Beaverton
OREGON

EXHIBIT 3

MEMORANDUM
City of Beaverton
Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: September 22, 2016
cc: LD2016-0002, TP2016-0003, FS2016-0001
Subject: ***Notice of Decision for SW 155th Avenue 3-Lot Preliminary Partition***

Please find attached the notice of decision for LD2016-0002, TP2016-0003 and FS2016-0001 (***SW 155th Avenue 3-Lot Preliminary Partition***). Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2016-0002, TP2016-0003 and FS2016-0001 – SW 155th Avenue 3-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 LD2016-0002, TP2016-0003 and FS2016-0001 (SW 155th Avenue 3-Lot Preliminary Partition) 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 Elena Sasin, Assistant Planner, at (503) 526-2494.

Beaverton
OREGON

NOTICE OF DIRECTOR'S DECISION

DECISION DATE:	Thursday, September 23, 2016
TO:	All Interested Parties
FROM:	Elena Sasin, Assistant Planner
PROPOSAL:	**LD2016-0002, TP2016-0003 and FS2016-0001 (SW 155th 3-Lot Preliminary Partition).**
LOCATION:	The property is located at 10510 SW 155th Avenue. Tax lot 00100 of Washington County's Tax Assessors Tax Map 1S132BD. The total site is approximately 0.75 acres in size.
SUMMARY:	The applicant requests Preliminary Partition approval to divide a property approximately 0.75 of an acre in size, into three lots. The largest of the three lots, at 11,840 square feet in size, will retain the existing dwelling. The other two lots 6,460 square feet and 9,565 square feet respectively, are intended for future detached dwellings. The applicant proposes to remove eighteen (18) trees from the site. The proposal to remove trees requires Tree Plan Two approval. The applicant also proposes to reduce the rear yard setback that applies to one lot. This proposal requires Flexible Setback approval.
APPLICANT/ PROPERTY OWNER:	ADTM Development, LLC Attn: Mike Safstrom 32070 SW Willamette Way East Lake Oswego, OR 97035
APPLICABLE CRITERIA:	Facilities Review, Section 40.03 of the Development Code, Preliminary Partition, Section 40.45.15.4.C Tree Plan Two, Section 40.90.15.2.C Flexible Setback for a Proposed Residential Land Division, Section 40.30.15.3.C
DECISION:	**Approval of LD2016-0002, TP2016-0003 and FS2016-0001 (SW 155th 3-Lot Preliminary Partition)** subject to conditions of approval.

Exhibit 1.1

VACINITY / ZONING MAP*

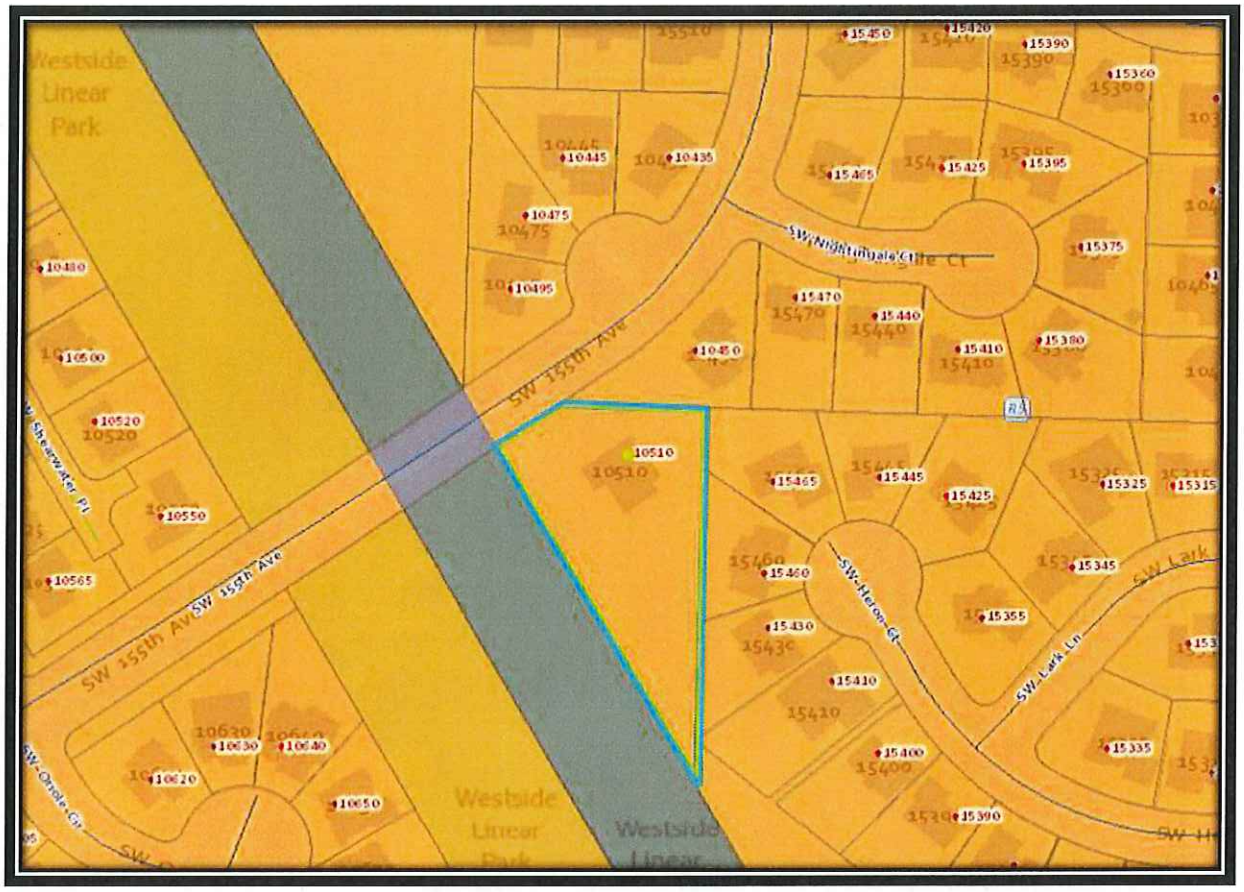
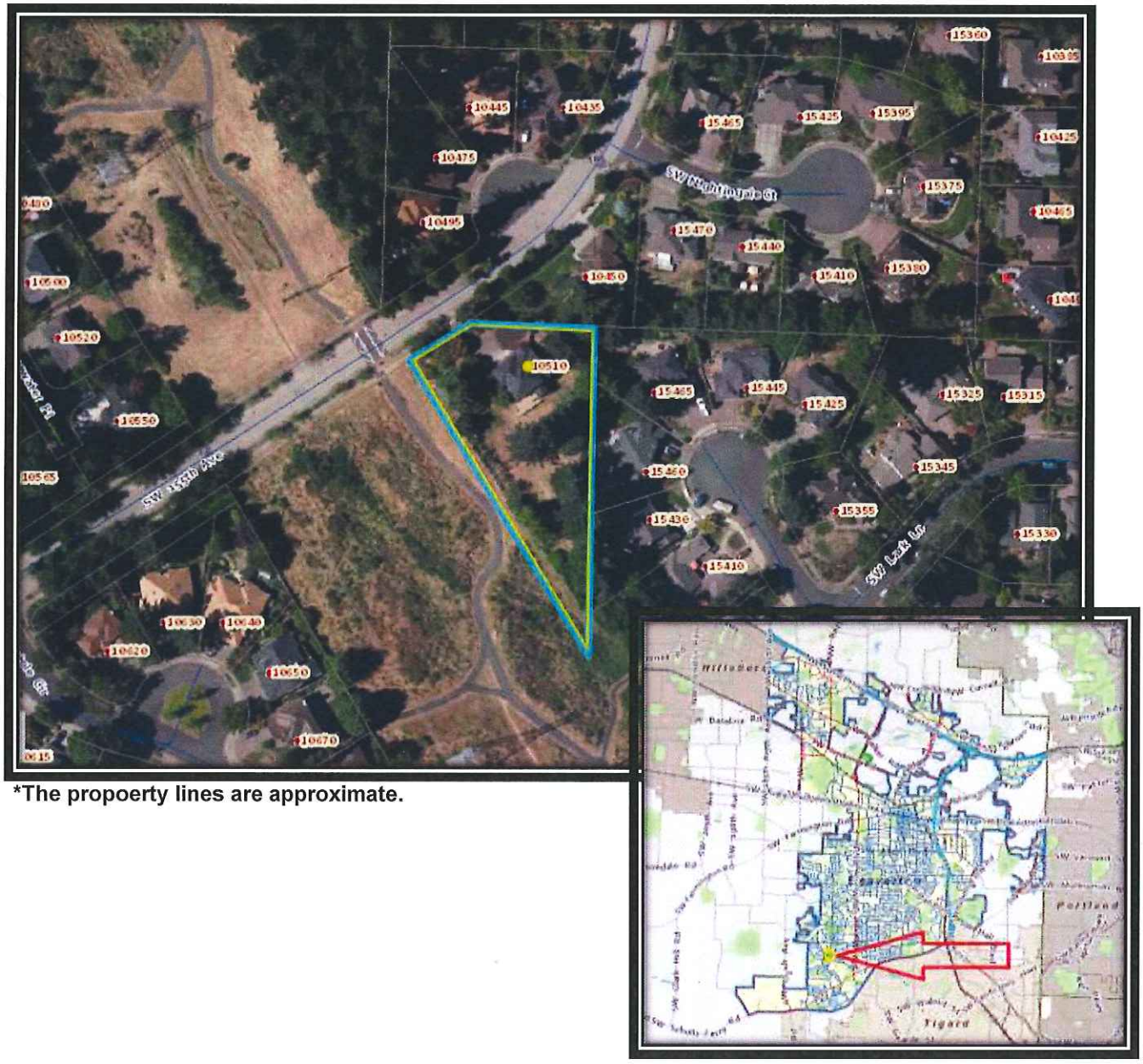


