



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties

From: City of Beaverton Planning Division

Date: February 8, 2016

cc: LD2015-0023, SDM2015-0013

Subject: ***Notice of Decision for Ormack 2-Lot Preliminary Partition***

Please find attached the notice of decision for LD2015-0023 and SDM2015-0013 (***Ormack 2-Lot Preliminary Partition***). Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2015-0023 and SDM2015-0013 - Ormack 2-Lot Preliminary Partition is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

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

The appeal closing date for LD2015-0023 and SDM2015-0013 (Ormack 2-Lot Preliminary Partition) is 4:30 p.m., Monday February 22, 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

DECISION DATE: Friday, February 8, 2016

TO: All Interested Parties

FROM: Jason T., Assistant Planner

PROPOSAL: **LD2015-0023, SDM2015-0013 (Ormack 2-Lot Preliminary Partition).**

LOCATION: The property is located at 12725 SW 8th Street. Tax lot 4500 of Washington County's Tax Assessors tax map 1S116DA. The total site is approximately 12,782 square feet in size.

SUMMARY: Preliminary Partition approval to divide one lot of approximately 12,700 square feet in size, into two individual lots of approximately 6,200 and 6,400 square feet respectively. The applicant also proposes to slightly deviate from the standard sidewalk design requirements in order to preserve a significant tree located on the south side of the lot, which requires a sidewalk design modification application.

APPLICANT-PROPERTY OWNER: Ormack Investments, Inc.
Attn: Matt Ortiz
2542 SW Limerick Lane
West Linn, OR 97068

APPLICANT'S REPRESENTATIVE: Solid Rock Building Services, LLC.
Attn: Tim Rowe
1160 Rosemont Road
West Linn, OR 97068

APPLICABLE CRITERIA: Facilities Review Section: 40.03,
Preliminary Partition Section: 40.45.15.4.C
Sidewalk Design Modification Section: 40.58.15.1.C

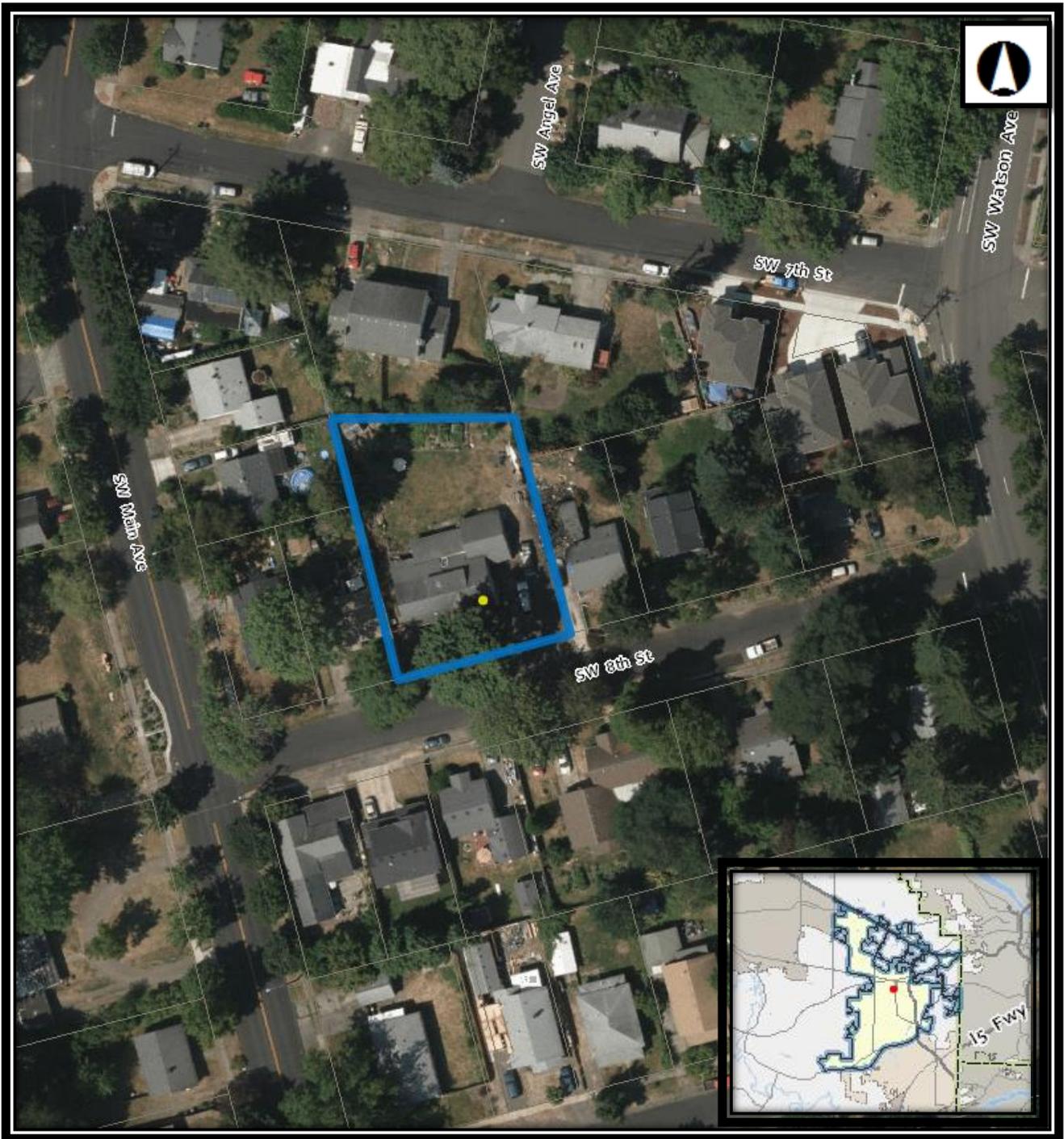
RECOMMENDATIONS:

