



City of Tualatin

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December 2, 2021

Analysis and Findings for

Autumn Sunrise Small Lot Subdivision

Case #:	CUP21-0001 and SB21-0001
Project:	Autumn Sunrise Subdivision
Location:	23620 & 23740 SW Boones Ferry Road; 9185, 9335, & 9415 SW Greenhill Lane; South of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane
Contact	Consultant: Mimi Doukas, AICP, RLA; AKS Engineering & Forestry, LLC
Applicant:	Michael W. Anders, Lennar Northwest, Inc.
Owners:	Autumn Sunrise, LLC (Tax Lots 2S135D: 400, 401, 500, 501, 600, 800, and 900) P3 Properties, LLC (Tax Lot 1S35D 100)

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I. INTRODUCTION

A. Project Description

The Applicant, Lennar Northwest, Inc. requests Planning Commission approval of the “Autumn Sunrise” development, a 400-lot “Small Lot” Subdivision development (Conditional Use Permit CUP21-0001 and Subdivision SB21-0001) comprised of a mix of lots for single-family attached and detached homes. Approximately 3.1 acres (5% of gross site area) is proposed as open space and tree preservation. The project would also include two commercial lots reserved for future development.

The subject site is approximately 61.71 acres of property in the Basalt Creek planning area, located at 23620 & 23740 SW Boones Ferry Road; 9185, 9335, & 9415 SW Greenhill Lane. The site is south of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane. Tax Lots include 2S135D: 400, 401, 500, 501, 600, 800, and 900 and Tax Lot 1S35D 100. The lot’s zones include Medium-Low Density Residential (RML) and Neighborhood Commercial (CN).

The development is proposed to be constructed in four phases. The first phase would start in the northeast portion of the site along Norwood Road. Access to the site is proposed at two locations along Norwood Road, opposite SW 89th Avenue and SW Vermillion Court. The proposed development would construct an internal system of Local public streets. The proposed development would have a secondary emergency access to Boones Ferry Road in the interim, and ultimately construction of a new Local public signalized intersection with Boones Ferry Road concurrent with the fourth and final phase of the development

B. Applicable Criteria

The proposed Conditional Use Permit (CUP) for a “Small Lot” Subdivision is processed as a Type-III land use application. The applicant has elected to have the Planning Commission make a decision on the proposed Subdivision following a decision on the CUP. The applicable approval criteria for these applications include: Tualatin Comprehensive Plan Chapters 3 and 10; Tualatin Development Code (TDC) Chapters 32, 33, 36, 41, 51, 73A, 73B, 73C, 73G, 74, and 75, and Title 3 of the Tualatin Municipal Code (TMC).

C. Previous Land Use Actions

- ANN 19-0002
 - The City of Tualatin annexed Tax Lots 400, 401, 500, 501, 600, 800, and 900 of Washington County Assessor's Map 2S 1 35D into the City. These lots comprise the southern ±38 acres of the subject site adjacent to SW Boones Ferry Road and SW Greenhill Lane.
- ANN 20-003

- The City of Tualatin annexed Tax Lot 100 of Washington County Assessor's Map 2S 1 35D, the northern ±25 acres of the subject site adjacent to SW Norwood Road.
- PTA 20-003
 - This Development Code Text Amendment approved modified development standards—smaller lot sizes, reduced setbacks, and increased structural lot coverage—for development of detached single-family dwellings in a "Small Lot Subdivision" under a Conditional Use Permit in the Basalt Creek Area. It also included requirements to build at least 20 percent of the units in a proposed development as attached single-family and a minimum of 5 percent of the gross site area as open space for the provision of recreational area and/or tree preservation. The maximum density of 10 units per acre remained unchanged.
- PMA 20-002 and PTA 20-005
 - This application adjusted the combined Comprehensive Plan and Zoning Map to shift the CN zoning district boundary on the subject site. The CN zoning district remains ±3.9 acres in area but is now an elongated rectangle fronting on SW Boones Ferry Road. The RML zoning district is now located further from SW Boones Ferry Road. This approval also included a text amendment to remove a provision that prohibited the CN zoning district within 300 feet of a school property and added the "basic utility" use category to the list of permitted uses within the CN zone.

D. Site Description and Surrounding Uses

The subject site is a total of ±61.96 acres located at the southernmost extent of the City's UGB and is comprised of eight tax lots. The site has frontage on SW Norwood Road, SW Boones Ferry Road, and SW Greenhill Road. A ±3.9-acre portion of the site adjacent to SW Boones Ferry Road is zoned CN. The remaining ±58 acres are zoned RML. The northern portion of the site is wooded while the southern area has three existing homes adjacent to SE Greenhill Lane and open agricultural fields.

Adjacent land uses include:

North: Medium Low Density Residential (RML); SW Norwood Road separates this site from residential subdivisions:

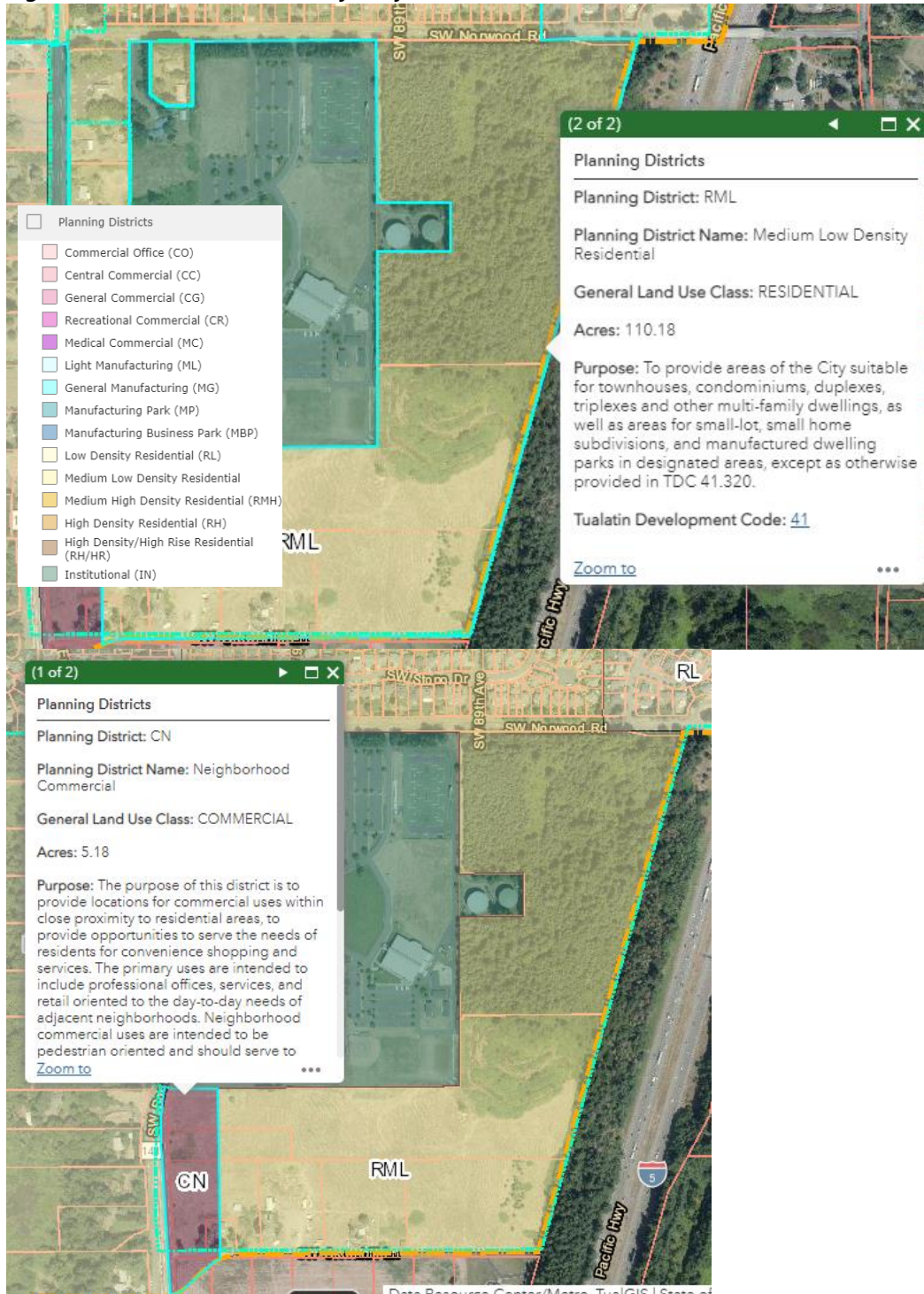
- Norwood Heights
- Tualatin Woods
- Tualatin Woods No. 2.

East: City Boundary and Urban Growth Boundary (UGB) are at the edge of this site. Interstate 5 right-of-way with unincorporated Washington County zoned Agriculture and Forest District (AF-5) and Future Development 20-Acre (FD-20) are beyond.

South: The City Boundary is at SW Greenhill Lane, beyond that are agricultural and low-density residential development in unincorporated Washington County zoned FD-20. The areas south of SW Greenhill Lane are within the City of Wilsonville Planning Area.

West: The City of Tualatin water towers and Horizon Christian Church and High School are zoned Institutional (IN). There is also a 5-acre unincorporated lot adjacent to SW Boones Ferry Road that will have the zoning designation of High Density Residential (RH) once it is annexed to the City. Unincorporated properties on the west side of SW Boones Ferry Road have low-density residential development (with County Zoning of FD-20) and will have the Low Density Residential (RL) zoning designation when annexed to the City.

Figure 1 and 2: Aerial views of subject site:



E. Exhibit List

Exhibit A: Land Use Application

Exhibit B: Narrative

Exhibit C: Preliminary Plans

Exhibit D: Traffic Impact Analysis and Supplement

Exhibit E: Preliminary Stormwater Report

Exhibit F: Evidence of Mailed Notice

Exhibit G: CWS Service Provider Letter

Exhibit H: Public Comments

Exhibit I: Applicant "120 day" waiver

Exhibit J: ODOT Case # 11988 Autumn Sunrise Subdivision

Exhibit K: 11.15.2021 - Memorandum - Analysis of Legal Basis for ODOT Requested Condition of Approval

Exhibit L: 21 11 11 Tim Neary RE_ CUP21-0001 & SB21-0001 Comments

Exhibit M: Lancaster Response to Neary Email_211119

Exhibit N: CWS Memorandum Tualatin - Autumn Sunrise Subdivision - CUP21-0011, SB21-0001

Exhibit O: Washington County AutumnSunriseSUB-TUALCOMM

Exhibit P: Draft Tualatin Water Master Plan

Exhibit Q: Map 8-3 of the Tualatin Comprehensive Plan

F. Attachment List

Attachment A Presentation CUP21-0001 SB21-0001

II. PLANNING FINDINGS

TUALATIN COMPREHENSIVE PLAN

PART III GOALS AND POLICIES

[...]

CHAPTER 3: HOUSING & RESIDENTIAL GROWTH

GOAL 3.1 HOUSING SUPPLY. Ensure that a 20-year land supply is designated and has urban services planned to support the housing types and densities identified in the Housing Needs Analysis.

POLICY 3.1.1 DENSITY. Maintain a citywide residential density of at least eight (8) dwelling units per net acre.

Finding:

The proposed development includes a mix of single-family attached and detached units at a density of approximately 10 dwelling units per acre. Allowing detached units increases the diversity of housing provided while maintaining the housing density goals within the City as identified in the Housing Needs Analysis. These policies are met.

GOAL 3.2 HOUSING FOR ALL. Encourage development and preservation of housing that is affordable for all households in Tualatin.

POLICY 3.2.1 HOUSING TYPE DIVERSITY. Support development of townhomes, duplexes, triplexes, quadplexes, cottages, courtyard housing, accessory dwelling units, single story units, senior housing, and extended family and multi-generational housing in all residential zoning districts.

Finding:

The planned detached dwelling units on a variety of lot sizes, along with the planned attached townhomes, provide diversity in housing type while preserving the affordability that the targeted density provides. These policies are met.

CHAPTER 10 LAND USE DESIGNATIONS & ZONING

Purpose: The purpose of this chapter is to define a distinct range of land use designations that directly correspond with zones applied to lands within the City of Tualatin and its Urban Planning Area. This chapter explains the intention and distinguishing characteristics of each land use designation.

PLANNING DISTRICT OBJECTIVES

This section describes the purpose of each planning district.

Medium-Low Density Residential Planning District (RML) This district supports household living uses with a variety of housing types at moderately low densities. This district is primarily oriented toward middle housing types including attached dwellings, multi-family development, and manufactured dwelling parks.

[...]

Neighborhood Commercial Planning District (CN) To provide locations for commercial uses within close proximity to residential areas. It is to provide for opportunities to serve the needs of residents for convenience shopping and services. Such uses will be limited to professional offices, services, and retail trade that are oriented to the day-to-day commercial needs of the residential neighborhood. Neighborhood commercial uses are intended to be pedestrian oriented and should serve to reduce automobile trips and energy consumption. The purpose is also to assure that such development is of a scale and design so that it is compatible with the residential environment and is an enhancement to neighborhood areas. It is not the purpose of this district to create large scale commercial facilities that will compete with similar uses, such as large grocery or department stores, located in the downtown area.

[...]

Finding:

The proposed development is consistent with objectives of the RML zoning district in that it includes attached dwellings and a variety of housing types at a moderately low density. The application does not propose specific uses for the CN zoned portion of the property. Future uses would require approval through the Architectural Review land use process and would be limited to the uses allowed in that district, which are consistent with the above objectives. The location of the CN zoning relative to the RML zoning is consistent with the district objectives. These objectives are met.

