



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties

From: City of Beaverton Planning Division

Date: September 22, 2016

cc: LD2016-0007, TP2016-0006

Subject: ***Notice of Decision for 7440 SW 78th Avenue 6-Lot Subdivision***

Please find attached the notice of decision for **LD2016-0006 TP2016-0007 – 7440 SW 78th Avenue 6-Lot Subdivision**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2016-0006 TP2016-0007 – 7440 SW 78th Avenue 6-Lot 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 LD2016-0006 TP2016-0007 – 7440 SW 78th Avenue 6-Lot Subdivision is 4:30 p.m., Tuesday, October 4, 2016.

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, 4th Floor, Beaverton Building City Hall; 12725 SW Millikan Way, between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jason T., Assistant Planner, at (503) 350-4038.



NOTICE OF DECISION

TO: All Interested Parties

FROM: Jason T., Assistant Planner

PROPOSAL: **LD2016-0007, TP2016-0006 (7440 SW 78th Avenue 6-Lot Preliminary Subdivision).**

LOCATION: The property is located at 7440 SW 78th Avenue. Tax lot 3500 of Washington County's Tax Assessors tax map 1S124CA.

SUMMARY: The applicant is seeking approval of a Preliminary Subdivision application to develop an approximately 1.07 acre lot in the R7 zoning district, into a six (6) lot single family subdivision and a Tree Plan Two application to remove twenty seven (27) community trees to accommodate the development of the site.

APPLICANT-PROPERTY OWNER: Integral LLC
Attn: Marsha Rakhlin
5293 SW Kenny Street
Lake Oswego, OR 97035

APPLICANT: Mark Dane Planning
12725 SW Glen Haven Street
Portland, OR 97225

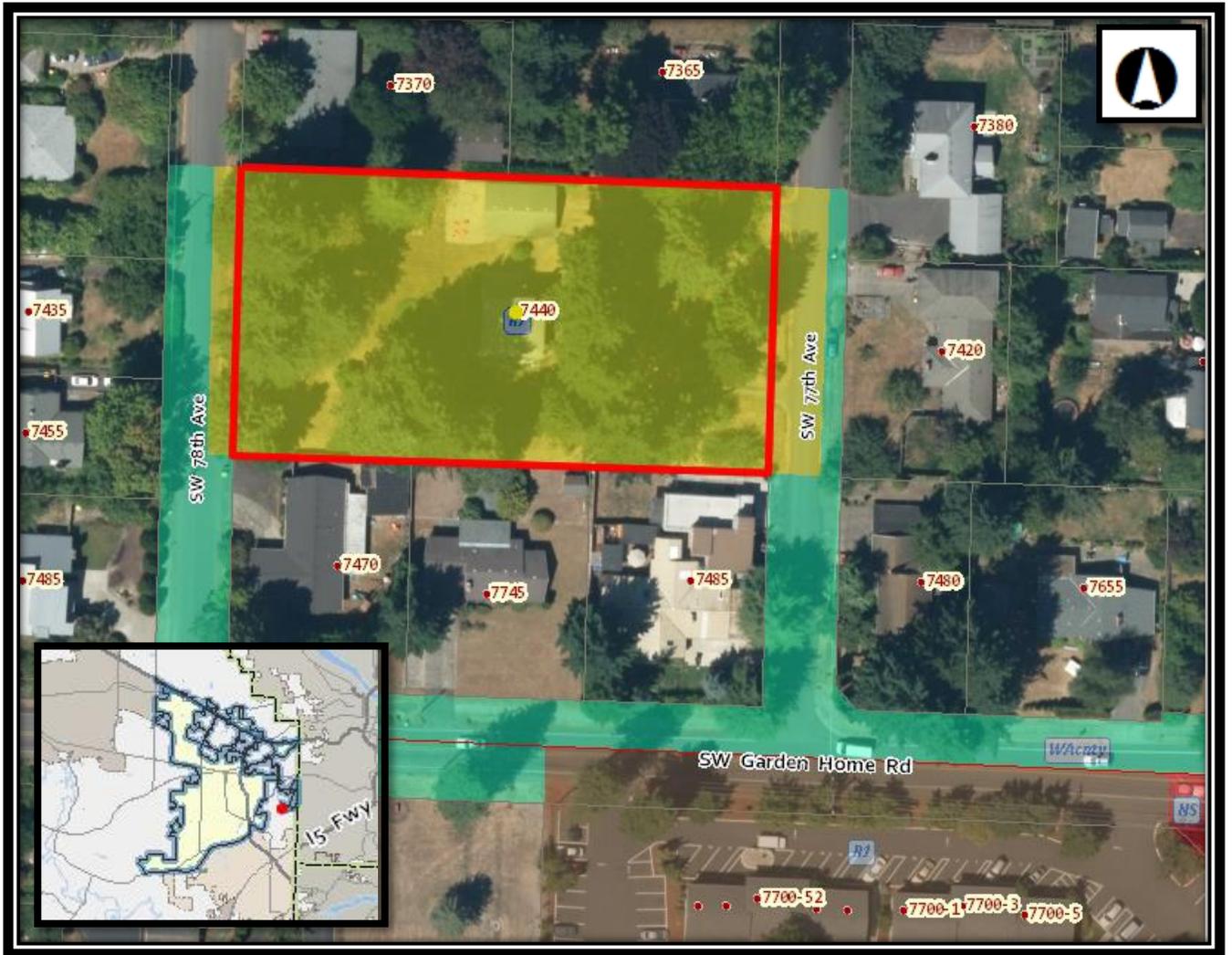
APPLICABLE CRITERIA: Preliminary Subdivision: Section 40.45.15.5.C
Tree Plan Two: Section 40.10.15.1.C
Facilities Review: Section 40.30

