

STAFF REPORT

HEARING DATE: April 1, 2015

TO: Planning Commission

FROM: Steve Regner, Assistant Planner

PROPOSAL: **Murray 20 Lot Subdivision Major Adjustment to Side Yard Setbacks**

LOCATION: Assessor's Map 1S116CB Tax Lot 20400

ZONING: Urban Medium Density Residential (R2)

SUMMARY: The applicant requests a Major Adjustment to the previously approved Murray 20 Lot Subdivision (LD2014-0008, TP201-0007, and SDM2014-0006). The proposed Adjustment would reduce the side yard setbacks to three feet from the minimum side yard setback of five feet required in the R2 zone. To minimize impacts on surrounding development, the side yard setback of Lots 11 and 20 which border the development are proposed to remain at five feet.

PROPERTY OWNER: Van Horn Development
Darcy Harrison
5040 SW Murray Boulevard
Beaverton, OR 97005

APPLICANT: Murray Road LLC
Ron Guillory
PO Box 12
Hillsboro, OR 97123

APPLICANT'S REPRESENTATIVE: Trisha Clark
9479 SW Maplewood Drive, B15
Tigard, OR 97223

RECOMMENDATION: **ADJ2015-0001 (Murray 20 Lot Subdivision): Approval** subject to conditions of approval.

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>
ADJ2015-0001	January 11, 2015	February 11, 2015	April 1, 2015	October 16, 2015

* Pursuant to Section 50.25.8 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

The applicant previously applied for a 20 lot subdivision on the subject property, under casefile numbers LD2014-0008, TP2014-0007, and SDM2014-0006 in June 2014. The proposal was processed as a Type 2 application, and was approved on November 14, 2014. (See Exhibit 1.4) The approved project provided no modifications to building setbacks through adjustments or flexible setbacks.

Existing Conditions Table

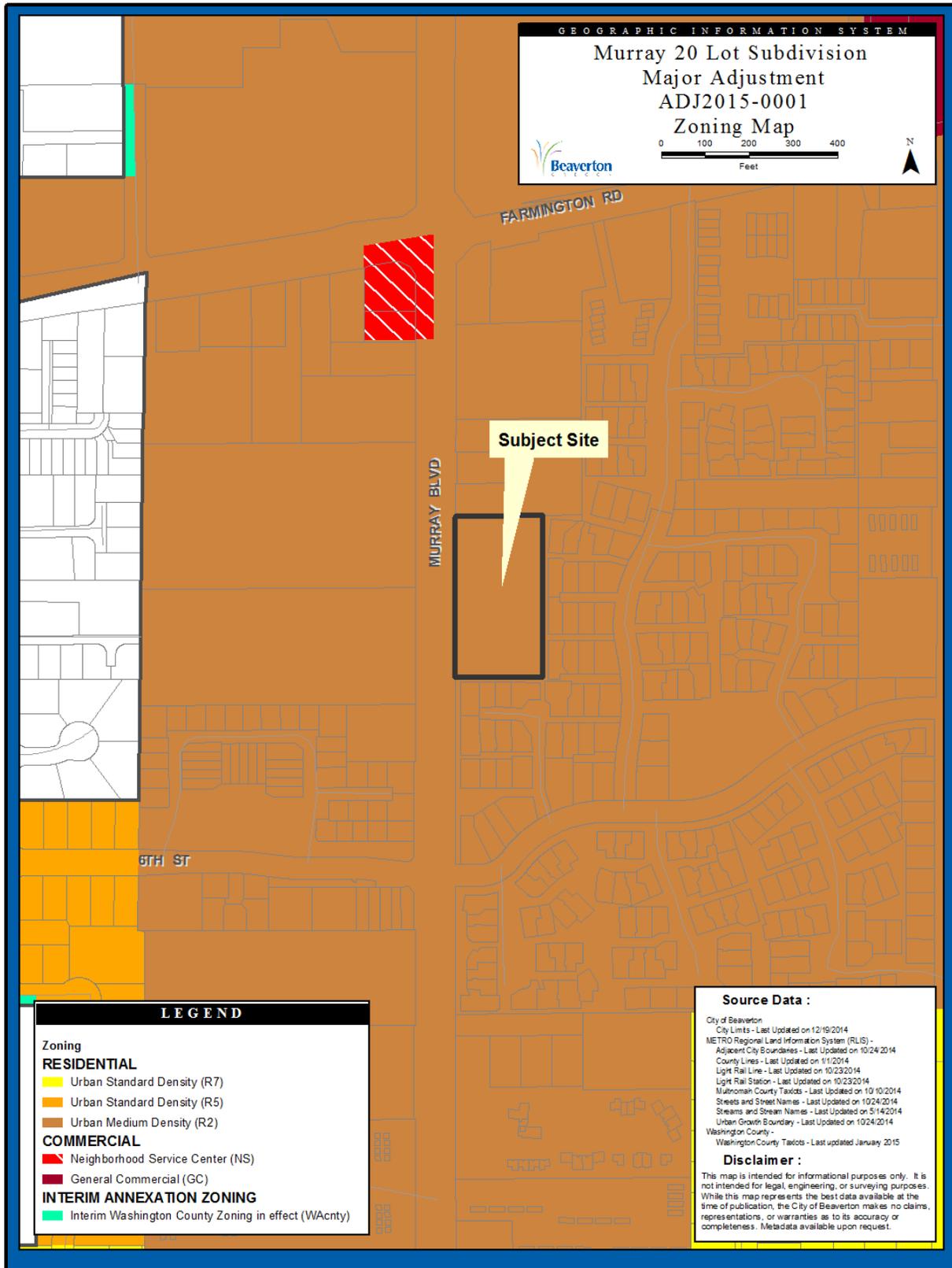
Zoning	Urban Medium Density Residential (R2)	
Current Development	Two single family dwellings	
Site Size & Location	Approximately 1.66 Acres, located at 5040 SW Murray Boulevard along the east side of SW Murray Boulevard, north of SW 6 th Avenue and south of SW Farmington Road Washington Assessor's Map 1S116CB, Tax Lot 20400	
NAC	Central Beaverton Neighborhood Association Committee	
Comprehensive Plan	Land Use: Corridor (COR) Street Functional Classification Plan: SW Murray Boulevard is classified as an Arterial. All internal streets are within private tracts.	
Surrounding Uses	<u>Zoning:</u> North: Urban Medium Density (R2) South: Urban Medium Density (R2) East: Urban Medium Density (R2) West: Urban Medium Density (R2)	<u>Uses:</u> North: Single Family Residential South: Multi-Family Residential East: Multi-Family Residential West: Multi-Family Residential

