

**CITY OF BEAVERTON  
LAND USE REVIEW APPLICATION FOR:**

**A 9 Lot Subdivision, “Southridge  
Park”; a Sidewalk Modification; a  
Minor Adjustment to Vary Minimum  
Lot Sizes by 10%; a Flexible Setback  
Application; & a Tree Plan II**

**Tax Lot 1S1 28AB 14600**

**August 28, 2019**

**Revised December 19th, 2019**

**Revised January 20<sup>th</sup>, 2020**

**APPLICANT:**

Riverside Homes  
17933 NW Evergreen Place, Suite 370  
Beaverton, OR 97006  
Contact: Niki Munson  
Phone: (503) 645-0986

**OWNER:**

Ray & Tamiko Hoy  
13335 SW Davies Road  
Beaverton, OR 97008

**APPLICANT’S REPRESENTATIVE:**

Pioneer Design Group, Inc., Planning, Surveying, Civil Engineering  
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## **FACT SHEET**

**Project Name:** Southridge Park

**Proposed Action:** **A 9 Lot Subdivision; a Sidewalk Modification; a Minor Adjustment to Vary Minimum Lot Sizes by 10%; a Flexible Setback Application; & a Tree Plan II**

**Tax Map/Lots:** Tax Lot 14600, Map 1S1 28AB (Lot 1 Partition 2006-032)

**Site Size:** Approximately 1.24 acres, or 53,901 square feet

**Location:** 13335 SW Davies Road

**Comp Plan - Zoning:** Standard Density - R-5

**NAC:** South Beaverton

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## **GENERAL INFORMATION & PROJECT DESCRIPTION**

This application for a 9-Lot Subdivision is submitted on behalf of Riverside Homes, contract purchaser of Tax Lot 14600, 1S1 28AB, also identified as Lot 1 of Partition 2006-032, and located at 13335 SW Davies Road, Beaverton, 97008. The total area of Tax Lot 14600 is 1.24 acres, or 53,901 square feet.

The property is designated Standard Density in the Comprehensive Plan and is zoned residential (R5). The site is currently improved with a residential dwelling located adjacent to SW Davies Road, with a number of accessory structures scattered around the remainder of the property. All existing structures will be removed to accommodate the proposed subdivision.

The property has previously been investigated for development feasibility several times, with pre-application conference notes for PA 2015-0074 and PA 2018-0042 included with the application. The notes for PA 2015-0074 show an acceptable alternate layout with no through street connection required, with no evidence in the record of any objections raised at the time by City staff to the layout. Similarly, Meadow Way Park was approved and developed by the City without need to provide for the through street connection, or even dedication of corner radii to facilitate a relocated extension, despite the fact that the alignment of SW 133<sup>rd</sup> Avenue was previously planned to continue through the park property, as shown on As-Built plans submitted as part of the Speers Meadow development (See Historical Details tab). As-Built plans for Speers Meadow show the intention for the through street to be developed as a T-intersection, clearly showing curb returns on the east side of the SW 133<sup>rd</sup> Avenue stub to the future Meadow Way Park, and standard straight curb along the subject site to the west. Further evidence of the intention for the street to continue through the park property is seen in historical photographs from Google Maps, dated September 2007 (See Historical Details tab), which clearly show curb returns on the east side of the SW 133<sup>rd</sup> Avenue stub to the future Meadow Way Park, consistent with the Speers Meadow as-built plans.

Pursuant to Section 60.55.25.4 of the City of Beaverton Community Development Code, *Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.* The applicant is not aware of why compliance with this section of the Code was not required by the City at that time, however plainly the through extension of SW 133<sup>rd</sup> Avenue should properly have been required at the time of the approval of Meadow Way Park.

Subsequent to PA 2015-0074, and prior to PA 2018-0042, City staff indicated to the applicant that they desired to see SW 133<sup>rd</sup> Avenue extend to SW Davies Road to the south. In order to cooperate with the City's request, the applicant revised the designs seen in PA 2015-0074 to include the extension of SW 133<sup>rd</sup> Avenue within a reduced 21.5-foot-wide right-of way, in order to provide for the extension while preserving the developability of the subject site. City staff indicated it was their preference that the extension be built to a 20-foot width within the reduced right-of-way, and be dedicated as a public, rather than private, street.

As a result of the lack of any provision for the extension of SW 133<sup>rd</sup> Avenue as part of the park development, any future centerline of the extension is shifted to the west, the result of which is that all right-of-way dedication and proposed easements for the extension will come from the subject tax lot, including both sides of the pavement improvements, curb and gutter sections, and management of stormwater runoff.. Typically, improvements beyond centerline would be required from each property adjoining the roadway extension, however in this case the responsibility, cost, and land area for all improvements falls on the applicant. In order to determine the approximate impact on the subject property of the westward shift of the road centerline described above, the applicant has provided an Alternate Alignment Exhibit, which shows the subject property and Meadow Way Park configuration if both properties were to share the burden of public improvements, based on the existing off-set centerlines of SW 133<sup>rd</sup> Avenue. As shown, the required street extension results in the applicant having to dedicate at least an additional 4,211 square feet (82% of a 5,200 square foot lot), based solely on the lack of right-of-way dedication and improvements along the Meadow Way Park frontage.

As identified above, the extension of SW 133<sup>rd</sup> Avenue creates an additional burden on the property over and above what would normally be anticipated. As such, the applicant inquired as to the possibility of making fee-in-lieu payments for the management of onsite stormwater. Consistent with this, Development Engineering comments for PA 2018-0042 state *“For onsite water treatment and detention, the City will accept fee-in-lieu.”* Following the adoption of Clean Water Services Hydromodification standards, the applicant attempted to clarify the allowance for payment of fee-in-lieu, asking City staff in an email dated Friday, May 31, 2019 (see Fee-in-Lieu tab) *“...to confirm the allowance of fee-in-lieu payment for onsite water treatment and detention was still applicable given the newly adopted CWS standards. When you have a moment, could you take another look at my question with City staff. It could potentially have a substantial impact on the layout of the site.”* The response received, also dated Friday, May 31, 2019 confirmed that *“The city will still accept a fee-in-lieu for onsite storm water treatment and detention. The new CWS standards will not change this.”*

Subsequent to submitting the application, City staff appear to have revisited their position on fee-in-lieu payments. On September 20, 2019, the applicant received notice that the land use application submittal for Southridge Park was incomplete. Included as a completeness item was compliance with evidence of compliance with CWS Hydro-modification standards, with a requirement that the applicant *“Address how the storm water management approaches satisfy CWS hydromodification requirements”*. Further, in an email dated Thursday, October 3<sup>rd</sup>, 2019, City staff stated that *“The new CWS hydromodification standard is more restrictive on what developments qualify for a fee-in-lieu. This requirement is separate from quantity and quality requirements. Even if the project meets fee-in-lieu requirements for treatment and detention, it still has to meet the hydromodification criteria.”*

Accordingly, in order to allow the application to progress, the applicant is resubmitting this application containing all of the required information as outlined within the September 20, 2019 incompleteness letter, including additional stormwater management facilities designed in order to provide full hydromodification compliance, regardless of their practicality or impact on the development. However, as detailed within the cover letter from Mike Robinson, Schwabe, Williamson & Wyatt, dated 12/18/2019 and attached Memorandum dated 12/16/2019, the applicant continues to request approval of a fee-in-lieu approach for lots within the development.

## VICINITY & SITE INFORMATION

### Site Location

This property is located north of SW Davies Road and west of SW 133<sup>rd</sup> Avenue at SW Bluebell Lane, immediately west of THPRD's Meadow Way Park.

### Existing Uses

The site is currently improved with two residential dwellings located adjacent to SW Davies Road, with a number of accessory structures scattered around the remainder of the property. All existing structures will be removed to accommodate the proposed subdivision.

### Topography

The topography of the site slopes downhill from west to east, with the south portion of the site flowing southeast towards SW Davies Road and the north half of the site flowing northeast towards SW Bluebell Lane. Grades throughout the property range from 3-10% with a high point approximately 303 feet at the western boundary to relative low points near the northeastern corner at approximately 293 feet and at the southeastern corner at approximately 292 feet.

### Vegetation

The site does not include any Significant Individual Trees, Historic Trees, Significant Natural Resource Areas, Significant Groves, or wetlands. The existing trees are scattered across the site, primarily near property boundaries. In all, 29 trees measuring 5-inches and larger in diameter were assessed with 15 different species present, including Douglas-fir, sweetgum, western red cedar, and Norway maple. No other tree species is represented by more than one specimen.

### Surrounding Land Uses

This property is situated in a relatively well developed urban residential neighborhood, with various sized lots. The surrounding lands are zoned as follows:

North	R-5; Speer's Meadow
South across Davies Rd	R-7; Juanita
West	R-7; remnant lots of Fruitful Lands
North West	R-5; Lantana Meadows No. 2, & remnant lots of Fruitful Lands
East	R-5; Meadow Way Park

### Transportation

The site abuts SW Davies Road to the south and SW 133rd Avenue at SW Bluebell Lane to the northeast. SW Davies Road is classified as a Neighborhood Route. SW 133rd Avenue and SW Bluebell Lane are both classified as local streets by the City of Beaverton.

The existing right-of-way for SW Davies Road is 55 feet along the site frontage, with existing records showing a 30-foot centerline section. The City's NR1 standard calls for a 60-foot right-of-way, or 30-foot centerline section. Therefore, no additional right-of-way will be required to be dedicated with the recording of the Plat.

SW 133rd Avenue and SW Bluebell Lane both have an existing 46-foot right-of-way. The extension of SW 133rd Avenue through the proposed development will be reduced to a 21.5-foot right-of-way, with a 20-foot paved surface meeting the City L3 Local Street standard. Improvements to the west side of the extension of SW 133<sup>rd</sup> Avenue will include planter strips/LIDA facilities and sidewalk. The extension will carry the street to the south property line and will intersect with SW Davies Road.

There is no direct Tri Met transit service adjacent to the site. The closest Tri Met bus routes include:

- #52, which runs on SW Farmington Road;
- #62, which runs on SW Murray Blvd. and SW Scholls Ferry Road;
- #76 & 78, which runs on Hall Blvd.; and
- #88, which runs on SE Hart & SW 170th Avenue.

### Utilities

Within SW Davies Road and SW 133rd Avenue, there is sanitary sewer, storm sewer, and water service all available and adequate to serve the proposed 9 lots. These services will be extended within the through connection of SE 133rd Avenue.

The Storm drainage system will connect with the existing system in Davies Road and SW 133rd Avenue, given the site sheds to both the north and the south from a high point in the approximate center. In street LIDA facilities will be provided within the SW 133<sup>rd</sup> Avenue extension and SW Davies Road, consistent with City and CWS standards, including required detention. As requested by the City, stormwater facilities are also being shown in the north eastern corner of the site, and along SW Davies Road, approximately 195 feet east of the property. A Storm Drainage Report has been prepared and attached with the application documents.

### **PROJECT SUMMARY**

The proposed project is a residential subdivision creating 9 lots for single-family detached homes. The accessory buildings will be removed. The lots range in size from 4,566 square feet (Lot 6) to 6,014 square feet (Lot 3), with an average lot size of 5,211 square feet. The proposed plat name is Southridge Park.

This subdivision is concurrently linked with applications for: Sidewalk Modification (located within an easement; no sidewalk on east side due to THPTD trail location); Tree Plan Two; a Flexible Setback Application (15' rear yard setback for Lots 1-3 and 6-9); and a Minor Adjustment to vary minimum lot sizes by 10%.

## CONCURRENT APPLICATION 1: 9-LOT SUBDIVISION

### APPLICABLE DEVELOPMENT CODE CRITERIA

#### 40.45. LAND DIVISION AND RECONFIGURATION [ORD 4487; August 2008]

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

40.45.10. *Applicability.* The provisions of this section apply to all subdivisions, partitions, developments involving the dedications of public right-of-way, and the reconfiguration of existing property lines. Code requirements for the vacation of public rights-of-way are in Section 40.75. (Street Vacations).

40.45.15. *Application.* There are nine (9) types of applications under this Section, as follows: Property Line Adjustment; Replat One; Replat Two; Preliminary Partition; Preliminary Subdivision; Preliminary Fee Ownership Partition; Preliminary Fee Ownership Subdivision; Final Land Division; and Expedited Land Division. [ORD 4584; June 2012]

#### 5. Preliminary Subdivision.

- A. *Threshold.* 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. [ORD 4487; August 2008]
- B. *Procedure Type.* The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Preliminary Subdivision. The decision making authority is the Director.

**RESPONSE:** The subject property is zoned R5. The applicant is proposing a 9-Lot subdivision, which will be reviewed under the Type 2 procedure.

- 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. [ORD 4584; June 2012]

**RESPONSE:** As determined above, with 9 proposed lots, this application satisfies the Threshold for a Preliminary Subdivision.

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

**RESPONSE:** The applicant has included the required fees at the time of submittal for this preliminary subdivision.

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.*

**RESPONSE:** As far as the applicant is aware, and based on City comments at the Pre-application Conference, this proposed subdivision does not conflict with any existing City approval. The applicant has designed the proposed development consistent with City standards, as modified through the minor revision, flexible setbacks, and sidewalk design modification requests.

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. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot. [ORD 4584; June 2012]*

**RESPONSE:** There are no over-sized lots proposed that would be capable of further division under the R-5 standards. The proposed street plan provides for adequate access to the proposed lots, as determined at the Pre-application Conference. The Preliminary Plat provides for the logical extension of the street through the property, and provides the appropriate easements.

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.*

**RESPONSE:** No phasing is proposed. All 9 lots will be developed concurrently.

6. *Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following: [ORD 4584; June 2012]*
  - 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. [ORD 4584; June 2012]*



**RESPONSE:** The proposed project is a residential subdivision creating 9 lots for single-family detached homes on less than 2 acres.

