



## MEMORANDUM

### City of Beaverton

Community Development Department

**To:** Interested Parties

**From:** City of Beaverton Planning Division

**Date:** October 30, 2015

**cc:** LD2015-0012, TP2015-0010, FS2015-0007

**Subject:** ***Notice of Decision for Edna's Place 4-Lot Preliminary Subdivision***

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Please find attached the notice of decision for LD2015-0012, TP2015-0010 and FS2015-0007 (***Edna's Place 4-Lot Preliminary Subdivision***). Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2015-0012, TP2015-0010 and FS2015-0007 - Edna's Place 4-Lot Preliminary Subdivision is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

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

***The appeal closing date for LD2015-0012, TP2015-0010 and FS2015-0007 (Edna's Place 4-Lot Preliminary Subdivision) is 4:00 p.m., Wednesday November 11, 2015.***

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4<sup>th</sup> Floor, Beaverton Building City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jason T., Assistant Planner, at (503) 350-4038.

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## NOTICE OF DECISION

DECISION DATE: Friday October 30, 2015

TO: All Interested Parties

FROM: Jason T., Assistant Planner

PROPOSAL: **LD2015-0012, TP2015-0010 and FS2015-0007 (Edna's Place 4-Lot Preliminary Subdivision).**

LOCATION: The property is located at 5325 SW Main Avenue. Tax lot 5900 of Washington County's Tax Assessors tax map 1S116DA .The total site is approximately .48 acres.

SUMMARY: Preliminary subdivision approval to divide a property of approximately 20,700 square feet in size, into four individual parcels of approximately 5,000 square feet. The applicant proposes to demolish the existing house and remove ten community trees. The proposal to remove trees from the subject property requires Tree Plan Two approval. The applicant also proposes to reduce the rear setback of two of the four parcels, which requires Flexible Setback approval.

APPLICANT-PROPERTY OWNER: Bruton Properties, LLC  
Attn: Peter Ettro  
12720 SW Allen Blvd  
Beaverton, OR 97005

APPLICANT: Peter Ettro  
12720 SW Allen Blvd  
Beaverton, OR 97005

APPLICABLE CRITERIA: Facilities Review Section: 40.03,  
Preliminary Subdivision Section: 40.45.15.5.C  
Tree Plan Two Section: 40.90.15.2.C  
Flexible Setback for a Proposed Residential Land Division Section: 40.30.15.30.C

RECOMMENDATIONS:

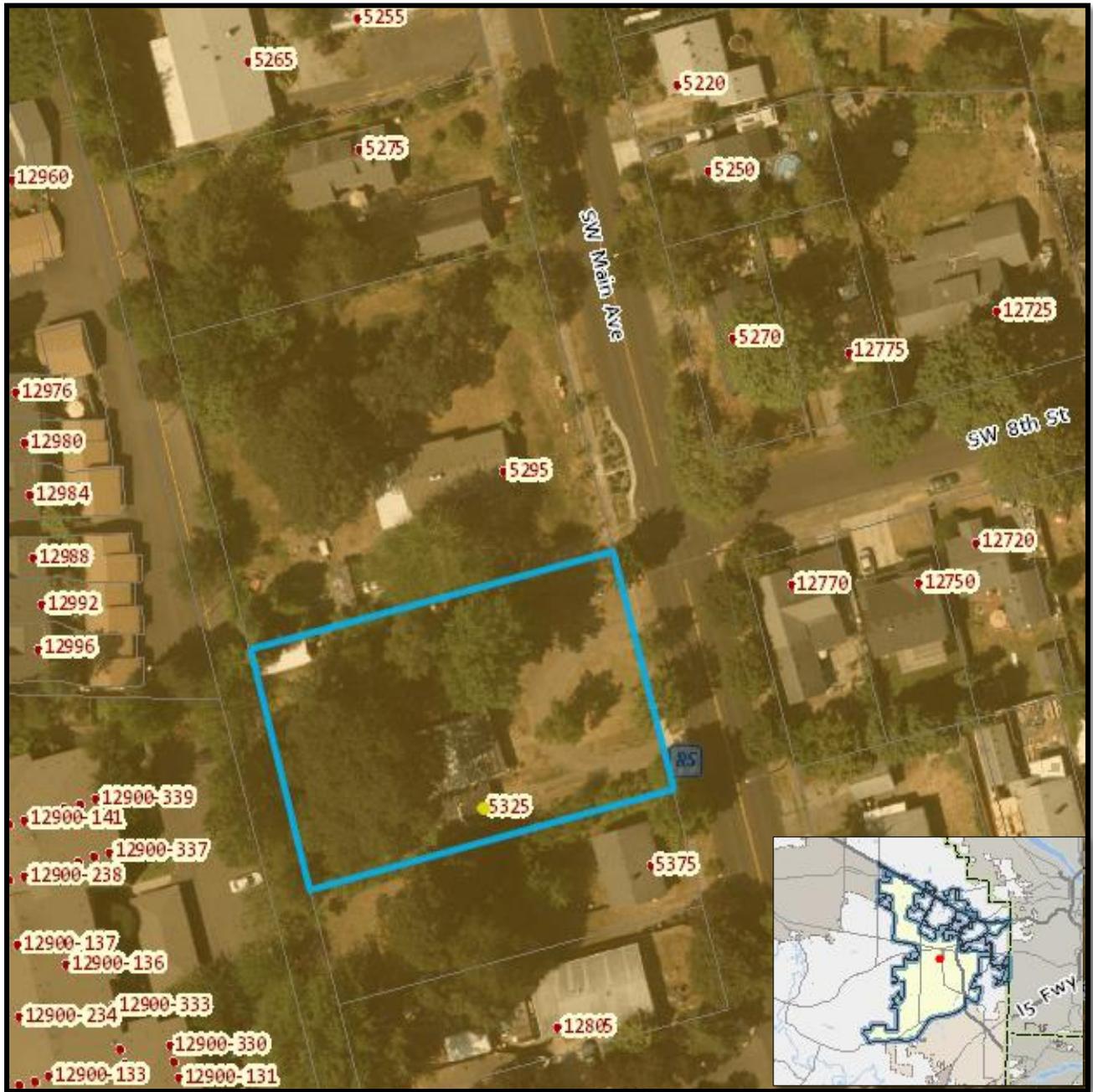
**APPROVAL of LD2015-0012 (Edna's Place 4-Lot Preliminary Subdivision)** subject to conditions identified at the end of this report.

**APPROVAL of TP2015-0010 (Edna's Place 4-Lot Preliminary Subdivision)** subject to conditions identified at the end of this report.

**APPROVAL of FS2015-0007 (Edna's Place 4-Lot Preliminary Subdivision)** subject to conditions identified at the end of this report.

# VICINITY MAP

Exhibit 1



## BACKGROUND FACTS

### Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
LD2015-0012	June 9, 2015	August 19, 2015	December 17, 2015	April 15, 2016
TP2015-0010	June 9, 2015	August 19, 2015	December 17, 2015	April 15, 2016
FS2015-0007	June 9, 2015	August 19, 2015	December 17, 2015	April 15, 2016

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	R5 (Urban Standard Density)	
<b>Current Development</b>	This property is currently developed with a single family home.	
<b>Site Size</b>	Approximately .48 Acres	
<b>NAC</b>	Central Beaverton	
<b>Surrounding Uses</b>	<u>Zoning:</u> North: R5 South: R5 East: R5 West: R5	<u>Uses:</u> North: Single Family South: Single Family East: Single Family West: Multi-Family

## DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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**Exhibit 1. Vicinity/Zoning Map**

**Exhibit 2. Agency Comments**

Conditions of approval dated September 14, 2015 from Jeremy Foster, Fire Marshal for Tualatin Valley Fire and Rescue have been incorporated within the conditions of approval at the end of this report.

**Exhibit 3. Public Comment**

Letter from Jan Ellsworth residing at 5220 SW Main Avenue, Beaverton, OR 97005 dated September 27, 2015. Ms. Ellsworth's letter expressed concern over the number of trees proposed to be removed from the subject site.

**Facilities Review Committee  
Technical Review and Recommendations  
LD2015-0012, TP2015-0010, FS2015-0007  
Edna's Place 4-Lot Preliminary Subdivision**

**Section 40.03 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code.

**The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the three (3) applications as identified below:**

**All twelve (12) criteria are applicable to the submitted applications LD2015-0012, TP2015-0010, FS2015-0007.**

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

**Facts and Findings:**

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation and fire protection. Staff concurs with the applicant's statement that the site currently has adequate capacity or can be improved to have the capacity for all critical facilities and services to available on site.