Exhibit 1.2

VICINITY MAP*



*The propoerty lines are approximate.

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Deemed Complete	Final Written Decision Date	120-Day	240-Day*
LD2016-0002	February 10, 2016	August 10, 2016	September 20, 2016	December 8, 2016	April 7, 2017
TP2016-0003	February 10, 2016	August 10, 2016	September 20, 2016	December 8, 2016	April 7, 2017
FS2016-0001	February 10, 2016	August 10, 2016	September 20, 2016	December 8, 2016	April 7, 2017

*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 (Residential Urban Standard Density)	
Current Development	This property is currently developed with a single-family detached house.	
Site Size	Approximately .75 Acres	
NAC	Neighbors Southwest	
Surrounding Uses	Zoning:	Uses:
	North: R5	North: Single Family Housing
	South: R5	South: Single Family Housing
	East: R5	East: Single Family Housing
	West: R5	West: Trail / Natural Area / PGE and BPA powerline corridor

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

Attachment A: Facilities Review Committee Technical Review and Recommendation Report

Attachment B: LD2016-0002

Attachment C: TP2016-0003

Attachment D: FS2016-0001

Attachment E: Conditions of Approval

Exhibit 1.1. Vicinity/Zoning Map

Exhibit 2. Agency Comments

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

2.2 Conditions of approval dated November 4, 2015 from Naomi Vogel, Associate Planner for Washington County Department of Land Use and Transportation, are attached at the end of this report.

Exhibit 3. Public Comments

3.1 Email and mailed-in letter from Jeff Wittstock residing at 10550 SW Shearwater Place, Beaverton, OR 97007 received August 23, 2016. Mr. Wittstock's letters expressed concerns about noise and the removal of trees. Mr. Wittstock also mentioned his own experience with trying to prune a tree, a request which was denied by the Murrayhill HOA. He states that if the HOA were to approve the proposed tree removal at 10510 SW 155th Avenue, they would be acting contrary to a previous decision. Mr. Wittsock's also conveyed a concern that this proposal would set an ill-favored precedent, causing over-population and the building of structures in place of natural resources.

3.2 Email from Rick King residing at 15460 SW Heron Court, Beaverton, OR 97007 received August 24, 2016. Mr. King inquired about the project and previous related applications.

3.3 A Letter from Mark and Nancy Moore residing at 15375 SW Nightingale Court, Beaverton, OR 97007 received August 24th, 2016. Mr. and Mrs. Moore

expressed concern that the proposed 3-lot partition would adversely affect the surrounding property values, lead to overcrowding, increase vehicle traffic and reduce greenspace.

3.4 Email from George D. Economus, received August 28th, 2016. Mr. Economus identified questions regarding the development and previous records relating to the site, including a traffic study.