The applicant is not proposing to apply the lot area averaging standards, as allowed by Section 20.05.15.D, which sets the minimum lot size at 4,500 square feet. Per sub-6.b) above, the proposed extension of SW 133rd Avenue does not provide a standard street cross section with sidewalk on both sides, and a sidewalk in an easement, therefore compliance with Section 20.05.15.D is not met, and lot averaging cannot be applied. As such, the applicant is requesting a 10% reduction of the minimum lot size through the Minor Adjustment process.

7. *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. [ORD 4584; June 2012]*

**RESPONSE:** The applicant is not proposing to apply the lot area averaging standards. Therefore, this criterion is not applicable and a Minor Adjustment for lot size is necessary, as addressed later herein.

8. *The proposal does not create a lot which will have more than one (1) zoning designation. [ORD 4584; June 2012]*

**RESPONSE:** The property is within a single R-5 zoning district. Therefore, this criterion is not applicable.

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

**RESPONSE:** This application provides all documents related to the request, including any that requiring further City approval, and is submitted to the City in the proper sequence. The City's Completeness Review will confirm compliance with this criterion.

#### *D. Submission Requirements.*

1. *An application for a Preliminary Subdivision shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. Provided, however, where the application is made in conjunction with a Legal Lot Determination under Section 40.47., the City may consider the application even if fewer than all the owners of the existing legal lot or parcel have applied for the approval. The Preliminary Subdivision application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.*
2. *The Director may consider and act upon a request to develop a subdivision in phases. If the subdivision is to be phased, the applicant shall propose a phasing program in writing at the time of Preliminary Subdivision application submittal.*

*The applicant is responsible for providing a time schedule for the final platting of the various phases. In no case shall the total time period for the final platting of all stages be greater than five (5) years without filing a new Preliminary Subdivision application. [ORD 4487; August 2008]*

**RESPONSE:** This application for this Preliminary Subdivision has been authorized by and submitted on behalf of the owner of the subject property. The application is made on a form provided by the Director, which has been properly filed with the Director.

This application does not involve a phased development. Therefore, these two criteria are met.

*E. Conditions of Approval. The decision-making authority may impose conditions on the approval of a Preliminary Subdivision application to ensure compliance with the approval criteria.*

**RESPONSE:** The applicant understands that Conditions may be imposed, and retains the right to comment on any such Conditions once they are proposed.

*G. Expiration of a Decision. Refer to Section 50.90. Except where a phasing program is approved under Section 40.45.15.4.C.7., the filing of a Final Land Division application in accordance with Section 40.45.15.7. shall occur within two (2) years of the date of Preliminary Subdivision approval. For a phased project, the total time period for the filing of a final plat, shall not exceed five (5) years from the date of the City's final Preliminary Subdivision Approval decision. After five (5) years, unless otherwise vested, the preliminary approval shall expire. [ORD 4265; October 2003] [ORD 4487; August 2008]*

**RESPONSE:** The applicant understands the expiration provisions and the requirements and procedures for Final Plat approval.

### **CONCLUSION – Subdivision**

Based on the findings provided above and the supporting preliminary plan set, the applicant has demonstrated compliance with the applicable subdivision approval criteria.

## CONCURRENT APPLICATION 2: SIDEWALK DESIGN MODIFICATION

### 40.58. SIDEWALK DESIGN MODIFICATION

*40.58.05. Purpose. The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.*

*40.58.10. Applicability. The Sidewalk Design Modification application shall be applicable to all streets in the City.*

**RESPONSE:** Based on the requirements noted at the pre-application conference and subsequent summary, due to the shallow depth of the property and the absence of any existing right-of-way improvements on the east side of the parcel adjacent to Meadow Waye Park, the applicant is proposing a 21.5-foot right-of-way for the extension of SW 133<sup>rd</sup> Avenue through the development, with a standard curb on the on both sides. A 4.5-foot planter strip including roadside LIDA is proposed behind the curb face, followed by a standard width sidewalk. The sidewalk and LIDA facilities are proposed to be located within easements over the front of each lot. Therefore, a sidewalk modification is required.

It is also noted that no sidewalk is proposed adjoining the east side of the street, as the sidewalk is duplicated by the immediately adjacent publicly accessible pedestrian path within Meadow Waye Park, which will be separated from the back of curb by an existing vegetated area, and already connects SW Davies Road with SW 133<sup>rd</sup> Place.

*40.58.15. Application. There is a single Sidewalk Design Modification application which is subject to the following requirements.*

- A. Threshold. An application for Sidewalk Design Modification shall be required when one of the following thresholds applies:*
  - 1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.*
  - 2. The dimensions or locations of street tree wells specified in the Engineering Design Manual are proposed to be modified.*
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35. of this Code, shall apply to an application for Sidewalk Design Modification. The decision making authority is the Director.*

**RESPONSE:** The proposed 5-foot-wide sidewalk along the west side of the extension of SW 133<sup>rd</sup> Avenue is located behind a planter strip, however the planter strip will typically contain

roadside LIDA facilities, which may necessitate a modification of street tree planting standards, and both the sidewalk and planter strip will be located within easements on the lots. Further, no sidewalk or City standard planter strip are proposed on the east side of the street. Therefore, a Sidewalk Design Modification is required as a Type I procedure. The application is consolidated with the Type II subdivision application.

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

*1. The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.*

**RESPONSE:** As addressed above, this proposal satisfies the threshold requirements in sub-A.1 for a Sidewalk Design Modification application. This criterion is met.

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

**RESPONSE:** The applicant has submitted the stipulated application fee. This criterion is met.

*3. One or more of the following criteria are satisfied:*

*a. That there exist local topographic conditions, which would result in any of the following:*

- i. A sidewalk that is located above or below the top surface of a finished curb.*
- ii. A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.*

**RESPONSE:** Topography is not an issue related to this request. The basis for the modification is the need for a narrow street, because the property lacks sufficient depth for a full standard local street in the absence of any public street improvements being provided along the shared boundary of Meadow Waye Park. The proposed design relies upon the L3 standard, modified to place the planter strip and sidewalk on the west side of the street.

*b. That there exist local physical conditions such as:*

- i. An existing structure prevents the construction of a standard sidewalk.*
- ii. An existing utility device prevents the construction of a standard sidewalk.*
- iii. Rock outcroppings prevent the construction of a standard sidewalk without blasting.*

**RESPONSE:** None of these physical conditions apply to this request.

- c. *That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.*

**RESPONSE:** There are no existing environmental conditions associated with this request.

- d. *That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.*

**RESPONSE:** This parcel, Tax Lot 14600, was created by a prior land partition 2006-032, which created the parcel for the adjacent Meadow Way Park. The partition established a 30-foot-wide utility easement over the western edge of the park, but did not provide any dedication of right-of-way for the construction of the extension of SW 133<sup>rd</sup> Avenue. As such, any future centerline of the extension was shifted to the west, the result of which is that now that the City has requested a through street connection, all right-of-way dedication and proposed easements for the extension will come from the subject tax lot, including both sides of the pavement improvements and curb and gutter sections. Typically, improvements beyond centerline would be required from each property adjoining the roadway extension, however in this case the responsibility, cost, and land area for all improvements falls on the applicant, as the adjoining property is not otherwise controlled by the applicant. Further, adequate corner radius was not accommodated in the planning of the park and its improvements. Accordingly, to limit the amount of additional right-of-way required from the subject property, the applicant requests approval for roadside LIDA facilities in the planter strips, sidewalk and planter strips on the west side of the street in easements over the lots, and no sidewalk on the east side of the street, where the existing THPRD pedestrian pathway will serve this purpose. Approval of the request allows the applicant to maintain a lotting pattern which most efficiently uses the available land area, preserves the number of homes directly facing onto the street and adjacent park as much as possible, while still providing the required public facilities and through connectivity.

In order to determine the approximate impact on the subject property of the westward shift of the road centerline described above, the applicant has provided an Alternate Alignment Exhibit, which shows the subject property and Meadow Way Park configuration if both properties were to share the burden of public improvements, based on the existing off-set centerlines of SW 133<sup>rd</sup> Avenue. As shown, the required street extension results in the applicant having to dedicate an additional 4,211 square feet (82% of a 5,200 square foot lot), based solely on the lack of right-of-way dedication and improvements along the Meadow Way Park frontage. Allowance for the sidewalk and planter strip to be located in easements provides the applicant with the ability to regain that lost land area, and develop a through connection now desired by City staff in a manner that does not improperly restrict the development of the land beyond what would otherwise be roughly proportional to the impact of the development, which otherwise does not need the public through street to develop and provide access to the lots.

Further, it is noted that as-built plans in City records submitted as part of the Speers Meadow development, show what was considered the most practicable alignment for the extension of SW 133<sup>rd</sup> Avenue south to SW Davies Road. It is notable that due to the design and construction of park improvements, which made no allowance or provision for the through street connection, the

future development plan (also included in the Alternate Alignment Tab) is no longer able to be constructed as shown.

4. *The proposal complies with provisions of Section 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements) and 60.55.30 (Minimum Street Widths).*

**RESPONSE:** The proposed street and sidewalk design complies with the connectivity requirements of 60.55.25, with a 5-foot wide sidewalk located behind planter strips, and the standards of 60.55.30 including a 20-foot wide paved surface to a City L3 standard, as addressed herein.

5. *Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.*

**RESPONSE:** This modification is a concurrent application, and all applications and documents related to the request requiring further City approval have been submitted to the City in the proper sequence. This criterion is met.

6. *The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.*

**RESPONSE:** The proposed sidewalk design maintains the standard 5-foot sidewalk behind a protective planter strip. The sidewalk will be extended through the development to connect with SW Davies Road, and thereby provides safe and efficient pedestrian circulation in the site vicinity, particularly given the existing meandering THPRD pathway on the east side. This criterion is met.

- D. *Submission Requirements. An application for a Sidewalk Design Modification shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Sidewalk Design Modification application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.*

**RESPONSE:** This application is made by the owner's authorized agent, on the form provided by the Director. This criterion is met.

- E. *Conditions of Approval. The decision making authority may impose conditions on the approval of a Sidewalk Design Modification application to ensure compliance with the approval criteria.*

**RESPONSE:** The applicant understands that conditions may be attached, and reserves the right to comment on any such conditions.

## **CONCLUSION – Sidewalk Modification**

Based on the findings presented herein, and supported by the street design plans, the applicant has demonstrated compliance with the applicable approval criteria.

## CONCURRENT APPLICATION 3: MINOR ADJUSTMENT

### 40.10. ADJUSTMENT

*40.10.05. Purpose. The purpose of an Adjustment application is to provide a mechanism by which certain regulations in the Development Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein. [ORD 4584; June 2012]*

*40.10.10. Applicability. An Adjustment may be requested only for numerical Site Development Requirements contained in Chapter 20 (Land Uses), the grading standards contained in Chapter 60 (Special Requirements), Section 60.15.10, or the numerical standards identified in Food Cart Pod Regulations contained in 60.11 (Food Cart Pod Regulations). [ORD 4397; August 2006] [ORD 4697; December 2016]*

**RESPONSE:** The applicant is requesting a Minor Adjustment to reduce the minimum lot size by 10% from 5,000 to 4,500 square feet, as this development does not qualify for lot averaging as previously addressed herein.

*40.10.15. Application. There are Two (2) Adjustment applications which are as follows: Minor Adjustment, Major Adjustment. [ORD 4397; August 2006]*

#### *1. Minor Adjustment.*

*A. Threshold. An application for Minor Adjustment shall be required when one or more of the following thresholds apply:*

- 1. Involves up to and including a 10% adjustment from the numerical Site Development Requirements specified in Chapter 20 (Land Uses). This threshold does not apply where credits have been earned for height increase through Habitat Friendly Development Practices, as described Section 60.12.40.4., .5., .6., and .7. [ORD 4531; April 2010]*
- 2. Involves up to and including a 10% adjustment from the numerical Development Standards for Grading specified in Section 60.15.10. (Land Division Grading Standards) of this Code. [ORD 4397; August 2006]*
- 3. Involves up to and including a 10% adjustment from the numerical Food Cart Pod standards specified in Section 60.11.10 and 60.11.15 of this Code. [ORD 4662; September 2015]*

**RESPONSE:** The applicant is requesting a 10% adjustment in the minimum lot size from 5,000 to 4,500 square feet. As currently proposed, the minimum lot size within the development is 4,566 square feet, with an average lot size of approximately 5,211 square feet. Four of the proposed lots will have a minimum lot size of less than 5,000 square feet. Therefore, threshold A.1. is met.

C. *Approval Criteria. In order to approve a Minor Adjustment 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 proposal satisfies the threshold requirements for a Minor Adjustment application.*

**RESPONSE:** The applicant is requesting a 10% adjustment in the minimum lot size from 5,000 square feet to 4,500 square feet. Therefore threshold A.1. is met.

2. *The application complies with all applicable submittal requirements as specified in Section 50.25.1. and includes all applicable City application fees.*

**RESPONSE:** As demonstrated herein, the application complies with all applicable submittal requirements, per 50.25.1 and includes all applicable application fees. Compliance with this criterion is confirmed through the City's complete application review process.

3. *Special conditions or circumstances exist on the site that make it physically difficult or impossible to meet the applicable development standard for an otherwise acceptable proposal.*

**RESPONSE:** As described previously, this property (Parcel 1) was created by a prior land partition (2006-032) which created the one-acre parcel (Parcel 2) for Meadow Way Park. The remaining lot width (east/west) for Parcel 1 is 161.35 feet, while the depth (north/south) is 221.40 feet. Within this remaining lot configuration, the applicant is required to extend the entire cross section of SW 133<sup>rd</sup> Avenue from SW Bluebell Lane to SW Davies Road, with the exception of the sidewalk on the east side of the street, due to the fact that no right-of-way or public improvements were required at the time of the park's construction. The requirement to construct the full street width can be considered a "special circumstance" which supports a minor adjustment to the minimum lot area.