TUALATIN DEVELOPMENT CODE

Chapter 32: Procedures

Section 32.010 – Purpose and Applicability.

[...]

(2) Applicability of Review Procedures. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

[...]

(b) Type II Procedure (Administrative/Staff Review with Notice). A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are "limited land use decisions" as defined in ORS 197.015 are so noted in Table 32-1.

(c) Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

[...]

(3) Determination of Review Type. Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
[...]						
Conditional Use Permit	III	PC	CC	Yes	Yes	TDC 33.040
[...]						
•Subdivisions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 36
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Finding:

The proposed “Small Lot” Subdivision is identified as a Conditional Use in the RML zone. Per Table 32-1, a CUP is processed in accordance with the Type III procedures and a decision by the Planning Commission. The applicant has chosen to have the Planning Commission also make a decision on its Subdivision land use application, which would normally be processed as a Type II application. These criteria are met.

Section 32.020 – Procedures for Review of Multiple Applications.

Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:

- (1) Applications with the highest numbered procedure type must be processed first;**
- (2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and**
- (3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).**

Finding:

As discussed above, the applicant has asked the Planning Commission to make a decision on both its CUP and Subdivision applications. The Subdivision application is dependent on the prior approval of the CUP application, and therefore, the Planning Commission will need to first reach a decision on the CUP before it can make a decision on the Subdivision. These criteria can be met.

Section 32.030 – Time to Process Applications.

(1) Time Limit - 120-day Rule. The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)

[...]

Finding:

The subject applications were submitted on July 1, 2021 and deemed complete on July 30, 2021. Under the 120-day rule, a final decision by the City must occur by November 27, 2021. The applicant has provided voluntary written extension of this deadline (Exhibit I), requiring a final decision by December 10, 2021. This criteria can be met.

Section 32.110 – Pre-Application Conference.

(1) Purpose of Pre-Application Conferences. Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

(2) When Mandatory. Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.

(3) Timing of Pre-Application Conference. A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

(4) Application Requirements for Pre-Application Conference.

(a) Application Form. Pre-application conference requests must be made on forms provided by the City Manager.

(b) Submittal Requirements. Pre-application conference requests must include:

(i) A completed application form;

(ii) Payment of the application fee;

(iii) The information required, if any, for the specific pre-application conference sought; and

(iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.

(5) Scheduling of Pre-Application Conference. Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

(6) Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences. A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:

(a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;

Finding:

A pre-application conference was held with City staff on February 17, 2021, which is within six months of the date of submittal of the application (July 1, 2021). These criteria are met.

Section 32.120 – Neighborhood/Developer Meetings.

(1) Purpose. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

(3) Timing. A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

(4) Time and Location. Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:

(a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.

(5) Notice Requirements.

(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

(i) All property owners within 1,000 feet measured from the boundaries of the subject property;

(ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(6) Neighborhood/Developer Sign Posting Requirements. The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

(7) Neighborhood/Developer Meeting Requirements. The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must

prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Finding:

A Neighborhood/Developer Meeting was held on June 9, 2021 (Exhibit A) consistent with the above described requirements. These criteria are met.

Section 32.130 – Initiation of Applications.

(1) Type I, Type II, Type III, and Type IV-A Applications. Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:

(a) The owner of the subject property;

(b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;

[...]

(d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

Finding:

This application has been submitted by the contract purchaser, Lennar Northwest, Inc., of the subject properties on behalf of the property owners, Autumn Sunrise, LLC and P3 Properties, LLC. These criteria are met.

Section 32.140 – Application Submittal.

(1) Submittal Requirements. Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

[...]

(2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.

(3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

The subject applications were submitted on July 1, 2021 and deemed to have met the submittal criteria on July 30, 2021. These criteria are met.

Section 32.150 - Sign Posting.

(1) When Signs Posted. Signs in conformance with these standards must be posted as follows:

[...]

(2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:

[...]

(3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.

(4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:

[...]

Finding:

The applicant has provided evidence of compliance with these requirements (Exhibit A). These criteria are met.

Section 32.160 – Completeness Review.

(1) Duration. Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

(2) Considerations. Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) Complete Applications. If an application is determined to be complete, review of the application will commence.

(4) Incomplete Applications. If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information.

An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

[...]

(5) Vesting. If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

(6) Void Applications. An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

[...]

Finding:

These criteria are met.

Section 32.230 – Type III Procedure (Quasi-Judicial Review – Public Hearing).

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

(1) Submittal Requirements. Type III applications must include the submittal information required by TDC 32.140(1).

(2) Determination of Completeness. After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.

(3) Written Notice of Public Hearing – Type III. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

[...]

(4) Conduct of the Hearing - Type III. The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:

[...]

(5) Notice of Adoption of a Type III Decision. Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption must contain all of the following information:

[...]

(6) Appeal of a Type III Decision. Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.

(7) Effective Date of a Type III Decision.

(a) The written order is the final decision on the application.

(b) The mailing date is the date of the order certifying its approval by the decision body.

(c) A decision of the Architectural Review Board or Planning Commission is final unless:

(i) a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or

(ii) The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.

Finding:

Processing of the proposed applications will follow the above described requirements. These criteria can be met.

Chapter 33: Applications and Approval Criteria

Section 33.040 Conditional Use Permit

[...]

(2) Applicability. A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit may be initiated by a property owner or the owner's authorized agent.

Finding:

The request for a new CUP has been made by the owner's authorized agent. This criterion is met.

[...]

(4) Specific Submittal Requirements. In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the following additional information and materials:

(a) Project title;

(b) The architect, landscape architect and engineer;

(c) A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development;

**(d) A Service Provider Letter from Clean Water Services (CWS) indicating that a "Stormwater Connection Permit Authorization Letter" will likely be issued; and
[...]**

Finding:

The proposed CUP application submittal includes the above required materials. These criteria are met.

(5) Approval Criteria. The applicant must provide evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:

(a) The use is listed as a conditional use in the underlying zone;

Finding:

The applicant requests approval of a Small Lot Subdivision to include single-family dwellings which is listed as a Conditional Use in Table 40-1 for the RML zoning district. This criterion is met.

(b) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features;

Finding:

The site characteristics are suitable for the proposed use. The site is zoned for residential development, the proposed residential density does not exceed that allowed by the RML zoning district (10 dwelling units per acre). The site is located in the Basalt Creek planning area, and approval of the site would include construction and improvement of public utility facilities from their existing boundaries, helping to facilitate the orderly development of the Basalt Creek area. The site topography is relatively flat and contains no areas of steep slopes and therefore suitable for medium low density residential development. A treed area is located in the northerly portion of the site, adjacent to Norwood Road. As part of the CUP application, the applicant has proposed to preserve a portion of this area to serve as a buffer between existing development and the new development. This would not be required but for the CUP application requirements. A small wetland is located on the southwest corner of the site (Exhibit A), which is at the low point of the development within the CN zoned portion of the site, and will be filled, subject to Oregon DSL permitting and approval, to accommodate a stormwater detention facility. Overall, the Small Lot Subdivision standards in the Basalt Creek Area allow more flexibility for a diverse mix of housing types while maintaining the desired density for the area. This criterion is met.

(c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;

Finding:

As noted above, the proposed development is located within the Basalt Creek planning area and is on the edge of the existing development within Tualatin in this location. Construction of the proposed development includes a significant extension of public facilities, construction of a sanitary sewer pump station, water system improvements, and Local roadway construction, including the addition of a signalized intersection at the intersection at Boones Ferry Road, and dedication of a portion of the future right-of-way for the extension of Basalt Creek Parkway. Without extension of the aforementioned public facilities, other developable properties within the Basalt Creek planning area in this immediate vicinity will be challenged, if not impossible. Approval of the proposed development is timely given that the Basalt Creek planning area has been in the Urban Growth Boundary since 2004, Concept Planning and Comprehensive Planning for this area has been complete since 2018. Services planned for the area are non-existent and will likely remain as such absent construction of this development. This criterion is met.

(d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone; and

Finding:

The proposed development is required to obtain CUP approval due to the inclusion of detached single-family dwellings. Single family dwellings are the most prevalent use within the surrounding area. The surrounding zoning is a mix of residential, institutional, and unincorporated Washington County lands which are identified with a “future urban” zoning designation. While the development as a whole may have more impact on the surrounding area than the existing vacant lot, it is important to make the distinction that the proposed conditional use, which is detached single-family homes, will not substantially limit, impair or preclude the use of surrounding properties for uses listed in the underlying zone, which are primarily residential in nature (with the exception of the adjacent Horizon campus, which is a use that is commonly located within or next to a residential area) as compared to a development of a similar number of townhomes or multi-family dwellings, which would be considered an outright permitted use at this location. This criterion is met.

(e) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Finding:

Findings addressing the applicable Comprehensive Plan goals, policies, and objectives are found above. This criterion is met.

(6) Conditions of Approval. The Hearing Body may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. In no event will this Chapter be used as a means to exclude multi-family housing from the City.

Finding:

The applicant has requested up to six model homes at a time to be permitted prior to full completion of public improvements for each phase. Necessary public infrastructure providing safe access and utilities would be constructed to serve the model homes. Condition of Approval Number C1 would allow for no more than six model homes within the proposed development at any time, subject to final approval by the City Engineer. Within Condition of Approval C1, this criterion is met.

TDC 33.110. - Tree Removal Permit/Review.

- (1) Purpose.** To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.
- (2) Applicability.** No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.
- (3) Exemptions.** The following actions are exempt from the requirements of a tree removal permit.
 - (a) General Exemption.** Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:
 - (i) Not located in the Natural Resource Protection Overlay District (NRPO);**
 - (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);**
 - (iii) Not a Heritage Tree; and**
 - (iv) Not previously required to be retained or planted under an approved Architectural Review decision.**
 - (b) Forest Harvesting Exemption.** Forest Harvesting Uses, as provided by Agricultural Uses in TDC 39.300 are exempt.
 - (c) Orchard Exemption.** Orchards Uses, as provided by Agricultural Uses in TDC 39.300, are exempt.
 - (d) Public Property Exemption.** Tree removal on federal, state, county, or City property is exempt from the requirements of a tree removal permit. This exemption includes, but is not limited to road, improvements and maintenance to City parks, rights-of-way, water,

sanitary sewer, and stormwater facilities. (Removal of trees from public right-of-way are governed by TDC Chapter 74.)

(3) Procedure Type. Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.

(4) Specific Submittal Requirements. In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:

(a) Tree Preservation Plan. A tree preservation plan drawn to scale must include:

- (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;**
- (ii) All trees proposed for removal and all trees proposed to be preserved;**
- (iii) All existing and proposed structures;**
- (iv) All existing and proposed public and private improvements; and**
- (v) All existing public and private easements.**

(b) Tree Assessment Report. A tree assessment prepared by a certified arborist must include:

- (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;**
- (ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;**
- (iii) a statement addressing the approval criteria set forth in TDC 33.110(5);**
- (iv) the name, contact information, and signature of the arborist preparing the report; and**
- (v) The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.**

(c) Tree Tags. All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.

(5) Approval Criteria.

(a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:

- (i) The tree is diseased and:
 - (A) The disease threatens the structural integrity of the tree; or**
 - (B) The disease permanently and severely diminishes the esthetic value of the tree; or**
 - (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.****
- (ii) The tree represents a hazard which may include but not be limited to:**

- (A) The tree is in danger of falling; or
- (B) Substantial portions of the tree are in danger of falling.
- (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.
- (b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.
 - (i) Evergreen Trees. An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
 - (A) Trunk Condition—extensive decay and hollow; or
 - (B) Crown Development—unbalanced and lacking a full crown;
 - (ii) Deciduous Trees. A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
 - (A) Trunk Condition—extensive decay and hollow;
 - (B) Crown Development—unbalanced and lacking a full crown; or
 - (C) Structure—Two or more dead limbs.

[...]

- (7) Conditions of Approval. Any tree required to be retained must be protected in accordance with the TDC 73B and 73C.**

Finding:

The Preliminary Tree Assessment Report and Tree Inventory indicate tree removal is necessary to construct project improvements, infrastructure, and to accommodate future dwellings on the planned lots. Tree Preservation and Removal Plans included with the Preliminary Tree Assessment Report and Tree Inventory show Tracts D and E adjacent to SW Norwood Road with an area of preserved trees. The elimination of a planter strip between the curb and multi-use path along the site's Norwood Road frontage, typically required as a standard cross-section, allowed further preservation of trees. Condition of Approval Number 1 and 2 will require the applicant to submit final plans that show removal of trees as shown in the Preliminary Tree Assessment Report and Tree Inventory along with protection of trees as shown within Tracts D and E consistent with the requirements of TDC 73B and 73C. With Condition of Approval Number 1 and 2, these criteria are met.

CHAPTER 36 – SUBDIVIDING, PARTITIONS, AND PROPERTY LINE ADJUSTMENTS

- (1) Applications subject to this Chapter must follow the procedures specified in TDC Chapter 32; however, in case of conflict the procedures specified in TDC Chapter 36 prevail.**
- (2) Additional Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required to subdivide, partition, or replat land:**
 - (a) Subdivision or partition plan map;**

- (b) Proposed plat name, approved by the County Surveyor;**
- (c) The names, addresses, and contact information of the design engineer and surveyor;**
- (d) The date the plan was prepared;**
- (e) North arrow;**
- (f) Scale of drawing;**
- (g) Location of the subdivision or partition by 1-4 Section, Township and Range;**
- (h) Preliminary utility plans for existing and proposed water, sanitary sewer and storm drainage, including the size and grade;**
- (i) Existing and proposed streets (public and private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;**
- (j) An outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;**
- (k) Easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;**
- (l) Flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;**
- (m) Natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;**
- (n) Approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;**
- (o) Approximate area of each lot;**
- (p) Proposed lot numbers;**
- (q) Existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;**
- (r) All lots intended to be dedicated or reserved for public use;**
- (s) A vicinity map showing a minimum one-mile radius;**
- (t) Contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent;**
- (u) For subdivisions and phased subdivisions, a completed trip generation estimate on forms provided by the City and a Traffic Impact Analysis;**
- (v) If a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, adequate information to show compliance with the approval criteria in TDC 33.120(5) for a minor variance or TDC 33.120(6) for a variance;**
- (w) A "Service Provider Letter" from Clean Water Services;**

- (x) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received;
 - (y) A completed City fact sheet;
 - (z) A title report for the property(ies) subject to the application;
 - (aa) Other supplementary material as may be required, such as deed restrictions, a statement of ownership, use, covenants, conditions, limitations, and responsibility for maintenance; and
 - (bb) Other information required by the City Manager.
- [...]