APPROVAL of LD2015-0023 (Ormack 2-Lot Preliminary Partition) subject to Conditions identified at the end of this report.

APPROVAL of SDM2015-0013 (Ormack 2-Lot Preliminary Partition) subject to Conditions identified at the end of this report.

VICINITY MAP

Exhibit 1



BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
LD2015-0023	November 10, 2015	December 16, 2015	February 8, 2016	August 12, 2016
SDM2015-0013	November 10, 2015	December 16, 2015	February 8, 2016	August 12, 2016

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

Existing Conditions Table

Zoning	R5 (Urban Standard Density)	
Current Development	This property is currently developed as a single family home.	
Site Size	Approximately 12,782 square feet	
NAC	West Slope	
Surrounding Uses	<u>Zoning:</u> North: R5 South: R5 East: R5 West: R5	<u>Uses:</u> North: Single Family South: Single Family East: Single Family West: Single Family

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Exhibit 1. Vicinity/Zoning Map

Exhibit 2. Agency Comments

No Agency Comments

Exhibit 3. Public Comments

No Public Comments

**Facilities Review Committee
Technical Review and Recommendations
LD2015-0023, SDM2015-0013
Ormack 2-Lot Preliminary Partition**

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 Director's Decision, the Facilities Review Conditions may be re-numbered and placed in different order.

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

Facts and Findings:

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

Transportation Finding:

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

Street Widths

The Beaverton Transportation System Plan classifies SW 8th Street as a Local Street with parking on both sides, which should have a right-of-way width of 52-feet per the City's L2 Local Street Standard within the Engineering Design Manual. According to the applicant's plans, additional right-of-way dedication of 1-foot is required.

Sidewalk Widths

The applicant's plans show the construction of a half street improvement and dedication of right-of-way along SW 8th Street sufficient to meet the City's Local Street (L2) standards. The L2 half-street improvement consists of a 5-foot sidewalk, a 6.5-foot planter strip with street trees, a 14-foot travel lane and a 7-foot parking lane, measured from the face of the curb.

The applicant has submitted a Sidewalk Design Modification application to allow a meandering sidewalk around an existing significant oak tree. The sidewalk in this location shall be curb tight, see SDM2015-0013 staff report findings herein.

Driveway Spacing

Two lots will access SW 8th Street by means of a common driveway. The applicant shall provide an access, utility and maintenance agreement and record an easement with Washington County for the common driveway that connects both lots to SW 8th Street.

Submit the required joint-use and maintenance agreement documentation for common driveways per Beaverton Engineering Design Manual Sections 210.12.K and L.

Lighting

The applicant shall provide plans for an LED street light along the SW 8th Street frontage, with illumination levels to be evaluated per City Design Manual Option C requirements unless otherwise approved by the City Engineer.

