



## MEMORANDUM

TO: Planning Commission  
FROM: Elena Sasin, Assistant Planner and Scott Whyte, Senior Planner  
DATE: March 22, 2017  
SUBJECT: APP2016-0002 & 0003 Appeal of SW 155<sup>th</sup> Ave 3-Lot Partition (LD2016-0002 / TP2016-0003 / FS2016-0001) Continued Public Hearing

### **Background Information:**

On September 22, 2016, the Planning Director issued a decision of approval for a proposed three (3) lot partition of the property located at 10510 SW 155<sup>th</sup> Avenue. Shortly thereafter, the city received two (2) appeals, one from an abutting property owner, Mr. Richard King, and one from the Murrayhill Owner's Association.

The first appeal hearing before the Planning Commission occurred on November 9, 2016. At the first hearing date, one of the appellants, Mr. Richard King, requested that the record remain open to provide additional time to review the application and submit additional evidence. The applicant (M&T Development) agreed and the Commission continued the appeal hearing to November 30, 2016. Thereafter, an additional request for hearing continuance was sought and the Planning Commission continued the appeal hearing to December 21, 2016. Staff then received a written request from the applicant asking to postpone deliberation for another 30 days with the objective of working with the appellants towards a mutually agreed upon solution. Accordingly, the Planning Commission granted another request to continue the appeal hearing to January 25, 2017. Prior to the continued hearing date, city staff met with the applicant and appellants to review the progress. Additional time was requested and the hearing was once more continued to the date of March 29, 2017.

Re-notice of Revised Two Lot Partition proposal with Tracts of Land to be conveyed to the HOA: On February 23, 2017 staff issued notice to all parties of record. The notice describes applicant's revised the partition plan for two lots. One lot is shown to retain the existing dwelling. The revised proposal also identifies two tracts of land to be created as part of the partition plan. Both tracts will be conveyed to the Murrayhill Owner's Association after the final plat for this partition is recorded. New plan exhibits, dated March 21, 2017, show the most recent partition proposal for two lots and two tracts.

### **Summary of Concerns:**

Storm water drainage impacts. One of the appellants (Mr. King) has identified concerns related to drainage from the subject property. In part, testimony submitted by Mr. King's attorney identifies concerns related to how storm water from the subject property is to be conveyed and the potential for this drainage to exacerbate existing storm water drainage conditions that Mr. King is already experiencing on his property. Mr. King's lot is located to the southeast of proposed Lot 1 and is at a slightly lower elevation in relation to the two proposed lots.

The applicant has modified the storm water system with the intention to "alleviate Mr. King's concerns regarding the possibility of storm water runoff to his property" (see applicant's revised narrative, Exhibit 28). However, the storm water system remains a concern for Mr. King. These concerns are further identified in a recent letter received by Mr. King's attorney (Exhibit 30).

Tree Preservation and Protection. Tree preservation was another issue raised by both appellants and other members of the community. The initial proposal (Exhibit 6) showed the removal of 17 Community Trees from the subject site to accommodate the development. With the new two lot partition, the applicant is proposing the removal of nine (9) trees.

Visibility at the driveway access to SW 155<sup>th</sup> Avenue. Visibility at the driveway has been raised as a concern. The subject site currently slopes down from location where access is provided from SW 155<sup>th</sup> Avenue. Though the partition proposal intends to use the existing driveway, the applicant's plans show the grading plan (page 4 of Exhibit 29) will improve the slope of the driveway, making it less steep, and increasing visibility.

Neighborhood compatibility in response to Flexible Setback approval criteria. Another point of past contention was the approval criteria associated with the Flexible Setback application and how this application requires (in part) finding of compatibility with the surrounding community. The earlier three lot partition sought Flexible Setback approval to reduce the rear yard setback of proposed Lot 3. The applicant's revised plans (Exhibit 29) now only show two (2) lots and therefore a Flexible Setback is no longer needed. The proposed two (2) lots will now more closely resemble the sizes of adjacent lots, allowing for the possibility of comparable yards.