Finding:

The proposed Subdivision application meets the above submittal requirements. These criteria are met.

TDC 36.120. - Tentative Subdivision Plan.

- (1) **Applicability.** Tentative Subdivision Plan approval is required before land is divided into four or more lots within a calendar year. For Phased Subdivisions, see TDC 36.130 (Phased Tentative Subdivision Plan). For Manufactured Dwelling Park Subdivisions, see TDC 36.140 (Manufactured Dwelling Park Tentative Subdivision Plan).
- (2) **Procedure Type.** A Tentative Subdivision Plan is processed as a Type II procedure under 32.220.
- (3) **Submittal Requirements.**
 - (a) Prior to submitting an application for a Tentative Subdivision Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).
 - (b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for subdivision tentative plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).

Finding:

The applicant has proposed a 400-lot subdivision and therefore the requirements of TDC 36.120 are applicable. As discussed above, the applicant has requested the application be processed pursuant to the Type III procedures and decided by the Planning Commission. As discussed above, the applicant has satisfied the pre-application conference and neighborhood/developer meeting requirements and the additional submittal criteria of TDC 36.040(2). These criteria are met.

- (4) Approval Criteria. A Tentative Subdivision Plan must be approved if all of the following criteria are met:**
- (a) The Tentative Subdivision Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to, the following:**
 - (i) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.**
 - (ii) City infrastructure standards; and**
 - (iii) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**
 - (b) The Tentative Subdivision Plan does not impede the future use or development of the property or adjacent land.**
 - (c) Development within the Tentative Subdivision Plan can be adequately served by City infrastructure.**
 - (d) The street system in and adjacent to the Tentative Subdivision Plan conforms to the Tualatin Transportation System Plan.**
 - (e) The street system in and adjacent to the Tentative Subdivision Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**
 - (f) The Tentative Subdivision Plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, existing or planned schools, parks, shopping areas, transit stops, employment centers, and other neighborhood amenities.**
 - (g) The Tentative Subdivision Plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.**
 - (h) The Tentative Subdivision Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.**
 - (i) The Tentative Subdivision Plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.**

Finding:

As identified in the Plan Set (Exhibit C) and the application materials (Exhibits A and B) as well as responses within the staff report and by agency comments (Exhibits J, N, and O), the proposed tentative subdivision plan complies with the standards of Chapter 36 and other applicable chapters of the TDC and TMC as well as the above listed requirements, subject to conditions of approval. As conditioned, these criterion are met.

TDC 36.130. - Phased Tentative Subdivision Plan.

- (1) Applicability.** Phased Tentative Subdivision Plan approval is required before land is divided as a phased subdivision. When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.
- (2) Procedure Type.** A Phased Tentative Subdivision Plan is processed as a Type II procedure under TDC 32.220 (Type II Procedure).
- (3) Submittal Requirements.**
 - (a)** Prior to submitting an application for a Phased Tentative Subdivision Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).
 - (b)** In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for a Phased Tentative Subdivision Plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).
 - (c)** An application for a Phased Tentative Subdivision Plan must also include:
 - (i)** A phasing plan that indicates the tentative boundaries of each phase;
 - (ii)** The sequencing of the phases;
 - (iii)** The tentative configuration of lots in each phase; and
 - (iv)** A plan for the construction of all required city infrastructure in each phase.

Finding:

The applicant has proposed a phased subdivision and therefore the requirements of TDC 36.130 are applicable. As discussed above, the applicant has requested the application be processed pursuant to the Type III procedures and decided by the Planning Commission. As discussed above, the applicant has satisfied the pre-application conference and neighborhood/developer meeting requirements and the additional submittal criteria of TDC 36.040(2). The applicant has also included a tentative phasing plan (Exhibit C). These criteria are met.

- (4) Approval Criteria.** A Phased Tentative Subdivision Plan must be approved if all of the following criteria are met:
 - (a)** The Phased Tentative Subdivision Plan meets all of the criteria for Tentative Subdivision Plan approval in TDC 36.110 (Tentative Subdivision);
 - (b)** Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases;
 - (c)** Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements; and
 - (d)** Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Finding:

The proposed phased subdivision plan has been reviewed for compliance with the above requirements and has been deemed to be satisfactory by the City Engineering, subject to appropriate conditions of approval. As conditioned, these criteria are met.

[...]

TDC 36.160. Final Plat.

- (1) Applicability.** Final plat approval is required before a final plat of a partition, subdivision, phased subdivision, and manufactured dwelling park subdivision is recorded.
- (2) Procedure.** Final plats are exempt from the procedures TDC 32.220 (Type II Procedure), and instead follow the procedures set forth in this section. Final plats must be reviewed by the City prior to recording with county.
- (3) Submittal Requirements.** Applications for final plat must be submitted prior to expiration of tentative plan approval.
- (4) Approval Criteria.** A final plat must be approved if all of the following criteria are met:
 - (a)** The final plat is in substantial conformance with the approved tentative plan or tentative replat plan.

[...]

- (c)** If the approval of a final plat for a specific phase requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative plan must be modified first to reflect the changes.
 - (d)** The final plat complies with all applicable provisions of ORS Chapter 92.
 - (e)** Conditions of approval imposed on the tentative plan or tentative replat have been met;
 - (f)** The final plat dedicates, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by the Tualatin Development Code or as a condition of approval;
 - (g)** The City Manager has certified that:
 - (i)** All required public improvements and private improvements are completed and approved; or
 - (ii)** The owner of the property subject to the final plat has executed and filed with the City an Improvement Agreement under TDC 36.320 (Improvement Agreement for Public Improvements), requiring all City infrastructure and private improvements to be completed within 24 months of the final plat approval.
- (5) Approval or Rejection of Final Plat.**
- (a)** If the City Manager finds that the final plat does not meet the approval criteria set forth in subsection (3) of this section, the City Manager must notify the applicant of the deficiencies and afford the applicant opportunity to comply. Rejection of a final plat does not affect tentative plan or tentative replat approval.

- (b) If the City Manager finds that the final plat meets the approval criteria set forth in subsection (3) of this section, the City Manager must endorse approval on the final plat, and the applicant may process and record the final plat.**
- (6) Recording of Final Plat. The approved final plat must be recorded within ten years of the effective date of the tentative plan or tentative replat approval. No building permits for development of lots or parcels will be issued until the final plat is recorded.**
- (7) Operation and Maintenance of Facilities and Common Property. Where facilities and common property, including, but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development must include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association. Each property owner must be a member of the property owners' association. The association must have the power to levy and assess against privately owned property in the development all necessary costs for operation and maintenance of such facilities and common property. The documents creating such association must be approved by the City Manager.**

TDC 36.310. - Approval of Streets and Rights of Way.

- (1) The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must provide for the dedication of all public rights-of-way, reserve strips, easements, tracts and accessways, together with public improvements therein approved and accepted for public use.**
 - (a) The applicant must comply with the requirements of TDC Chapter 74, Public Improvement Requirements.**
 - (b) The applicant must comply with the design and construction standards set forth in the Public Works Construction Code.**
 - (c) The applicant must provide evidence to the City that property intended to be dedicated to the public is free of all liens, encumbrances, claims and encroachments.**
- (2) The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must indicate the ownership and location of private easements and tracts, and the ownership and location of private improvements within public rights-of-way and easements.**
- (3) Approval of the final plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat by the City constitutes acceptance of all public rights-of-way, reserve strips, easements, tracts and accessways shown thereon, as well as public facilities located therein.**

Finding:

Condition of Approval Number 3 will require the final plat to meet the above listed criteria. With Condition of Approval Number 3, these criteria are met.

[...]

TDC 36.320. - Improvement Agreement for Public Improvements.

- (1) An applicant may submit the subdivision plat for City acceptance prior to installing all required public improvements if the applicant submits a signed Improvement Agreement and written assurances, to City Manager.**
- (2) The Improvement Agreement must be in a form approved by the City and contain the following provisions:**
 - (a) A promise by the owner to complete the required public improvements within 24 months of final plat approval.**
 - (b) Monetary assurance for the full value of all required public improvements in one of the following forms:**
 - (i) A Corporate Surety Bond issued by a surety company authorized to transact business in the State of Oregon; or**
 - (ii) A cash deposit; or**
 - (iii) Cash in escrow.**
 - (c) A statement that if the owner fails to perform all of the conditions of the Improvement Agreement that the City may collect on the assurance and pursue any and all remedies available to it at law and in equity to enforce the Improvement Agreement.**
- (3) The value of the monetary assurance must be based upon of the costs of the City completing the public improvements and include, but are not limited to:**
 - (a) Related engineering;**
 - (b) Right-of-way acquisition;**
 - (c) Easement acquisition and public contracting costs;**
 - (d) Labor and materials; and**
 - (e) Incidental expenses.**
- (4) In the event the applicant fails to perform all provisions of the Improvement Agreement, the City is authorized, but not required, to complete unfinished or improperly constructed portions of the required public improvements and to use the assurance for reimbursement to cover the City's costs, including bringing any necessary action to collect such funds.**
 - (a) If the amount of the assurance exceeds the actual cost and expense incurred by the City to satisfy the provisions of the Compliance Agreement upon the applicant's failure to do so, the City will release the balance.**
 - (b) If the amount of the assurance is less than the actual costs incurred by the City, the owner is liable to the City for such additional costs. A City lien must be placed on the subdivision still owned by the owner in an amount which represents the difference between the City costs and the amount received by the City pursuant to the applicant's assurance.**
- (5) If the applicant fails to perform under the provisions of the Improvement Agreement the City may, as an additional but not exclusive remedy, refuse to issue building permits for properties subject to the Improvement Agreement.**

(6) The remedies provided by this section for violation of an Improvement Agreement are in addition to any other remedies available to the City at law and in equity.

Finding:

Condition of Approval Number 4 will require that a public improvement agreement, if used, to meet the above listed requirements. With Condition of Approval Number 4, these criteria are met.

TDC 36.330. - Issuance of Building Permits.

- (1) Except as provided in subsection (2) of this section, the City must not issue a building permit or permits to connect to City utility services for lots within a subdivision or partition plat until the City Manager has determined that the corresponding public improvements are substantially complete to assure that the health and safety of the citizens will not be endangered from inadequate public facilities.**
- (2) Subject to submittal and approval of, and compliance with, the subdivision plan, as well as sufficient security to assure completion of the public portions of the subdivision, the applicant or individual lot owners within the subdivision may receive a building permit or utility service for not more than 50 percent of the platted lots within the subdivision prior to:**
 - (a) The completion of all required public improvements in accordance with the Public Works Construction Code; and**
 - (b) The acceptance of the public improvements by resolution of the City Council.**
- (3) The City must not issue building permits or utility service approval for any lot which together with previously approved lots would exceed 50 percent of the platted lots within the subdivision until:**
 - (a) All required public improvements have been completed in accordance with the Public Works Construction Code; and**
 - (b) The public improvements have been accepted by resolution of the City Council.**
- (4) City approval for use of a public improvement prior to the final approval and acceptance by the City of the subdivision plat does not constitute a release or waiver of any security which has been filed to assure compliance with the subdivision plan approval or any related agreements.**
- (5) For a subdivision or partition in commercial, institutional, or manufacturing zones (planning districts) or multi-family residential developments which require Architectural Review approval, the City Manager may authorize building permits to be issued prior to the public improvements being substantially complete provided the following conditions are satisfied:**
 - (a) A Public Works Permit for the public improvements has been issued;**
 - (b) An Architectural Review for the development has been approved;**
 - (c) The subdivision or partition plat is recorded;**

- (d) All easements and dedications required of any development approval have been recorded; and**
- (e) Building permits are conditioned to deny occupancy until the public improvements in the subdivision are complete and are accepted by resolution of the City Council.**

Finding:

Condition of Approval Number 5 will limit building permit issuance subject to the above described requirements. As noted above, Condition of Approval Number C1 will allow for the construction of model homes that cannot be occupied or sold until these criteria are met for the phase in which they are located. With Condition of Approval Number C1 and 5, these criteria are met.

TDC 36.340. - Existing Structures and Appurtenances.

- (1) Any existing structures proposed to be demolished must be removed prior to the City approval of the subdivision or partition plat. Any structures determined to be a historic City landmark must be reviewed in accordance with TDC Chapter 68.**
- (2) Any existing wells must be abandoned in the manner prescribed by State and County regulations prior to the City approval of the subdivision or partition plat.**
- (3) Any existing underground fuel or oil tanks, septic tanks and similar underground storage tanks must be removed or filled as required by the Department of Environmental Quality prior to the City's approval of the subdivision or partition plat.**

Finding:

The Existing Conditions Overview show structures including two wells on lot 501 and septic tanks on lots 600 and 800. These existing structures are not shown on the final plans. Condition of Approval Number 6 will require the wells must be abandoned and septic tanks removed or filled prior to final plat approval. With Condition of Approval Number 6, these criteria are met.