The applicant has provided an Alternate Alignment Exhibit, which shows a typical street configuration if both properties were to share the burden of extending the public street, based on the existing off-set centerlines of SW 133<sup>rd</sup> Avenue and continuing the existing street section. As shown, the required street extension results in the applicant having to dedicate an additional 4,211 square feet, based solely on the lack of right-of-way dedication and improvements along the Meadow Way Park frontage. Were the appropriate amount of Right-of-Way dedication required as part of the park development, the site would have been able to be developed logically to permitted densities, without the need for the Minor Adjustment.

Further, as previously described, As-Built plans in City records submitted as part of the Speers Meadow development show what was considered the most a practicable alignment for the extension of SW 133<sup>rd</sup> Avenue south to SW Davies Road. It is notable that due to the design and construction of park improvements, which made no allowance or provision for the through street connection, and the fact that the City did not require the park district to accommodate the logical connection of the through street, the future development plan (also included in the Alternate Alignment Tab) is no longer able to be constructed as shown.



Despite the special circumstance identified above, the applicant has committed to develop the site utilizing pedestrian friendly design, creating as many lot frontages along the SW 133<sup>rd</sup> Avenue extension as possible, in order to provide “eyes on the street” adjacent to the park, and a varied and interesting street scape through the use of front facades rather than side facades. If required to meet the 5,000 square foot minimum lot size while retaining a pedestrian oriented lot configuration, at 140 feet deep lot widths would be required to range from 36-40 feet for 8-9 lots, from the currently proposed 40-50 feet, requiring additional adjustments/variances over and above those proposed. Such lots would be difficult to develop efficiently with desirable housing designs due to their relatively long, skinny nature, oversized rear yards, and reduced off-street parking due to the narrower lot widths, and would be less consistent with the purpose of the district. Avoiding such long narrow lots would require a reconfiguration to all north-south lots, with only 3 units fronting to the park (rather than the 6 currently proposed), additional private streets, and/or increased access points to SW Davies Road.

Based on the above, the applicant believes the minor adjustment to minimum lot areas to be justified by existing special conditions on the site that make it physically difficult to meet the applicable development standard for an otherwise acceptable proposal.

4. *The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.*

**RESPONSE:** The prior partition was not the result of actions by the applicant, and was driven by the desired parcel configuration of the park district. The special circumstances associated with this property, being the lack of improvements adjacent to the park and required street construction, make efficient development of the site difficult to achieve in a manner that provides a pedestrian oriented streetscape. It is noted that the difficulty primarily arises as the City of Beaverton Comprehensive Plan does not specifically require the extension of SW 133<sup>rd</sup> Avenue, but rather the connection is desired by City of Beaverton Transportation Planning staff, as indicated in Pre-Application Conference PA2018-0042 summary notes. Previous Pre-Application Conference notes for PA 2015-0074 show an acceptable alternate layout with no through street connection. Similarly, Meadow Way Park was able to be approved and developed without need to provide for the through street connection, demonstrating the feasibility of the earlier design. However, while such a development pattern remains possible it does not provide the through connection desired by the City, which will ultimately benefit park users and neighboring residents. Accordingly, rather than the actions of the applicant, the special circumstances were the result of the actions of the City and Park District. Therefore, this criterion is met.

5. *Granting the adjustment as part of the overall proposal will not obstruct pedestrian or vehicular movement.*

**RESPONSE:** Granting this adjustment will not obstruct pedestrian or vehicular access. The preliminary plat provides for the logical extension of SW 133<sup>rd</sup> through the property to intersect with SW Davies Road. This street extension enhances pedestrian and vehicular access, including additional access to Meadow Way Park. Therefore, this criterion is met.

6. *City designated significant trees and/or historic resources, if present, will be preserved.*

**RESPONSE:** There are no City designated significant trees and/or historic resources associated with this property. This criterion is not applicable.

7. *If more than one adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a proposal which is still consistent with the overall purpose of the applicable zoning district.*

**RESPONSE:** The lot size and flexible setback options are the only adjustments being requested. The effect of this adjustment results in a proposal which maintains consistency with the overall purpose of the applicable R-5 zoning district. The adjustment will not allow for increased density above that already permitted, and will maintain an average lot size of approximately 5,211 square feet, which is within the anticipated range for the zone. The flexible setback option requests a reduction in the rear yards of Lots 1 – 3 and 6 – 9. However, of the 7 lots, only the rear yards of 3 lots (1 – 3) directly abut the yards of neighboring dwellings. The ability to reduce the rear yard setback for the stated lots from 20 feet to 15 feet is consistent with other similar development standards within the region for densities in this range, and is expected to remain consistent with the purpose of the R5 District, which is to provide for standard density development. Therefore, this criterion is met.

8. *Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.*

**RESPONSE:** The 10% reduction in lot size is the minimum necessary to allow the logical, efficient, and pedestrian friendly streetscape proposed, particularly given the existing and regulatory constraints posed on the site. Therefore, this criterion is met.

9. *The proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.*

**RESPONSE:** In part, the adjustment facilitates connectivity through the provision of a public street along the west side of Meadow Way Park. In doing so, the adjustment provides the ability to orient a larger proportion of the lots facing Meadow Way Park, which serves to create an improved pedestrian streetscape, and the desired “eyes on the park” development, in turn activating the park edge.

This favorable site design provides public benefit to compensate for the reduction in minimum lot size for 4 of the 9 lots, as described above.

10. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions are modified by means of one or more Adjustment, Variance, Planned Unit Development applications that already have been approved or are considered concurrently with the subject proposal.*

**RESPONSE:** As addressed below herein, this proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) except as modified by this Adjustment and a Flexible Setback Application, which are submitted concurrently with this application. Therefore, this criterion is met.

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

**RESPONSE:** As demonstrated herein and with supporting plans, this proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements). All required improvements and dedications are provided. Therefore, this criterion is met.

*12. 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.*

**RESPONSE:** Other than the proposed flag lot access to Lots 1, 2, and 3, for which ownership, access, and maintenance will be addressed through the recording of easements with plat recordation, no common privately-owned facilities are proposed. This criterion is not applicable.

*13. The proposal does not include any lot area averaging as specified in Section 20.05.50.1.B. or include any lot dimension reductions as specified in Sections 20.05.50.2.A.2. and .4. or 20.05.50.2.B.2. and .4. [ORD 4487; August 2008] [ORD 4498; January 2009]*

**RESPONSE:** This proposal does not include any lot area averaging, or include any additional lot dimension reductions. Therefore, this criterion is met.

## **CONCLUSION – Minor Adjustment**

Based on the findings presented herein and the supporting plans the applicant has demonstrated compliance with the applicable approval criteria.

## CONCURRENT APPLICATION 4: FLEXIBLE SETBACKS

### 40.30. FLEXIBLE AND ZERO YARD SETBACKS

#### 40.30.05. Purpose.

*The purpose of flexible and zero yard setbacks is to encourage flexibility in building design and layout, while providing for open space, adequate light, air, and safety. It is also recognized that a reduction in the setback standards may create compatibility problems for surrounding properties. The following provisions allow flexible setbacks in a manner which is appropriate given the unique character of the property involved and the surrounding area. This Section is carried out by the approval criteria listed herein.*

#### 40.30.10. Applicability.

*Development on a lot of record in Residential, Commercial, Industrial, and Multiple Use zoning districts may request approval of the flexible or zero setback provisions of this section.*

**RESPONSE:** The applicant is requesting flexible setbacks to reduce the rear yard setback for Lots 1 – 3 and Lots 6 – 9 from 20 feet to 15 feet, in response to the unique characteristics of the site, as described herein.

#### 40.30.15. Application. [ORD 4584; June 2012]

*There are five (5) Flexible and Zero Yard Setback applications which are as follows: Flexible Setback for Individual Lot With Endorsement; Flexible Setback for Individual Lot Without Endorsement; Flexible Setback for a Proposed Land Division; Zero Side or Zero Rear Yard Setback for a Proposed Land Division in Residential Districts; and Zero Side Yard Setback for a Proposed Land Division in the Commercial, Industrial, or Multiple Use Districts.*

**RESPONSE:** The applicant is requesting flexible rear yard setbacks for Lots 1 – 3 and Lots 6 – 9 under the Flexible Setback for a Proposed Land Division provision above.

### 3. Flexible Setback for a Proposed Residential Land Division.

#### A. Threshold. An application for Flexible Setback for a Proposed Residential Land Division shall be required when the following threshold applies:

1. *The property is located within a Residential zoning district and this application is accompanied by a land division application for the subject property.*

**RESPONSE:** The subject site is located within a Standard Density Neighborhood within the City of Beaverton Comprehensive Plan, with an overall residential zoning of R5 (Residential

Urban Standard Density District (5,000)). The application is submitted as part of a consolidated request for a 9-Lot Subdivision “Southridge Park”.

- B. Procedure Type. The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Flexible Setback for a Proposed Residential Land Division and shall be considered concurrently with the proposed land division. The decision making authority is the Director. [ORD 4473; March 2008]*

**RESPONSE:** This application is submitted as part of a consolidated Type II request for a 9-Lot Subdivision “Southridge Park”. The applicant understands the decision maker is the Director.

- C. Approval Criteria. In order to approve a Flexible Setback for a Proposed Residential Land Division 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 proposal satisfies the threshold requirements for a Flexible Setback for a Proposed Residential Land Division application.*

**RESPONSE:** The subject site is located within the R5 zoning district (Residential Urban Standard Density District (5,000)). The application is submitted as part of a consolidated request for a 9-Lot Subdivision “Southridge Park”. Therefore threshold 40.30.15.3.A.1 is met.

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

**RESPONSE:** The applicant has submitted the stipulated application fee. This criterion is met.

- 3. The proposal is compatible with the surrounding area regarding topography, vegetation, building character, and site design. In determining compatibility, consideration shall be given to harmony in: scale, bulk, lot coverage, density, rooflines, and building materials. [ORD 4473; March 2008]*

**RESPONSE:** The subject site is an infill residential property typical of those found in the City of Beaverton and Unincorporated Washington County. The site is relatively flat with a break in relief in the middle of the lot, therefore drainage will be towards the north and south. Homes on the site will be typical in design and size for new homes in the area, with 15-foot rear yard setbacks and two stories, and provision for at least 2 vehicle spaces in garages. Surrounding homes to the north and west are designed within the maximum 35-foot height limit, consistent with existing and previous City requirements, therefore scale and rooflines will be similar, along with the use of typically durable building materials. This criterion is met.

- 4. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions are modified by means of one or more applications that already have been approved or are considered concurrently with the subject proposal. [ORD 4473; March 2008]*

**RESPONSE:** This application for flexible rear yard setbacks is submitted as part of a consolidated Type II request for a 9-Lot Subdivision “Southridge Park”. With regard to the standards of Chapter 20, a Minor Adjustment application is also included, to adjust the minimum lot size from 5,000 square feet to 4,500 square feet. Compliance with all applicable provisions of Chapter 20 is otherwise maintained.

It is noted that in accordance with Section 20.05.15.G.2. and footnote 11, upon approval of a Flexible Setback 40.30 application, rear yard setbacks may be reduced to as little as 5 feet. The applicant requests a reduction in the rear yard setback for Lots 1-3 and 6-9 to 15 feet, significantly less than the permitted reduction. This criterion is met.

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

**RESPONSE:** The applicant has approved for all required modifications, including a Minor Adjustment, Flexible Setback Application, and Sidewalk Design Modification. As described throughout this report, the application in all other matters complies with the applicable provisions of Chapter 60, within the bounds of proportionality given the applicant is required to construct the full street width for the extension of SW 133<sup>rd</sup> Avenue, based on the lack of public improvements designed or constructed with the development of Meadow Way Park.

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

**RESPONSE:** This application is made by the owner’s authorized agent, on the form provided by the Director, and includes all relevant information required to demonstrate compliance with the applicable approval criteria. This criterion is met.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence. [ORD 4404; October 2006]*

**RESPONSE:** This application provides all documents related to the request, including any that requiring further City approval, and is submitted to the City in the proper sequence. The City’s Completeness Review will confirm compliance with this criterion.

- D. *Submission Requirements. An application for a Flexible Setback for a Proposed Residential Land Division shall be made by the owner of the subject property, or the owner’s authorized agent, on a form provided by the Director and shall be filed with the Director. The Flexible Setback for a Proposed Residential Land Division application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.*

**RESPONSE:** This application is made by the owner's authorized agent, on the form provided by the Director. This criterion is met.

*E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Flexible Setback for a Proposed Residential Land Division application to ensure compliance with the approval criteria.*

**RESPONSE:** The applicant understands that conditions may be imposed, and reserves the right to comment on or object to any proposed conditions.

#### **CONCLUSION – FLEXIBLE SETBACK APPLICATION**

Based on the findings presented herein and the supporting plans the applicant has demonstrated compliance with the applicable approval criteria.