**Transportation Finding:**

The proposed development of four detached dwellings is expected to generate a level of new traffic that is lower than the thresholds where additional traffic analysis is required. Therefore, no Traffic Management Plan or Traffic Impact Analysis is required. The existing transportation network and the intersections near the site are expected to continue to function within accepted performance parameters.

**Street Widths**

The Beaverton Transportation System Plan classifies SW Main Avenue as a Neighborhood Route, which should have a right-of-way width of 60 feet per the Engineering Design Manual. According to the applicant's plans, the existing right-of-way already meets the required width and therefore no additional right-of-way dedication is required.

**Sidewalk Widths**

To meet standards, Neighborhood Routes are to have 5-foot-wide sidewalks and 7.5-foot-wide planter strips (measured to the face of the curb). The applicant's plans show construction of the required sidewalk along the frontage consistent with this standard. As a condition of approval, the sidewalk work must be completed prior to occupancy (final inspection) of the new houses.

### Driveway Spacing

All four lots will access SW Main Avenue by means of a common driveway. The proposed common driveway does not meet the applicable 50-foot minimum standard from the intersection of SW 9th Street and SW Main Avenue, per Section 210.13.C of the Engineering Design Manual for driveway spacing on a Neighborhood Route. The applicant has received approval of a Modification to the Engineering Design Manual from the site development division to allow the proposed driveway spacing.

### Fire Protection

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. TVF&R has reviewed the project and has provided technical advisory notes and requirements with regard to this proposal. These technical advisory notes are included within the conditions of approval.

### Public water

Water service is provided by the City of Beaverton. Staff concurs with the applicant's statement, that the available service has sufficient capacity to serve the proposed development.

### Public sanitary sewer

The City of Beaverton provides sanitary sewer service through sewer mains in the SW Main Avenue and from a main on the west side of the property. The applicant will have the public main extended to the proposed property on the west side as part of the Site Development process. The available service has sufficient capacity to serve the proposed development.

### Storm water drainage

The City of Beaverton provides storm water service through mains in the SW Main Avenue and from a main on the west side of the property. The applicant will have the public main extended to the proposed property on the west side as part of the Site Development process. The available service has sufficient capacity to serve the proposed development.

Of particular concern is the common driveway rain garden/LIDA facility proposed on lots 2 and 3 and the proposed grading needed to make it function. Condition of approval number 21 requires a supplementary letter to be recorded with the final plat, stating that the proposed storm water swales are to be maintained as approved to Clean Water Services standards.

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

- B. *Essential facilities and services 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.*

### **Facts and Findings:**

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

necessary to serve the proposed residential project are available, have adequate capacity, or can be improved to have capacity to serve the proposed project.

#### Utility Undergrounding (Section 60.65)

An existing utility pole exists on the northeast corner of the site. No overhead utility service lines shall remain on the site. All poles must be moved and all utilities shall be placed underground to accommodate the proposed improvements.

Applicant shall provide plans prior to the issuance of a site development permit, for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. The affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code.

#### Transit improvements

This area is served by Tri-Met public transportation. Tri-Met has not provided comments addressing transit needs and potential future transit stops within the vicinity of the roadway project. There are several transit stops approximately less than a quarter mile from the project site on SW Main Avenue. The proposed improvements to the surrounding sidewalk system will improve the access to the nearby transit stops.

#### Police protection

The site will be served by the Beaverton Police Department for public safety. The City of Beaverton Police Department received a copy of the submittal and has not provided comments in regard to this proposal.

#### On-site pedestrian and bicycle facilities

As a condition of approval, the applicant shall construct new sidewalks along the SW Main Avenue frontages. All of the new sidewalks are proposed to be five-feet wide, with a 7.5 foot planter strip. The applicant has also proposed a private walkway along the length of the private driveway so as to allow pedestrian access directly to the public sidewalk.

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

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

#### **Facts and Findings:**

The property is zoned Urban Standard Density (R-5). Standards of this zone require a minimum land area of 5,000 square feet per lot and do not have requirements for minimum lot dimensions. All four lots will be a minimum of 5,000 square feet in size. The two flag lots to the west are proposed to have a rear yard setback of five feet which will be reduced from the standard 25-foot rear setback. The applicant states that due to the configuration of the lots and the fact that the two rear lots back to an alley that reduced rear lot setbacks will have a minimal effect on the surrounding neighborhood. The applicant's flexible setback proposal is subject to separate approval criteria as shown in attachment D herein.

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

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

**Facts and Findings:**

The following provisions in Chapter 60 were determined to be applicable.