TDC 36.400. - Lot Dimensions.

- (1) Double Frontage and Reverse Frontage.**
 - (a) Double frontage and reversed frontage lots must be avoided except where essential to provide separation of residential development from railroad tracks or crossings, traffic arterials or collectors, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.**
 - (b) Residences on double frontage lots must be oriented towards the lower classification street adjacent to the lot:**
 - (i) Local street instead of collector or arterial; and**
 - (ii) Collector street instead of arterial.**
 - (c) If two local streets are adjacent to a series of adjacent double frontage lots, then residences on all such lots must be oriented towards the same local street.**

- (2) Large Lots.** When subdividing, partitioning or adjusting land into large lots which at some future time are possible to be resubdivided, repartitioned, or readjusted to a size which more closely conforms to the other lots in the subdivision or area, the applicant must submit a future streets plan. The future streets plan must indicate that proposed large lots be of such size and shape and contain such building site restrictions as will provide for the extension and opening of streets at such intervals and the subsequent division of any such large lot into smaller size lots which meet the requirements of the TDC.
- (3) Side Lot Lines.** The side lines of lots, as far as practicable, must run at right angles to the street upon which the lots face.
- (4) Lot Size and Shape.** The lot size, width, shape and orientation must be appropriate for the location of the lot and comply with the zone (planning district) standards for the type of development and use contemplated.
- (5) Frontage on Public Streets.** All lots created after September 1, 1979 must abut a public street, except for the following:
 - (a) Secondary condominium lots, which must conform to TDC 73C and TDC 75;**
 - (b) Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, and the Surface Water Management Ordinance, TMC Chapter 3-5 respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan;**
 - (c) Residential lots where frontage along a public street is impractical due to physical site restraints. Access to lots must occur via a shared driveway within a tract. The tract must have no adverse impacts to surrounding properties or roads and may only be approved if it meets the following criteria:**
 - (i) Does not exceed 250 feet in length;**
 - (ii) If the tract exceeds 150 feet in length, it has a turnaround facility as approved by the Fire Marshal for fire and life safety;**
 - (iii) The tract does not serve more than six lots;**
 - (iv) A public street is not needed to provide access to other adjacent properties as required by TDC Chapter 74;**
 - (v) A recorded document providing for the ownership, use rights, and allocation for liability for construction and maintenance has been submitted to the City Manager prior to issuance of a building permit; and**

Finding:

All planned lots abut public streets and do not include double frontage or reversed frontage lots. Planned open space Tracts A, D, and E and future Clean Water Services' Norwood sanitary sewer pump station Tract F separate lots from SW Norwood Road on the north. Open space Tract J separates the future Basalt Creek Parkway extension on the south. A large buffer of trees separates the eastern lots from the Interstate 5 improvements. Neighborhood Commercial lots and a public stormwater facility in Tract K provide separation from SW Boones Ferry Road. To

the extent practicable, side lot lines have been oriented at right angles to the front of the planned lots. The size and dimensions of the planned lots are appropriate for the planned residential and commercial uses and comply with the standards of the applicable zones. Condition of Approval Number 3 will require compliance with the applicable lot dimension standards for the RML zone, which will be reviewed for compliance prior to final plat approval. With Condition of Approval Number 3, these criteria are met.

TDC 36.410. - Small Lot Subdivisions for RL and RML Zones.

(1) Conditional Use Permit Required.

- (a) A conditional use permit is required before lots smaller than 6,500 square feet are permitted in RL and RML zones. An applicant must comply with the provisions of TDC 33.040 (Condition Use Permit).**
- (b) In addition to the submittal requirements for a Conditional Use Permit in TDC 33.040, a Tree Survey is required. The purpose of the tree survey is to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions.**

(2) Small Lot Standards. In addition to the general subdivision requirement in TDC 36.120, a subdivision that includes the small lots must also meet the following standards:

- (b) RML Zone. In the RML zone, small lot subdivisions must comply with the following:**
 - (i) Small lots must be no less than 4,500 square feet;**
 - (ii) Maximum building coverage must not exceed 45 percent;**
 - (iii) Minimum lot width must be at least 30 feet. Lots that have frontage on a public street must have a minimum lot width of 50 feet or 30 feet for lots on a cul-de-sac bulb. For flag lots, the minimum lot width at the street must be sufficient to comply with at least the minimum access requirements contained in TDC 73C;**
 - (iv) Front yard setback must be a minimum of 20 feet to the garage and 12 feet to the house;**
 - (v) Side yard setback must be a minimum of five feet;**
 - (vi) On corner lots, the setback for yards adjacent to streets must be a minimum of 20 feet to the garage and 12 feet to the house in the yard where a driveway provides access to a street other than an alley and must be a minimum of 12 feet in the yard where no driveway access exists; and**
 - (vii) Rear yard setback must be a minimum of 15 feet.**

Finding:

The applicant has proposed a CUP for the proposed Small Lot Subdivision, which will be located within the RML zone. As noted in TDC 41.330, the Small Lot Subdivision standards of that section apply to the subject property rather than those in TDC 36.410(2) due to its location within the Basalt Creek area. These criteria are met.

[...]

CHAPTER 41 – MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

[...]

TDC 41.200. - Use Categories.

- (1) **Use Categories.** Table 41-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 41-1 and restrictions identified in TDC 41.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) **Overlay Zones.** Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses

Excerpt of Table 41-1 Use Categories in the RML Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 41.220.
[...]		

[...]

TDC 41.220. - Housing Types.

Table 41-2 lists Housing Types permitted in the RML zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RML zone.

Table 41-2 Housing Types in the RML Zone		
HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	C	<ul style="list-style-type: none"> Limited to single-family dwellings in a small lot subdivision, with conditional use permit, subject to TDC 36.410. Limited to single-family dwellings in a small lot subdivision, with conditional use permit, and if the development is located south of Norwood Road and east of Boones Ferry Road (Basalt Creek Area), subject to TDC 36.410(1) and TDC 41.330
[...]		

TDC 41.300. - Development Standards.

Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).

Table 41-3 Development Standards in the RML Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	Maximum: 10 units per acre Minimum: 7 units per acre	
[...]		
MINIMUM LOT SIZE		
Townhouse (or Rowhouse)	1,400 square feet	
[...]		
MINIMUM AVERAGE LOT WIDTH		
Townhouse(or Rowhouse)	14 feet	
All Other Permitted Uses		
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Townhouse (or Rowhouse)	0-20 feet	As determined through Architectural Review process.
Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be ten feet
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	

Table 41-3 Development Standards in the RML Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
MAXIMUM LOT COVERAGE		
Townhouse (or Rowhouse)	90%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

[...]

TDC 41.330. - Development Standards for Single-Family Dwellings in a Small Lot Subdivision for Certain Basalt Creek Area Properties.

This section applies only to small lot subdivisions, with a conditional use permit as provided in TDC 36.410(1), in RML zoned properties located south of Norwood Road and east of Boones Ferry Road (Basalt Creek Area). Development standards for Single-Family Dwellings in a small lot subdivision, with conditional use permit are listed in Table 41-4. Additional

conditions may be placed on the small lot subdivision through the conditional use process. The small lot subdivision standards in TDC 36.410(2) do not apply to small lot subdivisions subject to this section.

Table 41-4 Development Standards in the RML Zone subject to TDC 41.330		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Single-Family Dwelling	10 units per acre	<ul style="list-style-type: none"> • Limited subject to the requirement that a minimum of 20% of the dwelling units in the small lot subdivision must include attached housing types, as provided in TDC 41.300 and Table 41-3. • A phasing plan for the timing of construction will be approved through the small lot subdivision process, with conditional use permit, but provided no more than 70% of the approved Single-Family Dwellings may be issued Building Permits prior to the construction and issuance of Certificates of Occupancy for all approved attached housing types (i.e., non-single-family dwellings), or as otherwise determined through the conditional use process.
Minimum Open Space		
	5% of gross site acreage	<ul style="list-style-type: none"> • Proposed open space shall be for tree preservation or active and passive open space, as approved through the conditional use process for small lot subdivisions. Stormwater and drainage facilities are not counted toward percentage of open space requirement. • Compliance with this section satisfied TDC 36.410(1)(b).
MINIMUM AVERAGE LOT SIZE		
Single Family Lot	3,000 square feet	
MINIMUM AVERAGE LOT WIDTH		
Single Family Detached Lot	26 feet	Must be sufficient to comply with minimum access requirements of TDC 73C.
Single Family Flag Lots		Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Single Family Front Setback		
• building	10 feet	
• garage	20 feet	

Table 41-4 Development Standards in the RML Zone subject to TDC 41.330		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
Single Family Side Setback	5 feet	
Single Family Rear Setback	10 feet	
Single Family Street side setback	10 feet	
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
Single Family Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1% times the height of the building.
MAXIMUM LOT COVERAGE		
Single Family Detached Lot	55%	

Finding:

The subject site is located in the Basalt Creek Area as defined above and this application is for a Small Lot Subdivision, subject to CUP and Subdivision approval. Townhomes/attached single-family dwellings are a Permitted use subject to the development standards in Table 41-3. Detached single-family dwellings are a Conditional use subject to the development standards in Table 41-4. Condition of Approval Number C2 will require future development to be compliant with these standards. Table 41-4 also requires that a minimum of 20% of units within a Small Lot Subdivision in the Basalt Creek area be developed as townhomes/attached single-family dwellings, subject to a phasing plan for the timing of construction will be approved through the small lot subdivision process, with conditional use permit, but provided no more than 70% of the approved Single-Family Dwellings may be issued Building Permits prior to the construction and issuance of Certificates of Occupancy for all approved attached housing types.

The applicant has proposed that rather than tying the issuance of building permits in Phase 4 to the Certificates of Occupancy for all the townhomes, the Applicant would prefer that a condition of approval be written that requires no more than 70 percent of the single-family

detached lots be platted prior to the platting of all the townhome lots. Staff notes that the purpose the phasing provision was prevent a scenario in which the townhome lots were left unbuilt in favor of the detached single-family lots. Accordingly, staff recommends Condition of Approval Number C2 that would require issuance of a Certificate of Occupancy for at least 50% of the attached homes in a given Phase prior to issuance of Building Permits for more than 70% of the detached single-family units in that Phase. With Conditions of Approval Number C2, these criteria are met.

LOT DIMENSION	HOUSE TYPE	PH-1	PH-2	PH-3	PH-4	TOTAL UNITS
50'x100'	Detached	35	25	7	35	102
40'x100'	Detached	21	15	25	60	121
34'x100'	Detached	29	1	59	8	97
29'x100'	Attached	24	14	42	-	80

CHAPTER 51 – NEIGHBORHOOD COMMERCIAL ZONE (CN)

[...]

TDC 51.200. - Use Categories.

- (1) **Use Categories.** Table 51-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 51-1 and restrictions identified in TDC 51.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) **Overlay Zones.** Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 51-1 Use Categories in the CN Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P (L)	Permitted uses limited to one (1) dwelling unit for each business located on the lot.

Table 51-1 Use Categories in the CN Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
COMMERCIAL USE CATEGORIES		
Retail Sales and Services	P (L)	Permitted uses limited to: General merchandise or variety stores; <ul style="list-style-type: none"> • Food stores, subject to TDC <u>51.210(1)</u>; • Drug store and pharmacy; • Laundry and dry cleaning, subject to TDC <u>51.210(2)</u>; • Beauty and barber shops; Shoe repair; and <ul style="list-style-type: none"> • Child day care center, subject to TDC <u>34.100</u>. All commercial uses subject to floor area limitation, see TDC <u>51.210(3)</u> .
INSTITUTIONAL USE CATEGORIES		
Community Services	P(L)	Permitted uses limited to a community center, community recreation facility, or community aquatic center, when open to the general public and operated by a non-profit community organization.
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations, pressure reading stations, water quality and flow control facilities. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Transportation Facilities	P	—

Finding:

This application includes the creation of two lots and one tract within the CN Zone. Future commercial development is planned for Lots 251 and 252; however, no uses or improvements to these two lots are included in this application. The Preliminary Plans show a stormwater facility that serves the residential subdivision within Tract K. The stormwater facility is considered a "Basic Utility" as described in Table 51-1 above and is a permitted use. The criteria are met.

[...]

TDC 51.300. - Development Standards.

Development standards in the CN zone are listed in Table 51-2. Additional standards may apply to some uses and situations, see TDC 51.310.

Table 51-2 Development Standards in the CN Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	20,000 square feet	—
MINIMUM LOT WIDTH		
Minimum Average Lot Width	100 feet	When lot has frontage on public street, minimum lot width is 100 feet.
Minimum Lot Width at the Building Line	100 feet	—
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM SETBACKS		
Front	20 feet	
Side and Rear	0— 15 feet	As determined through Architectural Review Process.
Corner Lots	0—10 feet along each frontage	Must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process.
Fences	5 feet	From public right-of-way.
MAXIMUM LOT COVERAGE		
All Uses	75 percent	Includes both building and parking areas. All land not covered by buildings or parking must be landscaped.
MAXIMUM STRUCTURE HEIGHT		
All Uses	25 feet	In addition to meeting the maximum height limit, where a property line or alley separates CN land from land in a residential district, a building must not be greater than 20 feet in height at the setback line; and a building or structure must not extend above a plane beginning at 20 feet in height above that setback line and extending inward and upward at a slope of 45 degrees.

Finding:

The Preliminary Plat shows Lot 251 and Lot 252 exceed the minimum lot size and lot width requirements. Setbacks, lot coverage, and building height will be reviewed with future land use applications. The criteria are met.

[...]