## CONCURRENT APPLICATION 5: TREE PLAN 2

### APPLICABLE DEVELOPMENT CODE CRITERIA

#### **40.90. TREE PLAN** [ORD 4348; May 2005]

##### **40.90.05. Purpose.**

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

#### **2. Tree Plan Two**

- A. *Threshold. An application for Tree Plan Two shall be required when none of the actions listed in Section 40.90.10. apply, none of the thresholds listed in Section 40.90.15.1. apply, and one or more of the following thresholds apply:*
1. *Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in Section 40.90.10.1. [ORD 4584; June 2012]*
  2. *Multiple Use zoning district: Removal of up to and including 85% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services. [ORD 4584; June 2012]*
  3. *Commercial, Residential, or Industrial zoning district: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services. [ORD 4584; June 2012]*
  4. *Removal of a Significant Individual Tree(s).*

**Community Tree.** [ORD 4224; September 2002] *A healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. Community Trees are not those trees identified as Significant, Historic, Landscape or Mitigation Trees, trees within a Grove or a Significant Natural Resource Area, or trees that bear edible fruits or nuts grown for human consumption. [ORD 4348; May 2005]*



**RESPONSE:** As described in the Arborist Report and Tree Plan dated July 10, 2019, prepared by Morgan Holen and Associates and submitted with this application, 29 trees measuring 5-inches and larger in diameter were assessed on the site, including 15 different species. Table 1 of the Arborist Report and Tree Plan provides a summary of the count of trees by species. Five of the inventoried trees are located in public rights-of-way (#6698, #6699, #6670 and #6701 along the north side of SW Davies Road and #6218 along the south side of SW Bluebell Lane), one (#6219) is located on the adjacent park property to the east, and two completely off-site trees to the west (#7380 and #7382) were assessed from a distance. The other 21 trees are on-site, including three trees (#6379, #6380 and #7377) that are very near the western property boundary. A complete description of the existing individual trees is provided in the Arborist Report and Tree Plan.

Of the 29 existing trees, 17 are classified as Community Trees, one (#6219 on park property) is classified as a Landscape Tree, five are street trees and six are not classified because they are smaller than the 10- inch diameter threshold for Community Trees and do not pertain to any other classification per BDC Section 60.60.10.

Of the 29 existing trees, 24 (83%) are planned for removal for the purposes of construction, including 13 Community Trees, the five streets trees located in public rights of way and the six non-classified trees smaller than 10-inches in diameter. One of the Community Trees planned for removal (#7377) is listed as a boundary tree because it is in close proximity to the western boundary in the southwest corner of the site where grading is necessary. The property boundary will be staked so that the location of the tree may be verified on-the-ground; if any portion of the base of the tree is on the boundary, removal of this tree will be coordinated between the applicant and the neighboring property owner. The remaining five trees (17%) are planned for retention, including three off-site trees (#7380, #7382 and #6219) and two on-site trees near the western boundary (#6379 and #6380).

Accordingly, as greater than 5 Community Trees are proposed for removal, the application is subject to the requirements of Section 40.9.05.2, and meets the threshold to require a Type 2 Tree Plan Two review.

*B. Procedure Type. The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Tree Plan Two. The decision making authority is the Director.*

**RESPONSE:** As a Tree Plan Two application, this will be reviewed as a Type 2 procedure.

*C. Approval Criteria. In order to approve a Tree Plan Two 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 proposal satisfies the threshold requirements for a Tree Plan Two application.*

**RESPONSE:** As described above, the application meets the Tree Plan 2 Threshold as more than 5 Community Trees will be removed

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

**RESPONSE:** The applicant has paid the applicable application fee, as part of the submittal package. Therefore, these criteria are met.

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

**RESPONSE:** This criterion is not applicable in this instance.

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

**RESPONSE:** The removal of the 24 trees identified in the Arborist Report and Tree Plan and shown on the submitted Tree Removal Plan is necessary to accommodate required public street improvements, preliminary site grading, and other physical development activities such as foundation construction related to creating and developing the 9 proposed lots. Six of the proposed trees are located within designated building platforms, with another 7 located immediately adjacent to these building areas (2) or within existing or proposed utility easements (5). The remaining 8 trees to be removed are located within construction zones necessary for the completion of required public improvements for SW Davies Road and the extension of SW 133<sup>rd</sup> Avenue. Accordingly, this this criterion is met.

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

**RESPONSE:** While a number of trees are identified in the Arborist Report and Tree Plan as being in poor health or invasive, no trees are designated for removal purely due to their nuisance value. This criterion is not applicable.

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

**RESPONSE:** As described above, 5 trees identified for removal are located within existing or proposed utility easements. A further 8 trees to be removed are located within construction zones or right-of-way necessary for the completion of required public improvements for SW Davies Road and the extension of SW 133<sup>rd</sup> Avenue. As the alignments for these improvements are already set by the City or existing facilities, redirecting such improvements is not practicable. Accordingly, this this criterion is met.

7. *If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles. [ORD 4584; June 2012]*

**RESPONSE:** This criterion is not applicable in this instance.

8. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.*
9. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.*
10. *The proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources).*

**RESPONSE:** There are no trees within a SNRA or Significant Grove proposed to be removed. Therefore, for this project, these two criteria are not applicable.

The Tree Plan information is reflected in the Arborist Report and Tree Plan and shown on the submitted Tree Removal Plan, Sheet P4.0. The Tree Plan provides:

- Genus and species of all Protected Trees and Community Trees, as applicable, that are 10” dbh or greater; trees on land abutting the subject parcels whose tree canopy are within five feet of the property lines of the subject parcels.
- Identification of trees proposed for retention or removal.
- Existing drip line canopy of individual trees or grove trees, including the drip line of any trees within five feet of the property lines of the subject parcels.
- Existing root zone of each tree, defined as an area 5 feet beyond the drip line of the tree; and including the root zone of trees on abutting properties, whose root zone is within or is touching the property lines the subject parcels.
- A Tree Mitigation Table demonstrating the DBH of the surveyed trees on site, separated into conifer and deciduous categories, the DBH proposed for removal.

Based on this Tree Plan, the applicant understands that no mitigation will be required. If, however, it is determined that mitigation is required, that requirement can be attached as a Condition of Approval.

As demonstrated within this narrative and with supporting plans, the proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources). No trees will be removed from within an SNRA or Significant Grove. Therefore criteria 1, 2, 4, and 6 are met. Criteria 3, 5, 7, 8 & 9 are not applicable.

*11. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system. [ORD 4584; June 2012]*

**RESPONSE:** Site grading and contouring has been designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system. This criterion is met.

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

**RESPONSE:** The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code, as confirmed by City Staff's Completeness Review.

*13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence. [ORD 4404; October 2006] [ORD 4462; January 2008]*

**RESPONSE:** The applications and supporting documents which will require further City approval have been or will be provided in the proper sequence. In addition to the Tree Plan 2, the Beaverton Municipal Code requires a permit for street tree removal and BDC Section 60.15.15.6 provides that street trees shall be planted along street frontages in accordance with an approved street tree plan submitted prior to City approval of the Final Plat. These code requirements are applicable to the five trees planned for removal that are located in public rights of way, and compliance with these standards will be further be addressed through Site Development review. This criterion is met.

*D. Submission Requirements. An application for a Tree Plan Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan Two application shall be accompanied by the information required by the application form, and by Section 50.25. (Application Completeness), and any other information identified through a Pre-Application Conference.*

**RESPONSE:** This application is made by the owner's authorized agent, on the form provided by the Director, and includes all relevant information required to demonstrate compliance with the applicable approval criteria. This criterion is met.

*E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan Two application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section 60.60. (Trees and Vegetation).*

**RESPONSE:** The applicant understands that Conditions may be imposed, and retains the right to comment on any such Conditions once they are proposed.

**CONCLUSION – Tree Plan Two**

Based on the findings provided herein, the applicant has demonstrated the proposed Tree Plan Two complies with all applicable provisions and standards of the Development Code. Therefore, the applicant respectfully requests approval of this application.

**20.05. RESIDENTIAL LAND USE DISTRICTS**

**20.05.05. Residential Areas.** *The areas of the City that are designated as residential densities implement the policies of the City’s Comprehensive Plan and are identified on the City’s Zoning Map. Full urban services are to be provided.*

**20.05.10. Purpose.**

**4. R5 Residential Urban Standard Density District (5,000)**

*The R5 District is intended to establish standard density residential developments where a minimum land area of 5,000 square feet is available for each dwelling unit. [ORD 4584; June 2012]*

**RESPONSE:** The subject property is zoned R5. Based on the R-5 zoning, the Preliminary Subdivision plat creates 9-lots for single-family detached units, which are a permitted use in this district. The existing house and outbuildings will be removed.

As described above in response to Section 40.10.15.1., the applicant has requested a Minor Adjustment, to allow a 10% reduction in the minimum lot size to 4,500 square feet. The average lot size for the combined 9 lots, at approximately 5,211 square feet, remains above the minimum lot size.

**20.05.15. SITE DEVELOPMENT STANDARDS**

*Site Development Standards support implementing development consistent with the corresponding zoning district. 4 All superscript notations refer to applicable regulations or clarifications as noted in footnotes below. [ORD 4697; 5 December 2016]*

<b>Development Standards</b>	<b>R5</b>	<b>Proposed</b>
<i>A. Minimum Land Area (square feet)</i>	<i>5,000</i>	<i>Min. 4,566 sf; Avg. 5,211 sf</i>
<i>B. Minimum and Maximum Residential Density</i>	<i>Refer to Sections 20.25.05. &amp; 20.25.15.B.</i>	
<i>E. Lot Dimensions for Land Divisions Less than Two acres</i>		
<i>1. Minimum Width</i>		
<i>a. Interior</i>	<i>0</i>	<i>40 ft</i>
<i>b. Corner</i>	<i>0</i>	<i>46 ft</i>
<i>2. Minimum Depth</i>		
<i>a. Interior</i>	<i>0</i>	<i>98 ft</i>
<i>b. Corner</i>	<i>0</i>	<i>98 ft</i>
<i>F. Minimum Yard Setbacks:</i>		
<i>Front</i>	<i>15 ft.</i>	<i>15 ft</i>
<i>Side</i>	<i>5 ft.</i>	<i>5 ft</i>
<i>Rear</i>	<i>20 ft.</i>	<i>15 ft</i>
<i>Garage</i>	<i>20 ft.</i>	<i>20 ft</i>
<i>Garage Door to Rear</i>	<i>24 ft.</i>	<i>24 ft</i>

<i>Minimum Between Buildings</i>	<i>6 ft.</i>	<i>6 ft</i>
<i>H. Building Height</i>		
<i>Maximum</i>	<i>35 ft.</i>	<i>35 ft</i>

**RESPONSE:** The proposed subdivision creates lot sizes ranging from a minimum of 4,566 square feet to a maximum of 6,014 square feet. The overall average lot size will be approximately 5,211 square feet.

With the exception of minimum lots size, which is being reduced under the Minor Adjustment process, and a Flexible Setback Application to reduce rear yard setbacks from 20 feet to 15 feet, all of the 9 proposed lots meet or exceed the minimum R-5 standards, as reflected in Table 1 above.

**20.25.05. Minimum Residential Density.**

- A. *New residential development in all Residential, Commercial, and Multiple Use districts which permit residential development must achieve at least the minimum density for the zoning district in which they are located. Projects proposed at less than the minimum density must demonstrate on a site plan or other means, how, in all aspects, future intensification of the site to the minimum density or greater can be achieved without an adjustment or variance. If meeting the minimum density will require the submission and approval of an adjustment or variance application(s) above and beyond application(s) for adding new primary dwellings or land division of property, meeting minimum density shall not be required.*

*For the purposes of this section, new residential development shall mean intensification of the site by adding new primary dwelling(s) or land division of the property. New residential development is not intended to refer to additions to existing structures, rehabilitation, renovation, remodeling, or other building modifications or reconstruction of existing structures.*

*Minimum residential density is calculated as follows:*

- 1. Refer to the definition of Acreage, Net. Multiply the net acreage by 0.80.*
- 2. Divide the resulting number in step 1 by the minimum land area required per dwelling for the applicable zoning district to determine the minimum number of dwellings that must be built on the site.*
- 3. If the resulting number in step 2 is not a whole number, the number is rounded to the nearest whole number as follows: If the decimal is equal to or greater than 0.5, then the number is rounded up to the nearest whole number. If the decimal is less than 0.5, then the number is rounded down to the nearest whole number.*

**RESPONSE:** The applicant has designed the proposed subdivision to provide 9 lots. The site contains 1.24 acres or 54,014 square feet. The applicant is providing calculations for this project as shown below:

### Density Calculations

Gross Site Area = 1.24 acres, 54,014 square feet  
Significant Natural Resource, Wetlands & Vegetated Corridor Area = - 0 sf  
Street Rights-of-Way = - 7,000 square feet

### R-5

Net Site Area = 47,014 square feet Net x 0.80 = 37,611 sf  
Minimum =  $37,611 / 5,000 = 7.52 = \mathbf{8 \text{ units}}$   
Maximum =  $54,014 / 5,000 = 10.80 = \mathbf{11 \text{ units}}$

The allowed density calculates to a minimum of 8 units and a maximum of 11 units. With the proposed 9-Lot Subdivision, the applicant complies with the minimum and maximum density requirements under the R-5 Zone. Therefore, compliance with Chapter 20 is maintained.

### **CONCLUSION – Chapter 20 Land Use**

Based on the findings presented herein the applicant has demonstrated compliance with the applicable provisions of Chapter 20, as they relate to the R-5 Zoning District.



## CHAPTER 40 PERMITS AND APPLICATIONS

### 40.03 Facilities Review

1. *All Conditional Use, Design Review Two, Design Review Three, and applicable Land Division applications:*

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.*

**RESPONSE:** As addressed below and as reflected in the Preliminary Plat and supporting Plan Set, all critical facilities and services necessary for the proposed 9 lots have adequate capacity, or can be improved to have, adequate capacity to serve the proposal at the time of its completion. The Code defines **Facilities, Critical** [ORD 4462; January 2008] as including: public water, public sanitary sewer, storm water drainage, treatment and detention, transportation, and fire protection. Based on information from the City's Web Site, these facilities and services are provided as follows:

Public Water: The property is within the City's water service area.

Drinking water is one of the most critical services that the City provides on a daily basis to the residents and businesses of Beaverton. The City supplies drinking water to about 70,000 residents, or about 78% of the total 90,000 residents who live within the City limits. The remaining 22% of District residents' water are supplied by the Tualatin Valley Water District, West Slope Water District, or the Raleigh Water District.