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

	<u>PAGE No.</u>
<u>Attachment A</u> : ADJ2015-0001 Major Adjustment Analysis and Findings	ADJ1 – ADJ6
<u>Attachment B</u> : Conditions of Approval	COA1

EXHIBITS

- Exhibit 1 Materials Submitted by Staff**
Exhibit 1.1 Zoning Map (page SR – 5)
Exhibit 1.2 Vicinity Map (page SR – 6)
Exhibit 1.3 Chapter 20 Code Conformance Chart of Previously Approved
LD2014-0008, TP201-0007, and SDM2014-0006 (page SR – 7)
Exhibit 1.4 Notice of Decision LD2014-0008, TP201-0007, and SDM2014-0006
- Exhibit 2 Materials Submitted by the Applicant**
Exhibit 2.1 Project narrative and plans
Exhibit 2.2 Potential floor plan and elevations
Exhibit 2.3 Photographs of existing similar developments
Exhibit 2.4 Illustration of proposed maintenance easement and fence restrictions
between buildings
- Exhibit 3 Public Comment** (none received)





CODE CONFORMANCE ANALYSIS
FOR PREVIOUSLY APPROVED LD2014-0008, TP201-0007, AND SDM2014-0006
Chapter 20 Land Use and Site Development Requirements
Urban Standard Density (R2) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20 (Urban Standard Density R-2)			
Use - Permitted	Detached Dwellings	Detached Dwellings	Yes
Development Code Section 20.05.15 (Urban Standard Density R-2)			
Minimum Land Area	2,000 square feet	2,000 square feet or larger	Yes
Minimum Lot Dimensions			Yes
Width	14 feet / 20 feet (corner)	width: 27 feet or larger	
Depth	none	n/a	
Minimum Yard Setbacks		The following minimum setbacks are provided:	Yes w/ conditions of approval
Front	10 feet	5 foot side yard*	
Side	5 feet	15 foot rear yard	
Rear	15 feet	10 foot front yard (18.5 to the garage)	
Garage	5 or 18.5 feet	except the alley loaded lots that have 5 foot setbacks to the garage. See Criterion 40.03.1C for additional findings.	
Garage Door to Rear Min. Between Buildings	24 feet 6 feet		
Building Height Maximum	35 feet	The applicant states the development will comply with the maximum building height of 40 feet. Building height will be verified at building permit phase.	N/A
Development Code Section 20.25.05 – Density Calculations			
Minimum Residential Density	Min Density: 20 lots Max Density: 36 lots	The applicant proposes 20 lots.	Yes

*Proposed Adjustment would reduce side yard setback to three feet, except for two lots (11 and 20) where the exterior side setback would remain at five feet.