RECOMMENDATIONS: **APPROVAL of LD2016-0007(7440 SW 78th Avenue 6-Lot Preliminary Subdivision)** subject to conditions identified at the end of this report.

APPROVAL of TP2016-0006 (7440 SW 78th Avenue 6-Lot Preliminary Subdivision) subject to conditions identified at the end of this report.

VICINITY MAP

Exhibit 1



BACKGROUND

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120-Day*</u>	<u>240-Day**</u>
LD2016-0007	March 7, 2016	July 27, 2016	November 24, 2016	March 24, 2017
TP2016-0006	May 10, 2016	July 27, 2016	November 24, 2016	March 24, 2017

* Pursuant to Section 50.25.8 of the Beaverton Development Code, the City will reach a final decision on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise.

** Pursuant to Section 50.25.9 of the Beaverton Development Code, the total of all extensions may not to exceed 240 calendar days from the date the application was deemed complete. This is the latest date by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	R7 (Urban Standard Density)	
Current Development	This property is currently developed with a single family home.	
Site Size	Approximately 1.07 Acres	
NAC	Denney Whitford / Raleigh West	
Surrounding Uses	<u>Zoning:</u>	<u>Uses:</u>
	North: Washington County	North: Single-Family
	South: Washington County	South: Single-Family
	East: Washington County	East: Single-Family
	West: Washington County	West: Single-Family

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Exhibit 1. Vicinity/Zoning Map

Exhibit 2. Agency Comments

- 2.1** Conditions of approval dated September 13, 2016, by Jeremy Foster, Fire Marshal for Tualatin Valley Fire and Rescue.
- 2.2** Conditions of approval dated August 12, 2016, by Naomi Vogel, Associate Planner with Washington County Land Use and Transportation.

Exhibit 3. Public Comment

- 3.1** Email received August 24th, 2016 from Darren Davidson and Becky Rice residing at 7365 SW 77th Avenue, Portland, OR 97223, expressing concern over the removal of trees.
- 3.2** Email received August 24th, 2016 from Mickey J. and Billy Lindsay residing at 7375 SW 78th Avenue, Portland, OR 97223, expressing concern over the removal of trees and over the potential style of future homes to be built.
- 3.3** Email received August 24th, 2016 from Lynn C. Thorsen residing at 6605 SW 90th Avenue Portland, OR 97223, expressing concern over the removal of trees.
- 3.4** Email received August 24th, 2016 from Sherry Stratton residing at 7350 SW 78th Avenue, Portland, OR 97223, expressing concern over the removal of trees and over the number of lots being proposed.