The City's water system features the following details:

- Beaverton is a member of the Joint Water Commission (JWC).
- In addition to the Joint Water Commission and aquifer storage and recovery (ASR) wells, there is an emergency supply capacity of 8 mgd available from two adjoining public water providers (Tualatin Valley Water District and the City of Portland);
- The City has 40-million-gallon storage capacity (3-4-day supply) of stored drinking water in its local reservoirs;
- The City has an additional water supply of 6 mgd available from ASR wells, commonly used only in the summer;
- The City owns additional reservoir storage of 10 MG near the JWC Water Treatment Plant;
- The City's owned capacity in the JWC Water Treatment Plant is 18.75 mgd;
- The distribution system - separate from the JWC supply system - consists of approximately 263 miles of pipe, ranging from 4-36 inches in diameter; and
- The distribution system contains four pumping stations that lift water from the largest water service pressure zone on the valley floor to the nine other higher elevation water pressure zones within the City's water service area.

There are two existing homes and a “tiny house” on the property, which is currently served by a private well and septic system. The house will be removed, and the septic system will be properly decommissioned.

There is an 8-inch water line in SW Davies Road, and an 8-inch line in SW 133<sup>rd</sup> Avenue.

The development will extend an 8-inch water line to intertie with these two existing service mains, thereby enhancing system looping.

Based on the system information outlined above, these two water lines and the City’s distribution system are more than adequate to accommodate the 9 homes within the subdivision. The average single-family daily demand is about 300 gallons per home, or approximately 2,700 GPD combined.

Public Sanitary Sewer: Sanitary Sewer service is provided by Clean Water Services (CWS).

Clean Water Services cleans 60 million gallons of wastewater daily for nearly 551,000 customers in urban Washington County. The wastewater is collected by a vast network of more than 800 miles of sewer lines and 41 pump stations and routed to one of four treatment plants at Durham, Rock Creek, Hillsboro and Forest Grove. CWS uses physical, biological, and chemical treatment to clean wastewater to some of the highest standards in the nation. The cleaned wastewater is then released into the Tualatin River.

The Durham Facility, located at 16060 SW 85th Avenue, Tigard, Oregon, provides wastewater treatment for the Cities of Beaverton, Tigard, Sherwood, and Tualatin, the communities of Durham and King City, and portions of Clackamas and Multnomah Counties.

The facility provides tertiary treatment through November, phosphorous and ammonia is removed using biological nutrient methods along with the application of alum and lime. Sludge is thickened, anaerobically digested, dewatered with the use of polymer and transported to Central Oregon for application on arid farmland. This multiple award-winning plant serves a growing population of 210,000; cleans an average of 26 million gallons of wastewater per day; and recycles more than 50 million gallons a year of cleaned wastewater for local irrigation.

There is an existing 8” sanitary sewer line in SW Davies Road, and an 8” line in SW 133<sup>rd</sup> Avenue

Given the site topography, sewer service to the site will actually be provided by line extensions from both existing lines. These lines and CWS’s collection and treatment system have more than adequate capacity to serve the proposed 9 new homes. The sewer system improvements are designed to meet CWS and City standards.

Public Storm Drainage: Storm Sewer service is also provided by Clean Water Services (CWS). There is an existing 12-inch storm line in SW Davies Road, and an 8”- 12” storm line in SW 133<sup>rd</sup> Avenue. As described previously, in order to allow the application to progress the applicant is resubmitting this application containing all of the required

information as outlined within the September 20, 2019 incompleteness letter, including additional stormwater management facilities designed in order to provide full hydromodification compliance, regardless of their practicality or impact on the development. However, as detailed within the cover letter from Mike Robinson, Schwabe, Williamson & Wyatt, dated 12/18/2019 and attached Memorandum dated 12/16/2019, the applicant continues to request approval of a fee-in-lieu approach for lots within the development. A downstream analysis has been prepared, which demonstrates that there is adequate system capacity, without on-site detention or water quality treatment.

Water quality treatment and detention required for the road improvements will be provided by an in-street LIDA facility. See also Storm Drainage Report for additional details on the storm system design.

Transportation: Transportation facilities for automobile, transit, pedestrians, and bicyclists are well developed in the local area. The property has good arterial and collector street access via SW Davies Road, a neighborhood route, with good local street access via SW 133<sup>rd</sup> Avenue.

The site abuts the north side of SW Davies Road, which classified as a neighborhood route along the site frontage. This street provides access to SW Scholls Ferry Road and SW Brockman Street, both classified as arterials.

The existing right-of-way for SW Davies Road is 55 feet along the site frontage, with a 30-foot centerline section abutting the property. Per the Pre-Application notes, the NR1 neighborhood route standard calls for a 60-foot right-of-way, or 30-foot centerline section. Therefore, no additional right-of-way will be required to be dedicated with the recording of the Plat. The applicant will provide additional pavement width, curb, street trees & sidewalk, plus roadside LIDA stormwater treatment facilities.

This development will also have access from SW 133<sup>rd</sup> Avenue at its intersection with SW Bluebell Lane. Both of these local residential streets have an existing 46-foot right-of-way.

Access to the development will be via an extension of SW 133<sup>rd</sup> Avenue. This street will be extended through the development with a reduced 21.5-foot right-of-way. The extension will carry the street to the south property line and will intersect with SW Davies Road. Per the Pre-application notes, a curb-tight sidewalk will be allowed along the west side of the street abutting the new lots, with approval of the requested Sidewalk Design Modification. There is an existing meandering sidewalk within Meadow Way Park, which will serve the east side of the new street.

Fire Protection: Fire protection services are provided by Tualatin Valley Fire & Rescue. The District has 21 fire stations.

The district has a goal of less than a 6-minute response for fire and medical calls. The district serves a 210 square mile are with a population of 418,000 citizens. The four closest stations to the site are:

- Walnut Station 50 at 12617 SW Walnut Street;
- Scholls Station 53 at 8490 SW Scholls Ferry Road;
- Brockman Street Station 66 at 13900 SW Brockman Road; and
- 175<sup>th</sup> Station 69 at 9940 SW 175<sup>th</sup> Avenue.

**Conclusion – Critical Facilities:** Based on the above findings, all critical facilities and services are available and adequate to serve the property consistent with the requested zoning designation, as demonstrated herein and on supplemental plans and documents provided. Compliance with this Element will also be confirmed through the Facilities Review process.

*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.*

**RESPONSE:** As addressed below and as reflected in the Preliminary Plat and supporting plan set, all essential facilities and services necessary for the proposed 9 lots have adequate capacity or can be improved to have, adequate capacity to serve the proposal at the time of its completion. The Code defines ***Facilities, Essential.*** [ORD 4224; September 2002] as including: schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way. These facilities and services are provided as follows:

Schools: This area is served by the Beaverton School District. There are several existing schools in the surrounding neighborhood including: Hiteon Elementary is the closest to the site. Other area schools include Conestoga Middle, South Ridge High.

In 2014, the District obtained voter approval of bonding to construct new schools and remodel existing facilities. These improvements are being or have been constructed to add system capacity. However, the net impact on the District from these net 8 new homes will be minimal.

Based on District information recently provided for other developments the district has capacity as follows:

School District Capacity

<u>Current Attendance Boundary</u>	<u>Capacity Fall 2018</u>
Hiteon Elementary	87%
Conestoga Middle	89%
South Ridge High	76%

Transit Service: There is not direct Tri Met transit service adjacent to the property. The closest Tri Met bus routes include:

- #52, which runs on SW Farmington Road;
- #62, which runs on SW Murray Blvd. and SW Scholls Ferry Road;
- #76 & 78, which runs on Hall Blvd.; and

#88, which runs on SE Hart & SW 170<sup>th</sup> Avenue.

Police Protection: On November 16, 1995, the Beaverton Police Department became the first agency in Oregon to become accredited through the Washington Association of Sheriffs and Police Chiefs (WASPC). The department was last Certified in 2018, with review every 3 years.

The agency has 183.8 total personnel (2018 Annual Report), with 141 sworn officers, which provides 1.45 officers per 1000 population. The Department is organized into the following Bureaus, including: Community Service, Crime Analysis, Criminal Investigation, Patrol, Property, Records, Schools, Traffic, and Training & Professional Standards. The agency also supports several inter-agency task forces, such as transit, narcotics, and gangs. The agency and individual personnel have received many awards, and maintains an average response time for priority one CFS calls at under 4 minutes. In 2018 the Bureau implemented an expanded 5 District Patrol Plan to continue improved response times.

In November 2016, voters approved a bond measure to construct a new \$35 million Public Safety Center, currently under construction, that is located on city-owned property at the corner of SW Hall Blvd. and SW Allen Blvd. Staff is moving forward to design the new building. This new facility is on track for move-in targeted in the Spring of 2020.

On-Site Pedestrian and Bicycle Facilities in public right-of-way: In this specific case, the site abuts SW Davies Road, and will take access from an extension of SW 133<sup>rd</sup> Avenue at the northeast edge of the site. The internal street system will provide for the extension of the existing sidewalks. There is an existing sidewalk within the adjoining park, which will abut the east side of the new street.

The proposed development will be constructed within a 21.5-foot dedicated right-of-way with street frontage improvements to meet the City's local standards, considering the reduced width.

### **Conclusion – Essential Facilities:**

Based on the above findings, all essential facilities and services are available and adequate to serve the property consistent with the zoning designation, as demonstrated herein, and on supplemental plans and documents provided. Compliance with this Element will also be confirmed through the Facilities Review process.

*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).*

**RESPONSE:** As demonstrated within this narrative, and on the supporting Preliminary Plat Plan Set, the proposed development complies with all applicable provisions of Chapter 20 (Land Uses),

with the exception of minimum lot areas, which meet the requirements for a Minor Adjustment as requested herein, and rear yard setbacks, which are proposed to be reduced from 20 feet to 15 feet as part of a Flexible Setback Application.

*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.*

**RESPONSE:** As demonstrated within this narrative, and on the supporting Preliminary Plan Set, the proposed development complies with all applicable provisions of Chapter 60 (Special Requirements). All required improvements and/or dedications are provided, and are considered to be in rough proportion to the identified impact(s) of the proposed development.

*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.*

**RESPONSE:** The applicant is proposing a shared flag lot driveway to serve Lots 1, 2, and 3. Ownership, use, and maintenance will be noted within the plat and/or recorded document. Therefore, this criterion is met.

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

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

**RESPONSE:** As reflected on the Plan Set and described within this narrative, the proposed development provides for safe and efficient vehicular and pedestrian circulation patterns. The site abuts SW Davies Road, but will also gain access from the extension of SW 133<sup>rd</sup> through the site. Lot 1 will have the sole direct driveway access from Davies Road. The internal street system will provide for the extension of existing sidewalks, and will provide pedestrian and vehicle connections out to SW Davies Road.

Therefore, these criteria are met.

*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.*

*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.*

**RESPONSE:** As reflected on the Plan Set, all structures and public facilities serving the development site have been designed in accordance with adopted City codes and standards. The Fire District will review the plans and provide specific comments relative to any revision needed to meet district standards. No particular concerns were raised by the Fire District during the original Pre-Application meeting for the site.

The applicant is not aware of any specific known hazardous conditions that might affect this development, or issues which would result in an increase in crime or accidents. In fact, it is generally considered that the creation of a pedestrian street front facing Meadow Way Park will increase the number of “eyes on the park”, improving personal safety for park users.

*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.*

**RESPONSE:** As reflected in the Preliminary Grading Plan, grading and contouring of the site has been designed to accommodate the proposed 9 lots. The perimeter grading is designed to maintain existing grades at the abutting property lines consistent with City standards. The lots are to be graded so water runs off to the streets or the proposed collection facilities, to mitigate for adverse effect(s) on neighboring properties and adjacent public rights-of-way.

The storm system has been designed to adequately accommodate surface drainage and necessary water storage facilities, consistent with the down-stream capacity of the existing public storm drainage system.

*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.*

**RESPONSE:** The proposed transportation facilities conform to the City’s Transportation System Plan. The pedestrian facilities have been designed consistent with ADA standards, and serve to enhance the neighborhood circulation patterns for both vehicles and pedestrians.

*L. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code. [ORD 4265; October 2003]*

**RESPONSE:** The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code. City staff will confirm compliance through Completeness Review, once the application is submitted.

## **Conclusion – Chapter 40 – Facilities Review**

Based on the findings presented herein and the attached supporting documents, the applicant has demonstrated compliance with the applicable provisions of Chapter 40, Facilities Review.

## Chapter 60 Special Requirements

**60.15. LAND DIVISION STANDARDS.** [ORD 4224; August 2002] [ORD 4487; August 2008]

*60.15.05. Purpose. It is the purpose of this section to establish uniform design and development standards and requirements for all land division applications in Section 40.45. of this Code.*

*60.15.10. Grading Standards.*

*1. **Applicability.** The on-site surface contour grading standards specified in Section 60.15.10.3. are applicable to all land use proposals where grading is proposed, including land division proposals and design review proposals, as applicable. This Section does not supersede Section 60.05.25. (Design Review) and the exemptions listed in Section 60.15.10.2. will apply equally to design review proposals.*

**RESPONSE:** The Grading Plan, Sheet P3.0, has been drawn to identify all lots proposed to be created including lot dimensions, lot sizes, and lot numbers; dimension from centerline to the outer edge of proposed right-of-way. The Plan also includes appropriate spot elevations for existing and proposed features such as walls, catch basins, stairs, and sidewalks. There are no separate parking areas proposed, only typical residential driveways.

Therefore, 60.015.10 has been met.

*2. **Exemptions.** The following improvements will be exempted from the on-site surface contour grading standards specified in Section 60.15.10.3.:*

- A. Public right-of-way road improvements such as new streets, street widening, sidewalks, and similar or related improvements.*
- B. Storm water detention facilities subject to review and approval of the City Engineer.*
- C. On-site grading where the grading will take place adjacent to an existing public street right-of-way, and will result in a finished grade that is below the elevation of the subject public street right-of-way; provided such grading is subject to the approval of the City Engineer, who may require appropriate erosion and sediment control mitigation measures.*

**RESPONSE:** The proposed preliminary grading plan includes street frontage improvements, storm detention facilities and on-site grading adjacent to existing public streets. All of these grading activities are exempt from the grading standards under this Section.