Off-Street Parking Requirements (Section 60.30)

Within the R5 zone the off-street parking space requirement is one space per dwelling. The applicant's proposal meets the required number of off street parking spaces.

Trees and Vegetation Requirements (Section 60.60)

There are no protected trees on the site. There are ten (10) Community Trees greater than 10-inches in diameter proposed for removal from the site. TP2015-0010 has been submitted in conjunction with the land division application. New street trees will be planted to meet the applicable requirements. Refer to the submitted landscape plan for planting schedule.

Street Trees (Section 60.15.15.6)

Section 60.15.15.6. requires street trees along residential developments. While there are currently four street trees along the property's frontage, the proposed driveway and sidewalk improvements could damage these trees. Therefore, as a condition of approval, if following the sidewalk and driveway construction, the City Arborist determines that the existing trees are likely not to survive then the applicant shall replace the damaged street trees in accordance with our street tree program.

Transit Facilities (Section 60.55.40)

The nearest bus stops, which serve one bus route (Numbers 76 and 78) are located one city block from the development, which is a reasonable distance to serve the development site. No new transit facilities are proposed or warranted.

Street and Bicycle and Pedestrian Connection (Section 60.55.25)

Section 60.55.25. requires internal walkways and the applicant has proposed to have a 4-foot-wide concrete walkway that is flush with the proposed common driveway. This will meet the requirements, provided that the walkway is engineered to withstand the loads of a fire vehicle. Therefore, as a condition of approval, the internal walkway shall be designed to withstand at least a 12,500 pound point load (wheel load) and 75,000 pounds live load (gross vehicle weight).

Solar Access Protection (Section 60.45)

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.

Minimum Street Widths (Section 60.55.30)

Section 60.55.30. requires SW Main to be improved to the Neighborhood Route standards, which will mean that the sidewalk will need to be widened to 5-feet, as shown in the

applicant's proposal. The sidewalk improvements will need to be completed prior to occupancy (final inspection) of the proposed units as a condition of approval.

Access Standards (Section 60.55.35)

Section 60.55.35. requires the location of the driveway access to comply with the Engineering Design Manual standards for minimum spacing along a Neighborhood Route, which are 50 feet. The proposed common driveway is less than 50 feet from the intersection of SW 8th Street and SW Main Avenue.

The applicant has received approval from the site development division for a modification to the engineering design manual for driveway spacing.

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

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

**Facts and Findings:**

The applicant states that individual homeowners will provide continued periodic landscape maintenance of the properties.

The applicant shall provide a written maintenance agreement document in regards to the ongoing maintenance of the common driveway. Such agreement shall also be recorded with the final plat approved by the Washington County Surveyor's Office.

The applicant shall also submit a supplementary letter to be recorded with the final plat, stating that the proposed storm water swales are to be maintained in perpetuity, consistent with Clean Water Services standards. The purpose of the letter is to ensure that all future homeowners are made aware of the location and function of these critical facilities.

The proposal as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site. A standard condition of approval stating the property owner is responsible for the property's maintenance is included.

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

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

**Facts and Findings:**

The applicant states the proposed vehicular and pedestrian circulation has been designed to the minimum requirements and standards that facilitate safe, efficient, and direct travel.

The applicant has proposed on-site pedestrian walkways a minimum of 5-feet in width, which connect the four proposed lots to SW Main Avenue right-of-way.

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

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

**Facts and Findings:**

The applicant states the proposal's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

Staff concurs with the applicant's findings. Refer to section F above for staff's response.

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

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

**Facts and Findings:**

The applicant indicates that public facilities serving the site will meet City codes and standards that provide adequate fire protection and emergency vehicle access to each parcel. The applicant's plans have been reviewed by the TVF&R Fire Marshal and conditions of approval have been incorporated within this report.

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

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

**Facts and Findings:**

The conditions of approval stated at the end of this document, provide requirements of the applicant to obtain a Site Development and Building Permit through the City to ensure that structures and public facilities will be designed and built in according to the applicable codes and standards.

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

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

**Facts and Findings:**

The committee notes the proposed grading plan for the site appears relatively flat and minimal grading is anticipated. City Site Development Division staff has recommended conditions of approval to ensure that any proposed grading will comply with City standards.

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

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

**Facts and Findings:**

The applicant is required to meet all applicable accessibility standards of the International Building Code, the International Fire Code, and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals.

