



# City of Tualatin

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June 15, 2016

## PARTITION REVIEW FINDINGS AND DECISION FOR PAR 16-0001, BURCHILL

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## I. RECOMMENDATION

Based on the findings presented, the City Engineer approves the preliminary plat of PAR 16-0001, Burchill with the following conditions:

### A. PRIOR TO ISSUANCE OF PUBLIC WORKS AND WATER QUALITY PERMITS:

- PFR-1 Submit final sanitary sewer plans that show location of the lines, grade, materials, and other details.
- PFR-2 Show each lot will have a separate water lateral with backflow prevention, double check valve assemblies, and control valves.
- PFR-3 Submit final water system plans that show location of the water lines, grade, materials, and other details.
- PFR-4 Obtain a City of Tualatin erosion control permit in accordance with code section TMC 3-5-060.
- PFR-5 Submit plans that meet the requirements of TVF&R.
- PFR-6 Submit plans that show access for lot 2 to proposed SW Avery Street to meet the minimum flag lot width at the street to meet the minimum access requirement contained in TDC 73.400(7)-(12), being 16 ft for a shared access drive for two dwelling units.
- PAR 7 The Applicant shall submit a revised cover sheet that states the proposal's net acreage as defined in TDC Section 1.020.
- PFR-8 Show dedication of a total of 31 feet from centerline for SW Avery Street.
- PFR-9 Replace the public sidewalk on SW Avery Street where damaged or not meeting ADA requirements.
- PFR-10 Submit plans that show a maintenance access surface to the west sanitary and storm sewer manholes on the north property line.
- PFR-11 Submit plans that show root barriers for street trees that are within 10 feet of a public line or adjacent to a public sidewalk will need a 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public easement or sidewalk.
- PFR-12 Submit plans that show approved street trees for SW Avery Street.

- PFR-13 Submit plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions and obtain an Amended Service Provider Letter as determined by Clean Water Services for any revisions to the proposed plans.
- PFR-14 Underground all utility lines with the exception of those that are 50,000 volts or above or record a Street Improvement Agreement for undergrounding.
- PFR-15 Submit plans that minimize the impact of stormwater from the development to adjacent properties.
- PFR-16 Submit PDFs of final site and permit plans

**B. PRIOR TO APPROVAL OF THE FINAL PLAT:**

- PFR-17 Record the final plat within 24 months of the issued decision or obtain an extension per TDC 36.160(6).
- PFR-18 Obtain a Public Works Permit and Water Quality Permit.
- PFR-19 Complete all the public improvements, shown on submitted plans and corrected by conditions of approval, and have them accepted by the City or provide financial assurance.
- PFR-20 Record all public easements and dedications shown on submitted plans and corrected by conditions of approval.

**C. PRIOR TO ISSUANCE OF THE FIRST HOUSE'S BUILDING PERMIT ON THE SUBJECT SITE:**

- PFR-21 Construct all public improvements shown on submitted plans and corrected by conditions of approval.
- PFR-22 Deliver a Mylar copy of the recorded plat to the City Engineer.

**D. PRIOR TO ISSUANCE OF A EACH NEW HOME BUILDING PERMIT:**

- PFR-23 Submit final stormwater calculations, plans, and obtain water quality permits for each lot's LIDA facilities.
- PFR-24 Show no more than 45% of any lot covered with buildings.
- PAR-25 The Applicant shall submit a Single Family Architectural Review application for future proposed dwelling units on Lots 1 and 2 to comply with TDC 40.070, 40.090, and 40.100.

- PFR-26 Show plans meeting the minimum width of all setbacks for permitted uses: front yard 15 feet, unenclosed porch 12 feet, garage door 20 feet, side yard 5 feet, rear yard 15 feet; for a corner lot: one front yard 15 feet and the second 10 feet.
- PFR-27 Show structure projections into yards with a maximum of front or rear yard setback area not more than three feet and into a required side yard not more than two feet.
- PFR-28 Show structure heights a maximum of 35 feet.
- PFR-29 Show 2 onsite parking spaces per lot.
- PFR-30 Show driveways widths a minimum of 10 feet wide and with a maximum for 26 feet for one or two car garages and 37 for three or more.
- PFR-31 Submit plans that state the landscaped areas on each lot will be irrigated.
- PFR-32 Submit plans that show private sanitary sewer and stormwater laterals.
- PFR-33 Submit proof that shows all crawl spaces will be served by gravity drainage.

## II. APPEAL

Requests for review of this decision must be received by the Engineering Division within the 14-day appeal period ending on **June 29, 2016 at 5 PM**. Issues must have been described with adequate clarity and detail with identification of the associated Tualatin Municipal or Development Code section to afford a decision maker an opportunity to respond to the issue. A request for review must be submitted on the form provided by the City, as detailed in TDC 36.161, and signed by the appellant.

Sincerely,



Tony Doran, EIT  
Engineering Associate

C: Kurt Dalbey, Mission Homes NW, LLC, PO Box 1689 Lake Oswego, OR 97035  
Ken Sanblast, Westlake Consultants, Inc., 15115 SW Sequoia Pkwy, Tigard, OR  
97224

**Agencies That Commented (see attachments):**

Clean Water Services, Jackie Sue Humphreys, Clean Water Services, 2550 SW Hillsboro Highway, Hillsboro, OR 97123

Tualatin Valley Fire and Rescue, Ty Darby, Deputy Fire Marshal II, South Operating Center, 8445 SW Elligsen Road, Wilsonville, OR 97070-9641

**Citizens Who Commented During the 14-Day Comment Period (see attachments):**

Gary and Sandra Lawson, 20386 SW Boones Ferry Road, Tualatin, OR 97062

File Number: PAR 16-0001, Burchill

**OWNER:**

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**APPLICANT:**

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Phone: 503-781-1814  
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**APPLICANT'S REPRESENTATIVE:**

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**REQUEST:**

The Applicant seeks approval of an application for Partition Preliminary Plat for the development of 2 residential lots.

**STAFF CONTACT:**

Tony Doran, Engineering Associate



### **III. STANDARDS AND APPLICABLE CRITERIA**

#### Tualatin Municipal Code (TMC)

Title 03: Utilities and Water Quality

Title 04: Building

#### Tualatin Development Code (TDC)

Chapter 31: General Provisions

Chapter 34: Special Regulations

Chapter 36: Subdividing, Partitioning and Property Line Adjustments

Chapter 40: Low Density Residential Planning District (RL)

Chapter 73: Community Design Standards

Chapter 74: Public Improvement Requirements

Chapter 75: Access Management

### **IV. FINDINGS OF FACT**

- A. Location: 8965 SW Avery Street, northwest of SW 90<sup>th</sup> Avenue and SW Avery Street
- B. Zoning: Low Density Residential (RL)
- C. Lot of record: 2S123AA 00600
- D. Site description: Approximately 0.46 acres previously used as a single family home
- E. Surrounding Land Uses: East, West, North, and South – Low Density Residential (RL)
- F. Proposal: Partition to create 2 residential lots
- G. Public Agency Comments: Clean Water Services and Tualatin Valley Fire and Rescue.
- H. Public Comments: Gary and Sandra Lawson

## **V. CONCLUSIONS**

### **A. TMC TITLE 03: UTILITIES AND WATER QUALITY**

#### **I. TMC CHAPTER 03-02: SEWER REGULATIONS; RATES**

##### **1. TMC 3-2-020 APPLICATION, PERMIT AND INSPECTION PROCEDURE.**

**(1) No person shall connect to any part of the sanitary sewer system without first making an application and securing a permit from the City for such connection, nor may any person substantially increase the flow, or alter the character of sewage, without first obtaining an additional permit and paying such charges therefore as may be fixed by the City, including such charges as inspection charges, connection charges and monthly service charges.**

##### **2. TMC 3-2-030 MATERIALS AND MANNER OF CONSTRUCTION.**

**(1) All building sewers, side sewers and connections to the main sewer shall be so constructed as to conform to the requirements of the Oregon State Plumbing Laws and rules and regulations and specifications for sewerage construction of the City.**

**(3) A public works permit must be secured from the City and other agency having jurisdiction by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.**

#### **FINDING:**

The above provisions pertain to construction of the necessary sewer lines needed to serve the site. The applicant will obtain all necessary permits to construct the required infrastructure.

The plans show an extension of the public sanitary sewer line along the north side of the development. A lateral will directly connect to lot 1 and the lateral for lot 2 will extend south within a private easement.

The applicant has not applied for a public works permit for these improvements. The applicant will need to submit sanitary sewer plans that show location of the lines, grade, materials, and other details prior to obtaining a public works permit.

This criterion is satisfied with conditions of approval PFR-1.

## **II. TMC CHAPTER 03-03: WATER SERVICE**

### **1. TMC 3-3-040 SEPARATE SERVICES REQUIRED.**

(1) Except as authorized by the City Engineer, a separate service and meter to supply regular water service or fire protection service shall be required for each building, residential unit or structure served. For the purposes of this section, trailer parks and multi-family residences of more than four dwelling units shall constitute a single unit unless the City Engineer determines that separate services are required.

### **2. TMC 3-3-110 CONSTRUCTION STANDARDS.**

All water line construction and installation of services and equipment shall be in conformance with the City of Tualatin Public Works Construction Code. In addition, whenever a property owner extends a water line, which upon completion, is intended to be dedicated to the City as part of the public water system, said extension shall be carried to the opposite property line or to such other point as determined by the City Engineer. Water line size shall be determined by the City Engineer in accordance with the City's Development Code or implementing ordinances and the Public Works Construction Code.

### **3. TMC 3-3-120 BACKFLOW PREVENTION DEVICES AND CROSS CONNECTIONS.**

(2) The owner of property to which City water is furnished for human consumption shall install in accordance with City standards an appropriate backflow prevention device on the premises where any of the following circumstances exist:

(4) Except as otherwise provided in this subsection, all irrigation systems shall be installed with a double check valve assembly. Irrigation system backflow prevention device assemblies installed before the effective date of this ordinance, which were approved at the time they were installed but are not on the current list of approved device assemblies maintained by the Oregon State Health Division, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When devices of this type are moved, or require more than minimum maintenance, they shall be replaced by device assemblies which are on the Health Division list of approved device assemblies.