**3. On-site surface contouring.** When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:

A. *0 to 5 feet from property line: Maximum of two (2) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]*

**RESPONSE:** The Grading Plan has been designed to comply with the standards in this section. Grades within 5 feet of the property line and the adjacent properties will be within 2 feet of the existing grades. Site grading and re-contouring is limited to street and utilities construction and the interior yards of the lots to provide building envelopes and gravity sanitary sewer.

Therefore, this criterion is met.

B. *More than 5 feet and up to and including 10 feet from property line: Maximum of four (4) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]*

**RESPONSE:** The Grading Plan has been designed to comply with the standards in this section. Grades within 5 feet of the property line and the adjacent properties will be within 4 feet of the existing elevations.

Therefore, this criterion is met.

C. *More than 10 feet and up to and including 15 feet from property line: Maximum of six (6) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]*

**RESPONSE:** The Grading Plan maintains slopes with less than 6 feet differential within 10-15 feet of the perimeter property lines.

Therefore, this criterion is met.

D. *More than 15 feet and up to and including 20 feet from property line: Maximum of eight (8) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]*

E. *More than 20 feet and up to and including 25 feet from property line: Maximum of ten (10) foot slope differential from the existing or finished elevation of the abutting property, whichever is applicable. [ORD 4584; June 2012]*

**RESPONSE:** The Grading Plan does not result in any slopes with 8 or more feet of differential to the perimeter property lines.

Therefore, this criterion is met.

- 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 predevelopment slope.*

**RESPONSE:** No existing slopes exceed the standards within this Section.

- G. *The on-site grading contours standards above apply only to the property lines of the parent parcel of a development. They do not apply to internal property lines within a development. [ORD 4584; June 2012]*

**RESPONSE:** The applicant has directed response to the boundaries of the parent parcel, and not the boundaries of the new lots which are being created, as required.

Therefore, these grading criteria are met.

- 4. Significant Trees and Groves.** *Notwithstanding the requirements of Section 60.15.10.3, above, grading within 25 feet of a significant tree or grove, where the tree is located on- or off-site, shall observe the following:*
- A. *0 to 10 feet from the trunk of a significant tree or grove: No change in pre-development ground elevation;*
  - B. *More than 10 feet, and up to and including 25 feet, from the trunk of a significant tree or grove, or to the outside edge of the tree's drip line, whichever is greater: Maximum 10% slope gradient difference from the pre-development ground elevation;*
  - C. *Based on a recommendation of the City Arborist, the decision-making body may require additional setbacks and/or other tree protection measures to protect the public health, safety and welfare.*

**RESPONSE:** There are no designated Significant Trees, Significant Grove, or SNRA associated with this property. Existing trees are shown on the Existing Conditions Plan, Sheet 2, and have been evaluated by the Project Arborist. The Preliminary Tree Removal Plan is shown on Sheet P4.0 of the preliminary plan set.

Therefore, these criteria are not applicable.

**60.30.05. Off-Street Parking Requirements.** *Parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building or use which is erected, enlarged, altered, or maintained in accordance with the requirements of Sections 60.30.05. to 60.30.20.*

- 1. Availability.** *Required parking spaces shall be available for parking operable passenger automobiles and bicycles of residents, customers, patrons and employees*

*and shall not be used for storage of vehicles or materials or for parking of trucks used in conducting the business or use.*

**2. Vehicle Parking.** *Vehicle parking shall be required for all development proposed for approval after November 6, 1996 unless otherwise exempted by this ordinance. The number of required vehicle parking spaces shall be provided according to Section 60.30.10.5.*

**3. Bicycle Parking.** *[ORD 3965; November 1996] Bicycle parking shall be required for all multi-family residential developments of four units or more, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and the Engineering Design Manual. [ORD 4397; August 2006] [ORD 4107; May 2000]*

**60.30.10. Number of Required Parking Spaces.** *Except as otherwise provided under Section 60.30.10.11., off-street vehicle, bicycle, or both parking spaces shall be provided as follows:*

*Detached dwellings (per unit)                      1.0 minimum*

**RESPONSE:** Each of the proposed 9 lots each has sufficient land area to accommodate a home, with garage and driveway. The existing dwelling(s) and accessory structures will be removed. Each of the 9 new homes is expected to have, at least, a two-car garage, with additional off-street parking for two cars available in the driveway.

While bike parking is not specifically required for single family homes, the garages will accommodate appropriate bike storage.

Therefore, the parking standards have been or can be met. Compliance will be confirmed at the time of building permits for each house.

**60.45. SOLAR ACCESS PROTECTION.** *[ORD 3619, September 1988]*

**60.45.05. Purpose.**

*This ordinance has been developed to provide solar access protection to new development in subdivisions, to new and remodeled single-family homes, to structures within Single Family zoning districts, and to homes which make beneficial use of solar energy.*

- 1. To promote energy conservation and the wise use of the sun as a renewable resource.*
- 2. To implement provisions of the Beaverton comprehensive plan encouraging solar energy.*
- 3. To provide a means of encouraging investment in solar design and solar equipment.*

**60.45.10. Solar Access for New Development.**

**1. Purpose.** *The purposes of the solar access ordinance for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.*

**2. Applicability.** *The solar design standard in subsection 3., below, shall apply to subdivisions and partitions in the R10, R7 and R5 zones, except to the extent the Director finds that the applicant has shown one or more of the conditions listed in subsections 4. and 5., below, exist, and exemptions or adjustments provided for therein are warranted. [ORD 4584; June 2012]*

**RESPONSE:** This application is for a 9-Lot subdivision in the R-5 Zone; therefore, these Solar regulations are applicable.

**3. Design Standard.** *At least 80 percent of the lots in a development subject to this ordinance shall comply with one or more of the options in this section.*

*A. Basic Requirement (see Figure 9). A lot complies with this Section if it:*

- 1. Has a north-south dimension of 90 feet or more; and*
- 2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.*

**RESPONSE:** With 9 lots, the 80% compliance rate would be equal to approximately 8 Lots (7.2). However, the applicant is requesting an adjustment under Sub-5.A.3 & .4, because only 4 of the of the proposed lots (lots 1 – 3, and 9) can comply with the basic design criteria in 3.A 1 & 2.

Eight of the lots have access from the proposed public north-south oriented street, with Lots 4 – 8 accessing directly off the public street and oriented in an east-west alignment. Lots 1 – 3, which are accessed of a flag pole driveway, are oriented north-south, and meet the standard with a depth exceeding 90 feet and a front lot line on a true east-west axis. Lot 9 accesses directly off SW Davies Road, and is also oriented north-south with a depth exceeding 90 feet and a front lot line on a true east-west axis. As such, only 44% of lots comply with the standard ( $4/9 = 44.44\%$ )

*B. Protected Solar Building Line Option (see Figure 10). In the alternative, a lot complies with this Section if a solar building line is used to protect solar access as follows:*

- 1. A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat; and*
- 2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and*
- 3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and*

4. *There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.*

**RESPONSE:** The applicant is not proposing a Protected Solar Building Line. Therefore, these provisions are not applicable.

C. *Performance Option. In the alternative, a lot complies with this Section if:*

1. *Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80% of their ground floor south wall protected from shade by structures and non-exempt trees; or*
2. *Habitable structures built on that lot will have at least 32% of their glazing and 500 square feet of their roof area which faces within 30 degrees of south and is protected from shade by structures and non-exempt trees.*

**RESPONSE:** As an alternative to the protected solar building line, the applicant (builder) could utilize the Performance option to meet compliance. However, this option would be initiated by the builder at the time of Building Permit.

**4. Exemptions from Design Standard.** *A development is exempt from this Section if the Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from this Section to the extent the Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with this Section.*

- A. *Slopes. The site or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.*
- B. *Off-Site Shade. The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.*
  1. *Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.*
  2. *Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result*

*from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.*

3. *Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.*

**RESPONSE:** None of the Exemptions listed apply to this property.

5. ***Adjustments to Design Standard.*** *The Director shall reduce the percentage of lots that must comply with this Section to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply.*

A. ***Density and Cost.*** *If the design standard in this Section is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g. grading, water, storm drainage and sanitary systems, and roads) and solar related offsite site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with this Section would reduce density or increase per lot costs in this manner. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.*

1. *The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by a professional land surveyor.*
2. *There is a significant natural feature on the site, identified as such in the comprehensive plan that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed. [ORD 4584; June 2012]*
3. *Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.*
4. *An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access. [ORD 4071; November 1999]*

**RESPONSE:** The applicant is requesting an adjustment to this standard under 5.A.3. and 4 for Lots 4 – 8. With the existing street network surrounding the site, and the proposed north/south street alignment resulting from the required extension of SW 133<sup>rd</sup> Avenue, the existing

configuration does not allow for 80% of the lots to comply with the base design standards, without the extensive use of short, dead end private streets, which would result in fewer of the lots able to front SW 133<sup>rd</sup> Avenue, and therefore face Meadow Way Park. Accordingly, the applicant requests the adjustment to the basic solar design standards to allow 44% of the lots to comply with this requirement, in order to preserve a pedestrian friendly street frontage; minimize dead-end private street usage; and facilitate construction of the through extension of SW 133<sup>rd</sup> Avenue.

The site abuts two existing public streets as follows:

- SW 133<sup>rd</sup> Avenue – currently is aligned north/south at the northwest corner of the site, which will be extended through the development maintaining the north/south alignment.
- SW Davies Road – is aligned in an east/west orientation, but access to 8 of the proposed lots will be by extension of SW 133<sup>rd</sup> Avenue, as described above.

### **60.55. TRANSPORTATION FACILITIES.**

**60.55.05. Purpose and Intent.** *It is the purpose and intent of this chapter to establish design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the City of Beaverton.*

#### **60.55.10. General Provisions. [ORD 4302; June 2004]**

1. *All transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies.*

**RESPONSE:** The site has frontage on SW Davies Road and will have access from an extension of SW 133<sup>rd</sup> Avenue, a local street, as reflected on the Streets & Utilities Plans.

The SW 133<sup>rd</sup> Avenue improvements will be consistent with local street standards to the degree practicable given the limited 21.5-foot right-of-way, and absence of improvements along the park frontage.

This development also has frontage along SW Davies Road, which is a designated as a neighborhood route. However, 8 of the proposed 9 lots will have access from the extension of a local street (SW 133<sup>rd</sup> Avenue). Lot 1 will have direct driveway access from SW Davies Road, located consistent with the required 50-foot spacing standard for neighborhood routes (actual spacing approximately 105 feet), as specified in the City of Beaverton Engineering Design Manual.

The existing right-of-way for SW Davies Road meets City NR1 neighborhood route standards, so no additional dedication is required. The current cross-section provides 1 lane in each direction (2 total), but the section abutting the site does not have any curb, planter strip, or sidewalk.

There will be utility connections required from facilities within the SW Davies Road right-of-way.

2. *In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in rough proportion to the identified impacts of the development. [ORD 4103; May 2000]*

**RESPONSE:** The applicant believes that the proposed street and utilities improvements are roughly proportional to the impact of this 9-lot development. Therefore, this criterion is met.

3. *For applications that meet the threshold criteria of section 60.55.15. (Traffic Management Plan) or of section 60.55.20. (Traffic Impact Analysis), these analyses or limited elements thereof may be required.*

**RESPONSE:** With 9 proposed lots, this subdivision will not add 20 or more trips in any hour on a residential street.

Therefore, no Traffic Impact Analysis or Traffic Management Plan is required.

4. *The decision-making authority may impose development conditions of approval per Section 10.65.1. of this code. Conditions of approval may be based on the Traffic Management Plan and Traffic Impact Analysis. Additional street, bicycle, and pedestrian connections may also be required per 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements).*

**RESPONSE:** The applicant understands that conditions may be imposed, and reserves the right to comment on or object to any proposed conditions.

5. *Dedication of right-of-way shall be determined by the decision-making authority.*

**RESPONSE:** No additional right-of-way along SW Davies Road will be required to meet NR1 neighborhood route standards. The development will, however, provide the dedication of right-of-way (21.5 feet) consistent with reduced local street standard for the extension of SW 133<sup>rd</sup> Avenue.

Right-of-way improvements will be provided for the extension of SW 133<sup>rd</sup> Avenue, including 20 feet of paving, standard curb and gutter on the east side, and mountable curb, planter strip, and sidewalk on the west side. A ½ street improvement is anticipated on SW Davies Road, including pavement widening, curb and gutter section, planter strip, and sidewalk.

Lots 1 and 2 are flag lots. The access flag does not require a turn-around. Therefore, this criterion is met.

6. *Traffic calming may be approved or required by the decision-making authority in a design of the proposed and/or existing streets within the Area of Influence or any additional locations identified by the City Engineer. Traffic calming measures shall be designed to City standards.*



**RESPONSE:** The City Engineering division has not identified any need for traffic calming design details associated with street improvements. While this criterion is not applicable, the narrow street will serve as a traffic calming detail.

7. *Intersection performance shall be determined using the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual 2000.*

*At a minimum, the impacts of development on a signalized intersection shall be mitigated to peak hour average control delay no greater than 65 seconds per vehicle using a signal cycle length not to exceed 120 seconds. The volume-to-capacity ratio for each lane group for each movement shall be identified and considered in the determination of intersection performance. The peak hour volume-to-capacity ratio for each lane group shall be no greater than 0.98. Signal progression shall also be considered.*

*At a minimum, the impacts of development on a two-way or an all-way stop-controlled intersection shall be mitigated to a peak hour average control delay of no greater than 45 seconds per vehicle.*

*If the existing control delay or volume-to-capacity ratio of an intersection is greater than the standards of this subsection, the impacts of development shall be mitigated to maintain or reduce the respective control delay or volume-to-capacity ratio.*

**RESPONSE:** This 9-lot subdivision will not add 20 or more trips in any hour on a residential street. The development will provide local street improvements extending SW 133<sup>rd</sup> Avenue into and through the site to the south boundary, which will constitute rough proportionality related to the limited impacts of this development.