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

- L. *The proposal contains all required submittal materials as specified in Section 50.25.1 of the Development Code.*

**Facts and Findings:**

The applicant has supplied all applicable submittal requirements, as specified in Section 50.25.1 of the Development Code.

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

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**Urban Standard Density (R5) Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 20.05.20</b>			
Permitted Uses	Detached Residential	No development is proposed with this partition application, but Single Family Detached Residential lots are proposed.	<b>Yes</b>
<b>Development Code Sections 20.05.15</b>			
Minimum Lot Area	5,000 square feet	The applicant proposes four parcels with the following minimum lot sizes:  Parcel 1: 5,006 square feet Parcel 2: 5,349 square feet Parcel 3: 5,357 square feet Parcel 4: 5,002 square feet	<b>Yes</b>
Yard Setbacks Minimums: Front Side Rear Garage	15-feet 5-feet 20-feet 20-feet	No structures are proposed, but reduced yard setbacks have been applied for through FS2015-0007. The existing structures is proposed to be demolished. See Flexible Setback Findings herein.	<b>Yes with Approval of FS2015-0007</b>
Reduced Yard Setbacks Minimums: Front Side Rear Garage	10-feet 5-feet 5-feet 20-feet	No structures are proposed, but parcels two and three have a proposed reduced yard setback of five feet. See Flexible Setback findings herein.	<b>Yes with Approval of FS2015-0007</b>
Maximum Building Height	35 feet	Not applicable, no structures are proposed.	<b>N/A</b>

## **Analysis & Findings for Preliminary Subdivision Approval LD2015-0012 – Edna’s Place 4-Lot Subdivision**

### **Section 40.45.15.5.C Approval Criteria.**

*In order to approve a Preliminary Subdivision application, the decision making authority shall make findings 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.***

### **Facts and Findings:**

Section 40.45.15.5.A *Threshold: An application for a Preliminary Subdivision shall be required when the following threshold applies:*

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

The applicant proposes to divide one (1) legal lot into four (4) legal lots of record.

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

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

### **Facts and Findings:**

The applicant submitted the required fee for a Preliminary Subdivision application.

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

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

### **Facts and Findings:**

The proposed preliminary subdivision does not conflict with any prior approvals.

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

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

**Facts and Findings:**

Oversized lots are defined by the Beaverton Development Code as lots which are greater than twice the minimum lot size allowed by the subject zoning district. Approval of LD2015-0012 will bring the existing oversized parcel into conformance with the R5 lot standards.

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

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

**Facts and Findings:**

The applicant is not requesting a phasing plan.

**Therefore, staff finds the criterion for approval is not applicable.**

- 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:**

**Facts and Findings:**

The subject site is currently zoned R5 and are not utilizing lot averaging.

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

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

**Facts and Findings:**

The subject site is currently zoned R5 and Adjustment nor Variance applications are being sought.

**Therefore, staff finds the criterion for approval is not applicable.**

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

**Facts and Findings:**

Approval of LD2015-0012 will result in all four parcels created by the proposal retaining the Urban Standard Density (R5) zoning designation.

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

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

**Facts and Findings:**

The applicant has submitted this Preliminary Subdivision application and the associated Flexible Setback with Land Division, Tree Plan II applications and an application for Engineering Design Modification for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals.

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

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL of LD2015-0012 (Edna's Place 4-Lot Subdivision)** subject to the applicable conditions identified in Attachment E.

## Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Grading Standards</b>			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is subject to the grading standards contained herein.	<b>Yes</b>
60.15.10.3.A-E Grading Standards	Maximum of either (2), (4), (6), (8) or (10) foot slope differentials from the existing or finished slope of the abutting property.	The applicant states that the maximum grade differential for this increment does not exceed 2 feet.	<b>Yes</b>
<b>Utility Undergrounding</b>			
60.65.15 Utility Undergrounding	All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities shall be placed underground...	The applicant has proposed to underground all utilities.	<b>Yes</b>

## Analysis & Findings for Tree Plan Two Approval TP2015-0010 – Edna’s Place 4-Lot Subdivision

### Section 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.

### 40.90.15.2.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.***

### **Facts and Findings:**

Staff finds the proposal meets Tree Plan Two Threshold #1:

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 40.90.10.1.”*

Staff has reviewed the information submitted in the arborist report and compared this to the applicant’s written information and has assessed that the applicant is proposing to remove ten (10) community trees from the project site. Community Trees are healthy trees with diameters larger than 10 inches at breast height which are not fruit or nut trees.