#### **4. TMC 3-3-130 CONTROL VALVES.**

**The customer shall install a suitable valve, as close to the meter location as practical, the operation of which will control the entire water supply from the service. The operation by the customer of the curb stop in the meter box is prohibited.**

#### **FINDING:**

The above provisions pertain to construction of the necessary water connections needed to serve the site. If this application is approved, the applicant will obtain all necessary permits to construct the required infrastructure.

The plans show reuse of an existing water lateral for lot 2 within SW Avery Street and a new lateral from the public water line within SW Avery Street for lot 1 with a water meter.

The plans do not indicate backflow prevention, double check valve assemblies, or control valves. Each lot will have a separate lateral with backflow prevention, double check valve assemblies, and control valves.

The applicant has not applied for a public works permit for these improvements. The applicant will need to submit water system plans that show location of the water lines, grade, materials, and other details prior to obtaining a public works permit.

This criterion is satisfied with conditions of approval PFR-2 and -3.

### **III. TMC 3-5 ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS**

#### **1. TMC 3-5-010 POLICY.**

**It is the policy of the City to require temporary and permanent measures for all construction projects to lessen the adverse effects of construction on the environment. The contractor shall properly install, operate and maintain both temporary and permanent works as provided in this chapter or in an approved plan, to protect the environment during the term of the project. In addition, these erosion control rules apply to all properties within the City, regardless of whether that property is involved in a construction or development activity. Nothing in this chapter shall relieve any person from the obligation to comply with the regulations or permits of any federal, state, or local authority...**

## **2. TMC 3-5-050 EROSION CONTROL PERMITS.**

**(1) Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees...**

## **3. TMC 3-5-060 PERMIT PROCESS.**

**(1) Applications for an Erosion Control Permit. Application for an Erosion Control Permit shall include an Erosion Control Plan which contains methods and interim facilities to be constructed or used concurrently and to be operated during construction to control erosion. The plan shall include either:**

**(a) A site specific plan outlining the protection techniques to control soil erosion and sediment transport from the site to less than one ton per acre per year as calculated using the Soil Conservation Service Universal Soil Loss Equation or other equivalent method approved by the City Engineer, or**

**(b) Techniques and methods contained and prescribed in the Soil Erosion Control Matrix and Methods, outlined in TMC 3-5.190 or the Erosion Control Plans - Technical Guidance Handbook, City of Portland and Unified Sewerage Agency, January, 1991.**

**(2) Site Plan. A site specific plan, pre-pared by an Oregon registered professional engineer, shall be required when the site meets any of the following criteria:**

**(a) greater than five acres;**

**(b) greater than one acre and has slopes greater than 20 percent;**

**(c) contains or is within 100 feet of a City-identified wetland or a waterway identified on FEMA floodplain maps; or**

**(d) greater than one acre and contains highly erodible soils.**

### **FINDING:**

The above sections apply to construction on the site for any improvements. An erosion control permit will be obtained prior to any work commencing on the site.

The application indicates a development area of approximately 0.48 acres. No NPDES Permit is needed.

This criterion is satisfied with conditions of approval PFR-4.

**4. TMC 3-5-200 DOWNSTREAM PROTECTION REQUIREMENT.**

Each new development is responsible for mitigating the impacts of that development upon the public storm water quantity system. The development may satisfy this requirement through the use of any of the following techniques, subject to the limitations and requirements in TMC 3-5-210: Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this title;...

**5. TMC 3-5-210 REVIEW OF DOWNSTREAM SYSTEM.**

For new development other than the construction of a single family house or duplex, plans shall document review by the design engineer of the downstream capacity of any existing storm drainage facilities impacted by the proposed development. That review shall extend downstream to a point where the impacts to the water surface elevation from the development will be insignificant, or to a point where the conveyance system has adequate capacity, as determined by the City Engineer. To determine the point at which the downstream impacts are insignificant or the drainage system has adequate capacity, the design engineer shall submit an analysis using the following guidelines:

(1) evaluate the downstream drainage system for at least ¼ mile;

(2) evaluate the downstream drainage system to a point at which the runoff from the development in a build out condition is less than 10 percent of the total runoff of the basin in its current development status. Developments in the basin that have been approved may be considered in place and their conditions of approval to exist if the work has started on those projects;

(3) evaluate the downstream drainage system throughout the following range of storms: 2, 5, 10, 25 year;

(4) The City Engineer may modify items 1, 2, 3 to require additional information to determine the impacts of the development or to delete the provision of unnecessary information.

**6. TMC 3-5-220 CRITERIA FOR REQUIRING ON-SITE DETENTION TO BE CONSTRUCTED.**

The City shall determine whether the onsite facility shall be constructed. If the onsite facility is constructed, the development shall be eligible for a credit against Storm and Surface Water System Development Charges, as provided in City ordinance. On-site facilities shall be constructed when any of the following conditions exist:

**(1) There is an identified downstream deficiency, as defined in TMC 3-5-210, and detention rather than conveyance system enlargement is determined to be the more effective solution...**

**FINDING:**

On-site LIDA systems will be installed on each parcel and connected into the extension of the stormwater line at the northern end of Lot 1. As shown in the stormwater memo of Exhibit D, there is available capacity of the downstream systems for the 2-lot partition.

This criterion is satisfied with conditions of approval PFR-23.

**IV. TMC 3-5 PERMANENT ON-SITE WATER QUALITY FACILITIES**

**1. TMC 3-5-280 PLACEMENT OF WATER QUALITY FACILITIES.**

Title III specifies that certain properties shall install water quality facilities for the purpose of removing phosphorous. No such water quality facilities shall be constructed within the defined area of existing or created wetlands unless a mitigation action, approved by the City, is constructed to replace the area used for the water quality facility.

**FINDING:**

**2. TMC 3-5-290 PURPOSE OF TITLE.**

The purpose of this title is to require new development and other activities which create impervious surfaces to construct or fund on-site or off-site permanent water quality facilities to reduce the amount of phosphorous entering the storm and surface water system.

**3. TMC 3-5-300 APPLICATION OF TITLE.**

Title III of this Chapter shall apply to all activities which create new or additional impervious surfaces, except as provided in TMC 3-5.310.

**4. TMC 3-5-310 EXCEPTIONS.**

**(1) Those developments with application dates prior to July 1, 1990, are exempt from the requirements of Title III.**

**The application date shall be defined as the date on which a complete application for development approval is accepted by the City in accordance with City regulations.**

**(2) Construction of one and two family (duplex) dwellings are exempt from the requirements of Title III.**

**(3) Sewer lines, water lines, utilities or other land development that will not directly increase the amount of storm water run-off or pollution leaving the site once construction has been completed and the site is either restored to or not altered from its approximate original condition are exempt from the requirements of Title III.**

#### **5. TMC 3-5-320 DEFINITIONS.**

**(1) "Stormwater Quality Control Facility" refers to any structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement. It may also include, but is not limited to, existing features such as constructed wetlands, water quality swales, low impact development approaches ("LIDA"), and ponds which are maintained as stormwater quality control facilities.**

**(2) "Low impact development approaches" or "LIDA: means stormwater facilities constructed utilizing low impact development approaches used to temporarily store, route or filter run-off for the purpose of improving water quality. Examples include; but are not limited to, Porous Pavement, Green Roofs, Infiltration Planters/Rain Gardens, Flow-Through Planters, LIDA Swales, Vegetated Filter Strips, Vegetated Swales, Extended Dry Basins, Constructed Water Quality Wetland, Conveyance and Stormwater Art, and Planting Design and Habitats.**

**(3) "Water Quality Swale" means a vegetated natural depression, wide shallow ditch, or constructed facility used to temporarily store, route or filter run-off for the purpose of improving water quality.**

**(4) "Existing Wetlands" means those areas identified and delineated as set forth in the Federal Manual for Identifying the Delineating Jurisdictional Wetlands, January, 1989, or as amended, by a qualified wetlands specialist.**

**(5) "Created Wetlands" means those wetlands developed in an area previously identified as a non-wetland to replace, or mitigate wetland destruction or displacement.**

**(6) "Constructed Wetlands" means those wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and/or separated from existing or created wetlands. This separation shall preclude a free and open connection to such other wetlands.**

#### **6. TMC 3-5-330 PERMIT REQUIRED.**



Except as provided in TMC 3-5-310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.

**7. TMC 3-5-340 FACILITIES REQUIRED.**

For new development, subject to the exemptions of TMC 3-5-310, no permit for construction, or land development, or plat or site plan shall be approved unless the conditions of the plat, plan or permit approval require permanent stormwater quality control facilities in accordance with this Title III.

**8. TMC 3-5-345 INSPECTION REPORTS.**

The property owner or person in control of the property shall submit inspection reports annually to the City for the purpose of ensuring maintenance activities occur according to the operation and maintenance plan submitted for an approved permit or architectural review.

**9. TMC 3-5-350 PHOSPHOROUS REMOVAL STANDARD.**

The stormwater quality control facilities shall be designed to remove 65 percent of the phosphorous from the runoff from 100 percent of the newly constructed impervious surfaces. Impervious surfaces shall include pavement, buildings, public and private roadways, and all other surfaces with similar runoff characteristics.

**10. TMC 3-5-360 DESIGN STORM.**

The stormwater quality control facilities shall be designed to meet the removal efficiency of TMC 3-5-350 for a mean summertime storm event totaling 0.36 inches of precipitation falling in four hours with an average return period of 96 hours.

**11. TMC 3-5-370 DESIGN REQUIREMENTS.**

The removal efficiency in TDC Chapter 35 specifies only the design requirements and are not intended as a basis for performance evaluation or compliance determination of the stormwater quality control facility installed or constructed pursuant to this Title III.

**12. TMC 3-5-330 PERMIT REQUIRED.**

Except as provided in TMC 3-5-310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.

### **13. TMC -5-340 FACILITIES REQUIRED.**

For new development, subject to the exemptions of TMC 3-5-310, no permit for construction, or land development, or plat or site plan shall be approved unless the conditions of the plat, plan or permit approval require permanent stormwater quality control facilities in accordance with this Title III.

