

Staff Report

DATE: September 22, 2016

TO: Interested Parties

FROM: Jana Fox, Associate Planner

PROPOSAL: **Westgate 3-Lot Partition
LD2016-0019**

LOCATION: The subject site is located between SW Cedar Hills Boulevard and SW Rose Biggi Avenue, north of the light rail tracks. Lot 6850 of Washington County Assessor's Map 1S116AA and lot 400 of Washington County Assessor's Map 1S109DD.

SUMMARY: The applicant requests Preliminary Partition approval to create three (3) lots from two (2) existing lots. The subject site is the former Westgate Theater site. No development is proposed concurrently with the partition.

APPLICANT/
PROPERTY
OWNERS: City of Beaverton
Attn: Tyler Ryerson
PO BOX 4755
Beaverton, OR 97076

PROPERTY
OWNER: Metro
Attn: Martha Bennett
600 NE Grand Ave
Portland, OR 97232

RECOMMENDATION: **APPROVAL of Westgate 3-Lot Partition LD2016-0019**

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Application Deemed Complete	Day 120
LD2016-0019	August 24, 2016	August 24, 2016	December 22, 2016

Existing Conditions Table

Zoning	Regional Center-Transit Oriented	
Current Development	Vacant	
Site Size & Location	The subject site is located between SW Cedar Hills Boulevard and SW Rose Biggi Avenue, north of the light rail tracks. Lot 6850 of Washington County Assessor's Map 1S116AA and lot 400 of Washington County Assessor's Map 1S109DD and is approximately 3.95 acres.	
NAC	Central Beaverton	
Surrounding Uses	Zoning: <u>North:</u> RC-TO <u>South:</u> RC-TO <u>East:</u> RC-TO <u>West:</u> GC	Uses: <u>North:</u> Commercial Office <u>South:</u> MAX light rail <u>East:</u> Parking & Condominiums <u>West:</u> Commercial

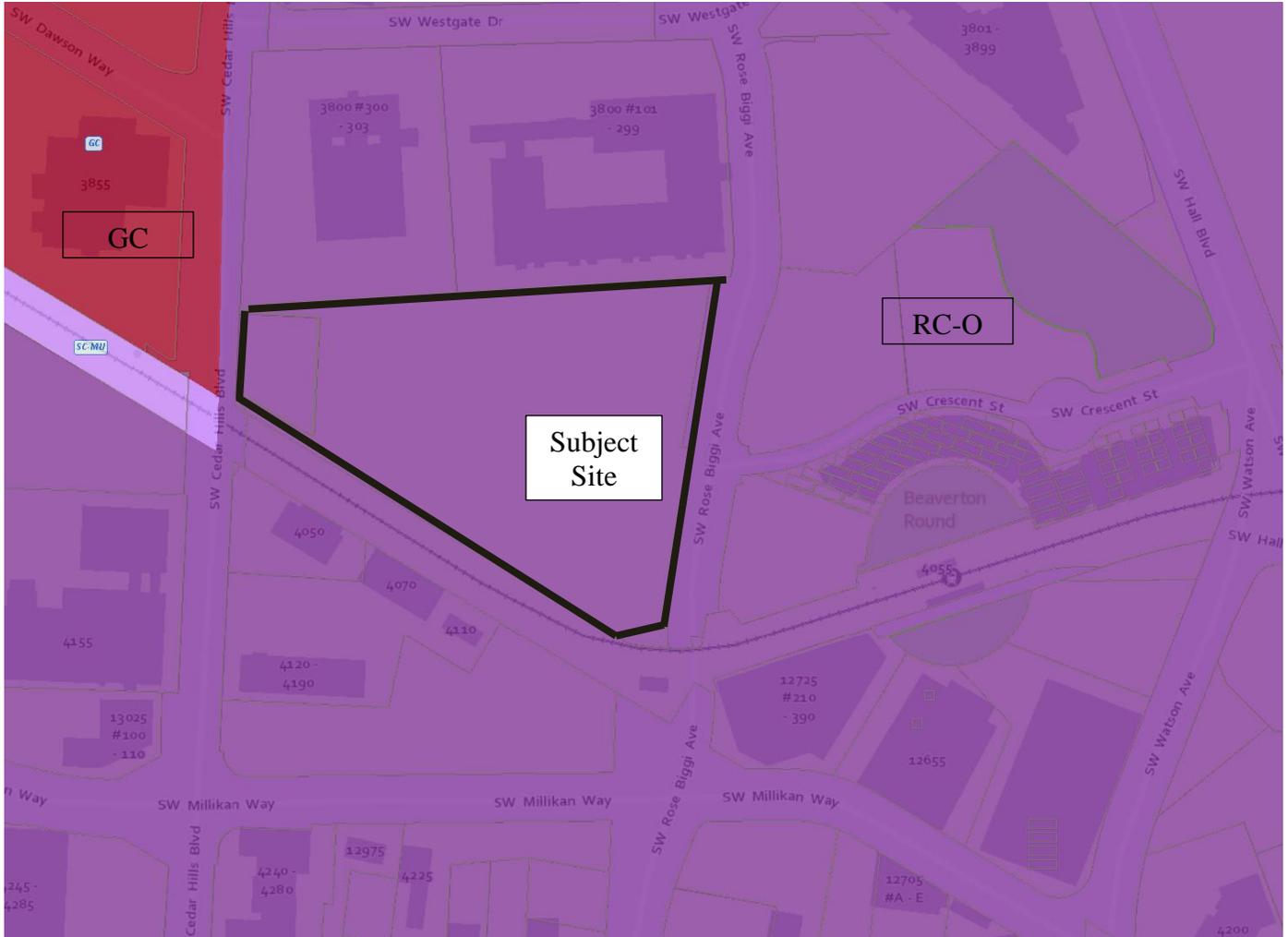
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<u>Attachment B:</u> LD2016-0019 <i>Preliminary Partition</i>	LD1-LD4
<u>Attachment F:</u> <i>Conditions of Approval</i>	COA1