3.5 Email from Linda Hurley and Peter Smiley residing at 10650 SW Oriole Circle, Beaverton, OR 97007, September 2nd, 2016. Ms. Hurley and Mr. Smiley expressed concerns over the potential impact the proposed removal of 18 trees would have on their view, since their home is parallel to the subject site, across the pipeline easement. They also expressed concerns that the removal of the trees would increase the noise in the area.

3.6 Email from William Athenas, residing at 15400 SW Heron Court, Beaverton, OR 97007. Mr. Athenas expressed concern that the removal of the 18 community trees would not only be detrimental to the aesthetic value the trees provide but could disrupt the root system of the surrounding trees and potentially damage them. Mr. Athenas also stated that no other flag lots are proposed in the Murrayhill area and that this design would not fit the character of the existing neighborhood. He also expressed concern over the proposed single driveway serving three lots and the effects of the Flexible Setback on quality of life for homeowners. Mr. Athenas also expressed the need for consistency with the Murrayhill Owner's Association CC&Rs.

3.7 Letter from Dave and Rosalyn Widney residing at 10750 SW 153rd Place, received September 6th, 2016. Mr. and Mrs. Widney expressed concerns that the proposed 3-lot partition would be a higher density development than what existing surrounding the subject site.

3.8 Letter from Joe Evans residing at 10445 SW 155th Avenue, Beaverton, OR 97007, received September 6th, 2016. Mr. Evans shared his knowledge of the site's history and said that direct access was prohibited on SW 155th. He also raised concerns over traffic and pedestrian safety, stating that the additional trips generated but the two additional lots would increase risks of vehicular or personal injury accidents. Mr. Evans also expressed concern over the Arborist Report and that the additional homes would decrease the property values of the larger homes in the surrounding area.

3.9 Letter from Debra and David Sharkey residing at 15575 SW Petrel Lane, Beaverton, OR 97006, received September 6th, 2016. Mrs. and Mr. Sharkey expressed concern over the future new homes being able to fit on the lot and meeting the setbacks. They also stated that the trees proposed for removal offer beauty to the neighborhood.

3.10 Letter from Murrayhill Owners Association (MOA), received September 7th, 2016. The letter from the MOA brought up multiple concerns. The first concern was regarding the proposed setbacks and their compatibility with the surrounding development. Concerns about drainage affecting abutting properties were also raised, as well as the wind shear-stresses on the remaining trees with the removal of the trees on the subject site. The MOA letter also states that the proposal would encroach on the twenty-foot gas line easement. The MOA also expressed concerns that the proposal would have adverse effects on property values and is in violation of the Murrayhill CC&R's.

3.11 Letter from Clay Moorhead, President of the Board if Directors for the Murrayhill Owner's Association, received September 7th, 2016. Mr. Moorhead expressed the concern that the flexible setback request would lead to development which is not compatible with the surrounding area. He also raised concerns about the tree removal, traffic safety and storm water drainage.

3.12 Email from Margot Seitz, a representative of Richard King, the owner of real property at 15460 SW Heron Court, Beaverton, OR 97007, received September 7th, 2016. Ms. Seitz expressed concerns regarding the proposed development's congruity with the surrounding development, consistency with the recorded plat, and compliance with the Murrayhill CC&Rs. Ms. Seitz also stated that the proposed development would degrade neighboring property values and raises other safety issues.

3.13 Letter from George D. Economus, residing at 10450 SW 155th Avenue, received September 7th, 2016. Mr. Economus expressed concerns regarding the subject site's access and the tree removal.

3.14 Email from Michele Garcia residing at 10764 SW Oriole Circle, Beaverton, OR 97007. Ms. Garcia expressed concerns over the proposed tree removal and the small lots.

3.15 Email from Raminta Rudys residing at 15250 SW Heron Court, Beaverton, OR 97007, received September 7th, 2016. Ms. Rudys expressed concern over the proposed removal of trees.

3.16 Email from Doug Monahan residing at 15430 SW Heron Court, Beaverton, OR 97007, received September 7th, 2016. Mr. Monahan expressed concern over safety, the existing access onto SW 155th and tree removal.

3.17 Email from Alicia Shaw residing at 15805 SW Bobwhite Circle, Beaverton, OR, 97007, received September 7th, 2016. Ms. Shaw expressed concerns that the proposed development would have detrimental impacts on the surrounding home owners, community and natural resource areas.

3.18 Email from Tracy and Geoff LaRoche, received September 7th, 2016. Mr. and Mrs. LaRoche expressed concerns that this proposed development will affect the look and feel of the surrounding neighborhood and the general impact on the community.

3.19 Email from Suzanne and Pete Landoni, residing at 15440 SW Nightingale, received September 7th, 2016. Mr. and Mrs. Landoni expressed concerns about the proposed development.

3.20 Email from Traci and Dennis Kramer received September 7th, 2016. Mr. and Mrs. Kramer expressed concerns over the proposed development.

Facilities Review Committee
Technical Review and Recommendations
LD2016-0002 / FS2016-0001 / TP2016-0003
SW 155th 3-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 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:

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 all critical facilities at adequate capacity for serving all lots created with this partition.

Transportation Finding:

The proposed development will result in a net addition of two single-family residences. The City Transportation Engineer has evaluated the project in response to the Traffic Impact Analysis (TIA) threshold described in Section 60.55.20.2 of the Beaverton Development Code. A TIA is required for development proposals generating 200 vehicles trips or more per day. In this case, the City Transportation Engineer anticipates no more than 20 additional vehicle trips per day, based on the single-family dwelling trip ratio as described in the Institute of Transportation Engineering (ITE) Trip Generation Manual, 9th Edition. The City Transportation Engineer also observes satisfactory levels of existing daily trip volume along this portion of SW 155th Avenue which is classified as a Neighborhood Route according to the City Functional Classification Plan of the Transportation System Plan (TSP).

With the Neighborhood Route classification, a Traffic Management Plan, described in Section 60.55.15 of the Development Code, is required if development adds 20 or more trips in any hour when abutting properties are zoned R2, R4, R5, R7 or R10. In this case, the abutting properties are zoned R5. Trip generation from two additional single-family dwellings is expected to be no more than 20 trips per day and will occur throughout the day and not during any one hour. Therefore a Traffic Management Plan is not required.