### **14. TMC 3-5-390 FACILITY PERMIT APPROVAL.**

A stormwater quality control facility permit shall be approved only if the following are met:

(1) The plat, site plan, or permit application includes plans and a certification prepared by an Oregon registered, professional engineer that the proposed stormwater quality control facilities have been designed in accordance with criteria expected to achieve removal efficiencies for total phosphorous required by this Title III. Clean Water Services Design and Construction Standards shall be used in preparing the plan for the water quality facility; and

(2) The plat, site plan, or permit application shall be consistent with the areas used to determine the removal required in TMC 3-5-350; and

(3) A financial assurance, or equivalent security acceptable to the City, is provided by the applicant which assures that the stormwater quality control facilities are constructed according to the plans established in the plat, site plan, or permit approval. The financial assurance may be combined with our financial assurance requirements imposed by the City; and

(4) A stormwater facility agreement identifies who will be responsible for assuring the long term compliance with the operation and maintenance plan.

### **15. TMC 3-5-420 RESIDENTIAL DEVELOPMENTS.**

The permanent stormwater quality control facilities for the construction of any single family and duplex subdivision shall be adequately sized for the public improvements of the subdivision and for the future construction of single family and duplex houses on the individual lots at a rate of 2,640 square feet of impervious surface per dwelling unit.

**FINDING:**

A stormwater report for the partition is shown in Exhibit D. Stormwater will be treated onsite through LIDA systems and then conveyed to the extended stormwater line running in the PUE across Lot 1. Requirements of this section for the design, construction, and maintenance of the facilities can be assured with conditions of approval and reviewed during the construction permit process.

This criterion is satisfied with conditions of approval PFR-23.

## **B. CHAPTER 04-02: FIRE HYDRANT LOCATIONS AND RATES OF FLOW**

### **I. TMC 4-2-010 HYDRANTS AND WATER SUPPLY FOR FIRE PROTECTION.**

**(1) Every application for a building permit and accompanying plans shall be submitted to the Building Division for review of water used for fire protection, the approximate location and size of hydrants to be connected, and the provisions for access and egress for firefighting equipment. If upon such review it is determined that the fire protection facilities are not required or that they are adequately provided for in the plans, the Fire and Life Safety Reviewer shall recommend approval to the City Building Official.**

**(2) If adequate provisions for such facilities are not made, the Fire and Life Safety Reviewer shall either recommend against approval of the plans or indicate to the applicant in writing where the plans are deficient or recommend approval of plans subject to conditions.**

#### **FINDING:**

The plans do not show existing public fire hydrants on SW Avery Street approximately 310 to the east and 190 feet to the south on AW 90<sup>th</sup> Avenue.

TVF&R has submitted an attached letter regarding their requirements. The applicant will need to address these requirements in the final plans.

This criterion is satisfied with conditions of approval PFR-5.

**C. TDC SECTION 31.063 NEIGHBORHOOD/ DEVELOPER MEETINGS.**

**(2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners located within the mailing area designated in TDC 31.064(1)(c). Notice of the meeting shall be provided to Recognized Neighborhood Associations within the Notice Area of TDC 31.064(1)(c) and to designated representatives of recognized Citizen Involvement Organizations. 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.**

**(3) The Neighborhood/Developer Meeting shall be held on a weekday evening, or weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the City of Tualatin.**

**(4) The applicant shall at least 14 calendar days and no more than 28 calendar days prior to the meeting mail notice of the meeting pursuant to TDC 31.064(1) stating the date, time and location of the meeting and briefly discussing the nature and location of the proposal:**

**(6) The applicant shall, at least 14 calendar days before the meeting, post a sign pursuant to TDC 31.064(2). If the sign disappears prior to the meeting date, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) days after the meeting date.**

**(7) The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and expressed.**

**(8) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.**

**(9) If an applicant fails to hold a neighborhood meeting, the application shall be deemed incomplete.**

**(10) The application shall include the following materials related to the Neighborhood/Developer meeting:**

- (a) the mailing list for the notice;**
- (b) a copy of the notice;**
- (c) an affidavit of the mailing and posting;**
- (d) the original sign-in sheet of participants;**
- (e) the meeting notes described in TDC 31.063(7).**

**(11) Applications shall be submitted to the City within 180 days of the Neighborhood/Developer meeting. If an application is not submitted in this time frame, the Developer shall be required to hold a new Neighborhood/Developer meeting.**

**FINDING:**

The applicant held a public meeting that met the requirements of TDC Section 31.06 on February 4, 2016 at 6 pm. The Applicant provided 22 days notice prior to the meeting and posted a sign pursuant to TDC 31.064(2). The applicant provided notes from the meeting, the mailing list, a copy of the notice, and affidavit of mailing and posting, and the sign in sheet.

This criterion is satisfied.

**D. TDC CHAPTER 34: SPECIAL REGULATIONS**

**I. TDC SECTION 34.210 APPLICATION FOR ARCHITECTURAL REVIEW, SUBDIVISION OR PARTITION REVIEW, OR TREE REMOVAL PERMIT.**

**(1) Architectural Review, Subdivision, or Partition. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), to develop property, and the development is subject to Architectural Review, Subdivision Review, or Partition Review approval, the property owner shall apply for approval to remove trees as part of the Architectural Review, Subdivision Review, or Partition Review application process.**

**(a) The application for tree removal shall include:**

**(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; existing and proposed property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:**

**(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and**

**(B) Where CWS has approved delineation of a “sensitive area” or “vegetated corridor” on the subject property, and**

**(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then**

**(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required**

**easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.**

**(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist's signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year proceeding the date the development application is deemed complete by the City. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.**

**(iii) All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.**

**(b) The application for tree removal shall be approved or denied based on the criteria in TDC 34.230.**

**(c) The approval or denial of an application to remove trees shall be a part of the Architectural Review, Subdivision Review, or Partition Review decision.**

**FINDING:**

The Applicant states, "The tree removal plan identifies the trees that are needed to be removed for the partition improvements. Exhibit J contains an arborist's report which identifies the existing trees on property in accordance with the standards of TDC 34.210. There are no sensitive land areas within the project limits, per CWS provider letter, that impact tree removal."

Staff notes a tree plan was submitted as Sheet P400, A CWS provider letter was submitted as Exhibit E, and an arborist's report written by Applied Horticultural Consulting, Inc. was submitted as Exhibit J. CWS has not requested special indications on the tree plan. Trees are numbered and illustrated, as required on the tree plan. There are 27 trees noted on site and 22 trees are slated for removal as described in both the tree plan and arborist report.

This requirement has been satisfied.

### **1. TDC SECTION 34.230 CRITERIA.**

**The Community Development Director shall consider the following criteria when approving, approving with conditions, or denying a request to cut trees.**

**(1) An applicant must satisfactorily demonstrate that any of the following criteria are met:**

- (a) The tree is diseased, and**
  - (i) The disease threatens the structural integrity of the tree; or**
  - (ii) The disease permanently and severely diminishes the esthetic value of the tree; or**
  - (iii) 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.**
- (b) The tree represents a hazard which may include but not be limited to:**
  - (i) The tree is in danger of falling;**
  - (ii) Substantial portions of the tree are in danger of falling.**
- (c) 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.**

**(2) If none of the conditions in TDC 34.240(1) are met, the Community Development Director shall evaluate the condition of each tree based on the following criteria. A tree given a rating of one on a factor will not be required to be retained.**

#### **FACTOR VARIATION OF CONDITION FACTOR AWARDED**

**Trunk Condition Sound and solid (5) Sections of bark missing (3) Extensive decay and hollow (1) \_\_\_\_**

**Crown Development Full and balanced (5) Full but unbalanced (3) Unbalanced and lacking a full crown (1) \_\_\_\_**

**Structure Sound (5) One major or several minor limbs dead (3) Two or more limbs dead (1) \_\_\_\_**

**\*For deciduous trees only**

#### **FINDING:**

A tree removal plan is shown with engineering plan set. An arborist report is included as Exhibit J. The trees proposed for removal are necessary due to their location to improvements, such as future utility lines, for partition or their condition.

Staff notes that most of the 22 trees proposed for removal fall within the extents of the driveway and building envelope improvement areas. Two trees are proposed for removal along the property frontage due to poor condition and rot.

This requirement has been satisfied.

## **2. TDC SECTION 34.270 TREE PROTECTION DURING CONSTRUCTION.**

**(1) Any tree required to be retained either through Architectural Review, Subdivision or Partition Review, or permit process that will be impacted by nearby construction activities must be protected in accordance with the TDC 73.250(2).**

### **FINDING:**

Staff notes that trees designated for retention are located on a neighboring property to the east (Mission Terrace Subdivision) as shown on the preliminary grading & tree plan, Sheet P400. These trees may have been impacted by development activities corresponding to the Mission Terrace Subdivision.

This requirement has been satisfied.

## **II. TDC SECTION 34.330 FENCE STANDARDS.**

The following standards are minimum requirements for fences in a RL (Low Density Residential) or a RML (Medium Low Density Residential) Planning District, where an access-restricted lot line or property line abuts a public street classified as a major arterial, minor arterial, major collector, minor collector, or expressway by the Tualatin Functional Classification Plan, or abuts a state-owned interstate highway (I-5 or I-205).