**Summary of Revisions necessary to Facilities Review approval criteria:**

In response to the modified proposal for two lots, the following Facility Review findings have been revised from the initial September 22, 2016 Staff Report (Exhibit 3). Should the Planning Commission chose to deny the appeal and uphold the Planning Director's decision, staff recommends referral to the applicant's revised two lot proposal, based on finding of the Planning Direction decision and modified findings as stated below.

*Note: Changes to the original Facilities Review criteria are shown below in red.*

**Facilities Review Committee Approval '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.*

**Fire Protection**

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. TVF&R has reviewed the proposed project and has not provided conditions of approval, ~~incorporated to this notice. The TVF&R comments state that they endorse the proposal as is, without modification (Exhibit 31). applicant is proposing to install an approved NFPA 13D fire sprinkler system applicable to the future dwellings constructed on Lot Numbers 2 and 3 which are does not to contain the existing dwelling.~~ TVF&R will also review the plans prior to site development or building permit issuance for continuity with the initial proposal and other relative fire safety precautions.

**Storm Water Drainage**

Sheet No. 8 of the applicant's plans show the proposed storm water plan. ~~For this project, flow-through treatment planters will be constructed for each lot. One planter is to serve the existing dwelling on Lot No. 1. Two other planters will be constructed with future homes intended for Lots~~

~~2-and-3. For this project, the applicant has proposed a stormwater system consisting of swales, slotted drains and a surface conveyance channel, intended to carry stormwater to the rip-rap outfall within proposed Tract C. The same 20-foot wide easement to be created along the eastern property line for the sanitary sewer will contain the surface conveyance channel and swale, serving both lots. a storm water drainage line serving all three lots. Outfall is proposed at the southernmost portion of Lot No. 3.~~

The proposed system has been reviewed to the satisfaction of the City Engineer. Conditions of approval require the system to be in place prior to recording the final plat for this partition.

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

#### Facilities Review Committee Approval '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 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).*

~~The property is zoned Residential Urban Standard Density (R5). Standards of this zone require a minimum land area of 5,000 square feet per dwelling unit and do not have requirements for minimum lot dimensions. All three lots will be a minimum of 5,000 square feet in size. All three Both lots are proposed to meet the required standard front, rear and side yard setbacks for the R5 zone. Lot No. 1 retains the existing dwelling and is able to meet the rear yard setback. Lot No. 2, intended for future home construction will meet the standard rear yard setback. However, Lot No. 3, the southernmost lot, is proposed for Flexible Setback approval. The applicant proposes to reduce the rear yard setback of Lot 3 from the standard 20 feet to 10 feet. According to the applicant, the proposed setback reduction applies to the rear property line which abuts a tract of land created to preserve the wetland and buffer as required by the Clean Water Services Agency.~~

~~No further reduction in setbacks is proposed along property lines abutting the existing residential homes to the east. The proposed 20-foot wide public utility easement that is to be created as part of this partition will also preclude the placement of future structures. The applicant has submitted a Flexible Setback application concurrently with the Land Division and Tree Plan applications. The applicant's Flexible Setback and Tree Plan proposals are subject to separate approval criteria as shown herein. The Land Division application was submitted concurrently with the Tree Plan application but are subject to separate approval criteria as shown herein.~~

**Therefore, staff finds that with satisfying the conditions of approval, the proposal meets the criterion for approval.**

#### Facilities Review Committee Approval 'D':

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

#### Land Division Standards (60.15)

Grading is proposed within Tract "A", which is intended for the proposed private driveway, and sidewalk and swale. Grading is also proposed for the building pad area on Lot 2. However, the applicant's plan do not show any proposed grading within 20 feet of the eastern or western property lines of the parent parcel. The applicant states that minimal grading for future buildings is proposed at this time. Staff proposes a condition of approval that prohibits grading within the proposed 20-foot easement located along the eastern property lines of Lots 12 and 23 to ensure grade differential standards are met and maintained with future home construction.