Street Improvements along SW 155th Avenue

This part of SW 155th Avenue, abutting the subject property, is built to meet the Neighborhood Route street standard described in the City Engineering Design Manual. The Neighborhood Route standard includes sidewalks at six feet in width and landscape strips at 7.5 feet in width. The applicant's proposal is to maintain the existing sidewalk and planter strip. The applicant's materials show how the existing driveway access to SW 155th will not be altered or relocated. All three lots will utilize the current access to SW 155th Avenue.

Driveway Access and Findings in Support of Legal Access to SW 155th Avenue

As previously stated, all three lots share the existing driveway access to SW 155th Avenue. The City Attorney finds the existing access to be legally obtained despite objections raised in written testimony concerning a note shown to the recorded subdivision plat for Murrayhill No. 3. In part, the plat note from Murrayhill No. 3 states that Lot 108 (the subject property) does not have legal public access as required. The same note also acknowledges the circumstances for when public access can be obtained in the second sentence that reads: *"Until such public access is provided Lot 108 shall be considered a part of Lot 113 and shall not be conveyed separately from Lot 113."*

Staff observes the need for a plat note of this type at the time of recording the Murrayhill No. 3 plat (in 1988) because road improvements to that portion of SW 155th Avenue along property frontage were inadequate for access purposes. Necessary road improvements to this portion of SW 155th Avenue were constructed in a later phase of the Murrayhill development. The plat recorded for Murrayhill No. 18 (in 1992) shows continuation of the SW 155th Avenue right-of-way up to and along the frontage of Lot 108. In a letter dated June 12, 1992, the City of Beaverton released the restriction of access as shown on Murrayhill No. 3 plat. The same letter acknowledges the new plat of Murrayhill No. 18 where Lot 108 is identified and is also absent any note that restricts access to SW 155th Avenue for Lot 108. Staff also acknowledges a Building Permit issued for the existing dwelling on Lot 108, also in the year 1992. The existing driveway access to SW 155th Avenue was constructed as part of that permit.

The City Transportation Engineer has reviewed the access proposal in response to additional standards provided in Section 60.55.35 of the Development Code. With a condition of approval, the proposal is found to meet the vision clearance standards applicable to new street accesses. While the existing access to SW 155th Avenue is not subject to change, staff observes existing shrubs found along the street frontage that have grown to a height that could impede vision of on-coming vehicles and pedestrians. A condition of approval requires the applicant to remove shrubs along the street frontage accordingly.

With shared use of the existing driveway and additional improvements of this driveway to serve two additional lots, staff proposes a condition of approval requiring a private maintenance agreement between property owners. The maintenance agreement is to be reviewed and approved by the City Attorney prior to recording the final plat for this Partition.

Fire Protection

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. TVF&R has reviewed the proposed project and has provided conditions of approval, incorporated to this notice. The applicant is proposing to install an approved NFPA 13D fire sprinkler system applicable to future dwellings constructed on Lot Numbers 2 and 3 which are not to contain the existing dwelling. TVF&R will also review the plans prior to site development or building permit issuance for continuity with the initial proposal and other relative fire safety precautions.

Public Water

Water service is provided by the City of Beaverton through water mains in SW 155th Avenue. At this location, the existing system has sufficient capacity to serve the proposed development. The applicant will construct lateral line extensions from the main that will serve Lots 2 and 3 of the Partition.

Public Sanitary Sewer

Sanitary sewer service is provided by the City of Beaverton through sewer mains in the Bonneville Power Administration (BPA) Right-of-Way adjacent to the subject property. At this location, sanitary sewer is of sufficient capacity to serve the proposed development. The applicant proposes a 20-foot easement along the eastern property line for locating proposed sewer lines that will be extended south for connection with the existing sewer line located in the BPA right-of-way. The easement is to benefit the City of Beaverton for maintenance access. Sanitary sewer lines are to be constructed as part of the Site Development Permit.

Storm Water Drainage

Sheet No. 8 of the applicant's plans show the proposed storm water plan. For this project, flow-through treatment planters will be constructed for each lot. One planter is to serve the existing dwelling on Lot No. 1. Two other planters will be constructed with future homes intended for Lots 2 and 3. The same 20-foot wide easement to be created along the eastern property line will contain a storm water drainage line serving all three lots. Outfall is proposed at the southernmost portion of Lot No. 3.

The proposed system has been reviewed to the satisfaction of the City Engineer. Conditions of approval require the system to be in place prior to recording the final plat for this partition.

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)

One light pole is located in the planter strip adjacent to the subject site on SW 155th Avenue. No other poles or utilities are currently located above ground and no utilities are proposed to be above ground.

Transit Improvements

The nearest TriMet transit stop is approximately a quarter mile south of the subject site, served by bus number 92. No new transit facilities are proposed or warranted.

Police Protection

The site will be served by the Beaverton Police Department for public safety.

On-Site Pedestrian and Bicycle Facilities

The applicant proposes a pedestrian walkway along the length of the private driveway serving all three lots. SW 155th Avenue is classified as a Neighborhood Route which becomes a Collector at SW 160th Avenue. Bike lanes begin at the intersection of SW 155th Avenue and SW 160th Avenue, located less than a tenth of a mile from the subject site. Staff finds the applicant's proposal to have no impact on existing pedestrian and bicycle facilities.

The proposal has been reviewed to the satisfaction of the City Transportation Engineer. Conditions of approval identify certain pedestrian and access improvements to be constructed prior to recording the final plat for this partition.

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 Residential Urban Standard Density (R5). Standards of this zone require a minimum land area of 5,000 square feet per dwelling unit and do not have requirements for minimum lot dimensions. All three lots will be a minimum of 5,000 square feet in size. All three lots are proposed to meet the required front and side yard setbacks for the R5 zone. Lot No. 1 retains the existing dwelling and is able to meet the rear yard setback. Lot No. 2, intended for future home construction will meet the standard rear yard setback. However, Lot No. 3, the southernmost lot, is proposed for Flexible Setback approval. The applicant proposes to reduce the rear yard setback of Lot 3 from the standard 20 feet to 10 feet. According to the applicant, the proposed setback reduction applies to the rear property line which abuts a tract of land created to preserve the wetland and buffer as required by the Clean Water Services Agency.