**(1) Subdivision or Partition of Property in a RL or RML Planning District. Where property is the subject of a subdivision or partition application, and has an access-restricted property line(s) or lot line(s) that abuts a major arterial, minor arterial, major collector, minor collector, or expressway right-of-way or an interstate highway property line for a distance greater than 60 feet, a masonry fence shall be installed along the arterial/ collector/expressway/interstate highway frontage, in conformance with design standards set forth in TDC 34.340 and the fence standards set forth below:**

**(a) Required fencing shall be in-stalled along the entire length of the access-restricted property line(s) or lot line(s) abutting the arterial/collector/expressway right-of-way or interstate highway property line, except as provided in TDC 34.330(3), prior to issuance of any building permit on any parcel or lot created by the partition or subdivision.**

**(b) Except as provided in TDC 34.330(3), required fencing shall be located entirely outside of the public right-of-way or state-owned interstate highway property, and as close as physically possible to, approximately parallel with, either the property line or lot line abutting the arterial/collector/expressway right-of-way or interstate highway property line, or in the case of an arterial/ collector/expressway street the ultimate right-of-way line, which-ever is located furthest from the centerline of the street right-of-way....**



**(c) Required fencing shall be installed such that stormwater drainage patterns and flow rates are not altered in a manner detrimental to property or persons.**

**(3) Exceptions to Fence Location or Configuration:**

**(a) For public streets classified as an arterial/collector/expressway, where the City Engineer determines that vehicular access is to be provided from the arterial/collector/expressway to a parcel or lot abutting the arterial/collector/expressway, the fence shall not be required along the arterial/collector/expressway frontage of that particular parcel or lot.**

**(b) For public streets classified as an arterial/collector/expressway, where the City Engineer determines that an opening or passage through the fence must be provided, the fence shall include such required opening. The same shall be provided in fences along state-owned interstate highways when required by the state or Tualatin Valley Fire & Rescue or the City Engineer.**

**(c) All vision clearance requirements set forth in TDC 73.400(16) shall be met.**

**(d) The City Engineer, in the case of public streets classified as an arterial/collector/expressway, or the state in the case of state-owned interstate highways, may require an alternate location or configuration of the fence alignment to accommodate stormwater facilities, easements, or other requirements, such as, but not limited to, bicycle paths, multi-use paths, or for maintenance purposes.**

**(e) For state-owned interstate highways, where an area of vegetation at least 200 linear feet in width runs parallel to the interstate highway and forms a visual, esthetic or acoustic barrier, or land in a Natural Resource Protection Overlay (NRPO) district or other protected area as defined in TDC Chapter 72 runs parallel to the inter-state highway, AND such land is located between the interstate highway property line and the developable area of a property being developed in the RL or RML Planning District, no fence shall be required. Where the area of vegetation is less than 200 linear feet in width, the required fence shall be located entirely outside the vegetated, NRPO or other protected area and as close as physically possible to, approximately parallel with, the edge of said vegetated, NRPO or other protected area on the developable portion of the property being developed.**

**FINDING:**

The Applicant states, "SW Avery Street is classified as a Minor Collector according to the Tualatin TSP. The two lots of the partition will have their access off of SW Avery Street via a shared access driveway. According to section 34.330(3)(a), the fence shall not be required for lots abutting the collector which they take access from thereby making them exempt from the requirement of installing a fence along the frontage of SW Avery Street."

Staff notes the subject partition meets the exemption of TDC 34.330(3)(a).

This criterion is satisfied.

**E. TDC CHAPTER 36: SUBDIVIDING, PARTITIONING AND PROPERTY LINE ADJUSTMENTS**

**I. TDC SECTION 36.070 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS.**

(1) All land divisions shall be created by a subdivision or partition plat and must comply with ORS Chapter 92 and this Chapter.

(2) All property line adjustments shall be executed by deed and must comply with ORS Chapter 92 and this Chapter.

(3) No subsequent land division or property line adjustment shall be approved on the same lot or parcel until the previously approved land division or property line adjustment has been filed and recorded in accordance with the provisions of this Chapter, or the previous approval is withdrawn, modified or otherwise invalidated.

**FINDING:**

The narrative, together with drawings and other exhibits, provides evidence demonstrating that the proposed development complies with all applicable regulations of the City of Tualatin and ORS Chapter 92.

This criterion is satisfied.

**II. TDC SECTION 36.080 APPROVAL OF STREETS AND WAYS.**

(1) The subdivision or partition plat shall 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 shall comply with the requirements of TDC Chapter 74, Public Improvement Requirements.

(b) The applicant shall comply with the design and construction standards set forth in the Public Works Construction Code.

(c) The applicant shall 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 subdivision or partition plat shall 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 subdivision or partition plat by the City shall constitute acceptance of all public rights-of-way, reserve strips, easements, tracts and accessways shown thereon, as well as public facilities located therein.

**FINDING:**

This is an application for preliminary plat approval. The Applicant's evidence illustrates how right-of-way dedication, construction of utilities and a driveway, and all other improvements necessary to satisfy Tualatin Development Code requirements will be completed in conjunction with the final subdivision plat process.

This criterion is satisfied.

### **III. TDC SECTION 36.090 ISSUANCE OF BUILDING PERMITS.**

**(1) Except as provided in subsection (5) of this section no building permit or permits to connect to City utility services shall be issued for lots within a subdivision or partition plat until the City Engineer 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) No building permits shall be issued or utility service approved 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.**

#### **FINDING:**

The Applicant acknowledges, and will comply with, the limitations placed on issuance of building permits prior to completion of the final plat and all public improvements associated with the subdivision.

Note: Prior to future Building Permit submittal for construction of single family residences the applicant shall obtain land use approval from the Planning Division in the form of an Architectural Review for Single Family Residence in compliance with TDC 31-071(7).

This criterion is satisfied with conditions of approval PFR-21, 22, 24, 25, 26, 27, 28, 29, and 30.

### **IV. TDC SECTION 36.120 APPLICATIONS AND FILING FEE.**

**(1) A request for a Subdivision shall be subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.**

**(2) The applicant shall discuss the preliminary plans with the City Engineer in a pre-application conference prior to submitting an application. An applicant for a subdivision shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall prepare and submit a City of Tualatin development application, available from the City Engineer.**

**(3) The application shall contain:**

- (a) the proposed plat name, approved by the County Surveyor;**
- (b) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;**
- (c) the signatures of the property owners and applicants; and**
- (d) the site location by address and current County Tax Assessor's map and tax lot numbers.**
- (e) A description of the manner in which the proposed division complies with each of the expedited criterion for an Expedited Subdivision Application.**
- (f) 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 Chapter 33.**
- (g) A "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.**
- (h) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).**
- (i) 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.**

**(4) The subdivision application shall be submitted to the City Engineer, along with:**

- (a) the subdivision plan;**
- (b) preliminary utility plans for streets, water, sanitary sewer and storm drainage;**
- (c) a black and white 8½" x 11" site plan suitable for reproduction;**
- (d) a completed City fact sheet;**
- (e) a Clean Water Services Service Provider letter; and**
- (f) other supplementary material as may be required, such as:**
  - (i) deed restrictions; or**
  - (ii) for all non-buildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.**

**(5) The following general information shall be shown on the subdivision plan:**

- (a) appropriate identification clearly stating the map is a subdivision plan;**

- (b) proposed plat name, approved by the County Surveyor;**
- (c) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;**
- (d) the date the plan was prepared;**
- (e) north arrow;**
- (f) scale of drawing;**
- (g) location of the subdivision by 1/4 Section, Township and Range;**
- (h) existing streets (public and private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;**
- (i) 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) public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of on-site and off-site storm drainage lines, and the approximate location and size of water lines;**
- (m) flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;**
- (n) 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;**
- (o) approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;**
- (p) approximate area of each lot;**
- (q) proposed lot numbers;**
- (r) 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;**
- (s) all lots and tracts of land intended to be dedicated or reserved for public use;**
- (t) a vicinity map showing a minimum one- mile radius;**
- (u) contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and**
- (v) other information required by the City Engineer.**

**(6) The subdivision application shall be accompanied by a nonrefundable fee as established by City Council resolution. The subdivision application shall not be**

accepted until the fee has been paid to the City. This fee does not apply towards any building permit or other fees that may later be required.

(7) The applicant shall submit, along with the subdivision application:

- (a) A list of mailing recipients pursuant to TDC .31.064(1).
- (b) Proof of sign posting pursuant to TDC 31.064(2).

(8) Unless otherwise specified in the subdivision application, or approval, or in express direction from the City Engineer, any material submitted by the applicant with a subdivision application which exceeds the TDC requirements shall be considered a part of the subdivision plan approval.

(9) The applicant has the burden of demonstrating compliance with the applicable development regulations.

(10) The applicable time period for action on the subdivision application shall not commence until the City Engineer has determined that the application is complete.

(a) If the City Engineer fails to make such determination of completeness within 30 days of the date of its submission, or re-submission, the subdivision application shall be deemed complete upon the expiration of the 30-day period for purposes of commencing the applicable time period, unless:

- (i) the application lacks information required to be submitted; or
- (ii) the required fees have not been submitted; or
- (iii) the City Engineer has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the subdivision application.

(b) The City Engineer may subsequently require correction of any information found to be in error or submission of additional information not specified in this Chapter, as the City Engineer deems necessary to make an informed decision.

(11) The City Engineer shall prepare the standard form of Development Application for subdivision plans, including provisions which will best accomplish the intent of this section.

#### **1. TDC SECTION 36.140 REVIEW PROCESS.**

(1) Review of subdivision applications shall be a limited land use decision process. Before approval may be granted on a subdivision application, the City Engineer shall first establish that the subdivision proposal conforms to the Tualatin Development Code and applicable City ordinances and regulations, ... Failure of the proposal to conform is sufficient reason to deny the application.