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

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

### **Facts and Findings:**

The City of Beaverton received the appropriate fee for a Tree Plan Two application.

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

- 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.***

**Facts and Findings:**

The applicant states it is necessary to remove trees for the construction of the buildings and associated parking. No trees are proposed for removal in order to meet ANSI standards.

**Therefore, staff finds that this approval criterion is not applicable.**

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

**Facts and Findings:**

The applicant states that they have explored many options for development of the site and found that the proposed configuration is the most efficient for circulation and parking. The proposed removal of ten (10) community trees is necessary in order to accommodate the building, the landscaping, the required parking and driveway. Staff acknowledges the concerns expressed by Jan Ellsworth in her letter dated September 27th, 2015. In this case, a reasonable alternative to removing the trees, was not apparent.

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

- 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.***

**Facts and Findings:**

The removal of trees shown on the plan is for the construction of the future single family homes and associated parking and pedestrian walkways. No trees are proposed for removal in order to eliminate a nuisance.

**Therefore, staff finds that this approval 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.***

**Facts and Findings:**

The removal of trees shown on the plan is for the construction of the future single family homes and associated parking and pedestrian walkways. No trees are proposed for removal in order to accomplish public purposes.

**Therefore, staff finds that this approval criterion is not applicable.**

- 7. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.**
- 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 wind throw.**

**Facts and Findings:**

In response to criteria 7, 8, 9 above, staff finds that the site does not contain an SNRA area containing wetland, creek, and riparian habitat. The removal of trees shown on the plan is for the construction of the buildings and associated parking. No trees are proposed for removal in order to enhance health or to eliminate conflicts with structures or vehicles.

**Therefore, staff finds that approval criteria 7, 8 and 9 are not applicable.**

- 10. The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.**

**Facts and Findings:**

The site does not contain an SNRA area containing wetland, creek, and riparian habitat. The removal of trees shown on the plan is for the construction of the buildings and associated parking.

Section 60.60 contains regulations for trees and vegetation, including standards for protection, pruning, removal, replacement, and mitigation. All of the trees on the subject site are either exempt/dead or classified as Community Trees, which are defined as, "A healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. Please refer to the table on page TP-5.

Community Trees are those trees not identified as Significant, Historic, Landscape, or Mitigation Trees, trees within a Grove or a Significant Natural Resource Area, or trees that bear edible fruit or nuts grown for human consumption. Community Trees that are to be retained, are required to be protected during development by utilizing fencing, limiting disturbance to the root zones, and not undertaking specific development activities within the protected root areas.

As stated in findings for Tree Plan Criteria 1-9, the applicant requests removal of all Community Trees on the subject site so that physical development may be accommodated. Accordingly, Section 60.60 standards regarding protection of these trees are not applicable.

**Therefore, staff finds that this approval criterion is not applicable.**

**11. Grading and contouring of the 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.**

**Facts and Findings:**

Staff cites the findings for the Facilities Review *Criterion J* as it relates to this criterion.

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

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

**Facts and Findings:**

In the review of the materials during the application review, the Committee found all applicable application submittal requirements, identified in Section 50.25.1 were contained within this proposal. During the time of the review period, the information given appeared to be sufficient.

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

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

**Facts and Findings:**

The applicant has submitted this Tree Plan Two application and the associated Preliminary Subdivision, Flexible Setback for a Proposed Residential Land Division applications as well as an Engineering Design Modification to the Site Development Division for driveway spacing for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals.

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

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **TP2015-0010 – Edna’s Place 4-Lot Subdivision** subject to the applicable conditions identified in Attachment E.

## Trees and Vegetation & Significant Natural Resources Standards Code Conformance Analysis

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
<b>60.60.15 Pruning, Removal, and Preservation Standards</b>			
60.60.15.1A-B	Pruning Standards	The applicant does not proposal pruning.	<b>N/A</b>
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	The proposed tree removal complies with this section (see findings below).	<b>YES</b>
60.60.15.2.B-C	Standards for SNRA & Significant Groves	Mitigation for Community Trees is not required. No SNRA's or Significant Groves are identified on site.	<b>N/A</b>
<b>60.60.20 Tree Protection Standards During Development</b>			
60.60.20.1	Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval.	The applicant will be required to meet Tree Protection Standards during construction.	<b>YES w/ COA</b>
<b>60.60.25 Mitigation Requirements</b>			
60.60.25	Mitigation Standards: Mitigation is not required for Community Trees.	Mitigation is not required.	<b>N/A</b>
<b>60.67 Significant Natural Resources</b>			
60.67.05.1	Development activities in locations of possible significant natural resources and/or wetlands are subject to relevant procedures identified in Chapter 50.	No significant natural resources exist on site.	<b>N/A</b>
60.67.15.2	For sites identified in the Local Wetland Inventory notice of the proposed development shall be provided to DSL.	No significant natural resources exist on site.	<b>N/A</b>
60.67.10	Development activities in locations of Significant Riparian Corridors are subject to relevant procedures identified in Chapter 50.	No significant natural resources exist on site.	<b>N/A</b>