DECISION FINAL

November 26, 2014

To whom it may concern:

RE: LD2014-0008, SDM2014-0006, TP2014-0007 – MURRAY ROAD 20-LOT SUBDIVISION.

Please be advised that the Planning Director's decision of November 14, 2014, on the above referenced application was not appealed, therefore, the decision is final.

If you have any questions, please contact me at (503) 526-2429.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Sparks". The signature is written in a cursive style.

Steven A. Sparks, AICP
Planning Division Manager

cc: Murray Road LLC
Jim Duggan
Naomi Vogel

Trisha Clark
Nadine Smith
Sambo Kirkman

Brad Roast
Jennifer Garland

**ADJ2015-0001
ANALYSIS AND FINDINGS FOR
MAJOR ADJUSTMENT APPROVAL**

Section 40.10.05. Adjustment Applications; Purpose

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in this 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.

Section 40.10.15.2.C Approval Criteria

In order to approve a Major 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 Major Adjustment application.***

Findings:

Section 40.10.15.2.A.1 Threshold: *An application for Major Adjustment shall be required when the following threshold applies:*

Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Site Development Requirement specified in Chapter 20 (Land Uses).

The minimum side yard setback for a building in the R2 zone is five feet. The applicant proposes a three-foot side yard setback for all side yards within the development, except the side setback of Lots 11 and 20 which border the development. This represents a 40% adjustment from the Site Development Requirement of five feet.

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

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

Findings:

The City of Beaverton received the appropriate fee for a Major Adjustment application.

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

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

Findings:

The applicant proposes new residential development on an approximately 1.66 acre parcel located in the R2 zone. The parcel currently contains two detached single family homes, to be removed as part of the subdivision development. In response to Criterion number 3, the applicant's narrative states that the intent of the development was to provide detached homes for individual ownership.

The applicant also explains the approach in designing the subdivision for detached single family. According to the applicant, the minimum density required by the R2 zone, along with the need to create safe vehicle and pedestrian maneuvering, required relatively narrow lots (27 feet wide) as part of the design. The applicant further explains how it is possible to construct single family homes that accommodate the standard five foot setback. However, the building envelope is limited to 17 feet in width. The applicant states that the allotment of four extra feet, resulting in a 21 foot wide detached residence, will be of a greater benefit for future residents.

Staff acknowledges the density requirements of the R2 zone. For the previous Land Division approval, the applicant has removed all tracts from the gross site area (1.66 acres) to accurately calculate the net site area (1.15 acres). The resulting minimum residential density is 20 lots. The applicant has submitted sketches and photographs (Exhibit 2.2 and 2.3) that are meant to illustrate housing types similar to what would be constructed at the subject site with the proposed three foot side yard setback. While a final product has yet to be determined, the proposed setback reduction allows a slight increase to the buildable area of each lot thereby increasing the potential for variation in unit design. Staff finds that the proposed adjustment to be acceptable under the circumstances. In this case, the minimum density requirements of Section 20.25.05, combined with the R2 site development standards (minimum 2,000 square feet per lot) pose a challenge for constructing detached housing.

The applicant proposes a three-foot setback for all internal side yards. Staff notes that the minimum five-foot side yard setback is proposed for the side yards located along the site perimeter (Lots 11 and 20). As such, homes constructed in this subdivision will be no closer to adjacent existing developed that already approved. Staff finds that the impacts of reducing the internal side yard setback are primarily to the proposed development, rather than the surrounding neighborhood.

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

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

Findings:

The applicant states that the parcel is long and narrow in shape, and is developed on all three sides, limiting vehicle access to Murray Boulevard only. According to the applicant, these constraints, along with minimum density requirements, led to narrow lots.

Staff has reviewed the applicant's calculations for minimum density and concurs that the Major Adjustment to the five-foot side yard setback will enable the development to maximize the building envelope for each lot. The proposed setback reduction will not create additional lots. Therefore, the request is not a result of financial hardship or inconvenience for the applicant.