CHAPTER 73A – DESIGN STANDARDS

RESIDENTIAL DESIGN STANDARDS

TDC 73A.100. - Single-Family Design Standards Applicability; Exceptions.

(1) *Applicability.* The single-family design standards apply to:

(a) New single-family dwelling; or

[...]

(2) *Exceptions.* The single-family design standards in subsection (1) do not apply to a side wall plane that abuts the side yard of an adjacent dwelling.

- **TDC 73A.110. - Clear and Objective (Type I) Single Family Design Standards.**

Single-Family uses using the Clear and Objective (Type I) standards must comply with the following:

[...]

TDC 73A.140. - Discretionary (Type II) Single Family Design Standards.

Single Family uses using Type II discretionary standards, and not using the clear and objective standards, must demonstrate compliance the following discretionary standards:

[...]

Finding:

Future development of single-family attached and detached dwellings will be required to comply with the applicable requirements of Chapter 73A at the time of building permit approval. These criteria are met.

CHAPTER 73B - LANDSCAPING STANDARDS

TDC 73B.080. - Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

<p>(1) Required Landscape Areas</p>	<ul style="list-style-type: none">• Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.• The foliage crown of trees cannot be used to meet this requirement.• A maximum of ten percent of the landscaped area may be covered with unvegetated areas of bark chips, rock or stone.• Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).• Must be controlled by pruning, trimming, or otherwise so that:• It will not interfere with designated pedestrian or vehicular access; and• It will not constitute a traffic hazard because of reduced visibility.
<p>(2) Fences</p>	<ul style="list-style-type: none">• Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
<p>(3) Tree Preservation</p>	<ul style="list-style-type: none">• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.• During construction:<ul style="list-style-type: none">○ Must provide above and below ground protection for existing trees and plant materials identified to remain;○ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line;○ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;○ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;○ Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the

	<p>health needs of trees within the preserved area can be met; and</p> <ul style="list-style-type: none"> ○ Tree root ends must not remain exposed. ● Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. ● When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged ● 100 percent of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
(4) Grading	<ul style="list-style-type: none"> ● After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. ● All planting areas must be graded to provide positive drainage. ● Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. ● Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.
(5) Irrigation	<ul style="list-style-type: none"> ● Landscaped areas must be irrigated with an automatic underground or drip irrigation system ● Exceptions: <ul style="list-style-type: none"> ○ Irrigation requirement does not apply to duplexes and townhouses.
(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> ● Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements.

	<ul style="list-style-type: none"> • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.
--	--

TDC 73B.090. - Minimum Standards Trees and Plants.

The following minimum standards apply to the types of landscaping required to be installed for all zones.

<p>(1) Deciduous Shade Trees</p>	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and • Barren of fruit production.
<p>(2) Deciduous Ornamental Trees</p>	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species
<p>(3) Coniferous Trees</p>	<ul style="list-style-type: none"> • Five feet in height above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.

<p>(4) Evergreen and Deciduous Shrubs</p>	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view.
<p>(5) Groundcovers</p>	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited.
<p>(6) Lawns</p>	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species.

Finding:

The planned landscape areas shown on the Preliminary Plans meet the applicable landscaping standards above. Condition of Approval Number 1 will require the applicant to submit a Final Landscape plan consistent with the requirements of Chapter 73B With Condition of Approval Number 1, these criteria are met.

[...]

CHAPTER 73C - PARKING STANDARDS

[...]

TDC 73C.010. - Off-Street Parking and Loading Applicability and General Requirements.

(1) Applicability. Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:

- (a) Establishment of a new structure or use;
- (b) Change in use; or
- (c) Change in use of an existing structure.

[...]

TDC 73C.100. - Off-Street Parking Minimum/Maximum Requirements.

(1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC [73C.110](#).

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(a) Residential Uses				
(i) Detached single-family dwelling, residential home, residential facilities (located in low density (RL) zones) Townhouse and Duplexes	2.00 vehicle parking spaces per dwelling unit, residential home or residential facility (stalls or spaces within a residential garage not included, except as approved in Architectural Review).	None	None Required	N/A
[...]				

(2)

Finding:

The applicant has proposed to develop a combination of detached single-family dwellings and townhomes within the Autumn Sunrise development. Condition of Approval Number 7 will require that each unit provide a minimum of 2 vehicle parking spaces, not inclusive of a garage per TDC 73C.100. With Condition of Approval 7, these criteria are met.

CHAPTER 73G – MASONRY WALL STANDARDS

[...]

TDC 73G.010. - Purpose.

The purpose of masonry wall design standards is to implement the community design goals and policies of the Comprehensive Plan to require a masonry wall in the RL and RML zones for access-restricted lot lines and property lines abutting major collectors, minor collectors, major arterials, minor arterials, expressway right-of-way, and interstate highways.

TDC 73G.020. - Applicability

[...]

(2) Subdivisions and Partitions of Access-Restricted Lot Lines in the RL and RML Zones. A masonry wall is required to be installed for all subdivisions and partitions in the RL and RML

zones that have access-restricted lot lines abutting the following streets for a distance greater than 60 feet:

- (a) Major collectors;**
- (b) Minor collectors;**
- (c) Major arterials;**
- (d) Minor arterials,**
- (e) Expressway right-of-way; or**
- (f) Interstate highway.**

[...]

Finding:

The subject site includes access restricted lot lines to several roadways, with a functional classification of minor collector or higher (SW Norwood Road, SW Boones Ferry Road, SW Basalt Creek Parkway, and Interstate 5). Along SW Norwood Road and SW Basalt Creek Parkway, the lot lines of the lots do not abut the streets and therefore a masonry wall is not required. Along SW Boones Ferry Road, the lots that have frontage are zoned CN, not RML. However, the lots along the easterly edge of do have frontage along the Interstate 5 highway right-of-way. Given that the purpose of the masonry wall design standards are to implement community design goals, and masonry walls that are not visible from a public right-of-way, in this case, due to the large existing tree buffer between the highway and the subject property, that requiring a masonry wall would not further the purpose of the requirement and therefore staff recommends that the Planning Commission adopt its findings that these criteria are not applicable.

Chapter 74: Public Improvement Requirements

[...]

TDC 74.120 Public Improvements.

(1) Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.

Finding:

Condition of Approval 5 will require that all public improvements be installed by the applicant at their expense and will require prior approval of plans and a Public Works Permit. With Condition of Approval 5, this criterion is met.

TDC 74.130 Private Improvements.

All private improvements must be installed at the expense of the applicant. The property owner must retain maintenance responsibilities over all private improvements.

Finding:

Condition of Approval 5 will require that all private improvements be installed prior to building permit issuance for the phase in which the improvement is located. Conditional of Approval Number 8 will require that the property owner, their successor or a Homeowners' Association retain maintenance responsibility over all private improvements. With Condition of Approval 5 and 8, this criterion is met.

TDC 74.140 Construction Timing.

(1) All the public improvements required under this chapter must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy; or, for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

(2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy; or for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

Finding:

This Subdivision application is planned in four phases. Public improvements are planned to follow this phasing plan as illustrated on the Preliminary Plans. Public and private improvements must be installed and maintained at the expense of the applicant. All public and private improvements proposed and modified by conditions of approval must be completed prior to building permit issuance for homes in the phase in which these improvements are located. These criteria are met with conditions of approval.

[...]

TDC 74.210 Minimum Street Right-of-Way Widths.

The width of streets in feet shall not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way shall not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

(1) For subdivision and partition applications, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be shown on the final subdivision or partition plat prior to approval of the plat by the City. This right-of-way dedication must be for the full width of the

property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.

(3) For development applications that will impact existing streets not adjacent to the applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant must be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form must be obtained from the City Manager and upon completion returned to the City Manager for acceptance by the City. On subdivision and partition plats the right-of-way dedication must be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication must be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.

(4) If the City Manager deems that it is impractical to acquire the additional right-of-way as required in subsections (1)—(3) of this section from both sides of the center-line in equal amounts, the City Manager may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Manager's recommendation must be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.

(5) Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G, additional right-of-way must be dedicated from both sides or from one side only as determined by the City Manager to bring the road right-of-way in compliance with this section. (6) When a proposed development is adjacent to or bisected by a street proposed in the Transportation System Plan and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be dedicated by the applicant. The dedication of right-of-way required in this subsection must be along the route of the road as determined by the City.

Finding:

The City Engineer has reviewed the proposed Subdivision against the above requirements and has deemed it to be in compliance. These criteria are met.

TDC 74.310. - Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.

(1) Areas dedicated to the City for Greenway or Natural Area purposes or easements or dedications for bike and pedestrian facilities during the development application process

must be surveyed, staked and marked with a City approved boundary marker prior to acceptance by the City.

(2) For subdivision and partition applications, the Greenway, Natural Area, bike, and pedestrian path dedication and easement areas must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; ...

TDC 74.320. - Slope Easements.

(1) The applicant must obtain and convey to the City any slope easements determined by the City Manager to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.

(2) For subdivision and partition applications, the slope easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; ...

TDC 74.330. - Utility Easements.

(1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities must be granted to the City.

(2) For subdivision and partition applications, the on-site public utility easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; and

(3) For subdivision and partition applications which require off-site public utility easements to serve the proposed development, a utility easement must be granted to the City prior to approval of the final plat by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.

[...]

(5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines. Other easements may be required as determined by the City Manager.

[...]

Finding:

Condition of Approval Number 3 will require all easements and dedications to be shown on the final plat consistent with the above requirements. With Condition of Approval Number 3, these criteria are satisfied.

TDC 74.350. - Maintenance Easement or Lots.

A dedicated lot or easement will be required when access to public improvements for operation and maintenance is required, as determined by the City Manager. Access for maintenance vehicles must be constructed of an all-weather driving surface capable of carrying a 50,000-pound vehicle. The width of the lot or easement must be at least 15-feet in order to accommodate City maintenance vehicles. In subdivisions and partitions, the easement or lot must be dedicated to the City on the final plat. In any other development, the easement or lot must be granted to the City and recorded prior to issuance of a building permit.

Finding:

Utility easements are included in the application as illustrated on the Preliminary Plat and Preliminary Composite Utility Plans. Public utility easements (PUEs) 8 feet wide are provided along the public street frontages. No sides and rear public utility easements are identified. The City Engineer has determined that no sides and rear public utility easements are required; only the 8-foot wide public utility easement adjacent to all street frontages as shown. The Preliminary Grading and ESC Plans show retaining walls within the public utility easement such as between lots 145/146 and 297/298. The Preliminary Street Tree and Planting Plan show masonry columns street adjacent corners of tracts A, D, and E. No obstructions are allowed within the public utility easement that would conflict with construction and maintenance of franchise utilities. All walls must be located outside these easements. Condition of Approval Number 5 will require that all access to public improvements be improved consistent with the above standards where applicable. With Condition of Approval Number 5, these criteria are met.

TDC 74.410. - Future Street Extensions.

(1) Streets must be extended to the proposed development site boundary where necessary to do any one of the following:

- (a) Give access to, or permit future development of adjoining land;**
- (b) Provide additional access for emergency vehicles;**
- (c) Provide for additional direct and convenient pedestrian, bicycle and vehicle circulation;**
- (d) Eliminate the use of culs-de-sac except where topography, barriers such as railroads or freeways, existing development, or environmental constraints such as major streams and rivers prevent street extension; and**
- (e) Eliminate circuitous routes. The resulting dead end streets may be approved without a turnaround. A reserve strip may be required to preserve the objectives of future street extensions.**

(2) Proposed streets must comply with the general location, orientation and spacing identified in the Functional Classification Plan (Comprehensive Plan Map 8-1), Local

Streets Plan (Comprehensive Plan Map 8-3) and the Street Design Standards (Figures 74-2A through 74-2G).

- (a) Streets and major driveways, as defined in TDC 31.060, proposed as part of new residential or mixed residential/commercial developments must comply with the following standards:**
 - (i) Full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers;**
 - (ii) Bicycle and pedestrian accessway easements where full street connections are not possible, with spacing of no more than 330 feet, except where prevented by barriers;**
 - (iii) Limiting culs-de-sac and other closed-end street systems to situations where barriers prevent full street extensions; and**
 - (iv) Allowing culs-de-sac and closed-end streets to be no longer than 200 feet or with more than 25 dwelling units, except for streets stubbed to future developable areas.**
- (b) Streets proposed as part of new industrial or commercial development must comply with Comprehensive Plan Map 8-1.**
- (3) During the development application process, the location, width, and grade of streets must be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a subdivision must either:**
 - (a) Provide for the continuation or appropriate projection of existing streets into surrounding areas; or**
 - (b) Conform to a street plan approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.**
- (4) The City Manager may require the applicant to submit a street plan showing all existing, proposed, and future streets in the area of the proposed development.**
- (5) The City Manager may require the applicant to participate in the funding of future off-site street extensions when the traffic impacts of the applicant's development warrant such a condition.**

Finding:

The City Engineer has reviewed the proposed Subdivision against the above requirements and has deemed it to be in compliance. The public street configuration shows through connectivity, except for one street terminating in a cul-de-sac bulb due to the City's water reservoirs. These criteria are met.

TDC 74.420 Street Improvements.

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:

- (1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.**
- (2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.**
- (3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.**
- (4) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.**
- (5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.**
- (6) All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.**
- (7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 must be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.**

[...]

- (10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.**
- (11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).**
- (12) Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.**
- (13) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.**
- (14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.**
- (15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.**
- (16) The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.**
- (17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.**

(18) Pursuant to requirements for off-site improvements as conditions of development approval, proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City's Mid-Block Crossing Policy.

Finding:

The City Engineer has reviewed the proposed Subdivision against the above requirements and has deemed it to be in compliance. Washington County and ODOT have additionally reviewed the proposed development, and have recommended applicable conditions of approval. Within Conditions of Approval 8, 9, 10 and 12, these criteria are met.