#### Off-Street Parking Requirements (Section 60.30)

The R5 zone requires one (1) off-street parking space per single family dwelling unit. The applicant's proposal meets the required number of off street parking spaces. Although home construction is not subject to review at this time, staff observes the applicant's proposed building footprint plan shows how the required number of parking spaces, per Section 60.30 of the Development Code, can be met. Parking spaces may be located within the garage or driveway area leading to the garage.

#### Trees and Vegetation Requirements (Section 60.60)

There are twenty-~~four~~five (245) Community Trees greater than 10-inches in diameter on the site. The applicant proposes to remove nine eighteen (918) of those community trees. The applicant's Tree Plan proposal (TP2016-0003) has been submitted in conjunction with the Partition and Flexible Setback applications. The applicant also states that due to their location and proximity to on the Southern Pacific Pipeline easement, trees numbered 1, 7, 8, 9, and 10, 24 and 25 would have been removed regardless of the level of development on the subject site. A letter from Kinder Morgan outlines the requirements. Staff proposes a condition of approval that will require protective fencing around all trees to be saved. Fencing is to be in place d prior to grading and construction.

The applicant also proposes to install the sanitary sewer line(s) by boring instead of trenching. Both the City of Beaverton Arborist, Patrick Hoff (Exhibit 26), and the applicant's Arborist, Morgan E. Holen (Exhibit 8), have stated that boring is a good alternative to trenching because there is less potential for damaging tree roots. Approximately 364 square feet of the southernmost portion of the subject property was identified as a wetland. A 2, 150 020 square foot vegetated corridor (wetland buffer) is shown north of the wetland. The vegetated corridor has been reviewed and approved by the Clean Water Services agency. The applicant is not proposing any development or removal of trees within the wetland or vegetated corridor. Staff refer to the applicant's plans for details. The applicant has also received conditions of approval from Clean Water Services to enhance the vegetated corridor.

#### Street and Bicycle and Pedestrian Connection (Section 60.55.25)

Section 60.55.25. requires pedestrian walkways and the applicant has proposed a concrete walkway at four feet in width next to the proposed common driveway, differentiated by material. This walkway and driveway improvements will meet city standards if designed to withstand the loads of a fire vehicle. Therefore, as a condition of approval, the internal walkway shall be designed to withstand at least a 12,500 pound point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Alternatively, the Fire Marshal of TCF&R has approved an option where or the applicant can shall install an approved NFPA 13D fire sprinkler system in the proposed home on Lot 2, in lieu of the driveway improvements, both homes on proposed lots two and three.

Access Standards (Section 60.55.35)

As previously stated, ~~all three~~ both lots will share the existing driveway that serves the existing home (Lot 1) from the north. Staff observes the width of this driveway to be sufficient for serving one two additional dwellings. Therefore no additional driveway access is required. As previously stated, the City Transportation Engineer has reviewed the applicant's partition proposal in response to additional standards provided in Section 60.55.35. While the existing access to SW 155<sup>th</sup> Avenue is not subject to change, staff observes existing shrubs found along the street frontage that have grown to a height which could impede vision of on-coming vehicles and pedestrians. A condition of approval requires the applicant to remove shrubs along the street frontage.

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

Facilities Review Committee Approval '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: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.*

~~The applicant states that A a~~ maintenance agreement will be recorded for Lot 2-1 and Lot 23 to provided continued maintenance of the common driveway, sidewalk and utilities proposed on Tract "A" (area of the common driveway). Prior to final plat approval, the draft maintenance agreement will be reviewed by the city. The approved agreement shall be recorded with the final plat. The applicant states that proposed Tracts B and C will be donated to the Murrayhill Owner's Association (Exhibit 28). Staff also recommends two conditions of approval requiring documentation be submitted, prior to final plat approval, which assigns the ownership and describes the purpose and maintenance responsibility of both Tracts B and C. that Lot 3 be assigned ownership of Tract B. (where the wetland and buffer area shown).—The document for Tract CB is to describe the purpose and restrictions on activities consistent with Clean Water Services Agency requirements for vegetated corridors.