(2) After the subdivision application is deemed complete, the City Engineer shall provide written notice of the application to and invite comments from:

**(a) potentially affected governmental agencies such as the school district in which the subdivision is located, the fire district, the Oregon Department of Transportation, Tri-Met, Clean Water Services and Washington or Clackamas County;**

**(b) utility companies;**

**(c) City departments; and**

**(d) recipients pursuant to TDC 31.064(1).**

**(3) The notice sent in TDC 36.140(2) shall:**

**(a) state that written comments shall be submitted within 14 calendar days of the mailing date of the notice in order to be considered as a basis for a request for review;**

**(b) state that issues which may provide the basis for a request for review to the City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient clarity and detail to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;**

**(c) list the applicable criteria by code section for the decision;**

**(d) include the street address or other easily understood geographical reference to the subject property;**

**(e) state the place, date and time that comments are due, and that comments are due no later than 5:00 pm on the fourteenth calendar day after notice was sent;**

**(f) state that copies of all evidence relied upon by the applicant are available for review, and can be obtained at cost;**

**(g) state of the local government contact person and telephone number; and**

**(h) briefly summarize the local decision-making process for the limited land use decision being made.**

**(4) Failure of a person or agency to receive the notice required in TDC 36.140(2) shall not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that notice was given in accordance with this section.**

**(5) Comments must be received by the City Engineer within 14 calendar days of the date the notice was mailed. Signed comments shall be in writing. Comments must raise issues with sufficient detail and clarity to enable the decision-maker to respond to the issue. Requests for review may be made only by parties who submitted written comments and may be adversely affected by the decision within the 14 calendar-day period.**

**(6) Prior to making a decision, the City Engineer may conduct one or more review meetings with the applicant, governmental agencies, utility companies and any other interested parties.**

**(7) The approval of a subdivision application shall not automatically grant other approvals that may be required by the Development Code or City ordinances.**

**However, a decision on a requested minor variance to the dimensional standards of lots or the minimum lot size, shall be included in the subdivision decision.**

**(8) Approval or denial of a subdivision shall be based upon and accompanied by a brief statement that**

- (a) explains the criteria and standards considered relevant to the decision;**
- (b) states the facts relied upon in making the decision; and**
- (c) explains the justification for the decision based on the criteria, standards and facts set forth.**

**(9) Notice of the decision shall be provided to the applicant, property owner, and any person who submitted written comments within the 14 calendar-day comment period. Notice of the decision shall include a description of rights to request a review of the decision.**

**(10) When the City Engineer determines that a complete application for a proposed development raises a substantial question over Code requirements, size, location or complexity and is likely to raise concern from a substantial portion of nearby property owners or residents, the City Engineer may request that the City Council review the subdivision without first reaching a decision. The City Council shall hold a hearing in accordance with TDC 31.077. This applies to all subdivisions except for expedited subdivisions which shall not be the subject of a public hearing. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the subdivision application and requested minor variances.**

**FINDING:**

The Applicant and members of his design team met with City staff (Tony Doran and other city staff member) on January 22, 2016 in a scoping and pre-application meeting. The design team prepared a notice and mailed it to the surrounding property owners, based on a mailing list from the City of Tualatin for the Neighborhood/ Developer Meeting. An email with the notice was also sent to the City of Tualatin for posting on the website along with the members of all the Tualatin Citizen Involvement Organizations. A sign advertising the meeting was posted at the property site. All notices and posting were posted 2 weeks prior to the meeting in accordance with the TDC 31.063. The meeting was held on the evening of Thursday, February 4, 2016, at the Juanita Pohl Center in Tualatin Community Park. The applicant and his design team presented the project to the neighbors and answered a number of questions. Tony Doran also attended and responded to questions from citizens in the course of the meeting. Affidavits and other process documentation, including copies of mailed notices and the on-site notice posting, are provided in Exhibit C.



The submitted application form contains the information and signatures required by subsections (b) through (d). Subsections (d) and (e) are not applicable because this is not a request for Expedited Subdivision, Variance or Minor Variance review. The Service Provider Letter from Clean Water Services, pursuant to subsection (g), is contained in Exhibit E. Neighborhood meeting documentation, pursuant to subsection (h), is contained in Exhibit C. Subsection (i) is not applicable because access does not involve a railroad-highway grade crossing.

Drawings and other evidence necessary to understand and evaluate this application have been included in the submitted materials, including the specific items listed in this Section for which the City Engineer has provided a form or direction to the Applicant.

The preliminary partition plan set includes all of the items required by this Section. (See Exhibit B.)

Exhibit F contains a map provided to the Applicant by City of Tualatin staff to delineate the required notice area, and a copy of the forms for printing the corresponding set of mailing labels.

All materials submitted by the Applicant in connection with this request are intended for the record.

The Applicant has presented substantial evidence to demonstrate compliance with all applicable development regulations.

This subsection provides procedural guidance to City staff and requires no statement from the Applicant.

The Applicant has prepared and submitted this request using the forms provided by the City Engineer for that purpose.

The Applicant is aware of the review process. This application is not for an expedited partition review.

As demonstrated in this narrative and shown with the attached exhibits, adequate public facilities are available for the partition.

This submittal provides plans showing how all applicable development standards will be satisfied by the proposed development, together with evidence demonstrating the feasibility of doing so. The Applicant understands that conditions of approval will be used to clarify specific construction requirements for the benefit of all parties.

Materials submitted included

- the proposed plat name, approved by the County Surveyor
- the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor
- the signatures of the property owners and applicants
- the site location by address and current County Tax Assessor's map and tax lot numbers
- A "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued
- The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10)
- the subdivision plan
- preliminary utility plans for streets, water, sanitary sewer and storm drainage
- electronic black and white site plans suitable for reproduction at any size including 8&1/2" x 11"
- a completed City fact sheet
- Title Report with deed restrictions
- (ii) for all non-buildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance
- A list of mailing recipients pursuant to TDC .31.064(1)
- Proof of sign posting pursuant to TDC 31.064(2)
- Preliminary storm drainage plan
- Tree assessment
- Electronic copies of submittals

Notice of the subdivision was mailed to the neighborhood mailing list and emailed to CIOs and Staff April 15, 2016 with public commentary period ending April 29, 2016. One comment from the public was received during the comment period. The developer responded to the comments May 16, 2016. All comments and responses are attached in the Appendixes. The information needed for a City fact sheet was submitted in the narrative and application.

This criterion is satisfied.

**V. TDC SECTION 36.410 DOUBLE FRONTAGE AND REVERSE FRONTAGE.**

**(1) Double frontage and reversed front-age lots should 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.**

**(2) Residences on double frontage lots shall be oriented towards the lower classification street adjacent to the lot:**

- (a) local street instead of collector or arterial; and**
- (b) collector street instead of arterial.**

**(3) If two local streets are adjacent to a series of adjacent double frontage lots, then residences on all such lots shall be oriented towards the same local street.**

**FINDING:**

This Section is not applicable because the proposed lot layout will not create any double-frontage or reverse-frontage lots.

This criterion is satisfied.

**VI. TDC SECTION 36.420 EXISTING STRUCTURES AND APPURTENANCES.**

**(1) Any existing structures proposed to be demolished shall be removed prior to the City approval of the subdivision or partition plat. Any structures determined to be a historic City landmark shall be reviewed in accordance with TDC Chapter 68.**

**(2) Any existing wells shall 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 shall 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 Applicant will demolish all existing structures, abandon wells, and remove underground tanks in compliance with this Section prior to final plat approval. None of the structures on the site are designated historic City landmarks.

DEQ approves the decommissioning and removal of wells and tanks. The applicant will show the location of existing sanitary sewer septic tank for decommissioning.

This criterion is satisfied.

**VII. TDC SECTION 36.430 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 shall submit a future streets plan. The future streets plan shall 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.**

**FINDING:**

The lots are being partitioned to a size that will not allow them to be further divided. No future street plan is warranted.

This criterion is satisfied.

**VIII. TDC SECTION 36.440 MONUMENTS.**

**Survey markers and monumentation shall be placed as required by State law. Any monuments that are disturbed before all improvements are completed shall be replaced by the applicant to conform to the requirements of State law. [Ord. 590-83 §1, 4/11/83]**

**FINDING:**

The applicant's Surveyor will set monuments, including re-setting monuments disturbed during construction, as required by State law.

This criterion is satisfied.

**IX. TDC SECTION 36.450 SIDE LOT LINES.**

**The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.**

**FINDING:**

The Subject Property is a small, infill development site that is perpendicular to the street. The partition has created 2 lots which have side lot lines that run at right angles to SW Avery towards which the lots open up.

This criterion is satisfied.

**X. TDC SECTION 36.460 SIZE AND SHAPE.**

**(1) The lot size, width, shape and orientation shall be appropriate for the location of the lot and shall comply with the planning district standards for the type of development and use contemplated.**

**FINDING:**

All of the lots are suitable in size, width, shape and orientation for construction of detached single-family residential construction and use. The minimum standards for the RL District are applied to the configuration as stated further in this narrative.

This criterion is satisfied.

**XI. TDC SECTION 36.470 FRONTAGE ON PUBLIC STREETS.**

**All lots created after September 1, 1979 shall abut a public street, except for the following:**

**(1) Secondary condominium lots, which shall conform to TDC 73.400 and TDC 75;**

**(2) Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72 Figure 3-4 of the Parks and Recreation Master Plan 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;**

**(3) Residential lots where frontage along a public street is impractical due to physical site restraints. Access to lots shall occur via a shared driveway within a tract. The tract shall have no adverse impacts to surrounding properties or roads and may only be approved if it meets the following criteria:**

- (a) Does not exceed 250 feet in length,**
- (b) If the tract exceeds 150 feet in length, it has a turnaround facility as approved by the Fire Marshal for fire and life safety,**
- (c) The tract does not serve more than 6 lots,**
- (d) A public street is not needed to provide access to other adjacent properties as required by TDC Chapter 74,**
- (e) A recorded document providing for the ownership, use rights, and allocation for liability for construction and maintenance has been submitted to the City Engineer prior to issuance of a building permit, and**
- (f) Access easements have been provided to all properties needing access to the driveway.**

**(4) Lots in the Manufacturing Park Planning District which have access to the public right-of-way in accordance with TDC 73.400 and TDC Chapter 75 via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way.**

**FINDING:**

All lots in the proposed development will have frontage/access to a public roadway. The rear lot of the partition is designed as a flag lot as shown in the plans in Exhibit B. The flag lot will accommodate a section of the shared access driveway serving both lots. The proposed shared driveway meets all requirements in sections (a)-(f).

This criterion is satisfied with conditions of approval PFR-6.

**F. TDC 40: LOW DENSITY RESIDENTIAL PLANNING DISTRICT (RL)**

**I. TDC SECTION 40.010 PURPOSE.**

**The purpose of this district is to provide low density residential areas in the City that are appropriate for dwellings on individual lots, as well as other miscellaneous land uses compatible with a low density residential environment.**

**FINDING:**

The Applicant is proposing the subdivision of the subject property to provide low density residential lots for single family dwellings.

This criterion is satisfied.

**II. TDC SECTION 40.015 PERMITTED DENSITY.**

**Housing density shall not exceed 6.4 units per net acre, except as set forth below:**

**(1) The maximum density for small-lot subdivisions, and partitions and subdivisions affected by TDC 40.055, shall not exceed 7.5 dwelling units per net acre.**

**(2) The maximum density for retirement housing in accordance with TDC 34.170(2) shall not exceed 10 dwelling units per net acre.**

### **1. TDC SECTION 1.020 DEFINITIONS.**

**Density, Maximum Net.** Maximum net density applies only to partition, subdivision, and architectural review applications reviewed through the Expedited Process set forth in House Bill 3065, Sections 6-11, 1995 Legislature, and is the land area within the lot lines of a tax lot after land has been removed for rights-of-way and tracts. House Bill 3065's reference to 80 percent of maximum net density in Section 7(1)(a)(E) is calculated by taking the gross acreage and subtracting land removed for rights-of-way and tracts and multiplying that net acreage figure by the maximum allowed density and then multiplying that figure by 80 percent.