Fire Protection

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

Public Water, Sanitary Sewer and Storm Water Drainage

Public Water, Sanitary Sewer and Storm Water service are provided by the City of Beaverton through utility mains in SW 8th Street. Staff concurs with the applicant's statement, that the available services have sufficient capacity to serve the proposed development.

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)

The applicant states that all existing utility poles exist on the south side of SW 8th Street. No overhead utility service lines or poles shall remain on or to the proposed lots along the SW 8th Street 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 lot boundaries and for services to the proposed development. The affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code.

Transit improvements

This area is served by Tri-Met public transportation lines 76 (Tualatin) and 78 (Lake Oswego). Tri-Met has not provided comments addressing transit needs and potential future transit stops within the vicinity of the roadway project. There are several transit stops within approximately a quarter mile from the project site at the corner of SW 9th Street and SW Watson Avenue. The proposed improvements to the surrounding sidewalk system will improve the access to the nearby transit stops.

Police protection

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

On-site pedestrian and bicycle facilities

As a condition of approval, the applicant shall construct new sidewalks and planter strips along the SW 8th Street frontage as stated above.

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 (R5). Standards of this zone require a minimum land area of 5,000 square feet per lot. There are no requirements for minimum lot dimensions in the R5 zone. The applicant's plans show proposed lots one and two having a minimum of lot size of 5,000 square feet.

No structures are proposed with these applications and the existing structure on lot one is proposed to remain. The applicant's plans show compliance with required yard setbacks in the R5 zone for both the existing home on lot one and the proposed building footprint on lot two.

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

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

Facts and Findings:

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

Off-Street Parking Requirements (Section 60.30)

Within the R5 zone the off-street parking space requirement is one space per dwelling. The applicant's proposal provides the required number of off street parking spaces for the existing house on lot one and states that lot two will provide a minimum of one parking space at the time of home construction (not approved with this application).

Trees and Vegetation Requirements (Section 60.60)

The existing lot has a significant tree along the south property line, identified as T23. The applicant is not proposing to remove any trees. Refer to the submitted landscape plan for planting schedule. The applicant states that all tree protection requirements will be met for all existing trees including the significant tree identified above.

Street Trees (Section 60.15.15.6)

Section 60.15.15.6 requires street trees along residential developments. SW 8th Street is currently unimproved. Therefore, as a condition of approval, the applicant shall install street trees in accordance with our street tree program and the approved landscape plan.

Transit Facilities (Section 60.55.40)

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

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

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

Facts and Findings:

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

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

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

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

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

Facts and Findings:

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

The applicant has proposed an on-site pedestrian walkway a minimum of 5-feet in width, which connects lot and two, to SW 8th Street. Lot one connects directly to SW 8th Street.

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

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

Facts and Findings:

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

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

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

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

Facts and Findings:

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

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

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

Facts and Findings:

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

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

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

Facts and Findings:

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

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

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

Facts and Findings:

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

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

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

Facts and Findings:

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

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

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

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
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	5,000 square feet	The applicant proposes two lots with the following minimum lot sizes: Parcel 1: 6,457 square feet Parcel 2: 6,232 square feet	Yes
Yard Setbacks Minimums: Front Side Rear Garage	15-feet 5-feet 20-feet 20-feet	No structures are proposed with these applications and the existing structure on lot one is proposed to remain. The applicant's plans show compliance with required yard setbacks in the R5 zone for both the existing home on lot one and the proposed building footprint on lot two.	Yes
Reduced Yard Setbacks Minimums: Front Side Rear Garage	10-feet 5-feet 5-feet 20-feet	No structures are proposed and reduced yard setbacks have not been applied for.	N/A
Maximum Building Height	35 feet	Not applicable, no structures are proposed but the existing home meets the required height for the R5 zone.	N/A

Analysis & Findings for Preliminary Partition Approval LD2015-0023 – Ormack 2-Lot Preliminary Partition

Section 40.45.15.5.C Approval Criteria.

In order to approve a Preliminary Partition 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 Partition.*

Facts and Findings:

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

“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.”

The applicant proposes to divide one (1) legal lot into two (2) 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 Partition application.

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

3. *The proposed partition 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.*

Facts and Findings:

The proposed Preliminary Partition does not conflict with any prior approvals.

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

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

Facts and Findings:

Oversized lots are defined by the Beaverton Development Code as lots which are greater than twice the minimum lot size allowed by the subject zoning district. Approval of LD2015-0023 will bring the existing oversized lot into conformance with the R5 lot standards and the proposed lots will be consistent with the R5 lot standards.