Staff finds the proposal does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site. Documents as described will be subject to review by the City Attorney prior to recording.

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

Facilities Review Committee Approval 'E':

*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's response to "J" states that, "All grading and contouring has been designed in accordance with City codes and closely matches the contours of neighboring properties. Grading intended for the site will also facilitate the direction of drainage, keeping storm water runoff from

impacting adjacent properties. Grading will be minimal and should preserve the existing site topography.

Grading for ~~the new proposed single family dwelling building structures~~ is shown, though the applicant will not be constructing ~~the homes~~. Detailed grading ~~for homes~~ should be addressed during application for a building construction permit. As mentioned under Section D above, under the Land Division Standards (60.15), a condition of approval is included herein that will preclude grading within the proposed 20-foot easement located along the eastern property lines ~~of Lots 2 and 3~~ to ensure grade differential standards of this section are met and maintained with future home construction. Grading Standards of Section 60.15.10 for Land divisions are further addressed in the Code Conformance table at the end of this report.

The applicant is to show further compliance with Site Development erosion control measures at the time of Site Development permit issuance. City Site Development Division staff have recommended conditions of approval to ensure that any proposed grading will comply with City standards. With the recommended conditions of approval, grading and contouring of the site can be designed to accommodate the proposed use and mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system in general.

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

#### **RECOMMENDATION**

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority **APPROVE LD2016-0002 SW 155<sup>th</sup> Avenue 3-Lot 2-Lot Partition**, subject to conditions of approval at the end of this report.

**In an effort to adequately address the modified proposal, staff has revised the Conditions of Approval, attached herein, marked Exhibit 32.**

\*Note: Changes in **red** below have been made in response to the revised 2 lot proposal.

**REVISED CONDITIONS OF APPROVAL  
LD2016-0002 AND TP2016-0003**

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

1. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (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 Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), 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 4417; 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, facility landscape planting, CWS vegetative corridor plantings, and common driveway construction 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. (Site Development Div./JJD)
6. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within or affecting a jurisdictional wetland). (Site Development Div./JJD)
7. Submit to the City a copy of issued permits or other approvals as needed from the Bonneville Power Administration for work within, and/or construction access to Washington County TL 1S1320001200. (Site Development Div./JJD)

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8. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
9. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. ~~Show the planting plan as required by Clean Water Services to enhance the vegetated corridor.~~ (Site Development Div./JJD)
10. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. A plan detail shall also be provided for the proposed surface conveyance channel, as identified on sheet eight (8) of the applicant's approved plans. The details shall show, at minimum, the slope and rock type used through the course of the channel, including the elbow between Lots 1 and 2. The proposed improvements must be sufficient to show that all drainage is managed and conveyed safely across the site, and away from abutting properties. (Site Development Div./JJD)
11. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's area to another lot's area shall not be considered a direct plumbing service. (Site Development Div./JJD)
12. Submit a design for the grading surrounding, adjacent, and within the storm water quality facilities designed by a civil engineer or structural engineer for the expected hydrological conditions. ~~of the rain gardens/planters.~~ Some minor changes to the grading may be needed in order to provide an adequate containment of the water quality facilities. ~~rain gardens/planters.~~ This may require other minor modifications to the proposed storm water management facilities as reflected within the land-use application submittal. This land-use approval shall provide for such minor surface modifications (examples: revised grading or addition of small retaining walls, structure relocation, and interior grade changes less than two vertical feet variance) in the proposed facility without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)
13. Submit a revised grading plan showing that each lot has a minimum building pad elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facilities and show a safe overflow route. A minimum finish floor elevation shall



\*Note: Changes in **red** below have been made in response to the revised 2 lot proposal.

established for the future homes based on **service provision needs and whichever of the following three is highest in elevation: 1)** at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; **2)** two feet higher than the rim/overflow of the LIDA planters; and **3)** as necessary to provide adequate fall per engineering and plumbing code standards the furthest service point. It must also be shown that the existing home to remain will not have any potential adverse drainage impact from the proposed site grading changes, utility construction, and LIDA planter overflow condition. (Site Development Div./JJD)