Exhibits

- Exhibit 1. Materials submitted by Staff**
- Exhibit 1.1 Zoning Map (page SR-5 of this report)
 - Exhibit 1.2 Aerial Map (page SR-6 of this report)
- Exhibit 2. Public Comment**
- No Comments Received

Zoning Map



Aerial View



**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Westgate 3-Lot Partition
LD2016-0019**

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 Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:

- **All twelve (12) criteria are applicable to the submitted Land Division (Preliminary Partition) application as submitted.**
- A. *All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

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. The Committee finds that the proposal includes necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

Public Water

Water service will be provided to the site by the City of Beaverton. Parcel 1 can be served by an existing 10 inch water line in SW Cedar Hills Boulevard and Parcels 2 and 3 can be served by an existing 12 inch water line in SW Rose Biggi Avenue. Adequate capacity exists to serve the proposed development.

Public Sanitary Sewer

Sanitary sewer service will be provided by the City of Beaverton. Parcel 1 can be served by the existing 24 inch water line south of the property adjacent to the MAX tracks. Parcel 2 can be served by the existing 8 inch water line in SW Rose Biggi Avenue. Parcel 3 can be served by either the existing 24 inch water line adjacent to the MAX tracks or by the line in SW Rose Biggi Avenue. Adequate capacity exists to serve the proposed development.

Stormwater

Stormwater lines are located in Rose Biggi Avenue and SW Cedar Hills Boulevard which will serve the proposed parcels. Parcel 2 and Parcel 3 will be served by the existing 12 inch line in SW Rose Biggi. Parcel 1 will be served by the existing 18 inch storm line in SW Cedar Hills Boulevard. The applicant has provided a utility plan and storm drainage report showing how the parcels can be served for future development. Adequate capacity exists to serve the proposed development.

Access

The subject site has access to SW Cedar Hills Boulevard to the west and SW Rose Biggi Avenue to the east. Parcel 1 has access to SW Cedar Hills Boulevard and Parcels 2 and 3 have access to SW Rose Biggi Avenue. No additional dedication is required along the SW Rose Biggi Avenue frontage. Dedication along SW Cedar Hills Boulevard to 45 feet from centerline is required to meet ultimate street width to accommodate the planned facilities.