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

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

Findings:

The applicant requests adjustment from the minimum side yard building setback of five feet in the R2 zone. The applicant proposes a three-foot side yard setback for all lots except the side setback of Lots 11 and 20 which border the development. Staff finds that granting the adjustment, as proposed, will have no impact on pedestrian or vehicular movement through the subdivision as already approved by LD2014-0008, TP201-0007, and SDM2014-0006.

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

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

Findings:

There are no City-designated significant trees and/or historic resources on the subject site.

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

7. *If more than one (1) adjustment is being requested concurrently, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zoning district.*

Findings:

Only one adjustment is being requested.

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

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

Findings:

The applicant states that the requested two-foot adjustment is the minimum necessary to develop each lot, while meeting minimum density and Building Code requirements.

Staff notes that to allow for windows and doors to be added to walls along the side property lines, the International Building Code requires the building wall to set back as least three feet from the property line. The proposed setback reduction will still allow for the construction of doors and windows along the side walls. Staff finds that the applicant has demonstrated that the Major Adjustment is the minimum that will make possible a reasonable use of land and the proposed structures.

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

9. Either it can be demonstrated that the modification equally or better meets the intent of the standard to be modified or the proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.

Findings:

In response to Criterion 9, the applicant states that the proposed three foot side setbacks better meets the intent of the standard because it allows future owners of the homes a wider house and more living area. The applicant states that single family homes are more desirable for families than attached homes, and the larger living area allows the subdivision to provide greater living area, while still meeting minimum density standards required by the R2 zone.

Staff finds that the proposal meets the intent of the setback standard by providing at least six feet between buildings, which is the minimum distance required by Building Code. Additionally, the reduced side yard setbacks allow the development to meet minimum density requirements while maximizing the building envelope for each lot.

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

10. 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 application that have been approved or are considered concurrently with the subject proposal.

Findings:

Staff cites the findings in the Code Conformance Analysis chart from previously approved LD2014-0008, TP201-0007, and SDM2014-0006, located in Exhibit 1.3, for the R2 zone as applicable to the above mentioned criteria. As demonstrated on the chart, the previously approved development proposal meets the site development standards, with the exception of the side yard setback. The side yard setback is requesting modification through this Major Adjustment application.

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

- 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.***

Findings:

Staff finds that the current Major Adjustment proposal, which is limited to side setbacks, will have no impact on development's ability to meet applicable Code requirements of Chapter 60.

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

- 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.***

Findings:

The applicant states that Homeowners Association will be formed for the subdivision, and the CC&R's will provide and ensure the continued maintenance of private common facilities, including but not limited to: The private streets within Tracts A and B, the water quality facility within Tract C, and any required screening and buffering.

Staff finds that the proposal does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure of facilities on site. However, with only a six-foot distance proposed between buildings, staff recommends a condition of approval that will require the applicant to record maintenance easements with the Final Plat. These easements would benefit future homeowners when maintaining the side exteriors. To ensure full use of the maintenance easements, staff proposes a condition to prohibit the construction of fences inside of the maintenance easements. The applicant has

provided an illustration (Exhibit 2.4) to demonstrate the location of the proposed maintenance agreement and fence location. Additionally, staff recommends provisions in the draft CC&R's that ensure adequate access to all buildings and common areas.

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

- 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.***

Findings:

The proposal does not include any lot area averaging.

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

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

Findings:

The applicant has submitted all documents related to this request for Major Adjustment approval.

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

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **ADJ2015-0001 (Murray 20 Lot Subdivision Major Adjustment)** subject to the applicable conditions identified in Attachment B.

CONDITIONS OF APPROVAL

1. The three foot reduced side setback is approved for all lots, except the eastern side setback of Lots 11 and the northern side setback of lot 20. (Planning Div./SJR)
2. Prior to final plat approval, a maintenance easement between buildings shall be recorded to allow for exterior building repairs and maintenance. (Planning Div./SJR)
3. Fences shall not be permitted within the maintenance easements between buildings. (Planning Div./SJR)
4. Approval of ADJ2015-0001 is subject to conditions of approval identified in LD2014-0008, TP2014-0007, and SDM2014-0006 Murray Road 20 Lot Subdivision. (Planning Div./SJR)
5. Prior to issuance of the site development permit, the applicant shall ensure the land use approval has not expired, which is two (2) years from the effective date of the decision. (Planning Div./SJR)