14. Submit to the City a certified impervious surface determination of the proposed project's new impervious area proposed for any common areas and common private driveways prepared by the applicant's engineer, architect, or surveyor. (Site Development Div./JJD)
15. Pay storm water system development charges (overall system conveyance and winter detention) for the new impervious area proposed for the common driveway. (Site Development Div./JJD) (Site Development Div./JJD)
16. Provide plans for the placement of underground utility lines within the site to the existing homes, and for services to the proposed new home sites. No overhead services shall remain to any lot. 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)
- ~~17. Provide plans for LED street lights along the site's public street frontages and the common driveway (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director). (Site Development Div./JJD)~~
- ~~18.~~ 17. Provide plans showing a City standard commercial driveway apron (may be modified to have six foot wings) at the intersection of any private, common driveway and a public street. (Site Development Div./JJD)
- ~~18.~~ 18. Ensure all grading is consistent with the grading standards of Section 60.15.15, ~~unless a subsequent application is approved to modify the grading standards of this section.~~ (Planning/ES)
- ~~19.~~ 19. Grading shall not occur within the 20 foot wide public utility easement located along the eastern property line of the parent parcel except if approved through additional land use applications. (Planning/ES)
- ~~20.~~ 20. Ensure extension of the common driveway access and walkway servicing all both three lots (within Tract A) is designed to withstand at least a 12,500 pound point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Site Development plans approved by the city shall include appropriate cross-sectional detail of this driveway. (Planning/ES)

\*Note: Changes in **red** below have been made in response to the revised 2 lot proposal.

21. Show the removal of shrubs **from the subject site, -in compliance with Section 60.55.35.3.C of the Development Code**, along the street frontage of SW 155<sup>th</sup> Avenue that appear to impede vision of on-coming vehicles and pedestrians when exiting the street access.

22. **Contact the City Arborist and a Public Works Site Inspector prior to boring. The City Arborist and Site inspector shall approve the location of the boring pit. (Public Works/PH)**

23. **Sanitary sewer installation shall utilize boring at a minimum depth of four (4) feet within the dripline of any tree shown on the submitted plans as remaining. (Planning / ES).**

24-24. **Trees 5, 11-18 and 24-28 shall be retained and protected during development. A plan for work within the dripline of these trees shall be approved by the City Arborist prior to Site Development permit issuance. (Planning/ES).**

22-25. Show the location of tree protection fencing placed in proximity to all trees to be saved on-site prior to construction activities **in compliance with Section 60.60.20 of the Beaverton Development Code**. (Planning/ES)

23-26. The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2) Provide documentation that 1,000 gpm at 20 psi is available from hydrant. This can be completed at site development review time. A fire hydrant is required to be within 600 feet of all portions of structures. (TVF&R / JF)

24-27. Provide a construction equipment list intended for extending underground utility lines within that portion of the site identified for on-site wetlands. Use of machinery, including but not limited to a backhoe for trenching or dredging purposes, is prohibited within that portion of the site that contains the on-site wetland. This includes off-site wetlands and sensitive area at the sanitary sewer connection point.(Planning / ES)

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

28. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./JJD)

\*Note: Changes in **red** below have been made in response to the revised 2 lot proposal.