As no development is proposed, no new trips are associated with this partition application and therefore a TIA (Traffic Impact Analysis) is not required at this time. Future development of the subject site may require a TIA.

Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). TVF&R has no comments or conditions on the proposal.

The Committee finds that the proposed development will provide the required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

- B. Essential facilities and services are available, or can be made available, with adequate capacity to serve the development prior to 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 years of occupancy.***

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. The applicant’s plans and materials were forwarded to City Transportation staff and City Police Department.

The applicant does not propose additional dwelling units at this time so the application was not forwarded to the Beaverton School District.

The site will be served by the Tualatin Hills Park and Recreation District (THPRD).

Dedication of additional right-of-way along SW Cedar Hills Boulevard is required to provide the necessary width for the ultimate planned facilities. The applicant will need to show the dedication at the time of final land division application.

The City of Beaverton Police will serve the development site.

Transit

Tri-Met will serve the development site. The site is most directly served by the Blue Line MAX light rail at the Beaverton Central Station, approximately 350 feet from the subject site. The number 20 bus line is located on SW Hall Boulevard approximately 800 feet to the north of the subject site.

FINDING: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the criterion.

- 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 proposal.***

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Regional Center-Transit Oriented (RC-TO) zone as applicable to the above mentioned criteria. As demonstrated on the chart, the development proposal meets all applicable standards of the RC-TO zone.

FINDING: Therefore, the Committee finds that the proposal meets the criterion.

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

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60, in response to the above mentioned criteria. Staff will provide findings for the applicable Land Division criteria within the applicable section of the staff report.

The applicant is not required to provide a Transportation Impact Analysis (TIA) as the proposed partition will not generate additional trips. No new transportation facilities or parking facilities are proposed with this application, outside the dedication of right-of-way for SW Cedar Hills Boulevard.

FINDING: Therefore, the Committee finds that the proposal meets the criterion.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage 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 maintenance by the City or other public agency.**

The applicant states that the proposal will create three lots. Street frontage and utility provisions will be addressed at the time of future development. The City will remain responsible for the maintenance of all on-site facilities until such time as the created lots are conveyed to a future developer. At this time no private common facilities are proposed.

FINDING: Therefore, the Committee finds that the proposal meets the criterion.

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

The applicant does not propose any vehicular or pedestrian facilities within the boundaries of the development. Future development of the site will have to address this criterion.

FINDING: Therefore, the Committee finds that the criterion is not applicable.

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

The application does not propose modifications to existing vehicular and pedestrian circulation patterns. Subsequent development of the site will have to address this criterion.

FINDING: Therefore, the Committee finds that the criterion is not applicable.

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

The applicant does not proposed any structures or new public facilities. Future development of the site will be required to comply with this criterion.

FINDING: Therefore, the Committee finds that the criterion is not applicable.

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

The applicant does not proposed any structures or new public facilities. Future development of the site will be required to comply with this criterion.

FINDING: Therefore, the Committee finds that the criterion is not applicable.

- 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.***

No grading is proposed with this partition.

FINDING: Therefore, the Committee finds that the criterion is not applicable.

- 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.***

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA) with future development. No physical changes are proposed with this partition application.

FINDING: Therefore, the Committee finds that the criterion is not applicable.

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

The applicant submitted the land use applications on August 24, 2016 and was deemed complete on August 24, 2016. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

FINDING: Therefore, the Committee finds the proposal meets the criterion for approval.