**Analysis & Findings for  
Flexible Setback for a Proposed Residential Land Division  
FS2015-0007 – Edna’s Place 4-Lot Subdivision**

**Section 40.30.15.3.C Approval Criteria.**

*In order to approve a Flexible Setback for a Proposed Residential Land Division application, the decision making authority shall make findings 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.***

**Facts and Findings:**

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

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

FS2015-0007 is subject to approval of LD2015-0012, a preliminary subdivision which proposes to create four (4) legal lots from one (1) legal lot of record in the Urban Standard Density (R5) residential zone.

**Therefore, staff finds the proposal meets the criterion for approval with condition of approval.**

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

**Facts and Findings:**

The applicant submitted the required fee for a Flexible Setback for a Proposed Residential Land Division application.

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

- 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.***

**Facts and Findings:**

No building permits have been applied for with this proposed land division. The applicant states that, the proposal is compatible within the surrounding area. Proposed building footprints appear to be comparable with the scales, bulk lot, coverage and density of the surrounding area. Examples of single-family dwellings submitted by the applicant are similar in building character as other single-family developments in the surrounding area

and are compatible in light of the considerations listed in the approval criteria. The reduced setback is compatible with the surrounding properties.

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

- 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.***

**Facts and Findings:**

Staff cites the findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Urban Standard Density (R5) zone, as applicable to the above mentioned criteria. This proposal is for four legal lots from one existing legal lot in the R5 zoning district.

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

- 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.***

**Facts and Findings:**

Staff cites the code conformance chart in Attachment B of this report which evaluates compliance with Chapter 60 of the Development Code.

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

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

**Facts and Findings:**

The applicant has submitted all applicable application requirements for all land division applications related to this proposal.

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

**Facts and Findings:**

The applicant has submitted a Preliminary Subdivision, Tree Plan II applications and a Modification to the Engineering Design Manual for this project in conjunction with the proposed Flexible Setback application. Concurrent review of the applications satisfies this criterion.

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

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **FS2015-0007 (Edna's Place 4-Lot Subdivision)** subject to the applicable conditions identified in Attachment E.

**CONDITIONS OF APPROVAL**  
**LD2015-0012, TP2015-0010, FS2015-0007**  
**Edna's Place 4-Lot Preliminary Subdivision**

1. FS2015-0007 and TP2015-00210 are subject to approval of LD2015-0012 (Planning/JST)

**TP2015-0010 - Tree Plan Two**

2. Ensure that all associated applications, including Preliminary Subdivision, Tree Plan, and Flexible Setback Applications have been approved and are consistent with the submitted plans. (Planning Division/JST)
3. The applicant must comply with the tree protection provisions of Section 60.60.20 of the Development Code, unless modified in agreement with the City Arborist. Plans showing compliance with these standards, including placement of orange tree fencing shall be provided prior to Site Development Permit issuance. (Planning Division/JST)
4. At the conclusion of the construction the applicant shall submit a report showing which Community Trees were kept, which were damaged or destroyed, and which were removed. (Planning Division/JST)

**LD2015-0012 – Preliminary Subdivision**

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

5. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
6. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
7. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the

engineering plan revision and work commencing as revised. (Site Development Div./JJD)

8. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality) facilities, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
9. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
10. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
11. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
12. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./JJD)
13. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's area to another lot's area shall not be considered a direct plumbing service. (Site Development Div./JJD)
14. Provide final construction ready plans and a full design report demonstrating proposed provision of treatment and on-site detention as generally depicted on the submitted preliminary utility plan and drainage report (October 20, 2015). Compliance with storm water quality requirements within the core area of Beaverton will be met as proposed by installation of a Contech Inc., Stormfilter system with treatment provided at a minimum equivalent of 3.0 standard-size cartridges per tributary impervious acre. The analysis will need to be supported with exhibits and calculations. Plans shall also show an oil and sediment trap for any auxiliary inlet structures (ex: sumped, lynch-type

catch basin, trench drain with trap, or other City of Beaverton approved equivalent) located in front of any Stormfilter unit. For any impervious area determined to not be practical to flow or be piped to a Stormfilter unit, a fee in lieu of stormwater quality provision will be assessed. (Site Development Div./JJD)