29. Show granting of any required on-site easements on the partition 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./JJD)
30. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits for each parcel, ready for recording concurrently with the final plat at Washington County. (Site Development Div./JJD)
31. Submit a maintenance agreement to be recorded with the final plat, describing the ownership and maintenance responsibility of Tract A which is to serve as common access driveway. The maintenance agreement is to be reviewed by the City Attorney prior to recording with the final plat. Under the maintenance agreement option, applicant is to assign tract ownership to one of the abutting lot owners. The agreement is to describe a system for sharing the cost of periodic maintenance between the **twothree** lot owners. The maintenance agreement is to run with the deed and title of the properties. (Planning/ES)
32. Submit a document to be recorded with the plat describing the purpose of Tract B with assigned ownership and maintenance to the Murrayhill Owner's Association, to Lot 3. The document is to describe the function of Tract B as a drainage tract and passive open space, as a buffer area to wetlands as delineated therein. The document is also to describe the landscape enhancement plan consistent with Clean Water Service standards and state that this area is to remain as a natural area, undisturbed by grading, construction or other private use. The document is also to describe the location of a split-rail fence for delineating the boundary between Tract B and Lot No. 3. The document is to run with the deed and title of the property, as conveyed to Murrayhill Owner's Association. The document is also to be reviewed by the City Attorney prior to recording with the final plat. (Planning/ES)
33. Submit a document to be recorded with the plat describing the purpose of Tract C with assigned ownership and maintenance to either lots or both or to the Murrayhill Owner's Association. The document is to describe the function of Tract C, a Clean Water Services mandated buffer area to the wetlands as delineated therein. This document shall also describe the landscape enhancement plan consistent with Clean Water Services standards and shall state that Tract C is to remain a natural area, undisturbed by grading, construction or other private use. This document shall also describe the location and method employed to physically delineate Tract C from Tract B and other abutting properties. At the very least a split-rail fence shall be installed to protect Tract C. (Planning/ES)

\*Note: Changes in **red** below have been made in response to the revised 2 lot proposal.

**34.3029.** Submit a Land Division - Final Plat application. In accordance with Section 50.90 of the Development Code, submittal of a complete final plat application shall be made within 24 months after preliminary plat approval, unless a time extension is approved. The Final Plat shall not be submitted until the Site Development Permit has been issued. (Planning/ES)

**35.31.30.** Submit a final plat that is fully dimensioned and indicate the square footage of all lots and tracts. Plat notes shall state the ownership and maintenance responsibilities of all tracts. (Planning/ES)

**36.32.34.** Provide a street tree fee of \$200.00 for the city to plant one street for the loss of one street tree identified to the plan. (Planning/ES)

**C. Prior to building permit issuance for a new home, the applicant shall:**

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

**38.33.** Have recorded the final plat with the County Surveyor and submitted a copy to the City. (Site Development Div./JJD)

**39.34.** Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)

**40.35.** Submit plans that reflect the minimum finish floor elevations determined and shown on the approved site development plans based on **service provision needs and whichever of the following three is highest in elevation: 1)** at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; **2)** two feet higher than the rim/overflow of the LIDA planters; and **3)** as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. (Site Development Div./JJD)

**41.36.** Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at site development permit issuance. (Site Development Div./JJD)

**42.37.** Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

**43.38.** Ensure plans for dwellings constructed **onto** Lots **2 and 3** show protection with an approved automatic fire sprinkler system. (Planning/ES / TVF&R / JF)

\*Note: Changes in **red** below have been made in response to the revised 2 lot proposal.

~~44.39. Ensure new home construction complies with R-5 zone standards for height and setbacks, **except where approved for modification by Flexible Setback application.** (Planning/ES)~~

~~45.40. Construct a low split rail type fence for purpose of delineating the boundary between Tract B and Lot No. 3. (Planning/ES)~~

~~46.41. Provide a paper copy of the recorded partition to the City of Beaverton Building Division. (Building Div./BR)~~

**D. Prior to final inspection of any building permit, the applicant shall:**

~~47.42. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the new house frontage and any the existing house frontage. (Site Development Div./JJD)~~

~~48.43. Have the landscaping completely installed, have the storm facilities planted, or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)~~

~~49.44. Have shrubs removed along the street frontage of SW 155th Avenue to the satisfaction of the City Transportation Engineer to ensure appropriate vision clearance at the existing access. (Planning/ES & KR).~~

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

~~50.45. 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)~~

~~51.46. Submit, if needed, any required on-site easements not already dedicated on the plat, 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)~~

\*Note: Changes in **red** below have been made in response to the revised 2 lot proposal.

**52.47.** 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/replacement of the vegetation and restoration of full function within the private surface water management facility areas and CWS-vegetated corridor, as determined by the City Engineer. If the plants are not well established or any of the facilities not properly functioning (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./JJD)