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in **APPROVE** the proposal.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Regional Center-Transit Oriented (RC-TO) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.20.20 (RC-TO)			
Use	No Uses Proposed	No Uses Proposed	N/A
Development Code Section 20.20.15 (RC-TO)			
Minimum Lot Area	none	70,592 sq. ft. Parcel 1 62,494 sq. ft. Parcel 2 39,183 sq. ft. Parcel 3	Yes
Minimum Corner Lot Dimensions			N/A
Width	none	n/a	
Depth	none	n/a	
Yard Setbacks			
Front	Max 20'	No structures are proposed at this time.	N/A
Side	none		
Rear	none		
Maximum Building Height	120 feet	No structures are proposed at this time.	N/A

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	No development is proposed with the partition application.	N/A
Development Code Section 60.12			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development techniques proposed.	N/A
Development Code Section 60.15 – Land Division Standards			
Land Division Standards	Standards pertaining to Land Divisions	A Land Division-Preliminary Partition application has been applied for.	See LD Findings
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking Parking Zone A Required Bicycle Parking	Parking standards for development.	No development is proposed with the partition application.	N/A
Development Code Section 60.55 - Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes-with COA
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No trees are proposed to be removed with this partition application.	N/A
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	No development is proposed with the partition application.	N/A

**LD2016-0016
ANALYSIS AND FINDINGS FOR
PRELIMINARY PARTITION**

Section 40.45.05 Land Division Applications; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.

Section 40.45.15.4.C Approval Criteria

In order to approve a Preliminary Partition application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. *The application satisfies the threshold requirements for a Preliminary Partition application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met.***

The applicant proposes to divide two parcels into three parcels, and no Legal Lot Determination is pending for either parcel, meeting the threshold for a Preliminary Partition below.

- 1. *The creation of up to and including three (3) new parcels from at least one (1) lot of record (parent parcel) in one (1) calendar year.***

Therefore, staff find 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.***

The applicant has paid the required application fee for a Preliminary Partition application.

Therefore, staff find that 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 partition process to comply with current Code standards and requirements.***

There are no existing land use approvals for the subject site, therefore, the proposed application will not affect or modify any land use approvals.

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

- 4. Oversized parcels (oversized lots) resulting from the Replat 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 lots and future potential development on oversized lots. Easements and rights-of-way shall either exist or be provided to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.**

There is no minimum parcel size in the RC-TO zoning district, therefore no oversized lots can be created.

Therefore, staff find that the criterion for approval does not apply.

- 5. Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:**

a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,

b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.

Lot averaging is not proposed with this development.

Therefore, staff find that the criterion for approval does not apply.

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

Lot averaging is not proposed with this development.

Therefore, staff find that the criterion for approval does not apply.

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

The proposal only includes lots zoned RC-TO (Regional Center-Transit Oriented). No proposed lot will have more than one zoning designation.

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

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

The applicant has submitted all documents for this stage of City approvals.

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

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **LD2016-0019 (Westgate 3-Lot Partition)**, subject to the applicable conditions identified in Attachment C.

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.	No grading is proposed with this land division application.	N/A
60.15.10.2.A-C Exemptions	Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way.	No grading is proposed with this land division application.	N/A
60.15.10.3.A 0-5 Feet From Property Line	Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.B 5-10 Feet From Property Line	Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.C 10-15 Feet From Property Line	Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.D 15-20 Feet From Property Line	Maximum eight (8) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.E 20-25 Feet From Property Line	Maximum ten (10) foot slope differential from the existing or finished slope of the abutting property.	No grading is proposed with this land division application.	N/A
60.15.10.3.F Pre-development slope	Where a pre-development slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, the slope after grading shall not exceed the pre-development slope	No grading is proposed with this land division application.	N/A
Significant Trees and Groves			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	No significant trees or groves on site.	N/A

CONDITIONS OF APPROVAL**A. Prior to approval of the Final Plat, the applicant shall:**

1. Have verified to the satisfaction of the City Engineer that the location and width of proposed rights of way and easements are adequate per the overall development plan; that each parcel and tract has proper access provisions; and that each parcel and tract has adequate public utility service provision/availability per adopted City standards and requirements. (Site Development Div./JJD)
2. Submit plans that show the dedication of sufficient right-of-way (ROW) along SW Cedar Hills Boulevard to provide for at least 45 feet from centerline (sufficient to provide half of a 12 foot left turn lane, an 11 foot inside through lane, a 12 foot outside through lane, a 5 foot bike lane, and 11 feet for the curb and 10 foot sidewalk and maintenance/monumentation gap). (Transportation/KR)
3. Submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 24 months after preliminary plat approval, unless a time extension is approved. (Planning Division/JF)