TDC 74.425 Street Design Standards.

[...]

(4) All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the requirement be less than the minimum standard. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:

(a) Arterials:

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Current and future vehicle traffic at the location; and**
- (iv) Amount of heavy vehicles (buses and trucks).**

(b) Collectors:

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Amount of heavy vehicles (buses and trucks); and**
- (iv) Proximity to property zoned manufacturing or industrial.**

(c) Local Streets:

- (i) Local streets proposed within areas which have environmental constraints and/or sensitive areas and will not have direct residential access may utilize the minimum design standard.**
- (ii) When the minimum design standard is allowed, the City Manager may determine that no parking signs are required on one or both sides of the street.**

Finding:

The City Engineer has reviewed the proposed Subdivision against the above requirements and has deemed it to be in compliance. These criteria are met.

TDC 74.430. - Streets, Modifications of Requirements in Cases of Unusual Conditions.

(1) When, in the opinion of the City Manager, the construction of street improvements in accordance with TDC 74.420 would result in the creation of a hazard, or would be impractical, or would be detrimental to the City, the City Manager may modify the scope of the required improvement to eliminate such hazardous, impractical, or detrimental results. Examples of conditions requiring modifications to improvement requirements include but are not limited to horizontal alignment, vertical alignment, significant stands of trees, fish and wildlife habitat areas, the amount of traffic generated by the proposed development, timing of the development or other conditions creating hazards for pedestrian, bicycle or motor vehicle traffic. The City Manager may determine that, although an improvement may be impractical at the time of development, it will be necessary at some future date. In such cases, a written agreement guaranteeing future performance by the applicant in installing the required improvements must be signed by the applicant and approved by the City.

(2) When the City Manager determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Manager must prepare written findings of modification. The City Manager must forward a copy of said findings and description of modification to the applicant, or his authorized agent, as part of the Utility Facilities Review for the proposed development, as provided by TDC Chapter 32 (Procedures). The decision of the City Manager may be appealed to the City Council in accordance with TDC Chapter 32 (Procedures).

(3) To accommodate bicyclists on streets prior to those streets being upgraded to the full standards, an interim standard may be implemented by the City. These interim standards include reduction in motor vehicle lane width to ten feet (the minimum specified in AASHTO's A Policy on Geo-metric Design of Highways and Streets (1990)), a reduction of bike lane width to 4-feet (as measured from the longitudinal gutter joint to the centerline of the bike lane stripe), and a paint-striped separation two to four feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.

Finding:

The City Engineer has reviewed the proposed Subdivision against the above requirements and has deemed it to be in compliance. These criteria are met.

TDC 74.440 Streets, Traffic Study Required.

(1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:

(a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or

(b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.

(2) The required traffic study must be completed prior to the approval of the development application.

(3) The traffic study must include, at a minimum:

(a) an analysis of the existing situation, including the level of service on adjacent and impacted facilities.

(b) an analysis of any existing safety deficiencies.

(c) proposed trip generation and distribution for the proposed development.

(d) projected levels of service on adjacent and impacted facilities.

(e) recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.

(f) The City Manager will determine which facilities are impacted and need to be included in the study.

(g) The study must be conducted by a registered engineer.

(4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.

Finding:

The applicant has submitted a Traffic Impact Analysis and Supplemental Memorandums (Exhibit C). City staff has reviewed the subject analysis and has determined that it meets the above requirements. These criteria are met.

TDC 74.450. - Bikeways and Pedestrian Paths.

(1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in TDC Chapter 11, Transportation Figure 11-4, the City may require that a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.

(2) Where required, bikeways and pedestrian paths must be provided as follows:

- (a) Bike and pedestrian paths must be constructed and surfaced in accordance with the Public Works Construction Code.**
- (b) The applicant must install the striping and signing of the bike lanes and shared roadway facilities, where designated.**

Finding:

The City Engineer has reviewed the proposed Subdivision against the above requirements and has deemed it to be in compliance. These criteria are met.

TDC 74.460. - Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.

- (1) Accessways must be constructed by the applicant, dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.**
- (2) Accessways must be located between the proposed subdivision or partition and all of the following locations that apply:**
 - (a) Adjoining publicly-owned land intended for public use, including schools and parks. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;**
 - (b) Adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;**
 - (c) Adjoining undeveloped residential, commercial or industrial properties;**
 - (d) Adjoining developed sites where an accessway is planned or provided.**
- (3) In designing residential, commercial and industrial subdivisions and partitions, the applicant is expected to design and locate accessways in a manner which does not restrict or inhibit opportunities for developers of adjacent property to connect with an accessway. The applicant is to have reasonable flexibility to locate the required accessways. When developing a parcel which adjoins parcels where accessways have been constructed or approved for construction, the applicant must connect at the same points to provide system continuity and enhance opportunities for pedestrians and bicyclists to use the completed accessway.**
- (4) Accessways must be as short as possible, but in no case more than 600 feet in length.**
- (5) Accessways must be as straight as possible to provide visibility from one end to the other.**
- (6) Accessways must be located and improved within a right-of-way or tract of no less than eight feet.**
- (7) Where possible, accessways must be combined with utility easements.**
- (8) Accessways must be constructed in accordance with the Public Works Construction Code.**

- (9) Curb ramps must be provided wherever the accessway crosses a curb and must be constructed in accordance with the Public Works Construction Code.
- (10) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Accessways must comply with the Oregon Structural Specialty Code's (OSSC) accessibility standards.
- (11) Fences and gates which prevent pedestrian and bike access must not be allowed at the entrance to or exit from any accessway.
- (12) Final design and location of accessways must be approved by the City.
- (13) Outdoor Recreation Access Routes must be provided between a subdivision or partition and parks, bikeways and greenways where a bike or pedestrian path is designated. [...]

Finding:

The City Engineer has reviewed the proposed Subdivision against the above requirements and has deemed it to be in compliance. These criteria are met.

TDC 74.765. - Street Tree Species and Planting Locations.

All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.

Table 74-1 Street Tree Species					
Species Common Names	Planting Strip Width (feet)			Power line compatible	Spacing on center (feet)
	4	5	6+		
Amur Maackia	•	•	•	•	30
Amur Maple	•	•	•	•	30
Armstrong Maple	•	•	•		30
Autumn Applause Ash		•	•		30
Black Tupelo	•	•	•		30
Capital Flowering Pear	•	•	•		30
Cascara	•	•	•	•	30
Crimson King Maple		•	•		30
Crimson Sentry Maple	•	•	•	•	30
Eastern Redbud	•	•	•		30
European Hornbeam	•	•	•	•	30
Frontier Elm			•		60

Table 74-1 Street Tree Species					
Ginko		•	•		30
Globe Sugar Maple			•		60
Golden Desert Ash	•	•	•	•	30
Goldenrain	•	•	•		30
Greenspire Linden		•	•		30
Ivory Japanese Lilac	•	•	•	•	30
Leprechaun Ash	•	•	•		30
Persain Parrotia	•	•	•		30
Purple Beech	•	•	•		30
Raywood Ash		•	•	•	30
Katsura	•	•	•		30
Red Oak			•		60
Red Sunset Maple			•		60
Scanlon/Bowhall Maple	•	•	•		30
Scarlet Oak			•		60
Shademaster Honey Locust		•	•		30
Skyrocket English Oak	•	•	•		30
Japanese snowbell	•	•	•	•	30
Sourwood	•	•	•	•	30
Tall Stewartia	•	•	•	•	30
Chinese Fringetree	•	•	•	•	30
Tri-Color Beech			•		60
Trident Maple	•	•	•	•	30
Urbanite Ash		•	•		30
Yellowwood	•	•	•		30
Zelkova Musashino	•	•	•		30

[...]

Finding:

The Preliminary Street Tree and Planting Plans shows the planned street tree species and spacing. The species and spacing generally meet requirements. Final plans must show approvable street tree species and spacing. The applicant must purchase and install approved street trees. These criteria are met with condition of approval 13.

TDC 74.470 Street Lights.

(1) Street light poles and luminaries must be installed in accordance with the Public Works Construction Code.

(2) The applicant must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.

TDC 74.475. - Street Names.

(1) A street name must not be used which will duplicate or be confused with the names of existing streets in the Counties of Washington or Clackamas, except for extensions of existing streets. Street names and numbers must conform to the established pattern in the surrounding area.

(2) The City Manager must maintain the approved list of street names from which the applicant may choose. Prior to the creation of any street, the street name must be approved by the City Manager.

TDC 74.480. - Street Signs.

(1) Street name signs must be installed at all street intersections in accordance with standards adopted by the City.

(2) Stop signs and other traffic control signs (speed limit, dead-end, etc.) may be required by the City.

(3) Prior to approval of the final subdivision or partition plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street signs, traffic control signs and street name signs. The location, placement, and cost of the signs must be determined by the City.

TDC 74.485. - Street Trees.

(1) Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.

(2) In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.

(3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.

Finding:

The Preliminary Street Lighting Plans show street light fixtures for the applicable streets. Condition of Approval Number 14 will require final street lighting plans must be submitted with the construction drawings. Condition of Approval Number 15 will require final street names must be proposed by the applicant and accepted by the City Engineer prior to construction plan approval. Condition of Approval 15 will require street name signs, stop signs, and other traffic control signs to be purchased and installed in accordance with City standards. With Conditions of Approval 14 and 15, these criteria are met.

[...]

TDC 74.620 Sanitary Sewer Service.

(1) Sanitary sewer lines must be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

(2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.

Finding:

The applicant has proposed sanitary sewer lines (Exhibit C) to serve each property, which per Condition of Approval Number 16 will be required to be in accordance with the Public Works Construction Code (PWCC 205). As shown in the Preliminary Composite Utility Plan (Exhibit C), and subject to Condition of Approval Number 16, the applicant has provided extension of the gravity sanitary sewer system to the common boundary line with all undeveloped properties adjacent to the proposed development site, sized to convey flows to include all future development from upstream areas. With Conditions of Approval 16, these criteria are met.

Preliminary Composite Utility Plans show the intent for individual sanitary sewer lines to serve each property in accordance with the Public Works Construction Code. Public sanitary sewer lines are extended from a future Clean Water Services' "Norwood" sanitary sewer pump station near I-5 and SW Norwood Road through public streets to the southern boundary of the site at SW "M" Street near SW Boones Ferry Road to provide service to future development. Clean Water Services submitted an Architectural Review (AR21-0014) for the Norwood pump station, but has not yet obtained an issued decision, construction permits, or completed construction. This pump stations is required for the Autumn Sunrise subdivision to extend public sanitary sewer mains to serve all lots within their subdivision. The applicant must coordinate with Clean Water Services to obtain permission to connect to the Norwood pump station or obtain associated approvals and complete construction of this facility. Permission from Clean Water Services must be obtained to connect Autumn Sunrise lines to Clean Water Services pump station lines prior to completion of the Clean Water Services project. The public lines are shown to extend north of SW "H" street within Tract L with a public access and utility easement. This extension is to enable future development of the lots to the north of this vicinity with a gravity line. The public line in SW "H" street ends prior to reaching SW Boones Ferry Road as the previously mentioned extension is the shortest route providing the lowest main to assist future development to obtain gravity service as possible. The public line in SW "H" street extends to the east side of both commercial zoned lots to allow a connection.

Developments to the west of the commercial zoned lots. SW Boones Ferry Road cannot be served by a gravity extension of this line; therefore it is not extended further than the east property line of the commercial lots.

Separate sanitary sewer service laterals are stated to connect to each residential and commercial lot within the subdivision. The applicant must submit final plans showing separate service laterals for each residential and commercial lot with a cleanout at the right-of-way and gravity mains to flow to a future Clean Water Services' Norwood pump station on Tract F.

The entire subdivision must be part of a single permit set or each permit must have sufficient infrastructure to be self-supporting to meet all applicable code requirements.

The criteria are met with condition of approval 16.

[...]

TDC 74.610 Water Service.

(1) Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.

(2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.

(3) As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

Finding:

Preliminary Composite Utility Plans show public water lines extended throughout the public rights-of-way and show most lots with individual water laterals. A 12-inch main is shown from SW Norwood Road within SW Vermillion Drive to SW "H" Street to SW Boones Ferry Road. The remainder of the public mains are 8-inches in diameter. Conditions of Approval Number 9 will require submittal of final water plans and approval of a Public Works Permit which will require construction of water lines consistent with the requirements of PWCC Section 204 including backflow prevention devices and cross-connections, to be demonstrated at the time of building and construction permit applications. As shown in the Preliminary Composite Utility Plan (Exhibit C), and subject to Condition of Approval Number 9, the applicant has provided extension of the public water system to the common boundary line with all undeveloped properties

adjacent to the proposed development site, sized to serve all future development. With Conditions of Approval 9, these criteria are met

The development site is located within the "Pressure Zone C". Condition of Approval Number 9 will require the development to connect the development site to Zone C, consistent with the applicable "Pressure Zone C" City standards. Specific to the Basalt Creek area, the draft Tualatin Water Master Plan (Exhibit P) identifies the need for the proposed development to construct 18" public mains from the B-Level reservoirs in order to provide adequate service to the C-Level reservoirs to serve this development. Condition of Approval 9 will require final plans showing 18" public water lines from Tualatin's B-level water reservoir site to SW Norwood Road from SW "C" Street, to SW "A" Street, to SW Vermillion Drive, to SW Norwood Road, to the east border of this subdivision; relocation of existing 12-inch public water lines from Tualatin's B-level water reservoir site to SW Norwood Road to be relocated east to within SW "C" Street and SW 89th Avenue and upsized to 18-inch diameters; and prior to disconnecting and removing the existing public water lines from the B-Level reservoir to the existing mains within SW Norwood Road the proposed water lines reconnecting Tualatin's B-Level reservoir site to lines within SW Norwood Road must be constructed and approved by the City. Condition of Approval 17 will also limit the number of homes for which building permits can be issued prior to construction of the aforementioned infrastructure to 50 lots. Condition of Approval Number 9 will require public water lines to extend to SW Boones Ferry Road within SW "H" Street, and continue to extend to the north property line within SW Boones Ferry Road as a 12" diameter main ending with a blow-off assembly. Within Conditions of Approval 9 and 17, these criteria are met.