No further reduction in setbacks is proposed along property lines abutting the existing residential homes to the east. The proposed 20-foot wide public utility easement that is to be created as part of this partition will also preclude the placement of future structures. The applicant has submitted a Flexible Setback application concurrently with the Land Division and Tree Plan applications. The applicant's Flexible Setback and Tree Plan proposals are subject to separate approval criteria as shown herein.

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

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

Facts and Findings:

Land Division Standards (60.15)

Grading is proposed in Tract "A" intended for the proposed private driveway and sidewalk. The applicant states that minimal grading for future buildings is proposed at this time. Staff proposes a condition of approval that prohibits grading within the proposed 20-foot easement located along the eastern property lines of Lots 2 and 3 to ensure grade differential standards are met and maintained with future home construction.

Off-Street Parking Requirements (Section 60.30)

The R5 zone requires one (1) off-street parking space per single family dwelling unit. The applicant's proposal meets the required number of off street parking spaces.

Trees and Vegetation Requirements (Section 60.60)

There are twenty-five (25) Community Trees greater than 10-inches in diameter on the site. The applicant proposes to remove eighteen (18) of those community trees. The applicant's Tree Plan proposal (TP2016-0003) has been submitted in conjunction with the Partition and Flexible Setback applications. The applicant also states that due to their location and proximity to the Southern Pacific Pipeline easement, trees numbered 1, 7, 8, 9, 10, 24 and 25 would have been removed regardless of the level of development on the subject site. A letter from

Kinder Morgan outlines the requirements. Staff proposes a condition of approval that will require protective fencing around all trees to be saved. Fencing is to be in placed prior to grading and construction.

The applicant also proposes to install the sanitary sewer line(s) by boring instead of trenching. Both the City of Beaverton Arborist, Patrick Hoff, and the applicant's Arborist, Morgan E. Holen, have stated that boring is a good alternative to trenching because there is less potential for damaging tree roots. Approximately 364 square feet of the southernmost portion of the subject property was identified as a wetland. A 2,020 square foot vegetated corridor (wetland buffer) is shown north of the wetland. The vegetated corridor has been reviewed and approved by the Clean Water Services agency. The applicant is not proposing any development or removal of trees within the wetland or vegetated corridor. Staff refer to the applicant's plans for details. The applicant has also received conditions of approval from Clean Water Services to enhance the vegetated corridor.

Street Trees (Section 60.15.15.6)

Section 60.15.15.6 requires street trees along residential developments. The applicant has proposed removal of one street tree along SW 155th Avenue, adjacent to the subject site. As a condition of approval the applicant is to pay a fee to the city and a new tree will be planted after utility and driveway improvement are in place.

Street and Bicycle and Pedestrian Connection (Section 60.55.25)

Section 60.55.25. requires pedestrian walkways and the applicant has proposed a concrete walkway at four feet in width next to the proposed common driveway. This walkway and driveway improvements will meet city standards if designed to withstand the loads of a fire vehicle. Therefore, as a condition of approval, the internal walkway shall be designed to withstand at least a 12,500 pound point load (wheel load) and 75,000 pounds live load (gross vehicle weight) or the applicant shall install an approved NFPA 13D fire sprinkler system in both homes on proposed lots two and three.

Access Standards (Section 60.55.35)

As previously stated, all three lots will share the existing driveway that serves the existing home (Lot 1) from the north. Staff observes the width of this driveway to be sufficient for serving two additional dwellings. Therefore no additional driveway access is required. As previously stated, the City Transportation Engineer has reviewed the applicant's partition proposal in response to additional standards provided in Section 60.55.35. While the existing access to SW 155th Avenue is not subject to change, staff observes existing shrubs found along the street frontage that have grown to a height which could impede vision of on-coming vehicles and pedestrians. A condition of approval requires the applicant to remove shrubs along the street frontage.

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 a maintenance agreement will be recorded for Lot 2 and Lot 3 to provided continued maintenance of the common driveway, sidewalk and utilities proposed on Tract "A" (area of the common driveway). Prior to final plat approval, the draft maintenance agreement will be reviewed by city. The approved agreement shall be recorded with the final plat. Staff also recommends that Lot 3 be assigned ownership of Tract B (where the wetland and buffer area shown). The document for Tract B is to describe the purpose and restrictions on activities consistent with Clean Water Services Agency requirements for vegetated corridors.

Staff finds the proposal does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site. Documents as described will be subject to review by the City Attorney prior to recording.

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 16-foot wide common access way will have a four-foot wide walkway. The walkway will be constructed from concrete and the private driveway is proposed to consist of asphalt to differentiate between vehicular and pedestrian paths. The proposed interior walkway will connect to SW 155th Avenue. The applicant further states that the proposed common driveway is designed to allow vehicles to maneuver so they can approach SW 155th Avenue head-on eliminating the need for vehicles to exit onto SW 155th Avenue in a back-out direction. Transportation staff have reviewed the proposal and concur with the applicant's statement for supportive findings in response to Criterion F.

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's materials show how the proposed on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems (SW 155th Avenue) in a safe, efficient, and direct manner. Staff concurs with the applicant's findings. Staff also refer to section "F" (above) for findings in response to Criterion G.

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 states that public facilities serving the site will meet City and State 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 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 applicant states that all proposed and existing facilities have been designed in accordance with City codes. The conditions of approval stated at the end of this document require the applicant to obtain Site Development permits 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 applicant's response to "J" states that, "All grading and contouring has been designed in accordance with City codes and closely matches the contours of neighboring properties. Grading intended for the site will also facilitate the direction of drainage, keeping storm water runoff from impacting adjacent properties. Grading will be minimal and should preserve the existing site topography.

Grading for building structures is shown, though the applicant will not be constructing homes. Detailed grading for homes should be addressed during application for a building construction permit. As mentioned under Section D above, under the Land Division Standards (60.15), a condition of approval is included herein that will preclude grading within the proposed 20-foot easement located along the eastern property lines of Lots 2 and 3 to ensure grade differential standards of this section are met and maintained with future home construction. Grading Standards of Section 60.15.10 for Land divisions are further addressed in the Code Conformance table at the end of this report.

The applicant is to show further compliance with Site Development erosion control measures at the time of Site Development permit issuance. City Site Development Division staff have recommended conditions of approval to ensure that any proposed grading will comply with City standards. With the recommended conditions of approval, grading and contouring of the site can be designed to accommodate the proposed use and mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system in general.