**Facilities Review Committee
Technical Review and Recommendations
LD2016-0007, TP2016-0006
7440 SW 78th Avenue 6-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 five (5) applications as identified above:

- 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 serve the site.

Transportation Finding:

The proposed development of six (6) single-family 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 as outlined in Beaverton’s Transportation System Plan (TSP).

Street Widths

SW 78th Avenue is classified as a Washington County (L2) local street and has an existing right-of-way adjacent to the subject lot of approximately 20-feet wide from center line, which is less than the required 28-foot width needed to accommodate the full sidewalk and planter strip. Therefore additional right-of-way dedication of 8-feet is required.

SW 77th Avenue is classified as a City of Beaverton (L2) local street and has an existing right-of-way adjacent to the subject lot of approximately 20-feet wide from center line, which is less than the required 28-foot width needed. Therefore additional right-of-way dedication of 8-feet is required to accommodate the full sidewalk and planter strip. Staff recommends a condition requiring additional dedication to accommodate the sidewalk.

Sidewalk Widths

To meet Washington County standards, Local streets are required to have a 5-foot-wide sidewalk and 4.5-foot-wide planter strip (measured to the face of the curb). The applicant's plans show construction of the required sidewalk along the SW 78th Avenue frontage consistent with the County L2 street standard. As a condition of approval, the sidewalk work must be completed prior to occupancy (final inspection) of the new houses.

To meet City standards, Local streets are required to have a 5-foot-wide sidewalk and 6.5-foot-wide planter strip (measured to the face of the curb). The applicant's plans show construction of the required sidewalk along the SW 77th Avenue frontage consistent with the L2 standard, with the exception that the sidewalk is shown in an easement. As a condition of approval, the sidewalk work must be completed prior to occupancy (final inspection) of the new houses.

The applicant shall provide a private walkway along both sides of the length of the, shared private driveway so as to allow direct pedestrian access from lots three and four to the public sidewalk on SW 77th Avenue. The private walkways can be constructed at the same grade as the asphalt driveway (no curb) if necessary, to meet the minimum fire access lane width and loading requirements, per condition number 4 of the pre-application notes.

Driveway Spacing

Lots 1 and 2 will access SW 78th Avenue via individual driveways and lots 5 and 6 will access SW 77th Avenue via individual driveways. Lots 3 and 4 will access SW 77th Avenue, via a 12-foot wide shared driveway over a 20-foot access easement. As a condition of approval, a driveway maintenance agreement shall be submitted prior to final plat, for the shared driveway to SW 77th Avenue.

All proposed driveways meet the minimum 25-foot distance from the nearest intersection. Additionally, Local streets have no minimum spacing requirements between driveways.

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 conditions of approval with regard to this proposal, included as Exhibit 2 herein.

Prior to issuance of any building permit, the 12-foot shared private driveway to lots 3 and 4 to SW 77th Avenue, shall be constructed to meet minimum fire truck loading requirements. Refer to condition numbers 1 and 2 of the pre-application notes from TVF&R.

Public water

Water service is provided by the Tualatin Valley Water District, through existing water mains in SW 77th and SW 78th Avenues. The applicant's statement, that the available service has sufficient capacity to serve the proposed development shall be verified by TVWD.

Public sanitary sewer

Sanitary sewer service is provided by the City of Beaverton through sewer mains in SW Garden Home Road. The applicant will have the public main extended to the proposed properties 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 storm mains in SW Garden Home Road. As part of the Site Development process, the applicant will propose LIDA facilities to collect storm water and drain to the public facilities in SW Garden Home Road. The City Site Development Engineer has reviewed the plan to determine that the combination of the proposed infiltration planters and the existing facilities, should provide adequate capacity to serve the proposed lots

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)

All utility poles must be moved and all utilities shall be placed underground to accommodate the proposed improvements.