[...]

TDC 74.630 Storm Drainage System.

(1) Storm drainage lines must be installed to serve each property in accordance with City standards and Clean Water Services standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

(2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations and Clean Water Services standards.

(3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the adopted Stormwater Master Plan.

[...]

Finding:

Conditions of Approval Number 9 will require a storm drainage system to serve all properties within the proposed development constructed consistent with the requirements of PWCC Section 206. With Conditions of Approval Number 9, these criteria are met.

TDC 74.640 Grading.

(1) Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.

(2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.

Finding:

The Preliminary Grading and ESC Plans and the Preliminary Stormwater Report demonstrate that project grading will not cause stormwater runoff to be conveyed to adjoining properties nor affect existing drainage patterns of adjoining properties. Condition of Approval Number 28 will require that prior to issuance of permits for construction activities, the applicant must submit final plans demonstrating offsite stormwater impact and drainage for adjacent properties is no greater than the pre-developed conditions and gravity drainage can be provided from this development to an approved public system.

The plans indicate disturbance of approximately 61.96 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality must be provided with the construction permit submittal documents. The applicant must obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet and a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres. With Conditions of Approval 18, these criteria are met.

TDC 74.650 Water Quality, Storm Water Detention and Erosion Control.

(1) All Applications. The applicant must comply with the water quality, stormwater detention, and erosion control requirements in Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers) and Clean Water Services standards.

(2) Subdivisions and Partitions. Prior to approval of the final plat, an application for subdivision and partition development must:

- (a) Submit a stormwater facilities design with calculations to satisfy the requirements of the Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building And Sewers) and applicable Clean Water Services standards;**
 - (b) Obtain a Stormwater Connection Permit from Clean Water Services; and**
 - (c) Either construct a permanent on-site water quality facility and stormwater detention facility; or enter into an agreement with the City, as provided in TDC 36.320 and TMC 3-5-390, recorded against the property, to guarantee construction of a permanent on-site water quality facility and stormwater detention facility.**
- (4) On-Site Private and Regional Non-Residential Facilities. For on-site private and regional non-residential public facilities, the applicant must:**
- (a) Enter into a stormwater facility agreement, as provided in TMC 3-5-390, recorded against the property. The stormwater facility agreement will include an operation and maintenance plan, provided by the City and consistent with Clean Water Services requirements, for the water quality facility.**
 - (b) Submit an erosion control plan prior to issuance of a Public Works Permit consistent with TMC 3-5 and Clean Water Services standards. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.**

Finding:

The applicant has demonstrated compliance with the water quality, stormwater detention, including hydromodification and erosion control requirements in Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers) and Clean Water Services standards through its Plan Set (Exhibit C) and Preliminary Stormwater Report (Exhibit E). CWS and ODOT have provided comments (Exhibit J and O) on the proposed stormwater system and have recommended approval of the proposal subject to conditions of approval.

Condition of Approval Number 9 will require the final stormwater system to comply with the requirements of Subsections (2) and (4) as well as ODOT and CWS requirements.

The Preliminary Stormwater Report includes a review of the existing storm drainage system and includes a downstream analysis with the above information as applicable. Downstream deficiencies are not identified. The detention facilities are stated to match or reduce the predevelopment flows and will have no adverse impacts on the downstream system.

With Conditions of Approval 9 etc., these criteria are met.

TDC 74.660 Underground.

(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

(2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

[...]

Findings:

New utility lines associated with the project are correctly indicated to be placed underground. There are existing overhead utility lines along the frontage of SW Norwood Road. These overhead utilities are shown to be undergrounded on the Preliminary Composite Utility Plans. Existing overhead lines within the Greenhill Lane right-of-way will not be altered with this application because improvements are not being made within the SW Greenhill Lane right-of-way. Future utility placement is must be coordinated with the appropriate utility provider as required. These criteria are met.

Chapter 75 Access Management

[...]

TDC 75.020. - Permit for New Driveway Approach

- (1) Applicability.** A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.
- (3) Procedure Type.** A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).
- (4) Submittal Requirements.** In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:
 - a.** A site plan, of a size and form and in the number of copies meeting the standards established by the City Manager, containing the following information:
 - (i)**The location and dimensions of the proposed driveway approach;
 - (ii)**The relationship to nearest street intersection and adjacent driveway approaches;
 - (iii)**Topographic conditions;
 - (iv)**The location of all utilities;
 - (v)**The location of any existing or proposed buildings, structures, or

vehicular use areas;(vi)The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and(vii)The location of any street trees adjacent to the location of the proposed driveway approach.

- b. Identification of the uses or activities served, or proposed to be served, by the driveway approach; and
- c. Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

(5) Criteria. A Driveway Approach Permit must be granted if:

- a. The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;
- b. No site conditions prevent placing the driveway approach in the required location;
- c. The number of driveway approaches onto an arterial are minimized;
- d. The proposed driveway approach, where possible:(i)Is shared with an adjacent property; or(ii)Takes access from the lowest classification of street abutting the property;
- e. The proposed driveway approach meets vision clearance standards;
- f. The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
- g. The proposed driveway approach does not result in significant adverse impacts to the vicinity;
- h. The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and (i)The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

[...]

TDC 75.040. - Driveway Approach Requirements

(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.

(3) Joint and Cross Access.

(a)Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.

(b)A system of joint use driveways and cross access easements may be required and may incorporate the following:

- (i)A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;**
- (ii)A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;**
- (iii)Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and**

(iv)An unified access and circulation system plan for coordinated or shared parking areas.

(c)Pursuant to this section, property owners may be required to:

- (i)Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;**
- (ii)Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;**
- (iii)Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and**
- (iv)If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.**

(4) Requirements for Development on Less than the Entire Site.

(a)To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

(b)All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

(5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.

(6) Except as provided in TDC 53.100, all driveway approach must connect directly with public streets.

(7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.

(8) The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.

(9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):

TABLE 75-1 Driveway Approach Width		
Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Single-Family Residential, townhouses, and duplexes	10 feet	26 feet for one or two car garages 37 feet for three or more garages
Multi-family	2 Units = 16 feet	May provide two 16 foot one-way driveways instead of one 24-foot driveway
	3-49 Units = 24 feet	
	50-499 = 32 feet	May provide two 24-foot one-way driveways instead of one 32-foot driveway
	Over 500 = as required by the City Manager	

TABLE 75-1 Driveway Approach Width		
Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Commercial	1-99 Parking Spaces = 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
	100-249 Parking Spaces = two approaches each 32 feet	
Industrial	36 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Institutional	1-99 Parking Spaces = 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
	100-249 Parking Spaces = two approaches each 32 feet	

[...]

(11) Distance between Driveways and Intersections. Except for single-family dwellings, the minimum distance between driveways and intersections must be as provided below.

Distances listed must be measured from the stop bar at the intersection.

(a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.

(b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.

(c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.

(d) When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.

(12) Vision Clearance Area.

(a) Local Streets. A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the

intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

(b) Collector Streets. A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 73-2 for illustration).

(c) Vertical Height Restriction. Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

Finding:

As shown on their Preliminary Plans (Exhibit C), the applicant has proposed driveway approaches consistent with the above requirements. The single-family home lots are shown with widths approximately 20 feet wide and the attached townhome lots are planned to have shared driveways and approaches up to 37 feet wide. The maintenance and use of the shared driveways are stated to be addressed in the Covenants, Conditions & Restrictions (CC&Rs) of the townhome units. Condition of Approval Number 7 will require the applicant to submit final construction plans that show driveway approaches consistent with the above criteria. Condition of Approval Number 19 will require CC&Rs to be recorded with the final plat that include shared access and maintenance responsibilities for the shared driveway approaches. With Condition of Approval Number 7 and 19, these criteria are met.

TDC 75.050. - Access Limited Roadways

(1) This section applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City pertaining to property abutting any road or street listed in TDC 75.050(2). In addition, any property not abutted by a road or street listed in subsection (2), but having access to an arterial by any easement or prescriptive right, must be treated as if the property did abut the arterial and this Chapter applies.

(2) The following Freeways and Arterials are access limited roadways: ...

(h) Boones Ferry Road at all points located within the City of Tualatin Planning Area; ...

(t) Basalt Creek Parkway.

Finding:

The proposed development has frontage on SW Boones Ferry Road and the future SW Basalt Creek Parkway. A single access point to SW Boones Ferry Road has been proposed and is subject to the below listed spacing standards. With Condition of Approval Number 11, these criteria are met.

[...]

TDC 75.070. - Existing Driveways and Street Intersections.

(1) Existing driveways with access onto arterials on the date this chapter was originally adopted are allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials then this Chapter applies and the entire site must be made to conform with the requirements of this chapter.

(2) The City Manager may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.

[...]

TDC 75.100. - Spacing Standards for New Intersections.

Except as shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), all new intersections with arterials must have a minimum spacing of one-half mile between intersections.

TDC 75.110. - Joint Access Standards.

When the City Manager determines that joint accesses are required by properties undergoing development or redevelopment, an overall access plan shall be prescribed by the City Manager and all properties shall adhere to this. Interim accesses may be allowed in accordance with TDC 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

TDC 75.120. - Collector Streets Access Standards.

(1) Major Collectors. Direct access from newly constructed single family homes, duplexes or triplexes are not permitted. As major collectors in residential areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible.

(2) Minor Collectors. Residential, commercial and industrial driveways where the frontage is greater or equal to 70 feet are permitted. Minimum spacing at 100 feet. Uses with less than 50 feet of frontage shall use a common (joint) access where available.

(3) If access is not able to be relocated to the nearest local street, the City Manager may allow interim access in accordance with 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

TDC 75.130. - New Streets Access Standards.

(1) New streets designed to serve as alternatives to direct, parcel by parcel, access onto arterials are shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3). These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process. Unless modified by the City Council by the procedure set out below, these streets will be the only new intersections with arterials in the City. See map for changes.

(2) Specific alignment of a new street may be altered by the City Manager upon finding that the street, in the proposed alignment, will carry out the objectives of this chapter to the same, or a greater degree as the described alignment, that access to adjacent and nearby properties is as adequately maintained and that the revised alignment will result in a segment of the Tualatin road system which is reasonable and logical.

(3) The City Council may include additional streets in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), through the plan amendment procedure. In addition to other required findings, the City Council must find that the addition is necessary to implement the objectives of this chapter.

[...]

Findings:

The City's TSP classifies SW Norwood Road as a Major Collector and SW Boones Ferry Road as a Major Arterial. The future SW Basalt Creek Parkway is planned to run along a portion of the southern boundary of the site. These streets are all under Washington County's roadway jurisdiction. The planned access to SW Boones Ferry Road and SW Norwood Road and the associated frontage improvements have been coordinated with Washington County Land Use & Transportation and City staff. Washington County Code dictates that the minimum spacing standard along SW Boones Ferry Road is 600 feet and the planned spacing from the new intersection to the future SW Basalt Creek Parkway intersection is approximately 800 feet.

The applicant has proposed a system of new Local streets, consistent with Map 8-3 of the Tualatin Comprehensive Plan (Exhibit Q) and the Transportation System Plan (TSP) that will be under City of Tualatin roadway jurisdiction. Condition of Approval Number 11 will require all frontage improvements to existing streets as well as new streets and intersections to be designed and constructed in accordance with Tualatin and Washington County requirements and includes the specific requirements for these facilities. These proposed improvements have been reviewed and approved by the City Engineer. With Condition of Approval Number 11, these criteria have been met.

III. RECOMMENDATION

Based on the application materials and analysis and findings presented above, staff recommends approval of the Conditional Use Permit (CUP21-0001) and Subdivision (SB21-0001) and therefore recommends approval of the applications with the following Conditions of Approval:

CUP GENERAL CONDITIONS:

- C1) Building permits for up to 6 model home units within each phase may be issued prior to completion of public improvements identified in SB21-0001, subject to prior City Engineer approval. These units may not be sold, inhabited, or issued Certificates of Occupancy until such time as the public improvements for the phase in which they are located are fully completed, inspected and accepted by the City.
- C2) SB21-0001 shall not allow for the platting of more than 70 percent of the single-family detached lots prior to the platting of 100% of the total townhome lots.
- C3) Any modification to Conditions of Approval associated with the Conditional Use Permit (CUP21-0001) will be subject to additional Conditional Use Permit application review.

SUBDIVISON GENERAL CONDITIONS:

- 1) All open spaces and common landscaped areas shall comply with the requirements of Chapter 73B.
- 2) The applicant must submit with their final plans a tree removal, protection and preservation plan consistent with their preliminary tree removal plan that demonstrates compliance with TDC 33.110, 73B.080 and 73.090.
- 3) The final plat for each phase must consistent with the requirements of TDC 36.160:
 - a) Be in substantial conformance with the approved tentative plan or tentative replat plan,
 - b) If the approval of a final plat for a specific phase requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative plan must be modified first to reflect the changes,
 - c) Comply with all applicable provisions of ORS Chapter 92,
 - d) Comply will all conditions of approval of CUP21-0001 and SB21-0001,
 - e) Dedicate, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by the Tualatin Development Code or as a condition of approval.
- 4) The applicant shall construct all approved public improvements and private improvements with approval from the City of Tualatin, ODOT, and Washington County; or the owner of

the property subject to the final plat must have executed and filed with the City an Improvement Agreement under TDC [36.320](#) (Improvement Agreement for Public Improvements), requiring all City infrastructure and private improvements to be completed within 24 months of the final plat approval.