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 Oregon Residential Specialty Code, the Oregon 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.

The Committee finds the proposed partition does not preclude the ability to construct all necessary accessibility requirements. These requirements are usually evaluated through the site development and building permits required for home construction.

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 submitted the applications on February 10, 2016. The applications were deemed complete on August 10, 2016. In review of plans and materials submitted for review, the Committee finds that all applicable submittal requirements, as specified in Section 50.25.1 of the Development Code are contained within this proposal.

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

RECOMMENDATION

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority **APPROVE LD2016-0002 SW 155th Avenue 3-Lot Partition**, subject to conditions of approval at the end of this report.

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 three lots with a minimum lot size of 5,000 square feet.	**YES**
Yard Setbacks Minimums: Front Side Rear Garage	 15-feet 5-feet 20-feet 20-feet	No structures are proposed at this time, however an application for a Flexible Setback (FS2016-0001) has been submitted in order to reduce the rear yard setback for Lot 3 from 20-feet to 10-feet. The existing structure is proposed to remain. See Flexible Setback Findings herein.	**YES with Approval of FS2016-0001**
Maximum Building Height	35 feet	Not applicable, no structures are proposed.	**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.	Design Review is not applicable to single family dwellings.	**N/A**
Development Code Section 60.07			
Drive-Up window facilities	Requirements for drive-up, drive-through and drive-in facilities.	No drive-up window facilities are proposed.	**N/A**
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	No mapped floodplains are located within the subject site.	**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 60.25 – Off Street Loading			
Loading Facilities	No loading facilities are required for this use.	No loading facilities are proposed	**N/A**
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking Parking Zone A Required Bicycle Park	<u>Detached Dwellings</u> 1 space per unit= 2 spaces min No Maximum for Detached Dwellings No bicycle parking is required for detached dwellings.	<u>Detached Dwellings</u> Each dwelling will have at minimum one parking space. No bicycle parking is required for detached dwellings	**YES**
Compact Spaces	Required residential parking must be provided at standard sizes.	No compact spaces are provided.	**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 w/ COA**
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	18 Community Trees are proposed to be removed. Tree Plan Two application is sought.	**See TP Findings**
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.	The applicant states that utilities for the existing residence are already underground and utilities for the proposed development will also be installed underground as illustrated on the Utilities Plan with the Land Division applications.	**YES**

ANALYSIS AND FINDINGS FOR PRELIMINARY PARTITION LD2016-0002 – SW 155TH AVENUE 3-LOT 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.***

Facts and Findings

The applicant proposes a three (3) lot partition from one (1) parent parcel, and no Legal Lot Determination is pending for the parcel, meeting Threshold 1 for a Preliminary Partition, which describes:

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.***

Facts and Findings

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.***

Facts and Findings

Review of plat records show the subject property (Lot 108) to have been legally created in the year 1988 through recording of the plat for Murrayhill No.3. Lot 108 is also identified in the subsequent plat of Murrayhill No. 18 recorded in 1991. The plat for Murrayhill No. 18 shows public right-of-way for SW 155th Avenue extended north to serve Lot 108. Access restrictions that applied Lot 108 were released by the city in 1991. The city also issued a building permit in 1992 to allow development of Lot 108 with a single family dwelling, including a driveway access. The dwelling and driveway access to SW 155th Avenue have been in place for the past 24 years. Staff review of subdivision records found nothing to preclude the ability to partition Lot 108 consistent with current development standards of the R-5 zone. For this reason, the proposed partition does not conflict with any existing city approval.

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

4. ***Oversized parcels (oversized lots) resulting from the Partition 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.***

Facts and Findings

Lot sizes of the Partition are as follows: Lot 1 is proposed at 11,840 square feet, Lot 2 is proposed at 6,460 square feet and Lot 3 is proposed at 9,565 square feet. The R-5 residential zone applicable to this property requires a minimum land area of 5,000 square feet per dwelling. The Beaverton Development Code defines an Oversized Lot as a lot which is greater than twice the required minimum lot size allowed by the subject zoning. By this definition, Lot 1 is twice the required minimum lot size of 5,000 square feet and therefore an oversized lot. The applicant has provided a conceptual plan (or shadow plat) to demonstrate how Lot 1 can be further partitioned in the future in accordance with the requirements of the Development Code. Partition of Lot 1 in the future would require removing the existing dwelling which is not anticipated at this time.

Therefore, staff find that the criterion for approval is met.

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.

Facts and Findings

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.

Facts and Findings

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.

Facts and Findings

The proposal only includes lots zoned R5 Residential. No proposed lot will have more than one zoning designation. All three proposed lots will remain zoned R5 Residential.

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.

Facts and Findings

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 **LD2016-0002 (SW 155th Avenue 3-Lot Partition)**, subject to the applicable conditions identified herein.

ANALYSIS AND FINDINGS FOR
FLEXIBLE SETBACK
FS2016-0001 SW 155TH AVENUE 3-LOT PRELIMINARY PARTITION

Section 40.30.15.3.C Approval Criteria.

In order to approve a Flexible Setback for a Proposed Residential Land Division application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

1. ***The proposal satisfies the threshold requirements for a Flexible Setback for a Proposed Residential Land Division application.***

Facts and Findings:

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

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

This proposal for Flexible Setback was submitted concurrently and is subject to approval of LD2016-0002, a Preliminary Partition which proposes creation of three legal lots from one legal lot of record in the Urban Standard Density (R5) residential zone. Lot 3 of the Partition is proposed to have a reduced rear yard setback of ten (10) feet instead of the standard twenty (20) feet for the R5 zone.

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

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

Facts and Findings:

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

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

3. ***The proposal is compatible with the surrounding area regarding topography, vegetation, building character, and site design. In determining compatibility, consideration shall be given to harmony in: scale, bulk, lot coverage, density, rooflines, and building materials.***

Facts and Findings:

No home designs accompany this proposed land division. While the applicant does not intend to build homes for Lots 2 and 3, the applicant has provided conceptual building foundations that show where construction is likely occur. In this case, the applicant has requested a Flexible Setback for the proposed rear yard of Lot 3 which will abut a tract of land (Tract "B") to contain the wetland and buffer area identified.