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

- 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:***

Facts and Findings:

The applicant is not requesting lot averaging. The applicant has shown that both proposed lots meet the minimum lot area of 5,000 square feet for the R5 zone.

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. do not require further Adjustment or Variance approvals for the Land Division.***

Facts and Findings:

The applicant is not requesting lot averaging. The applicant has shown that both proposed lots meet the minimum lot area of 5,000 square feet for the R5 zone and Adjustment nor Variance applications are being sought.

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

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

Facts and Findings:

Approval of LD2015-0023 will result in both lots created by the proposal, retaining the Urban Standard Density (R5) zoning designation.

Therefore, staff finds 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.

Facts and Findings:

The applicant has submitted this Preliminary Partition application along with associated Sidewalk Design Modification application. Concurrent review of both applications satisfies this criterion. No other applications are required of the applicant for this stage of City approvals.

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

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL of LD2015-0023 (Ormack 2-Lot Preliminary Partition)** subject to the applicable conditions identified in Attachment D.

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 Sidewalk Design Modification Approval SDM2015-0013 – Ormack 2-Lot Preliminary Partition

Section 40.58.05. Sidewalk Design Modification Application; Purpose

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

Section 40.58.15.1.C. Approval Criteria

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

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

Section 40.58.15.1.A.1 Threshold: *An application for Sidewalk Design Modification shall be required when the following threshold applies:*

1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.

The applicant requests a sidewalk design modification for the proposed sidewalk along SW 8th Street between SW Main Avenue and SW Watson Avenue. The applicant proposes to construct a curb-tight sidewalk varying from five feet to six feet surrounding an existing significant tree identified as T23 in the City of Beaverton 2009 Tree Inventory. The sidewalk location as it curves around the significant tree, will be a curb tight, 6-foot sidewalk with no planter strip, to avoid root damage. As the sidewalk straightens out to the east and west of the curved portion, it shall narrow down to the standard 5-feet with 6.5-foot planter strip.

The application meets threshold 1 for a Sidewalk Design Modification.

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.***

The City of Beaverton received the appropriate fee for the Sidewalk Design Modification application.

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

3. **One or more of the following criteria are satisfied:**
- a. **That there exist local topographic conditions, which would result in any of the following:**
 - i. **A sidewalk that is located above or below the top surface of a finished curb.**
 - ii. **A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.**
 - b. **That there exist local physical conditions such as:**
 - i. **An existing structure prevents the construction of a standard sidewalk.**
 - ii. **An existing utility device prevents the construction of a standard sidewalk.**
 - iii. **Rock outcroppings prevent the construction of a standard sidewalk without blasting.**
 - c. **That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.**
 - d. **That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.**

The applicant states that the sidewalk design modification meets criterion 3c for environmental conditions as stated above. The applicant also states that the proposal to construct a curb-tight sidewalk surrounding an existing significant tree identified as T23 in the City of Beaverton 2009 Tree Inventory is necessary to avoid root damage and preserve the health of the tree. This constraint results in the need for a modification to sidewalk and planter width requirements at the specific location identified on the submitted plans.

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

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

The applicant states that the proposed project includes a half-street improvement consistent with Exhibit L2 of the Engineering Design Manual for local streets and as stated in criterion A of the Facilities Review findings herein. Per the Exhibit L2, bicycle lanes are not required along SW 8th Street.

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

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

The applicant has submitted this Sidewalk Design Modification application along with an associated Preliminary Partition application. Concurrent review of both 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.

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

The applicant states that the proposed sidewalk modification is designed to preserve an existing significant tree while maintaining the safety and efficiency of pedestrian circulation by providing a 6-foot wide sidewalk around the tree, in lieu of a planter strip in the specific location identified on the submitted site plan.

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

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **SDM2015-0013 – Ormack 2-Lot Preliminary Partition** subject to the applicable conditions identified in Attachment D.