SW Davies Road is currently improved, but lacks curb and sidewalk, along the site frontage. A ½ street improvement is anticipated on SW Davies Road, as shown on the Preliminary Plan Sheet 7.0 – SW Davies Road – Plan and Profile.

In addition to the above, as homes are built on each lot, the permit fees will include contributions to the County’s TDT funding, which is designed to mitigate for off-site improvements to arterial and collector streets.

Therefore, to the degree reasonable (rough proportionality) these criteria are met.

**60.55.15. Traffic Management Plan.** [ORD 4302; June 2004] *Where development will add 20 or more trips in any hour on a residential street, a Traffic Management Plan acceptable to the City Engineer shall be submitted in order to complete the application. A residential street is any portion of a street classified as a Local Street or Neighborhood Route and having abutting property zoned R2, R4, R5, R7, or R10. [ORD 4584; June 2012]*

**RESPONSE:** This 9-lot subdivision will not add 20 or more trips in any hour on a residential street.

Therefore, no Traffic Management Plan is required.

***60.55.25. Street and Bicycle and Pedestrian Connection Requirements.***

*[ORD 4302; June 2004]*

- 1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.*
- 2. The Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future potential street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel.*

**RESPONSE:** The site has frontage on SW Davies Road and will have access from an extension of SW 133<sup>rd</sup> Avenue through the property, intersecting with SW Davies Road.

SW Davies Road is a neighborhood route street, while SW 133<sup>rd</sup> Avenue is a local street.

The Transportation Element of the Comprehensive Plan identifies existing street stubs and potential future local connections that shall be evaluated and considered with new development. A new connection may be a local street, or if there are environmental or existing development constraints, a pedestrian and bicycle way can be considered. Each potential connection is numbered and an arrow points in the general direction of a possible new connection.

The Comprehensive Plan Transportation Element does not include SW 133<sup>rd</sup> Avenue as an existing stub street (Table 6.3 and Figure 6.17), or potential connection. However, the City has indicated that they desire that a through connection be provided, despite a lack of right-of-way dedication or improvement along the frontage of Meadow Way Park. As such, any future centerline of the extension is required to shift to the west, the result of which is that now all right-of-way dedication and proposed easements for the extension will come from the subject tax lot, including both sides of the pavement improvements and curb and gutter sections. The through street will provide a local street connection for properties to the north of SW Meadow Way park, improving vehicular circulation. Pedestrian and bicycle circulation already exists through a meandering path within the park.

Therefore, these criteria are met to the degree practicable.

- 3. Where a future street or bicycle and pedestrian connection location is not identified in the Comprehensive Plan Transportation Element, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of*

*streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.*

**RESPONSE:** SW 133<sup>rd</sup> Avenue is stubbed to the northeast corner of the property. The proposed development will extend SW 133<sup>rd</sup> Avenue into and through the site to the southern boundary to intersect with SW Davies Road. The extension of SW 133<sup>rd</sup> Avenue will also provide enhanced access to Meadow Way Park, which abuts the property to the east.

There are no other existing or planned streets stubbed to the property, which must be or could be extended. Other than Meadow Way Park there are no other adjacent or surrounding properties for which street access must be provided.

Therefore, this criterion is met to the degree practicable.

4. *Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.*

**RESPONSE:** The extension of SW 133<sup>rd</sup> Avenue will be carried through the property, intersecting with SW Davies Road at the southern boundary.

The proposed street improvements are designed consistent with the City's L3 local standards, modified for the 21.5-foot reduced right-of-way width. Right-of-way improvements will be provided, including 20 feet of paving, standard curb and gutter on the east side, and mountable curb, planter strip, and sidewalk on the west side. A ½ street improvement is anticipated on SW Davies Road, including pavement widening, curb and gutter section, planter strip, and sidewalk.

5. *Whenever existing streets and bicycle and pedestrian connections adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.*

**RESPONSE:** The proposed development plan provides for necessary frontage improvements. The proposed street improvements for SW 133<sup>rd</sup> Avenue are designed consistent with a City's L3 local standards, modified for the 21.5-foot reduced right-of-way width. Right-of-way improvements provided include 20 feet of paving, standard curb and gutter on the east side, and mountable curb, planter strip, and sidewalk on the west side.

SW Davies Road is a neighborhood route street, with applicable NR-1 standards. The current improved cross-section provides 1 lane in each direction, but no curb or sidewalk along the site frontage. The SW Davies Road frontage along Meadow Way Park has, however, been improved with curb, including parking bump-out, sidewalk and street trees. A ½ street improvement is anticipated on the SW Davies Road frontage, including pavement widening, curb and gutter section, planter strip, and sidewalk.

6. *Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.*

**RESPONSE:** The abutting street and proposed improvements includes a stop-controlled, T-intersection.

Therefore, this criterion is satisfied.

7. *Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.*

**RESPONSE:** There are no specific bike connections related to this development and associated street improvements, except what will be available within the street.

The street improvements will provide for a sidewalk extending along the front of the lots and providing for a connection to SW Davies Road.

8. *To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.*

**RESPONSE:** SW 133<sup>rd</sup> Avenue will be extended as a reduced width (21.5 ft. right-of-way) local street, 20 feet of paving, standard curb and gutter on the east side, and mountable curb, planter strip, and sidewalk on the west side. The planter strip and sidewalk will be located within easements across the lots.

SW Davies Road improvements will be limited to curb, street trees, in-street LIDA and sidewalk, consistent with City neighborhood route standards. The existing right-of-way is consistent with the NR-1 standard. No additional right-of-way dedication is required.

Therefore, there is no requirement for a special setback line, and this criterion is not applicable.

9. *Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street connections are not possible due to the conditions described in Section 60.55.25.13. [ORD 4397; August 2006]*

*An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.*

- A. *Accessways shall be provided as follows:*

1. *In any block that is longer than 600 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, an accessway shall be required through and near the middle of the block.*

**RESPONSE:** There are no accessways associated with or required for this development. The extension of SW 133<sup>rd</sup> Avenue will complete a block segment connecting with SW Davis Road. The subject property is not wide enough to provide for any other connections.

Therefore, this criterion is met.

2. *If any of the conditions described in Section 60.55.25.13. result in block lengths longer than 1200 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, then two or more accessways may be required through the block. [ORD 4397; August 2006]*

**RESPONSE:** The existing neighborhood street network does not provide for complete blocks, as there are existing cul-de-sacs and stubbed streets. However, this development will provide for the only available street extension, which is SW 133<sup>rd</sup>, extended through the development and intersecting with SW Davies Road.

Therefore, this criterion is met to the degree practicable.

3. *Where a street connection is not feasible due to conditions described in Section 60.55.25.13., one or more new accessways to any or all of the following shall be provided as a component of the development if the accessway is reasonably direct: an existing transit stop, a planned transit route as identified by TriMet and the City, a school, a shopping center, or a neighborhood park. [ORD 4397; August 2006]*

**RESPONSE:** As previously described, this criterion is not applicable.

4. *The City may require an accessway to connect from one cul-de-sac to an adjacent cul-de-sac or street.*

**RESPONSE:** This development does not create a new cul-de-sac. This criterion is not applicable.

5. *In a proposed development or where redevelopment potential exists and a street connection is not proposed, one or more accessways may be required to connect a cul-de-sac to public streets, to other accessways, or to the project boundary to allow for future connections.*

**RESPONSE:** This development will provide for the only available street extension, which is SW 133<sup>rd</sup> Avenue, extended through the development and intersecting with SW Davies Road. This street meets the connectivity criteria to the degree practicable, and no accessways are necessary.

The existing block configuration does not fully meet the above listed criteria. However, there is an existing pedestrian connection from SW 133<sup>rd</sup> Avenue through Meadow Way Park out to

SW Davies Road. The applicant is not proposing any additional accessway. The proposed extension of SW 133<sup>rd</sup> Avenue will provide an additional pedestrian connection to Davies Road.

Therefore, these criteria are met to the degree practicable.

*10. Pedestrian Circulation. [ORD 4487; August 2008]*

- A. Walkways are required between parts of a development where the public is invited or allowed to walk.*
- B. A walkway into the development shall be provided for every 300 feet of street frontage. A walkway shall also be provided to any accessway abutting the development.*

**RESPONSE:** The subject site only has approximately 160 feet of frontage on SW Davies Road. The extension of SW 133<sup>rd</sup> Avenue through to SW Davies Road satisfies these criteria with the provision of a sidewalk. While there is already a walkway through Meadow Way Park, the extension of SW 133<sup>rd</sup> Avenue will enhance vehicular and pedestrian circulation to the park.

Therefore, these criteria are met.

- C. Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. Walkways shall connect the development to walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development.*

**RESPONSE:** Walkways are not applicable to this development. The sidewalk and intersection ramps have been designed to meet ADA standards. Street lighting is proposed consistent with City standards, which will provide adequate lighting for the sidewalks.

*11. Pedestrian Connections at Major Transit Stops. Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures:*

- A. For development within 200 feet of a Major Transit Stop:*
  - 1. Either locate buildings within 20 feet of the property line closest to the transit stop, a transit route or an intersecting street, or provide a pedestrian plaza at the transit stop or a street intersection;*
  - 2. Provide a transit passenger landing pad accessible to persons with disabilities if required by TriMet and the City;*

3. *Provide a reasonably direct pedestrian connection between the transit stop and building entrances on the site;*
  4. *Where substantial evidence of projected transit ridership or other transit impacts is presented to conclude both that a nexus exists between the proposed development and public transit and that the degree of impact provides reasonable justification, the City may require the developer to grant a public easement or dedicate a portion of the parcel for transit passenger bench(es), shelter, or both, and, if appropriate, the construction of a transit passenger bench, shelter, or both; and,*
  5. *Provide lighting at the transit stop to City standards.*
- B. Except as otherwise provided in subsection A. of this section, for development within 300 feet of a Major Transit Stop, provide walkways connecting building entrances and streets adjoining the site, and pedestrian connections to adjoining properties, except where such a connection is impracticable pursuant to subsection 14. of this section.*

**RESPONSE:** This is a residential development, not involving a commercial or institutional building. Further, the site is not near or within 200 feet of a major transit stop.

Therefore, the criteria under Sub-Section 11 are not applicable.

12. *Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs. "Assessment" for the purposes of this section means to assess the site specific development compatibility issues. Site-specific compatibility issues include but are not limited to lighting, construction methods, design elements, rare plants, and human/pet impacts on the resource. "Review" for the purposes of this section includes but is not limited to obtaining appropriate permits from appropriate resource agencies. Mitigation measures, including appropriate use restrictions, required by local, state, and federal agencies shall be completed as part of the construction project. If the project will irreparably destroy the resource, then the resource will take precedence over the proposed bicycle and pedestrian connection.*

**RESPONSE:** There are no wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs, associated with this property.

Therefore, no assessment review or mitigation is required.

*13. New construction of bicycle and pedestrian connections along residential rear lot lines is discouraged unless no comparable substitute alignment is possible in the effort to connect common trip origins and destinations or existing segment links.*

**RESPONSE:** Consistent with this criterion, the applicant is not proposing any bike or pedestrian connections along the rear lot lines of the proposed development.

This criterion is met.

*14. Street and Bicycle and Pedestrian Connection Hindrances. Street, bicycle, and/or pedestrian connections are not required where one or more of the following conditions exist:*

- A. Physical or topographic conditions make a general street, bicycle, or pedestrian connection impracticable. Such conditions include but are not limited to the alignments of existing connecting streets, freeways, railroads, slopes in excess of City standards for maximum slopes, wetlands or other bodies of water where a connection could not reasonably be provided;*
- B. Existing buildings or other development on adjacent lands physically preclude a connection now and in the future, considering the potential for redevelopment; or,*
- C. Where streets, bicycle, or pedestrian connections would violate provisions of leases, easements, covenants, or restrictions written and recorded as of May 1, 1995, which preclude a required street, bicycle, or pedestrian connection.*

**RESPONSE:** Generally, none of the hindrances listed above apply to this development.

There are no existing buildings or other developments or applicable leases, easement, covenants or restriction on or related to adjacent lands that would physically preclude a connection now or in the future, considering the potential for redevelopment.

**60.55.30. Minimum Street Widths.** [ORD 4302; June 2004] *Minimum street widths are depicted in the Engineering Design Manual. [ORD 4418; February 2007]*

*1. Any project-specific modifications of the standards contained in the Engineering Design Manual regarding the widths of features relating to the movement of vehicles, including but not limited to rights of way, travel lanes, parking lanes, bike lanes, driveway aprons, curb radii, or other such features shall be processed in accordance with the provisions contained in the Section 145 Design Modifications of the Engineering Design Manual. [ORD 4418; February 2007]*



**RESPONSE:** The applicant is proposing a modification from the standard local street width to allow for a 21.5-foot right-of-way. The applicant will request an Engineering Design Manual Exception prior to Final Plat Submittal and Site Development Permit issuance.

**60.55.35. Access Standards.** [ORD 4302; June 2004]

1. *The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved.*
2. *No more than 25 dwelling units may have access onto a closed-end street system unless the decision-making authority finds that identified physical constraints preclude compliance with the standard and the proposed development is still found to be in compliance with the Facilities Review criteria of Section 40.03. [ORD 4584; June 2012]*

**RESPONSE:** The development plans include street plans and profiles that demonstrate how safe access is provided to and from the existing street system and will be provided for the proposed 9 lots, including turning templates for emergency vehicles and city utility vehicles. There are no other adjacent properties for which street access must be provided to support future development.