The 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 TriMet public transportation. Tri-Met has not provided comments addressing transit needs and potential future transit stops within the vicinity of the roadway project. There is a TriMet bus stop within 1/3rd of a mile, on SW Oleson Road. 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 have 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 77th and SW 78th Avenue frontages as described in Criterion A above. The applicant shall construct a private sidewalk along the length of both sides 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-7). Standards of this zone require a minimum land area of 7,000 square feet per lot with minimum lot dimensions. All six lots will be a minimum of 7,000 square feet in size and are proposed with the required minimum lot dimensions.

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 R7 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 twenty seven (27) Community Trees greater than 10-inches in diameter proposed for removal from the site. TP2016-0006 has been submitted in conjunction with the land division application. New street trees will be planted to meet the applicable requirements and new trees will be planted in the proposed storm water tract that meet Clean Water Services Standards.

Street Trees (Section 60.15.15.6)

Section 60.15.15.6 requires street trees along residential developments. The applicant has proposed street trees along both SW 77th and SW 78th Avenues. Prior to the issuance of a site development permit, the applicant shall provide street trees in accordance with Beaverton's street tree program.

Transit Facilities (Section 60.55.40)

The nearest bus stop is located within 1/3rd of a mile on SW Oleson Road and serves one bus route (Number 45). No new transit facilities are proposed or warranted.

Street and Bicycle and Pedestrian Connection (Section 60.55.25)

See Criterion A above for response to this section.

Minimum Street Widths (Section 60.55.30)

See Criterion A above for response to this section.

Access Standards (Section 60.55.35)

See Criterion A above for response to this section.

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 individual properties. A Homeowners Association or maintenance agreement shall be formed to maintain the common private driveway serving lots 3 and 4.

Prior to issuance of the Final Plat, the applicant shall provide a written maintenance agreement or Homeowner Association Conditions, Covenants and Restrictions (CC&Rs) document in regard to the ongoing maintenance of the common private driveway. The agreement shall be recorded and the record number noted on the final plat approved by the Washington County Surveyor's Office.

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.

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.

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 lot. The applicant's plans have been reviewed by the TVF&R Fire Marshal and conditions of approval are provided as Exhibit 2, herein.

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 accordance 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 proposal appears to adequately mitigate potential adverse effects on neighboring properties and public rights-of-way. The applicant has provided preliminary plans and calculations for LIDA facilities. The 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 (R7) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20			
Permitted Uses	Detached Residential	No development is proposed with this partition application, but Single Family Detached Residential lots are proposed.	Yes
Development Code Sections 20.05.15			
Minimum Lot Area	7,000 square feet	The applicant proposes six (6) lots with a minimum lot size of 7,000 square feet each.	Yes
Yard Setbacks Minimums: Front Side Rear Garage	Front: 17-feet Sides: 5-feet Rear: 25-feet Driveway: 20-feet	No structures are proposed. The existing single family home and related structures are proposed to be demolished. Proposed Yard Setbacks Minimums: Front: 17-feet Side: 5 structures Rear: 25-feet Garage: 20-feet	Yes
Maximum Building Height	35 feet	Not applicable, no structures are proposed.	N/A

Analysis & Findings for Preliminary Subdivision Approval LD2016-0007– 7440 SW 78th Avenue 6-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 six (6) 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 LD2016-0007 will bring the existing oversized lot into conformance with the R7 minimum lot size 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 applicant is not requesting lot averaging standards.

Therefore, staff finds the proposal meets the criterion is not applicable.

- 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 applicant is not requesting lot averaging standards.

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 LD2016-0007 will result in all six (6) lots created by the proposal retaining the Urban Standard Density (R7) 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 a Tree Plan Two application 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 LD2016-0007 (7440 SW 78th Avenue 6-Lot Subdivision) subject to the applicable conditions identified in Attachment F.

Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Grading Standards			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is subject to the grading standards contained herein.	Yes
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.	Yes
Utility Undergrounding			
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.	Yes

Analysis & Findings for Tree Plan Two Approval TP2016-0006 – 7440 SW 78th Avenue 6-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 twenty seven (27) 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 houses, driveways, sidewalks and planter strips. 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 twenty seven (27) community trees, is necessary for construction of the houses, driveways, sidewalks and planter strips. 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(s) is for the construction of the single-family residential development, including, but not limited to: single family home sites, driveways, sidewalk/planter strips 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(s) are for the construction of the single-family residential development, including, but not limited to: all 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 of the Beaverton Development Code, 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 the findings for Tree Plan Criteria 1-9, the applicant requests removal of most but not all of the Community Trees on the subject lot, so that physical development may be accommodated. Accordingly, Section 60.60 standards regarding protection of these trees are not applicable.

The applicant states that they will provide on and off-site tree protection for trees along the west property line, during construction and until building permit issuance for each single-family home. This precaution is to help ensure the health of certain trees, in the event that some trees are able to be voluntarily saved by the applicant during the construction process.

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

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 application 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 TP2016-0006 – 7440 SW 78th Avenue 6-Lot Subdivision subject to the applicable conditions identified in Attachment F.

Trees and Vegetation & Significant Natural Resources Standards Code Conformance Analysis

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
60.60.15 Pruning, Removal, and Preservation Standards			
60.60.15.1A-B	Pruning Standards	The applicant does not proposal pruning.	N/A
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	There are no Protected Trees located on this lot.	N/A
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.	N/A
60.60.20 Tree Protection Standards During Development			
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 states that all trees not proposed for removal will provide tree protection in accordance with Section 60.60.20.1, during construction and until building permit issuance for each single-family home. This precaution is to help ensure the health of certain trees, in the event that some trees are able to be voluntarily saved by the applicant during the construction process.	YES with CofA
60.60.25 Mitigation Requirements			
60.60.25	Mitigation Standards: Mitigation is not required for Community Trees.	Mitigation is not required. Applicant has provided street trees and a storm water tract that will be landscaped in accordance with Clean Water Services standards during the Site Development review.	N/A
60.67 Significant Natural Resources			
60.67.05 60.67.10	Development activities in locations of possible significant natural resources...	No significant natural resources exist on site.	N/A

CONDITIONS OF APPROVAL
LD2016-0007, TP2016-0006
7440 SW 78th Avenue 6-Lot Preliminary Subdivision

1. Final decision shall expire automatically two (2) years from the effective date of this decision per Expiration of a Decision (BDC Section 50.90) unless the approval is enacted either through construction or establishment of use or an Extension of a Decision (BDC Section 50.93) is filed on or before the two (2) year time period. (Planning/JST)

TP2016-0006 - Tree Plan Two

2. TP2016-0007 is subject to approval of LD2016-0007. (Planning/JST)
3. Ensure that all associated applications, including the Preliminary Subdivision, have been approved and are consistent with the submitted plans. (Planning Division/JST)
4. At the conclusion of the construction the applicant shall submit a report showing which Community Trees were kept, if any and which were removed. (Planning Division/JST)
5. Provide on and off-site (where applicable with adjacent property owners approval), tree protection for all trees not proposed to be removed and for any tree that is approved to be removed but may not need to be removed until construction of the future homes commences or where the developer feels that a particular tree could potentially be saved during construction and until building permit issuance for each single-family home. This precaution is to help ensure the health of certain trees in the event that some trees are able to be voluntarily saved during the construction process. Tree protection shall be inspected by the City Arborist (Planning Division/JST)

LD2016-0007– Preliminary Subdivision

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

6. LD2016-0007 is subject to approval of TP2016-0007.
7. Provide plans that show smooth transitions from the curb-tight portion to the standard portion of the sidewalk on SW 78th Avenue and transitions from the north and south ends of the sidewalks to the street for both SW 77th and SW 78th Avenues, to avoid an abrupt termination of the sidewalks. (Planning Division/JST)
8. SW 78th Avenue is classified as a Washington County (L2) local street and has an existing right-of-way adjacent to the subject lot of approximately 20-feet wide from center line, which is less than the required 28-feet width needed to accommodate the full sidewalk and planter strip. Therefore additional right-of-way dedication of 8-feet is required.