#### **FINDING:**

The proposed development will have a total of two residential dwellings within its land area of .48 acres. "Housing Density" is defined in TDC Chapter 1 as "The number of dwelling units per acre of land rounded to the nearest whole number." The maximum allowed density for the RL zone is 6.4 units per net acre, thus 6.4 du/acre times .46 acres equals 2.94 dwelling units, which is rounded down to 2. The proposed density does not exceed the maximum.

Staff notes the partition is not affected by a Greenway or Natural Area track and does not propose retirement housing. The cover sheet of the site plan set states the site size is 0.48 acres. There is no proof demonstrating size of land removed for rights-of-way or tracks to determine the net acreage of 0.46 acres. The applicant is conditioned to meet this requirement.

This criterion is satisfied with conditions of approval PFR-7.

### **III. TDC SECTION 40.020 PERMITTED USES.**

**(1) Single-family dwellings, including manufactured homes.**

**(2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than the following:**

**(a) Normal household pets;**

**(b) Chickens as otherwise allowed by the Tualatin Municipal Code.**

**(3) Home occupations as provided in TDC 34.030 to 34.050.**

**(4) Public transit shelters.**

**(5) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.**

**(6) Residential homes.**

**(7) Residential facilities for up to 15 residents, not including staff.**

**(8) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.**

**(9) Sewer and water pump stations and pressure reading stations.**

**(10) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.**

**(11) Accessory dwelling units as provided in TDC 34.300 to 34.310.**

**(12) Transportation facilities and improvements.**

**(13) Public park, public playground, and public recreation building.**

**FINDING:**

The proposed subdivision is designed to create 2 lots specifically for detached single-family dwellings, which are a Permitted Use in the RL Planning District.

This criterion is satisfied.

**IV. TDC 40.050 LOT SIZE FOR PERMITTED USES.**

**Except as otherwise provided, the lot size for a single-family dwelling shall be:**

**(1) The minimum lot area shall be an average of 6,500 square feet.**

**(2) The average lot width shall be at least 30 feet.**

**(3) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.**

**(4) The maximum building coverage shall be 45 percent.**

**(5) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).**

**FINDING:**

The proposed lots range in size from approximately 7,825 square feet (Lot 2) to approximately 12,225 square feet (Lot 1), with an overall average lot area of 10,000 square feet, which exceeds the minimum 6,500 square foot requirement in subsection (1).



The narrowest lot is Lot 2, whose width is 62.50 feet, when measured from the western lot line to the eastern lot line; therefore, all lots exceed the 50-foot minimum average lot width in subsection (2). Lot 1 is a flag lot with a width of 20 feet at the street which will allow a 10 foot access way to be built to serve Lot 1. In order to reduce the multiple access points on the SW Avery, the partition will utilize a shared access drive. The shared access drive is built at 16 feet area as required in TDC 73.400. The driveway will extend over the lot lines in a shared access easement as shown on site plan in Exhibit B.

Maximum building coverage compliance needs to be determined in conjunction with issuance of building permits for dwellings, which can only occur after the final plat is recorded. The homes will meet the lot coverage standard of subsection (4). No more than 45% of any lot will be covered with buildings. This will be verified at time of building permit submission.

Staff notes that subsection (1) is met, and that Lot 2 is 66.5' in width, not 62.5', on its northern boundary per the preliminary plat plan, sheet P300, which still meets the requirement of subsection (2) and (3). Subsection (4) will be reviewed for compliance when a future Architectural Review –Single Family is submitted for single family homes on Lots 1 and 2. Staff also notes that the flag lot width of Lot 1 at the street is 15', not 20'. The applicant is conditioned to meet the requirement of Subsection (5).

This criterion is satisfied with conditions of approval PFR-16 and -24.

#### **V. TDC SECTION 40.070 SETBACK REQUIREMENTS FOR PERMITTED USES.**

**Except as otherwise provided, the setbacks for permitted uses shall be:**

- (1) The front yard setback shall be a minimum of 15 feet, except to an unenclosed porch, which shall be 12 feet.**
- (2) The setback to a garage door shall be a minimum of 20 feet.**
- (3) The side yard setback shall be a minimum of five feet.**
- (4) For a corner lot, the following provisions shall apply:**
  - (a) one front yard setback shall be a minimum of 15 feet; it shall be determined by the orientation of the structure based on the location of the front door.**
  - (b) the second front yard setback shall be a minimum of 10 feet.**
- (5) The rear yard setback shall be a minimum of 15 feet.**

**FINDING:**

As noted above, the overall size and dimensions of all of the proposed lots exceed minimum requirements. This ensures that the new lots have sufficient area for construction of a new single-family dwelling that is compatible with neighboring homes while complying with the building setback requirements of this Section. The plans show general possible footprints of structures with setbacks of 15 feet to the front and rear and 5 for the sides. All setback standards will be met at the time of building permit submittal.

Staff notes a building envelope plan was submitted as sheet P500. The plan demonstrates correct front yard, side yard, and rear yard setbacks. Staff notes setback requirements will be reviewed for compliance when a Single Family Architectural Review application is submitted for future dwelling units on Lots 1 and 2.

This criterion is satisfied with conditions of approval PFR-25 and -26.

**VI. TDC SECTION 40.090 PROJECTIONS INTO REQUIRED YARDS.**

**Cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front or rear yard setback area not more than three feet and into a required side yard not more than two feet, or into the required open space as established by coverage standards in this chapter.**

**FINDING:**

Future construction of dwellings on the proposed lots will be required to comply with the provisions of this Section. Future structure projections into yards will be maximum of front or rear yard setback area not more than three feet and into a required side yard not more than two feet.

Staff notes projections into required yards will be reviewed for compliance when a Single Family Architectural Review application is submitted for future dwelling units on Lots 1 and 2.

This criterion is satisfied with conditions of approval PFR-27.

**VII. TDC SECTION 40.100 STRUCTURE HEIGHT.**

**Except as otherwise provided, the maximum structure height is 35 feet.**

**FINDING:**

Future construction of dwellings on the proposed lots will be required to comply with the provisions of this Section. Future structure heights will be a maximum of 35 feet.

Staff notes structure height will be reviewed for compliance when a Single Family Architectural Review application is submitted for future dwelling units on Lots 1 and 2.

This criterion is satisfied with conditions of approval PFR-28.

## **G. TDC CHAPTER 73: COMMUNITY DESIGN STANDARDS**

### **I. TDC SECTION 73.250 TREE PRESERVATION.**

- (1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.**
- (2) During the construction process:**
  - (a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.**
  - (b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.**
  - (c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in TDC 31.060.**
  - (d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.**
  - (e) 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 shall only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met.**
  - (f) Tree root ends shall not remain exposed.**
- (3) Landscaping under preserved trees shall be compatible with the retention and health of said tree.**
- (4) When it is necessary for a preserved tree to be removed in accordance with TDC 34.210 the landscaped area surrounding the tree or trees shall 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, nearby landscape materials. Native trees are encouraged**
- (5) Pruning for retained deciduous shade trees shall be in accordance with National Arborist Association "Pruning Standards For Shade Trees," revised 1979.**
- (6) Except for impervious surface areas, one hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape plan (as approved through the Architectural Review process) shall apply directly to the percentage of landscaping required for a development.**

#### **FINDING:**

The Engineering Plans in Exhibit B show the trees to be removed for site improvements. The existing street trees are in a poor condition. They have deteriorated the condition of

the existing sidewalk. They will be removed and replaced with the sidewalk improvements. Trees necessary for the development of the site are shown removed in the plan. All trees removed will be replaced with trees similar to the ones removed. The trees will be shown on the final construction plans.

Staff notes a tree plan (Sheet P400) and Arborist report (Exhibit J) were submitted that identify the locations of all trees on site. Trees proposed for removal are necessary to construct the proposed improvements associated with the partition and have also been identified. Trees identified for retention are located on a neighboring property to the east (Mission Terrace Subdivision). As no trees are proposed for retention on the subject site, this requirement has been met.

This criterion is satisfied.

## **II. TDC SECTION 73.270 GRADING.**

**(1) 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.**

**(2) All planting areas shall be graded to provide positive drainage.**

**(3) Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.**

**(4) Impervious surface drainage shall 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.**

### **FINDING:**

Minimal grading is proposed for the site improvements. Site preparation for the construction of the new homes will be addressed during the building permit process. Any grading conducted during the construction of the partition improvements will meet these requirements.

This criterion is satisfied with conditions of approval PFR-4.

## **III. TDC SECTION 73.280 IRRIGATION SYSTEM REQUIRED.**

**Except for townhouse lots, landscaped areas shall be irrigated with an automatic underground or drip irrigation system.**

**FINDING:**

The plans indicate a water meter and splitting the water service in the planter strip for each lot, but don't clearly indicate that the landscaped areas will be irrigated. Irrigation is needed per TDC.

This criterion is met with conditions of approval PFR-31.

**TDC Section 73.370 Off-Street Parking and Loading.**

**(2) Off-Street Parking Provisions.**

**(a) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City,**

USE	MINIMUM MOTOR VEHICLE PARKING REQUIREMENT	MAXIMUM MOTOR VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
<u>Residential Uses:</u>				
(i) Detached single-family dwelling, residential home, residential facilities (located in low density (RL) planning districts) Townhouse	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

**FINDING:**

The 2 lots have sufficient area and width to allow home construction with two-car garages and two off-street parking spaces. Compliance can be assured at the time of residential building permit issuance. Future permits for building construction will show 2 onsite parking spaces per lot.

This criterion is met with conditions of approval PFR-29.