Along the eastern property boundary of the subject property is a proposed 20-foot wide public utility easement that will serve the same function as a setback because dwellings and accessory structures will not be allowed to occupy this space. Also, along the western property boundary is an existing 20-foot wide easement benefiting Kinder Morgan that runs the length of the entire subject site. No structures are to be constructed over these easements, existing or proposed. Because the Flexible Setback is sought for a yard abutting a wetlands tract and not private developed property, the proposal does not diminish a building setback that would normally apply between structures or private property. Conceptual home design plan would help to provide additional supportive findings in response to Criterion 3, in particular that part of the criterion describing *rooflines* and *building materials*. However, with conceptual building foundations, staff is able to visualize scale, bulk and lot coverage applicable to Lots 2 and 3 in the future.

Staff also observes that home designs will be subject to review by the Murrayhill Homeowners Association for material and roofline compatibility. Staff therefore finds the proposal to be compatible with the surrounding area regarding topography, vegetation, building character, and site design.

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

4. ***The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions are modified by means of one or more applications that already have been approved or are considered concurrently with the subject proposal.***

Facts and Findings:

Staff cites the findings in the Code Conformance Analysis chart as part of this report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Urban Standard Density (R5) zone, as applicable to the above mentioned criteria. All Chapter 20 standard requirements are met with the exception of the rear yard setback applicable to Lot 3 which is the subject of this Flexible Setback application.

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

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

Facts and Findings:

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

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

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

Facts and Findings:

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

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

Facts and Findings:

The applicant has submitted a Preliminary Partition, Tree Plan 2 applications for this project in conjunction with the proposed Flexible Setback application. Concurrent review of the applications satisfies this criterion.

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

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **FS2016-0001 (SW 155th Avenue 3-Lot Preliminary Partition)** subject to the applicable conditions identified herein.

ANALYSIS & FINDINGS FOR
TREE PLAN TWO
TP2016-0003 – SW 155TH AVENUE 3-LOT PRELIMINARY PARTITION

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:

In the subject case, the proposal satisfies one threshold requirement for Tree Plan 2 described under Section 40.90.15.2.A. The trees subject to removal are "Community Trees" which by definition, include any healthy tree that is ten (10) inches or more in diameter (measured at breast height) and non-fruit. Specifically, staff finds the proposal to meet Threshold No. 1 of Tree Plan 2, which describes:

> *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 Section 40.90.10.1*

The applicant has inventoried 24 trees that meet the definition of a Community Tree. The proposal would remove 18 of the 24 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 applicant has paid the required application 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:

In this case, tree removal is necessary for the purpose of development and not to specifically observe the forestry practices established by the International Society of Arborists or the standards of the American National Standards Institute.

Therefore, staff finds that the criterion does not apply.

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

Facts and Findings:

According to the applicant, there is no reasonable way to meet density and setback requirements of Chapter 20 for proposed development without removing the specified trees. The applicant refers to the location of trees in proximity to anticipated grading and utility construction.

Staff concurs with the applicant's statement and observes the property to be sloped and in need of grading to accommodate future home construction. Staff also observes the unusual triangular shape of the parcel and how the land becomes further constrained at the south with wetlands and a buffer as required by the Clean Water Services agency. Staff also observes several trees located within the mid portions of the property where home construction and utility extensions are anticipated. Along the eastern boundary of this property, the applicant proposes to extend water and sanitary sewer pipes that will serve future dwellings.

Trees 7 and 9 are shown as located in another portion of the property planned for the common access and walkway. In review of the plans and materials received, staff concurs with the applicant's proposal to remove the 18 trees identified to Sheet No. 6 of the development plan.

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 applicant acknowledges that trees proposed for removal would not be considered a nuisance through damage of property or improvements.

Therefore, staff finds that the criterion does not apply.

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:

Staff concurs with the applicant's statement that Trees 7, 8, 9, and 10 on the Tree Plan included, will need to be removed to allow the construction of a common driveway and utilities to serve the proposed development. Staff refer to findings in Criterion No. 4 in support of Criterion No.6.

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

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.***

Facts and Findings:

All Community Trees proposed for removal are necessary due to the tree or tree root zone proximity to the shared access way, future residential structures and proposed public utility easement. In this case, tree removal is not necessary to enhance the health of any tree, grove, or existing Significant Natural Resource Area.

Therefore, staff finds that the criterion does not apply.

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***

Facts and Findings:

The proposed tree removal is not within a designated SNRA or Significant grove.

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

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 windthrow.***

Facts and Findings:

The proposed tree removal is not within a SNRA or Significant grove.

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

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:

Staff cites the Code Conformance Analysis chart at the end of the report which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies with all applicable provisions of Chapter 60.60 and 60.67.

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

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:

The applicant's proposed grading plan is limited to the area outside the vegetated corridor and wetland area. The applicant proposes to erect a temporary silt fence with construction fencing near the vegetated corridor boundary to provide sediment control and along the eastern and western property lines of the subject site. The use of straw wattles is also indicated on the grading plan. Conditions of approval require erosion control devices to be in place prior to grading the site for utilities and driveway construction.

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

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, staff finds that all applicable application submittal requirements identified in Section 50.25.1 are contained within this proposal.

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 the required application materials for review of a Tree Plan Two application. The applicant has also submitted Preliminary Partition Land Division and Flexible Setback applications. These applications are being reviewed concurrently with this Tree Plan Two application. Staff finds that the Tree Plan Two application, Preliminary Partition Land Division and Flexible Setback applications have been submitted in the proper sequence.

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

SUMMARY OF FINDINGS: For the reasons identified above, staff finds that the Tree Plan approval is supported within the approval criteria findings, noted above, for Section 40.90.15.2.C of the Development Code.

Based on the facts and findings presented, staff recommends **APPROVAL** of **TP2016-0003 – SW 155th Avenue 3-Lot Preliminary Partition** subject to the applicable conditions identified herein.