This development will extend SW 133<sup>rd</sup> Avenue to the southern boundary to intersect with SW Davies Road. No permanent dead-end or cul-de-sac streets are proposed.

Therefore, these criteria are met.

3. *Intersection Standards.*

A. *Visibility at Intersections. All work adjacent to public streets and accessways shall comply with the standards of the Engineering Design Manual except in Regional and Town Centers. [ORD 4462; January 2008]*

1. *The sight clearance area requirements for Town Centers and Regional Centers shall be determined on a case-by-case basis by the decision-making authority. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists, and motorists), design speeds, the intersection sight distance standards of the Engineering Design Manual and Standard Drawings, and other applicable criteria. [ORD 4111; July 2000]*
2. *The requirements specified in 60.55.35.3.A. may be lessened or waived by the decision-making authority if the project will not result in an unsafe traffic situation. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists and motorists), design speeds, the intersection sight distance standards of the Engineering Design Manual, and other applicable criteria.*

**RESPONSE:** This development is not within a Regional and Town Center. Therefore the design criteria in sub-3.A.1. are not applicable.

This development relies upon existing public streets for access, with one new street extension of SW 133<sup>rd</sup> Avenue. Street improvements are designed to comply with the standards of the Engineering Design Manual, with requested modifications as addressed herein. Adequate intersection visibility is provided consistent with standards of the Engineering Design Manual.

*B. Intersection angles and alignment and intersection spacing along streets shall meet the standards of the Engineering Design Manual and Standard Drawings.*

- 1. Local street connections at intervals of no more than 330 feet should apply in areas planned for the highest density multiple use development. [ORD 4584; June 2012]*
- 2. When a highway interchange within the City is constructed or reconstructed, a park and ride lot shall be considered.*

**RESPONSE:** One new intersection is being created at SW Davies Road, with the extension of SW 133<sup>rd</sup> Avenue. This intersection will be aligned to the extent practicable with the existing alignment of SW 133<sup>rd</sup> Avenue on the south side of Davies Road, thereby maintaining neighborhood route spacing.

This development does not involve a highway interchange, and there is no nearby transit service. Consequently, no park & ride is required.

Therefore, these criteria are met or otherwise not applicable.

*C. Driveways.*

- 1. Corner Clearance for Driveways. Corner clearance at signalized intersections and stop-controlled intersections, and spacing between driveways shall meet the standards of the Engineering Design Manual and Standard Drawings.*
- 2. Shared Driveway Access. Whenever practical, access to Arterials and Collectors shall serve more than one site through the use of driveways common to more than one development or to an on-site private circulation design that furthers this requirement. Consideration of shared access shall take into account at a minimum property ownership, surrounding land uses, and physical characteristics of the area. Where two or more lots share a common driveway, reciprocal access easements between adjacent lots may be required.*

- 3. No new driveways for detached dwellings shall be permitted to have direct access onto an Arterial or Collector street except in unusual circumstances where emergency access or an alternative access does not exist. Where detached dwelling access to a local residential street or Neighborhood Route is not practicable, the decision-making authority may approve access from a detached dwelling to an Arterial or Collector.*

**RESPONSE:** There are no signalized intersections associated with this development. The new intersection of SW 133<sup>rd</sup> Avenue and Davies Road will be stop-controlled, and will convert the existing T-intersection to a 4-leg intersection. Driveway spacing for the lots will be consistent with the standards of the Engineering Design Manual and Standard Drawings.

Lot 9 will have a new driveway access from SW Davies Road, which is a neighborhood route. This driveway will be 105 feet west of the new intersection, which meets spacing standards, and 90 feet from the primary access to the property to the west. All of the other lots will have access from SW 133<sup>rd</sup> Avenue.

**60.65. UTILITY UNDERGROUNDING.** [ORD 4118; September 2000]

**60.65.05. Purpose.** *The purposes and objectives of locating existing and proposed private utilities underground are to:*

- 1. Implement the policies, goals, and standards of the City Council and the adopted Comprehensive Plan of the City of Beaverton.*
- 2. Improve aesthetics of the community by reducing the number of utility poles and above ground wires.*
- 3. Provide consistency in management of the City's rights-of-way.*
- 4. Protect essential public services from natural and manmade accidental disruptions.*
- 5. Improve public safety by reducing the possibility for injury from downed lines.*
- 6. Allow fewer fixed obstructions in the public right-of-way.*

**RESPONSE:** All new utilities serving the 9 lots will be placed underground consistent with the provisions of this section. Existing poles and overhead services may be located underground or retained/replaced, subject to final engineering design. However, it is noted that THPRD paid a fee-in-lieu for undergrounding of utilities along the adjoining Meadow Waye Park frontage with SW Davies Road, and therefore retaining overhead services may be the most practical approach. Application for fee-in-lieu payment or underground relocation will be made at the time of site development review.

Therefore, this criterion is met.

**60.60. TREES AND VEGETATION.** [ORD 4224; August 2002] [ORD 4348; May 2005]

**60.60.05. Purpose.**

*Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. In conjunction with processes set forth in Section 40.90. of this Code, this section is intended to help manage changes to the City's urban forest by establishing regulations and standards for the protection, pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, Mitigation Trees and trees within a Significant Natural Resource Area (SNRA) or Significant Grove), Landscape Trees, and Community Trees. [ORD 4584; June 2012]*

**60.60.10. Types of Trees and Vegetation Regulated.**

*Actions regarding trees and vegetation addressed by this section shall be performed in accordance with the regulations established herein and in Section 40.90. of this Code. The City finds that the following types of trees and vegetation are worthy of special protection:*

- 1. Significant Individual Trees.*
- 2. Historic Tree.*
- 3. Trees within Significant Natural Resource Areas.*
- 4. Trees within Significant Groves.*
- 5. Landscape Trees.*
- 6. Community Trees.*
- 7. Mitigation Trees.*

*1. Pruning Standards.*

- A. It shall be unlawful for any person to remove or prune to remove a tree's canopy or disturb the root zone of any Protected Tree, except in accordance with the provisions of this Code.*
- B. All pruning of Protected Trees shall be done in accordance with the standards set forth in this section and the City's adopted Tree Planting and Maintenance Policy, also known as Resolution 3391.*

**RESPONSE:** A separate but concurrent application for a Tree Plan 2 is included, within this application.

There are numerous existing trees throughout the property, but no designated significant historic trees or groves. In all, 29 trees measuring 5-inches and larger in diameter were assessed with 15

different species present, including Douglas-fir, sweetgum, western red cedar, and Norway maple. No other tree species is represented by more than one specimen.

Of the 29 existing trees, 17 are classified as Community Trees, one (#6219 on park property) is classified as a Landscape Tree, five are street trees and six are not classified because they are smaller than the 10-inch diameter threshold for Community Trees and do not pertain to any other classification per BDC Section 60.60.10.

The site does not contain any trees in the following type categories, which have been designated as being worthy of receiving special protection:

1. Significant Individual Trees.
2. Historic Tree.
3. Trees within Significant Natural Resource Areas.
4. Trees within Significant Groves.
5. Landscape Trees.
7. Mitigation Trees.

2. *Removal and Preservation Standards.*

- A. *All removal of Protected Trees shall be done in accordance with the standards set forth in this section.*
- B. *Removal of Landscape Trees and Protected Trees shall be mitigated, as set forth in section 60.60.25.*

**RESPONSE:** Of the 29 existing trees, 24 (83%) are planned for removal for the purposes of construction, including 13 Community Trees, the five streets trees located in public rights of way and the six non-classified trees smaller than 10-inches in diameter. One of the Community Trees planned for removal (#7377) is listed as a boundary tree because it is in close proximity to the western boundary in the southwest corner of the site where grading is necessary. The property boundary will be staked so that the location of the tree may be verified on-the-ground; if any portion of the base of the tree is on the boundary, removal of this tree will be coordinated between the applicant and the neighboring property owner. The remaining five trees (17%) are planned for retention, including three off-site trees (#7380, #7382 and #6219) and two on-site trees near the western boundary (#6379 and #6380).

Accordingly, as greater than 5 Community Trees are proposed for removal, the application is subject to the requirements of Section 40.9.05.2, and is reviewed through the Tree Plan Two review process.

- C. *For SNRAs and Significant Groves, the following additional standards shall apply:*

***Landscape Tree.*** [ORD 4224; September 2002] *A tree, other than a Significant Tree, Historic Tree, or Tree within a Significant Natural Resource Area, that has been preserved or planted as a component of an approved landscaping plan.*

**RESPONSE:** There are no Protected Trees, no SNRA or Significant Groves, or Landscape Trees associated with this property. Therefore, these criteria are not applicable.

***Mitigation Tree.** [ORD 4348; May 2005] A tree planted in an effort to alleviate the impact of the removal of another tree(s). A mitigation tree takes on the designation of the tree(s) removed (i.e. tree(s) planted to mitigate for a tree(s) removed from a grove or SNRA becomes a tree(s) protected as if it were part of a grove or SNRA).*

**RESPONSE:** There are no Mitigation Trees associated with this property.

Therefore, this criterion is not applicable.

***Significant Tree and Grove Inventory Analysis.** [ORD 4224; September 2002] The inventory of significant trees and groves conducted under the direction of the Beaverton Board of Design Review in 1991. The criteria on which listed trees and groves were determined to be significant are as follows:*

1. *An individual tree shall be considered significant if the Board finds:*
  - (a) *The tree has a distinctive size, shape, or location which warrants a significant status; or*
  - (b) *The tree possesses exceptional beauty which warrants a significant status; or*
  - (c) *The tree is significant due to a functional or aesthetic relationship to a natural resource.*

**RESPONSE:** There are no designated Significant Trees or Significant Groves on or adjacent to the subject property.

Therefore, this criterion is not applicable.

**60.60.20. Tree Protection Standards during Development.**

1. *Trees classified as Protected Trees under this Code shall be protected during development in compliance with the following:*
  - A. *A construction fence must be placed around a tree or grove beyond the edge of the root zone. The fence shall be placed before physical development starts and remain in place until physical development is complete. The fence shall meet the following:*
    1. *The fence shall be a four foot (4') tall orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy 12 gauge wire shall be strung between each post and attached to the top and midpoint of each post. Colored tree flagging indicating that this area is a tree*

*protection zone is to be placed every five (5) linear feet on the fence to alert construction crews of the sensitive nature of the area.*

**RESPONSE:** Trees planned for retention will receive special consideration to assure their protection during construction, per the recommendations of the project arborist. Tree protection measures include:

1. Fencing. Trees to be retained shall be protected by installation of tree protection fencing to prevent injury to tree trunks or roots or soil compaction within the root protection zone which generally coincides with the dripline plus 5-feet. Fencing shall be installed as shown on the site plan and inspected and verified by the project arborist before physical development starts and shall remain in place until physical development is complete.

The fence shall be a four foot (4') tall orange plastic or snow fence secured to six foot (6') tall metal posts driven two feet (2') into the ground. Heavy 12-gauge wire shall be strung between each post and attached to the top and midpoint of each post. Colored tree flagging indicating that this area is a tree protection zone is to be placed every five (5) linear feet on the fence to alert construction crews of the sensitive nature of the area.

2. Tree Protection Zone. Without authorization from the Project Arborist, none of the following shall occur within root protection zones or allowed encroachment areas as identified on the tree plan:
  - a. Construction or placement of new buildings;
  - b. Grade change or cut and fill, during or after construction;
  - c. New impervious surfaces;
  - d. Trenching for utilities, irrigation or drainage;
  - e. Staging or storage of materials and equipment of any kind; or
  - f. Vehicle maneuvering or parking.

Root protection zones may be entered for tasks like surveying, measuring, and sampling. Fences must be closed upon completion of these tasks.

3. Tree Removal. Prior to the removal of tree #7377, the western property boundary shall be staked and the location of the tree verified. If any portion of the base of the trunk is on the property boundary, written consent of the adjacent property owner is required prior to its removal.
4. Crown Pruning. Trees to be preserved may require minor pruning for overhead clearance and to remove dead and defective branches for safety. The project arborist can help identify whether pruning is necessary once trees planned for removal have been removed and the site is staked and prepared for construction. Pruning shall be performed by a Qualified Tree Service and in accordance with ANSI A300 Standards and Best Management Practices for Pruning (ISA 2019).
5. Tree #6219 - Excavation in Standard Protection Zone Encroachment Area. The Developer shall coordinate with the project arborist in a timely manner to monitor and document street excavation within the allowed encroachment area as identified on the tree plan. The arborist

shall provide on-the-ground recommendations to minimize impacts which may include hand digging and root pruning in accordance with Best Management Practices for Root Management (ISA 2017).

6. Landscaping. Following construction and prior to landscaping, the protection fencing may be removed. Where landscaping is desired, apply two to three inches (2-3”) of mulch beneath the dripline of protected trees, but not directly against tree trunks. Shrubs and ground cover plants may be planted within tree protection areas by hand; adjust planting locations to avoid tree roots. If irrigation is used, use drip irrigation only beneath the driplines of protected trees; install drip irrigation lines on the ground surface and cover with mulch (no trenching to install irrigation lines beneath protected tree driplines).
7. Quality Assurance. The project arborist will be available on-call during construction to supervise proper execution of this plan; it is the Developer’s responsibility to coordinate with the project arborist in a timely manner as needed. Tree protection site inspection monitoring reports should be provided to the Client and Contractor following each site visit performed by the project arborist during construction.

Therefore, this criterion is met.

#### **CONCLUSION – Chapter 60**

Based on the findings presented herein, and the attached supporting documents, the applicant has demonstrated compliance with the applicable provisions and standards for Chapter 60.

#### **FINAL CONCLUSION – Subdivision**

Based on the findings provided herein, the applicant has demonstrated the proposed subdivision complies with all applicable provisions and standards of the Development Code related to R-5 zoning, Facilities Review, and Land Division.

Therefore, the applicant respectfully requests approval of this application.