#### **IV. TDC SECTION 73.400 ACCESS.**

**(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress 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 shall be placed on permanent file with the City Recorder.**

**(3) Joint and Cross Access.**

**(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 10 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;**

**(iv) a 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;**

**(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 Engineer.**

**(6) Except as provided in TDC 53.100, all ingress and egress shall connect directly with public streets.**

#### **FINDINGS:**

Both lots will utilize a shared access driveway, which is built upon both parcels as shown on the site plan. The two lots created by the partition will have a joint access driveway accessing SW Avery near the current alignment of the existing driveway.

This criterion is satisfied with conditions of approval PFR-6.

**(8) To afford safe pedestrian access and egress for properties within the City, a sidewalk shall 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 shall 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 shall be constructed to a design and in a manner approved by the City Engineer. Sidewalks approved by the City Engineer may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grades and alignment established by the City Engineer.

**FINDINGS:**

The existing street trees have damaged the existing sidewalk. The streets trees and side walk will be replaced during the construction of the necessary improvements. All proposed sidewalks will be constructed to City Standards. All shown sidewalks are of widths that meet standards, within right-of-way, and connect to any existing adjacent sidewalks.

This criterion is satisfied with conditions of approval PFR-9 and -11.

**(9) The standards set forth in this Code are minimum standards for access and egress, 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.**

**(10) Minimum access requirements for residential uses:**

**(a) Ingress and egress for single-family residential uses, including townhouses, shall be paved to a minimum width of 10 feet. Maximum driveway widths shall not exceed 26 feet for one and two car garages, and 37 feet for three or more car garages. For the purposes of this section, driveway widths shall be measured at the property line....**

Dwelling Units	Minimum Number Required	Minimum Width	Walkways, Etc.
2	1	16 feet	No walkways or curbs required

**FINDINGS:**

The lots are wide enough to accommodate homes with two-car garages and driveways meeting these dimensional requirements. The 2 lots will be served by a shared access driveway on the western end of the site which will be built at 16 feet to accommodate 2 dwelling units. The shared access driveway will taper down to 12 feet on Lot 1 to provide access to the sanitary and stormwater easement at the north end of the lot. The driveway will be built in a shared access easement on the flag pole of Lot 1 and within the easement of Lot 2. Future building permits for each lot will show driveways widths a minimum of 10 feet wide and with a maximum for 26 feet for one or two car garages and 37 for three or more.

This criterion is satisfied with conditions of approval PFR-6 and -30.

**(14) Maximum Driveway Widths and Other Requirements.**

**(a) Unless otherwise provided in this chapter, maximum driveway widths shall not exceed 40 feet.**

**(b) Except for townhouse lots, no driveways shall be constructed within 5 feet of an adjacent property line, except when two adjacent property owners elect to provide joint access to their respective properties, as provided by Subsection (2).**

**(c) There shall be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Engineer.**

**FINDINGS:**

The driveway is located five feet off the western boundary line of the site. The driveway will be built upon the western property line of Lots 1 and 2 within a shared access easement.

This criterion is satisfied

**(15) Distance between Driveways and Intersections.**

**Except for single-family dwellings, the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection.**

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

**(b) At the intersection of two local streets, driveways shall 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 shall be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line as required by TDC 73.400(14)(b).**



**(d) When considering a public facilities plan that has been submitted as part of an Architectural Review plan in accordance with TDC 31.071(6), the City Engineer 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. The written approval shall be incorporated into the decision of the City Engineer for the utility facilities portion of the Architectural Review plan under the process set forth in TDC 31.071 through 31.077.**

**FINDINGS:**

The shared access driveway serving the 2 lots is for single family homes. This partition is exempt from the minimum distance requirements. The two lots are utilizing a shared access driveway to eliminate having two driveways accessing SW Avery Street.

This criterion is satisfied.

**(16) 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 shall 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 10 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 shall 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 shall be 10 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 shall be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).**

**FINDINGS:**

The driveway will have a 10 foot vision clearance as required by the code.

This criterion is satisfied.

**(17) Major driveways, as defined in 31.060, in new residential and mixed-use areas are required to connect with existing or planned streets except where prevented by topography, rail lines, freeways, pre-existing development or leases, easements or covenants, or other barriers.**

**FINDINGS:**

No Major Driveways are proposed with this Partition.

This criterion is satisfied.

## **H. TDC CHAPTER 74: PUBLIC IMPROVEMENT REQUIREMENTS**

### **I. TDC SECTION 74.120 PUBLIC IMPROVEMENTS.**

**(1) Except as specially provided, all public improvements shall be installed at the expense of the applicant. All public improvements installed by the applicant shall be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. No work shall be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and a Public Works Permit issued and the required fees paid.**

#### **FINDINGS:**

Conceptual project drawings in Exhibit B (and full-size drawings submitted with this request) show proposed public water, sanitary sewer and storm drainage connections meeting City requirements to serve the proposed development. The driveway and sidewalk will be built as part of the partition improvements. Conditions of approval can be used to ensure that detailed construction plans are submitted and approved prior to commencement of public works construction.

This criterion is satisfied with conditions of approval PFR-19 and -21.

### **II. TDC SECTION 74.140 CONSTRUCTION TIMING.**

**(1) All the public improvements required under this chapter shall 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 shall 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.**

#### **FINDINGS:**

This Section provides procedural guidance and requires no statement from the Applicant.

This criterion is satisfied with conditions of approval PFR-22.

### **III. TDC SECTION 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 shall be shown on the final subdivision or partition plat prior to approval of the plat by the City. This right-of-way dedication shall be for the full width of the property abutting the roadway and, if required by the City Engineer, additional dedications shall 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 shall be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form shall be obtained from the City Engineer and upon completion returned to the City Engineer for acceptance by the City. On subdivision and partition plats the right-of-way dedication shall be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication shall 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 shall determine when condemnation proceedings are to be used.

(4) If the City Engineer 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 Engineer 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 Engineer's recommendation shall 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 shall be dedicated from both sides or from one side only as determined by the City Engineer 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 TDC Chapter 11, Transportation Plan (Figure 11-3) 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 shall be dedicated by the applicant. The dedication of right-of-way required in this subsection shall be along the route of the road as determined by the City.**

**FINDINGS:**

The 2013 Tualatin Transportation System Plan designates SW Avery Street as a "Minor Collector." (See excerpts from TSP in Exhibit H.) According to TSP Figure 2 and Table 3, the preferred width for a Collector Street is a 62-foot wide right-of-way with curb-to-curb pavement width of 40 feet for two 11-foot travel lanes, two 5-foot bike lanes, one 8-foot parking strip and with a 6-foot planter strip and 5-foot sidewalk on each side. Current improvements along the project frontage, and several hundred feet in each direction, have a curb to curb width of 36 feet and a sidewalk with planting strip or curb tight 5-foot-wide sidewalk. The applicant proposed to remove and replace the existing street trees and sidewalk which are in a deteriorated condition. The existing right of way from centerline is 30 feet. Current collector street standards indicate a 31' right of way. An additional 1 foot can be dedicated if required without any impact to existing improvements.

This criterion is satisfied with conditions of approval PFR-8.

**IV. TDC SECTION 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 shall be granted to the City.**

**(2) For subdivision and partition applications, the on-site public utility easement dedication area shall 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 shall 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 shall determine when condemnation proceedings are to be used.**

**(5) The width of the public utility easement shall meet the requirements of the Public Works Construction Code. All subdivisions and partitions shall 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.**

**FINDINGS:**

The Applicant has submitted plans showing the location of public utilities. Connections to existing sanitary sewer and storm drain lines are noted as lying at the north easterly line of the property. The plans also illustrate a six-foot Public Utility Easement (PUE) for natural gas, telephone, electric, cable television and other public utilities, located adjacent to the SW Avery Street, and a five-foot PUE along the side and rear lot lines, to provide services to all of the proposed lots.

A 20-foot wide public easements is needed for the combined public sanitary sewer and stormwater lines over private property and a 15-foot wide access easement is needed to drive maintenance vehicles to the manholes located at the northwest corner of the development.

This criterion is satisfied with conditions of approval PFR-20.

**V. TDC SECTION 74.350 TRACTS.**

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

**FINDINGS:**

A 17-foot access easement is provided on Lot 1 with a 12-foot driveway to accommodate the needed maintenance trucks.

The driving surface for maintenance vehicles will extend appropriately to be 5-feet beyond the public sanitary sewer and stormwater manholes at the northwest corner of the project. These surfaces will be constructed according to the Public Works Construction Code.

This criterion is satisfied with conditions of approval PFR-10 and -20.

## **VI. TDC SECTION 74.410 FUTURE STREET EXTENSIONS.**

**(1) Streets shall be extended to the proposed development site boundary where necessary to:**

- (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 cul-de-sacs except where topography, barriers such as railroads or freeways, existing development, or environmental constraints such as major streams and rivers prevent street extension.**
- (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 shall comply with the general location, orientation and spacing identified in the Functional Classification Plan (Figure 11-1), Local Streets Plan (TDC 11.630 and Figure 11-3) 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 shall 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 cul-de-sacs and other closed-end street systems to situations where barriers prevent full street extensions; and**
- (iv) allowing cul-de-sacs 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.**

**(3) During the development application process, the location, width, and grade of streets shall 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 shall 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 Engineer 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 Engineer 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.**

**FINDINGS:**

No streets are proposed with this development. Both Lots will have direct access to the SW Avery Street.

This criterion is satisfied.

**VII. TDC SECTION 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 shall 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 shall 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 Engineer 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 shall 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 shall be required in the same manner as the half-street improvement requirements.**

**(6) All required street improvements shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 Engineer 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 shall sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement shall 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 in TDC 73.055(2)(e) and TDC 36.160(8), 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.**

**FINDINGS:**

The Applicant's submitted plans show improvements that consist of the reconstruction of the curb cut for the realignment of the existing driveway. The existing conditions of the SW Avery along the site frontage consist of a 5-foot sidewalk, 5-foot planting strip with poor condition street trees and 36 feet of roadway. The applicant proposes to remove and replace the sidewalk, street trees, and driveway cut. There are no improvements proposed for the street pavement or curb.

This criterion is satisfied with conditions of approval PFR-9.