9. SW 77th Avenue is classified as a City of Beaverton (L2) local street and has an existing right-of-way adjacent to the subject lot of approximately 20-feet wide from center line, which is less than the required 28-feet width needed. Therefore additional right-of-way dedication of 8-feet is required to accommodate the full sidewalk and planter strip.
10. Submit plans for required street trees in accordance with the Beaverton Engineering Design Manual and Standard Drawings and the City's Street Tree Program. (Planning Division/JST)
11. 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)
12. 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)
13. 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)
14. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, facility landscape planting, and common driveway construction by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
15. 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)
16. Submit to the City a copy of issued permits or other approvals as needed from Washington County for work within, and/or construction access to 77th Ave., 78th Ave., and Garden Home Rd. (Site Development Div./JJD)
17. Submit a copy of issued permits or other approvals as needed from the Tualatin Valley Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
18. 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)
19. 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)

20. 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)
21. 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 paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)
22. Submit a design for the grading surrounding, adjacent, and within the storm water quality facilities designed by a civil engineer or structural engineer for the expected hydrological conditions of the rain gardens/planters. Some minor changes to the grading may be needed in order to provide an adequate containment of the rain gardens/planters. This may require other minor modifications to the proposed storm water management facilities as reflected within the land-use application submittal. This land-use approval shall provide for such minor surface modifications (examples: revised grading or addition of small retaining walls, structure relocation, and interior grade changes less than two vertical feet variance) in the proposed facility without additional land-use applications, as determined by the City Engineer and City Planning Director. (Site Development Div./JJD)
23. Submit a revised grading plan showing that each lot has a minimum building pad elevation that is at least one foot higher than the maximum possible high water elevation (emergency overflow) of the storm water management facilities and show a safe overflow route. A minimum finish floor elevation shall be established for the future homes based on service provision needs and whichever of the following three is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) two feet higher than the rim/overflow of the LIDA planters; and 3) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. It must also be shown that the existing home to remain will not have any potential adverse drainage impact from the proposed site grading changes, utility construction, and LIDA planter overflow condition. (Site Development Div./JJD)
24. Submit to the City a certified impervious surface determination of the proposed project's new impervious area proposed for any common areas and common private driveways prepared by the applicant's engineer, architect, or surveyor. (Site Development Div./JJD)
25. Pay storm water system development charges (overall system conveyance and winter detention) for the new impervious area proposed for the common driveway. (Site Development Div./JJD) (Site Development Div./JJD)
26. Provide plans for the placement of underground utility lines within the site to the existing homes, and for services to the proposed new home sites. No overhead services shall remain to any lot. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either

undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)

27. Provide plans for LED street lights along the site's public street frontages and the common driveway (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director). (Site Development Div./JJD)
28. 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:

29. Have obtained a design exception from Washington County Land Use and Transportation for the sidewalk along SW 78th Avenue. (Planning/JST)
30. 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)
31. 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)
32. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits for each parcel, ready for recording concurrently with the final plat at Washington County. (Site Development Div./JJD) (Planning/JST)

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

33. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
34. Have recorded the final plat with the County Surveyor and submitted a copy to the City. (Site Development Div./JJD)
35. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
36. Submit plans that reflect the minimum finish floor elevations determined and shown on the approved site development plans based on service provision needs and whichever of the following three is highest in elevation: 1) at least two feet higher than the rim elevation of the downstream public sanitary sewer manhole; 2) two feet higher than the rim/overflow of the LIDA planters; and 3) as necessary to provide adequate fall per engineering and plumbing code standards to the furthest service point. (Site Development Div./JJD)

37. 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)
38. 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)

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

39. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the new house frontage and any the existing house frontage. (Site Development Div./JJD) (Planning/JST)
40. Have the landscaping completely installed, have the storm facilities planted, or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)

Prior to release of performance security, the applicant shall:

41. 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)
42. Submit, if needed, any required on-site easements not already dedicated on the plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
43. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment/replacement of the vegetation and restoration of full function within the private surface water management facility areas, as determined by the City Engineer. If the plants are not well established or the facility not properly functioning (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./JJD)