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 for Protected Trees	The applicant states that no removal or pruning or any Protected or Landscape Trees is proposed.	**N/A**
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	The applicant is not removing any protected trees. The proposed tree plan shows no tree removal in the vegetated corridor or wetland.	**N/A**
60.60.15.2.B-C	Standards for SNRA & Significant Groves	The proposed does not include removal of Landscape or Protected Trees. Mitigation is not required for Community Trees.	**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's Tree Plan shows a "construction fence" around the remaining six (6) Community Trees, not proposed for removal. A condition of approval requires protective fencing in place before construction.	**YES w/ COA**
60.60.25 Mitigation Requirements			
60.60.25	Mitigation Standards: Mitigation is not required for Community Trees.	Mitigation is not required for the removal of Community Trees and it is not proposed.	**N/A**
60.67 Significant Natural Resources			
60.67.05.1	Development activities in locations of possible significant natural resources and/or wetlands are subject to relevant procedures identified in Chapter 50.	Chapter 50 does not establish separate procedures for development activity in SNRAs and/or wetlands. In this case, the plan will necessitate extension of a sanitary	**Yes w/ COA**

		sewer line south to connect in a sensitive area identified by CWS. This is the extent of activity in the wetlands and will be subject to State of Oregon Division of State Lands and the United States Army Corps of Engineers approval. All proposed grading and home development will occur outside of the wetland and vegetated corridor where found on the subject property.	
60.67.15.2	For sites identified in the Local Wetland Inventory notice of the proposed development shall be provided to DSL.	The applicant states that the applicant will comply with the requirements outline by the City and other regulatory agencies as part of the conditional approval. The applicant has also provided a copy of the correspondence between the applicant and the Metro Region Aquatic Resource Coordinator for DSL, Anita Huffman. Staff recommends a condition of approval that the applicant submit a copy of issued permits or other approvals as needed from both the State of Oregon Division of State Lands and the United States Army Corps of Engineers. Staff also recommends a condition that prohibits use of machinery for utility work.	**YES w/COA**
60.67.10	Development activities in locations of Significant Riparian Corridors are subject to relevant procedures identified in Chapter 50.	No Significant Riparian Corridors were identified onsite.	**N/A**

CONDITIONS OF APPROVAL

Conditions of Approval for LD2016-0046:

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

1. 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)

2. 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)

3. 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)

4. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality and quantity) facilities, facility landscape planting, CWS vegetative corridor plantings, 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)

5. 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)

6. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within or affecting a jurisdictional wetland). (Site Development Div./JJD)

7. Submit to the City a copy of issued permits or other approvals as needed from the Bonneville Power Administration for work within, and/or construction access to Washington County TL 1S1320001200. (Site Development Div./JJD)

8. 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)

9. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. Show the planting plan as required by Clean Water Services to enhance the vegetated corridor. (Site Development Div./JJD)

10. 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)

11. 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)

12. 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)

13. 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 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)

14. 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)

15. 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)

16. 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)

17. 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)

18. 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)

19. Ensure all grading is consistent with the grading standards of Section 60.15.15, unless a subsequent application is approved to modify the grading standards of this section. (Planning/ES)

20. Ensure extension of the common driveway access servicing all three lots (within Tract A) is designed to withstand at least a 12,500 pound point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Site Development plans approved by the city shall include appropriate cross-sectional detail of this driveway. (Planning/ES)

21. Show the removal of shrubs along the street frontage of SW 155th Avenue that appear to impede vision of on-coming vehicles and pedestrians when exiting the street access. Show the location of tree protection fencing placed in proximity to all trees to be saved on-site prior to construction activities. (Planning/ES)

22. 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) Provide documentation that 1,000 gpm at 20 psi is available from hydrant. This can be completed at site development review time. A fire hydrant is required to be within 600 feet of all portions of structures. (TVF&R / JF)

23. Provide a construction equipment list intended for extending underground utility lines within that portion of the site identified for on-site wetlands. Use of machinery, including but not limited to a backhoe for trenching or dredging purposes, is prohibited within that portion of the site that contains the on-site wetland. This includes off-site wetlands and sensitive area at the sanitary sewer connection point.

B. Prior to approval of the final plat, the applicant shall:

24. 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)

25. 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)

26. 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)

27. Submit a maintenance agreement to be recorded with the final plat, describing the ownership and maintenance responsible of Tract A which is to serve as common access driveway. The maintenance agreement is to be reviewed by the City Attorney prior to recording with the final plat. Under the maintenance agreement option, applicant is to assign tract ownership to one of the abutting lot owners. The agreement is to describe a system for sharing the cost of periodic maintenance between the three lot owners. The maintenance agreement is to run with the deed and title of the properties. (Planning/ES)

28. Submit a document to be recorded with the plat describing the purpose of Tract B with assigned ownership and maintenance to Lot 3. The document is to describe the function of Tract B as a buffer area to wetlands as delineated therein. The document is also to describe the landscape enhancement plan consistent with Clean Water Service standards and state that this area is to

remain as a natural area, undisturbed by grading, construction or other private use. The document is also to describe the location of a split-rail fence for delineating the boundary between Tract B and Lot No. 3. The document is to run with the deed and title of the property. The document is also to be reviewed by the City Attorney prior to recording with the final plat. (Planning/ES)

29. Submit a Land Division - Final Plat application. In accordance with Section 50.90 of the Development Code, submittal of a complete final plat application shall be made within 24 months after preliminary plat approval, unless a time extension is approved. The Final Plat shall not be submitted until the Site Development Permit has been issued. (Planning/ES)

30. Submit a final plat that is fully dimensioned and indicate the square footage of all lots and tracts. Plat notes shall state the ownership and maintenance responsibilities of all tracts. (Planning/ES)

31. Provide a street tree fee of $200.00 for the city to plant one street for the loss of one street tree identified to the plan. (Planning/ES)

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

32. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)

33. Have recorded the final plat with the County Surveyor and submitted a copy to the City. (Site Development Div./JJD)

34. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)

35. 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)

36. 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)

37. 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)

38. Ensure plans for dwellings constructed to Lots 2 and 3 show protection with an approved automatic fire sprinkler system. (Planning/ES / TVF&R / JF)

39. Ensure new home construction complies with R-5 zone standards for height and setbacks except where approved for modification by Flexible Setback application. (Planning/ES)

40. Construct a low split-rail type fence for purpose of delineating the boundary between Tract B and Lot No. 3. (Planning/ES)

41. Provide a paper copy of the recorded partition to the City of Beaverton Building Division. (Building Div./BR)

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

42. 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)

43. 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)

44. Have shrubs removed along the street frontage of SW 155th Avenue to the satisfaction of the City Transportation Engineer to ensure appropriate vision clearance at the existing access. (Planning/ES & KR).

E. Prior to release of performance security, the applicant shall:

45. 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)

46. 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)

47. 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 and CWS-vegetated corridor, as determined by the City Engineer. If the plants are not well established or any of the facilities 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)