15. Submit to the City a certified impervious surface determination of the proposed project's new impervious area proposed for any common areas and common private driveways prepared by the applicant's engineer, architect, or surveyor. Any home demolition is credited at one equivalent surface unit (2640 square feet per existing lot with one or more single family homes). (Site Development Div./JJD)
16. Pay storm water system development charges (overall system conveyance and winter detention) for the new impervious area proposed for any common areas or private streets. (Site Development Div./JJD) (Site Development Div./JJD)
17. Provide plans for the placement of underground utility lines within the site to the existing home, and for services to the proposed new home site. No overhead services shall remain on the site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
18. Provide plans for LED street lights along the site's public street frontages (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director). (Site Development Div./JJD)
19. Provide plans confirming that the new and/or existing street trees meet appropriate spacing on all street frontages. (Site Development Div./JJD)
20. Provide plans showing a City standard commercial driveway apron (may be modified to have six foot wings) at the intersection of any private, common driveway and a public street. (Site Development Div./JJD)

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

21. Submit a supplementary letter to be recorded with the final plat, stating that the proposed storm water swales on each lot, are to be maintained by homeowners in perpetuity, consistent with Clean Water Services standards. (Planning/JST)
22. The applicant shall provide a written maintenance agreement document in regards to the ongoing maintenance of the common driveway. Such agreement shall also be recorded with the final plat with the Washington County Recorder's Office.
23. If following the sidewalk and driveway construction, the City Arborist determines that the existing trees are likely not to survive then the applicant shall replace the damaged street trees in accordance with our street tree program. (Planning/JST)

24. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
25. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div./JJD)
26. Show granting of any required on-site easements on the partition plat, along with plat notes as approved by the City Engineer for area encumbered and County Surveyor as to form and nomenclature. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet current City standards in relation to the physical location of existing site improvements. (Site Development Div./JJD)

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

27. Have recorded the final plat with Washington County and provided the City with the final recorded copy. Have met all conditions of approval for recording of the final plat. (Site Development Div./JJD)
28. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
29. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at site development permit issuance. (Site Development Div./JJD)
30. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
31. Pay storm water system development charges (overall system conveyance and winter detention) for each new home. (Site Development Div./JJD) (Site Development Div./JJD)
32. Fire Apparatus Access Road Distance from Building and Turnarounds: Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. (OFC 503.1.1) ***A portion of the access drive to lots 2 and 3 will be required to be fire department access. This must be identified on the plans.***

33. Fire Apparatus Access Road Width and Vertical Clearance: Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. The fire district will approve access roads of 12 feet for up to three dwelling units and accessory buildings. (OFC 503.2.1 & D103.1) **The portion that is fire department access must comply with the width and vertical requirements.**
34. No Parking Signs: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6) **The portion that is fire department access must be provided with signage.**
35. Surface and Load Capacities: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3) **The portion of roadway that is fire department access must support these loads.**
36. Single Family Dwellings - Required Fire Flow: The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)
37. Fire Flow Water Availability: Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B) **Provide fire flow calculations.**
38. Fire Hydrants – One- And Two-Family Dwellings & Accessory Structures: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1) **A fire hydrant will be required within 600 feet of all portions of the proposed houses.**

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

39. If following the sidewalk and driveway construction, the City Arborist determines that the existing trees are likely not to survive then the applicant shall replace the damaged street trees in accordance with our street tree program. (Planning/JST)
40. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the house frontage. (Site Development Div./JJD)
41. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards and have the rain gardens fully planted, functional and ready to receive drainage. (Site Development Div./JJD)
42. The applicant shall construct new sidewalks along the SW Main Avenue frontages as shown on the approved plan. The sidewalk work shall be completed prior to occupancy (final inspection) of the new houses. (Planning/JST)

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

43. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
44. Submit any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
45. Provide evidence of a post-construction cleaning, system maintenance, and Storm Filter recharge/replacement per manufacturer's recommendations for the site's proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)