 acres respectively) to accommodate future development consistent with the R1 zoning designation. Provision of utility services and vehicular access are addressed in the Faculties Review Report. Staff finds that the proposed lots are of sufficient size and shape to facilitate future development of the site.

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

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

a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,

b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.

Lot averaging is not proposed with this development.

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

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

Lot averaging is not proposed with this development.

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

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

The proposal includes one lot zoned R1 (Urban High Density), all proposed lots will have the R1 zoning designation over the entirety of the parcel or tract.

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

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

The applicant has submitted all documents for this stage of City approvals.

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

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2016-0027 (Peterkort 3-Lot Partition)**, subject to the applicable conditions identified in Attachment C.

Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Grading Standards			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed.	No grading is proposed with this land division application.	N/A
60.15.10.2.A-C Exemptions	Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way.	No grading is proposed with this land division application.	N/A
60.15.10.3.A 0-5 Feet From Property Line	Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.B 5-10 Feet From Property Line	Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.C 10-15 Feet From Property Line	Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.D 15-20 Feet From Property Line	Maximum eight (8) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.E 20-25 Feet From Property Line	Maximum ten (10) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.F Pre-development slope	Where a pre-development slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, the slope after grading shall not exceed the pre-development slope	No grading is proposed with this land division application.	N/A
Significant Trees and Groves			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	No significant trees or groves on site.	N/A

CONDITIONS OF APPROVAL**A. Prior to approval of the Final Plat, the applicant shall:**

1. Have verified to the satisfaction of the City Engineer that the location and width of proposed rights of way and easements are adequate per the overall development plan; 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./JJD)
2. 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 24 months after preliminary plat approval, unless a time extension is approved. (Planning Division/JF)
3. The following shall be represented on the plat and recorded with Washington County: (Washington County/NV)
 - a) Dedication of additional right-of-way to provide 45 feet from the centerline of SW Cedar Hills Boulevard.
 - b) Dedication of additional right-of-way to provide a minimum of 51 feet from the centerline of SW Barnes Road.
 - c) Provision of a non-access reservation along the frontage of SW Cedar Hills Boulevard and SW Barnes Road of all proposed parcels with the exception of the existing access located on proposed Parcel 1.
 - d) Access easement to benefit proposed Parcels 2 and 3 for access to the future extension of SW 116th Avenue along the western property boundary.