CONDITIONS OF APPROVAL
LD2015-0023, SDM2015-0013
Ormack 2-Lot Preliminary Partition

1. SDM2015-0013 is subject to approval of LD2015-0023. Ensure that all associated applications, have been approved and are consistent with the submitted plans. (Planning/JST)

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

2. Provide plans showing standard sidewalk and planter strip construction along the SW 8th Street. The plans shall also include connections from the new 5-foot segment of the public sidewalk and 6.5-foot planter strip to the existing 4-foot sidewalk without planter strip at the property boundaries to the east and west. If there is insufficient right-of-way width, the applicant may place some or all of the sidewalk and planter strip within a public sidewalk easement, with the approval of the City Engineer. (Planning/JST) (Transportation/KR)
3. The sidewalk location as it curves around the significant tree identified on the approved site plan, will be a curb tight, 6-foot sidewalk with no planter strip, to avoid root damage. As the sidewalk straightens out to the east and west of the curved portion, it shall narrow down to the standard 5-feet with 6.5-foot planter strip.
4. The applicant must comply with the tree protection provisions of Section 60.60.20 of the Development Code, unless modified in agreement with the City Arborist. Plans showing compliance with these standards, including placement of orange tree fencing shall be provided prior to Site Development Permit issuance. (Planning Division/JST)
5. The applicant shall call for tree protection fencing inspection. (Planning Division/JST)
6. Provide plans that show the construction of half street improvement and dedication of right-of-way along SW 8th Street sufficient to meet the City's Local Street (L2) standards. The L2 half-street improvement consists of a 14-foot travel lane, a 7-foot parking lane, a 6.5-foot planter strip, measured from the face of the curb and 5-foot sidewalk with street trees. (Planning/JST) (Transportation/KR)
7. Submit the required joint-use and maintenance agreement documentation for common driveways per Beaverton Engineering Design Manual Sections 210.12.K - L. (Planning/JST)
8. 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)

9. 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)
10. 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)
11. 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. Until October 2016, this shall also include extra-width paving restoration costs as 8th Street is subject to a street cut moratorium. 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)
12. 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)
13. 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)
14. 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)
15. 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)
16. 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)

17. 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)
18. 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)
19. 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)
20. Pay storm water system development charges (overall system conveyance and winter detention) for the new impervious area proposed for any common driveways. Additionally, the project shall pay a storm water quality (summer treatment) in-lieu of fee for one equivalent surface area for the existing home as the proposed project defined as "redevelopment" under Clean Water Services standards. (Site Development Div./JJD) (Site Development Div./JJD)
21. Provide plans for the placement of underground utility lines within the site to the existing home, and for services to the proposed new home site. No overhead services shall remain. 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)
22. Provide plans for LED street lights along the site's public street frontages (Illumination levels to be evaluated per City Design Manual, Option C requirements unless otherwise approved by the City Public Works Director). (Site Development Div./JJD)

23. 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:

24. Identify proposed lots on final plat as, Lot 1 and Lot 2. (Planning/JST)

25. The applicant shall provide a written maintenance agreement document in regards to the ongoing maintenance of the common driveway. This agreement shall also state that each individual property owner is responsible for their own property's maintenance with the exception of the driveway as stated above. Such agreement shall also be recorded with the final plat with the Washington County Recorder's Office. (Planning/JST) (Transportation/KR)

26. If following the sidewalk and driveway construction, the City Arborist determines that any trees not approved for removal are determined not to survive, the applicant shall submit for the appropriate tree plan application that would have been required to remove the tree. (Planning/JST)

27. The applicant shall construct new sidewalks and planter strips along the SW 8th Street frontage as shown on the approved plan. (Planning/JST)

28. 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)

29. 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)

30. 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)

Prior to Building Permit issuance for a new home, the applicant shall:

31. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
32. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
33. 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)
34. 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)
35. 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:

36. The applicant shall construct new sidewalks, planter strips and LED street lighting along the SW 8th Street frontage as shown on the approved plan. The sidewalk work shall be completed prior to occupancy (final inspection) of the new house. (Planning/JST)
37. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the house frontage and the existing house frontage. (Site Development Div./JJD)
38. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
39. Surface and Load Capacities: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3) ***The portion of roadway that is fire department access must support these loads.***
40. Single Family Dwellings - Required Fire Flow: The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)

41. Fire Flow Water Availability: Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. (OFC Appendix B) **Fire flow testing GPM is to be measured at 20 PSI.**
42. Fire Hydrants – One- And Two-Family Dwellings & Accessory Structures: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1) **If an existing hydrant(s) are not within 600 feet of all portions of the structures, an additional fire hydrant will be required.**

Prior to release of Performance Security, the applicant shall:

43. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
44. Submit, 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)
45. 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)