- 5) The applicant must submit a copy of the recorded plat for each phase of the subdivision where Building Permits are requested in accordance with code section TDC 36.330.
- 6) The applicant shall submit final plans that show wells to be abandoned and septic tanks removed in accordance with TDC 36.340.
- 7) Each dwelling unit shall be accessed from a driveway approach meeting applicable TDC requirements and provide a minimum of 2 parking spaces, in addition to garages per TDC 73C.100.
- 8) Where facilities and common property, including, but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development must include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association. Each property owner must be a member of the property owners' association. The association must have the power to levy and assess against privately owned property in the development all necessary costs for operation and maintenance of such facilities and common property. The documents creating such association must be approved by the City Manager.
- 9) The applicant must submit final stormwater plans and calculations in accordance with PWCC 206:
 - a) Certified by an Oregon registered, professional engineer that in accordance with TMC 3-5-390(1):
 - i) Demonstrates runoff from all new and modified private and public impervious areas meet the standards of Clean Water Services.
 - ii) Treats new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2.
 - iii) Demonstrates the public stormwater facility within Tract C can detain up to the 50 year storm event to discharge to the ODOT system (ODOT Hydraulics Manual
 - iv) Demonstrates the public stormwater system in Tract K is constructed in accordance with TMC 3-5-220(1), TMC 3-5-230, and CWS D&CS 4.08
 - v) Demonstrates the project site meets CWS hydromodification and detention standards, as applicable.
 - vi) Includes conveyance calculations that all public stormwater facilities can accommodate up to a 25-year storm event in accordance with TDC 74.640 and CWS D&CS 5.05.2.d.
 - vii) Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter CWS File Number 21-001425 conditions (Exhibit G) to obtain a Stormwater

Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).

viii) Demonstrates compliance with all requirements stated within the Service Provider Letter and CWS Memo dated October 29, 2021 (Exhibit O).

10) The applicant must provide the City with a copy of an approved ODOT Miscellaneous Permit for stormwater connection to I-5's stormwater system.

11) The applicant must submit final plans showing street improvements consistent with TDC 74 and 75 that show:

a) Frontage improvements along the site's frontage with SW Norwood Road that includes:

- i) 38.5 feet of right-of-way dedication,
- ii) Pavement, curbs and gutters,
- iii) A 12-foot wide curb-tight sidewalk on the south side,
- iv) Street lights and street signs,
- v) An 8-foot wide public utility easement adjacent to right-of-way, which may be reduced to preserve trees at the discretion of the City Engineer,
- vi) The portion of the street cost above local standard is Transportation Development Tax creditable.

b) Improvements for the internal Local streets SW 89th Avenue, SW Vermillion Drive, SW "A" Street, SW "B" Street, SW "C" Street, SW "D" Street, SW "E" Street, SW "F" Street, SW "G" Street, SW "H" Street, SW "I" Street, SW "J" Street, SW "K" Street, SW "L" Street, and SW "M" Street that include:

- i) 50 feet of right-of-way dedication,
- ii) 32 feet of pavement,
- iii) Curbs and gutters,
- iv) 4-foot wide planter strips,
- v) Street lights,
- vi) Street signs with local street names approved by the City Engineer,
- vii) Street trees and planting locations with irrigation consistent with the requirements of TDC 74.765,
- viii) 5-foot wide sidewalks except for streets with one side 6-foot wide sidewalk per condition 25c,
- ix) 8-foot wide public utility easements adjacent to right-of-way.

c) A 6-foot sidewalk, one foot which may be located within the PUE, will be constructed:

- i) West side of SW Vermillion Drive, from SW Norwood Road to SW "H" Street intersection,
- ii) North side of SW "H" Street, from SW Vermillion Drive intersection to SW Boones Ferry Road intersection.

- d) Street H, between Boones Ferry and M Street, will be constructed as 36 feet wide to accommodate three lanes of traffic. A left and right turn lane storage length of 125 feet shall be provided with appropriate street tapers, per City of Tualatin Public Works construction Code standards. Street H right of way shall be widened, per additional pavement width.
- e) Street H and Boones Ferry Road intersection shall be constructed to accommodate truck turning movements, as directed by City Engineer.
- f) Frontage improvements along the property's SW Boones Ferry Road frontage that include:
 - i) 53 feet of right-of-way dedication,
 - ii) Striping,
 - iii) A traffic signal,
 - iv) Crosswalks and receiving ramp on the west side of SW Boones Ferry Road,
 - v) Curbs and gutters,
 - vi) One 6-foot wide planter strip on the east side,
 - vii) Street signs with local street name for SW "H" Street approved by the City Engineer,
 - viii) Approvable street trees and planting locations with irrigation,
 - ix) A 12-foot wide multi-use path on the east side with Parks System Development Credits for the additional 6 feet greater than a standard sidewalk,
 - x) An 8-foot wide public utility easement adjacent to right-of-way,
 - xi) Subject to the addition of a project consisting of a transit stop pull-out along SW Boones Ferry Road to the City's Transportation Development Tax (TDT) approved project list, TriMet approval, and Washington County approval, the applicant must design, permit, and construct a transit stop pull-out along SW Boones Ferry Road adjacent to the project site. All costs are Transportation Development Tax creditable.
- g) For the future SW Basalt Creek Parkway as shown on Exhibit C, Sheets SB-03 and SB-04
 - i) Dedication of adequate right-of-way.
 - ii) An 8-foot wide public utility easement,
 - iii) A slope easement sufficient for rough grading of the right-of-way.
- h) A Private Tract L to provide access to adjacent properties to the north and east built to the following standards:
 - i) A 5-foot wide sidewalk on the west side,
 - ii) Curbs and gutters on both sides,
 - iii) A minimum of 24 feet paved travel surface to accommodate two-way traffic,
 - iv) A concrete approach to SW "H" Street matching the travel surface width,

- v) With a blanket public access and utility easement.
- 12) The applicant must obtain construction permit approval in accordance with TDC 36.160 ODOT, Washington County, and the City of Tualatin including provision of associated financial assurance.
 - 13) The applicant must purchase and install approved street trees.
 - 14) The applicant must purchase and install approved street lights.
 - 15) The applicant must purchase and install street signs and traffic control signs.
 - 16) The applicant shall submit final sanitary sewer plans in accordance with PWCC 205 that show:
 - a) Location of the sanitary sewer lines, grade, materials, and other details.
 - b) A separate lateral serving each lot.
 - c) Cleanouts for all laterals, as directed by City Engineer..
 - d) The applicant must extend 8-inch public sanitary sewer mains within SW Norwood Road and local public streets within each subdivision phase as shown in the Preliminary Plans.
 - e) The public lines in SW "M" Street shall extend to the south boundary of the development.
 - 17) The applicant shall submit final water plans in accordance with PWCC 204 that show,
 - a) The existing 12-inch water mains from the B-Level reservoir site that connect to the existing line near the northwest corner of the development upsized to 18-inch diameter and routed within SW "C" Street and SW 89th Avenue. The portion of the pipe material cost above 8" water main is System Development Charge creditable.
 - b) At developer's discretion, and with coordination with City Engineer, developer may construct additional Norwood Road water main improvements as outlined by City Norwood Road water main improvements project. All associated costs are System Development Charge creditable.
 - c) A 12-inch diameter main line from SW Norwood Road within SW Vermillion Drive to SW "H" Street to SW Boones Ferry Road and the remainder of the public mains lines within the subdivision 8-inches in diameter. The portion of the pipe material cost above 8" water main is System Development Charge creditable.
 - d) A 12-inch diameter main line within SW "J" Street from SW "H" Street extended south past SW Vermillion Drive through Tract J between lots 207 and 208 a minimum 10 feet south of the south residential lot lines for a future C Level connection. Tract J must include a public water line easement over its entirety. A 15-foot wide public water line easement must be centered on the water main from SW Vermillion Drive adjacent to

- lots 207 and 208 or as approved by City Engineer. The portion of the pipe material cost above 8" water main is System Development Charge creditable.
- e) A 12-inch diameter main line ending with a blow off assembly to the north property line within SW Boones Ferry Road. The portion of the pipe material cost above 8" water main is System Development Charge creditable.
 - f) A separate lateral for each lot and tract in accordance with PWCC 204.
- 18) The applicant must submit financial assurance for construction performance of the approved stormwater system in accordance with TMC 3-390(c), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.
- 19) The applicant must show all easements, tracts, and dedications on the Final Plat consistent with these conditions of approval. All easements shall be dedicated to the public as specified. Except as specified, all Tracts shall be owned and maintained by the applicant or a Homeowners' Association.
- 20) SB21-0001 shall be subject to all conditions in CUP21-0001, except as modified through future Conditional Use Permit application(s).
- 21) The applicant shall be responsible for construction and acceptance of all improvements shown within the Preliminary Plans (Exhibit C), except as modified by condition of approval. In the event of a conflict, conditions of approval shall supersede improvements shown in the plans.
- 22) All future structural development shall be subject to the Site Design Standards requirements of TDC 73A.

PRIOR TO EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE FOR EACH SEQUENTIAL PHASE:

Submit to the Engineering Division via [eTrakit](#) for review and approval:

- 23) The applicant shall comply with the contractor insurance and bond requirements of the City of Tualatin.
- 24) The applicant shall submit final erosion control plans in accordance with PWCC 200.
- 25) The applicant must submit a copy of the National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ

- 26) The applicant must submit final plans demonstrating easement access to public improvements for operation and maintenance in accordance with TDC 74.350 as follows:
 - a) A 15-foot wide public maintenance access easement over lot 251 from the public right-of-way to the public stormwater facility on Tract K with a turn-around.
 - b) Construction of a 12-foot wide Portland Cement concrete all-weather driving surface capable of carrying a 60,000-pound vehicle from public right-of-way to surround manholes by five feet:
 - i) Within the easement over Lot 251 and Tract K with a turn-around.
 - ii) Within Tract C adjacent to Vermillion at least 20-feet past the back of sidewalk.
 - c) 15-foot wide public stormwater easements:
 - i) Between lots 91 and 92 or as approved by City Engineer.
 - ii) Between lots 239 and 240 or as approved by City Engineer.

- 27) The applicant must submit final plans showing Tracts A, D, E, G, J, M, and O as open space, owned and maintained by the applicant or a Homeowners' Association. The improvements shown in the Preliminary Plans in Tract M shall be completed prior to issuance of building permits for phase 4.

- 28) The applicant must submit final plans showing Tract B as dedicated to the City of Tualatin and construction of a 12-foot wide Portland Cement asphalt or concrete all-weather driving surface capable of carrying a 60,000-pound vehicle. .

- 29) The applicant must submit final plans showing Tract H as dedicated to the City of Tualatin. Water System Development Charge credits shall be provided to developer based on fair market value of developed land. All trees must be removed from Tract H and site graded per the approval of the City Engineer.

- 30) The applicant must submit final plans showing Tract C and K as dedicated to the City of Tualatin for public stormwater facilities.

- 31) The applicant must coordinate conveyance of Tract F to Clean Water Services.

- 32) The applicant must submit final plans showing Tract I and N as 8-foot wide concrete public accessways in compliance with TDC 74.460.

- 33) The applicant must submit final plans showing Tract L as owned as maintained by the applicant or Homeowners' Association with an easement for public utilities, public pedestrian and vehicular access over the entire Tract.

- 34) The applicant must submit final plans showing public pedestrian access easements as shown on plans for Tracts A, D, and E sufficient for meandering sidewalk.
- 35) All retaining walls, fences, support structures, and walls must be constructed outside of public utility easements.
- 36) A gated emergency vehicle access from the south end of SW "G" Street to SW Boones Ferry Road to be constructed to TVF&R's requirements that will be constructed prior plat approval for Phase 2. Emergency vehicle gate must be installed and the end of the constructed SW "G" Street and the access intersection with Boones Ferry Road which will be removed prior to acceptance of the public improvements in Phase 3.
- 37) The applicant must obtain City of Tualatin Public Works, Water Quality, and Erosion Control Permits and provide copies of the ODOT Miscellaneous Permit and the Washington County Facilities Permit.

PRIOR TO APPROVAL OF THE FINAL PLAT OF EACH SEQUENTIAL PHASE:

Submit to the Engineering Division via [eTrakit](#) for review and approval:

- 38) The first phase expires two years of from the effective date of this decision, unless an application for final plat is submitted or an extension is granted under TDC 36.210. All subsequent phases expire ten years from the effective date of this decision, and an extension under TDC 36.210 is not available. No building permits for development of lots or parcels will be issued until the final plat for applicable phase is recorded.

PRIOR TO BUILDING PERMIT ISSUANCE FOR LOTS WITHIN EACH PHASE:

Submit to the Engineering Division via [eTrakit](#) for review and approval:

- 39) The applicant must substantially construct improvements required of each phase as permitted by issued Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin in accordance with TDC 36.330, the obtained ODOT Miscellaneous Permit for stormwater, and Washington County Facility Permits.
- 40) The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.
- 41) Prior to the 51st building permit issuance the City of Tualatin Water Main upsizing project to the existing reservoirs must be completed and operational.

PRIOR TO OCCUPANCY:

42) An approved public sanitary sewer system (pump station or approved alternative approach) must be available prior to occupancy of any home, including model homes.

Prior to occupancy of the 298th home (the first home of the fourth subdivision phase) the SW Boones Ferry Road and SW "H" Street signal must be operational and all public improvements completed.