**VIII. TDC SECTION 74.425 STREET DESIGN STANDARDS.**

**(1) Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.**

**(2) The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets**

**(3) In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 74-2A through 74-2G to allow for modifications to the standards when deemed appropriate by the City Engineer to address fish and wildlife habitat.**

**(4) All streets shall be designed and constructed according to the preferred standard. The City Engineer 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 Engineer shall 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**
- (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)**
- (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. When the minimum design standard is allowed, the City Engineer may determine that no parking signs are required on one or both sides of the street.**

**IX. TDC SECTION 74.430 STREETS, MODIFICATIONS OF REQUIREMENTS IN CASES OF UNUSUAL CONDITIONS.**

**(1) When, in the opinion of the City Engineer, 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 Engineer 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 Engineer 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 Engineer determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Engineer shall prepare written findings of modification. The City Engineer shall 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 31.072. The decision of the City Engineer may be appealed to the City Council in accordance with TDC 31.076 and 31.077.**

**(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 10 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-stripped separation 2 to 4 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.**

**FINDINGS:**

Street improvements are not proposed for construction as part of this partition other than the relocation of the driveway curb cut and replacement of the existing sidewalk and street trees. No modifications or variances are requested for the new development improvements. For SW Avery Street, minor modification of the applicable Collector Street Design Section is appropriate because the existing curb/sidewalk configuration matches both to the north and to the south of the Subject Property, but it differs from the current standards. SW Avery does not have a bike lane. According to the Bicycle and Pedestrian Plan of the City of Tualatin, this section of SW Avery is labeled as a Shared Roadway which does not require a bike lane. Currently, there are 2 travel lanes with parking strips on the section of SW Avery which front the site.

This criterion is satisfied.

**X. TDC SECTION 74.440 STREETS, TRAFFIC STUDY REQUIRED.**

**(1) The City Engineer 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 Engineer 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 shall be completed prior to the approval of the development application.**

**(3) The traffic study shall 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 Engineer will determine which facilities are impacted and need to be included in the study.**

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

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

#### **FINDINGS:**

The limited size of the partition represents a net addition of 1 residence along the segment of SW Avery Street between SW Boones Ferry Road and SW 86th Avenue. The additional volume of vehicle trips attributable to this development is small and is not expected to significantly affect intersections in the vicinity. No traffic impact study was required.

This criterion is satisfied.

#### **XI. TDC SECTION 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 shall be provided as follows:**

**(a) Bike and pedestrian paths shall be constructed and surfaced in accordance with the Public Works Construction Code.**

**(b) The applicant shall install the striping and signing of the bike lanes and shared roadway facilities, where designated.**

**FINDINGS:**

No bikeway or pedestrian path is required because the Subject Property is not adjacent to any proposed bikeway, pedestrian path, or multi-use path, as identified in Figure 7, Bicycle and Pedestrian Element of the 2013 Tualatin TSP. This section of SW Avery is a shared bike route which does not require a separate bike lane.

This criterion is satisfied.

**XII. TDC SECTION 74.470 STREET LIGHTS.**

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

**(2) The applicant shall submit a street lighting plan for all interior and exterior streets on the proposed development**

**FINDINGS:**

The Applicant recognizes that street lighting is an essential component of the streetscape and will comply with the applicable Public Works standards.

This criterion is satisfied.

**XIII. TDC SECTION 74.475 STREET NAMES.**

**(1) No street name shall 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 shall conform to the established pattern in the surrounding area.**

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

**FINDINGS:**

There are no new streets with this project for naming.

This criterion is satisfied.

**XIV. TDC SECTION 74.480 STREET SIGNS.**

**(1) Street name signs shall 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 shall 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 shall be determined by the City.**

**FINDINGS:**

No new street signs will be needed for this partition.

This criterion is satisfied.

**XV. TDC SECTION 74.485 STREET TREES.**

**(1) Prior to approval of a residential subdivision or partition final plat, the applicant shall 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 shall be determined by the City. This sum shall be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.**

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

**FINDINGS:**

The existing street trees are in a poor condition as shown on the tree table and arborist report in Exhibit J. The sidewalk and street trees will be removed and replaced.

The Applicant will provide appropriate funds for street trees in accordance with this Section.

Root barriers are required to be installed for trees that are within 10 feet of a public line or adjacent to a public sidewalk. Root barriers shall be 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public easement or sidewalk.

This criterion is satisfied with conditions of approval PFR-11 and 12.

**XVI. TDC SECTION 74.610 WATER SERVICE.**

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

**(2) If there are undeveloped properties adjacent to the subject site, public water lines shall be extended by the applicant to the common boundary line of these properties. The lines shall 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 shall 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 shall 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.**

**FINDINGS:**

Water service will be provided by connecting to the existing water line located in SW Avery Street. The utility plan in Exhibit B shows the locations of the water lines. All parcels around the site are developed with single family residential.

This criterion is satisfied with conditions of approval PFR-2.

**XVII. TDC SECTION 74.620 SANITARY SEWER SERVICE.**

**(1) Sanitary sewer lines shall be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations shall be submitted to the City Engineer 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 shall extend public sanitary sewer lines to the common boundary line with these properties. The lines shall 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.**

**FINDINGS:**

An extension of the public sanitary sewer line from the Mission Terrace Subdivision will be constructed from the NE corner of the site across Lot 1 to the NW section of the site. The line will be placed in a 20-foot PUE along with the storm water line. Lot 1 will access the line via a lateral. Lot 2 will access the main line via a lateral running in the PUE on Lot 1.

The extension of the public sanitary sewer lines from the Mission Terrace subdivision across the north end of Lot 1 will provide public utilities for future development to the western and north surrounding properties.

This criterion is satisfied with conditions of approval PFR-32.

**XVIII. TDC SECTION 74.630 STORM DRAINAGE SYSTEM.**

**(1) Storm drainage lines shall be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations shall be submitted to the City Engineer for review and approval prior to construction.**

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

**(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 shall extend storm drainage lines to the common boundary line with these properties. The lines shall 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 Tualatin Drainage Plan in TDC Chapter 14.**

**FINDINGS:**

The Applicant has submitted a Utility Plan drawing (See Sheet P600 in Exhibit B) showing how storm drainage lines will be installed to serve the proposed lots. Detailed plans will be submitted for review and approval prior to construction. The applicant will construct LIDA facilities for the 2 lots for treatment. The systems will be connected to the new stormwater main extension at the north end of Lot 1 as shown on the utilities plan.

The extension of the public stormwater lines from the Mission Terrace subdivision across the north end of Lot 1 will provide public utilities for future development to the western and north surrounding properties.

This criterion is satisfied with conditions of approval PFR-32.

**XIX. TDC SECTION 74.640 GRADING.**

**(1) Development sites shall 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 shall 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 Engineer may require the applicant to remove all excess material from the development site.**



**FINDINGS:**

A grading plan is shown with the plan set in Exhibit B. The applicant will submit plans and calculations that show all crawl spaces will be served by gravity stormwater service.

This criterion is satisfied with conditions of approval PFR-4, -15, and -33.

**XX. TDC SECTION 74.650 WATER QUALITY, STORM WATER  
DETENTION AND EROSION CONTROL.**

**The applicant shall comply with the water quality, storm water detention and erosion control requirements in the Surface Water Management Ordinance. If required:**

**(1) On subdivision and partition development applications, prior to approval of the final plat, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be satisfied and obtain a Stormwater Connection Permit from Clean Water Services; or**

**(3) For on-site private and regional non-residential public facilities, the applicant shall submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant shall submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site shall occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.**

**FINDINGS:**

The Applicant will construct LIDA facilities for each parcel. The systems will tie into the stormwater main that will be extended in the PUE along the northern end of Lot 1. A stormwater report is shown in Exhibit D.

The applicant has submitted a Service Provider Letter from Clean Water Services indicating that Sensitive Areas do not exist on-site. A CWS Memorandum was received dated April 29, 2016 for development on this site. The applicant will need to submit plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions, for review and approval.

This criterion is satisfied with conditions of approval PFR-13.

**XXI. TDC SECTION 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 shall 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 shall 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 shall, at their own expense, provide an underground system. The applicant shall be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements shall be submitted to the City Engineer for acceptance by the City prior to issuance of the Public Works Permit.**

**FINDINGS:**

The Applicant understands and will comply with the underground requirements of the Development Code and the Public Works Code in constructing improvements for the proposed partition.

The lines shown are not shown to be undergrounded and no narrative identified the operation at 50,000 volts or above. The applicant will identify the operation voltage to be sufficient to remain aboveground or record a Street Improvement Agreement for undergrounding.

This criterion is satisfied with conditions of approval PFR-14.

**XXII. TDC SECTION 74.670 EXISTING STRUCTURES.**

**(1) Any existing structures requested to be retained by the applicant on a proposed development site shall be connected to all available City utilities at the expense of the applicant.**

**(2) The applicant shall convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.**

**(3) The applicant shall be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.**

**FINDINGS:**

The existing structure on lot 2 has been demolished.

This criterion is satisfied.

**XXIII. TDC SECTION 74.700 REMOVAL, DESTRUCTION OR INJURY OF TREES.**

**It is unlawful for a person, without a written permit from the Operations Director, to remove, destroy, break or injure a tree, plant or shrub, that is planted or growing in or upon a public right-of-way within the City , or cause, authorize, or procure a person to do so, authorize or procure a person to injure, misuse or remove a device set for the protection of any tree, in or upon a public right-of-way.**

**FINDINGS:**

As shown on the plan set in Exhibit B and the arborist report in Exhibit J, the existing trees on the site will be removed and replaced with like trees for the improvements of the partition and construction of single family homes.

This criterion is satisfied.

**XXIV. TDC SECTION 74.740 PROHIBITED TREES.**

**It is unlawful for a person to plant a tree within the right-of-way of the City of Tualatin that is not in conformance with Schedule A. Any tree planted subsequent to adoption of this Chapter not in compliance with Schedule A shall be removed at the expense of the property owner.**

**XXV. TDC SECTION 74.765 STREET TREE SPECIES AND PLANTING LOCATIONS.**

**All trees, plants or shrubs planted in the right-of-way of the City shall conform in species and location and in accordance with the street tree plan in Schedule A. If the Operations Director determines that none of the species in Schedule A is appropriate or finds appropriate a species not listed, the Director may substitute an unlisted species.**

**FINDINGS:**

This Section provides guidance to City staff for selecting and planting street trees, and requires no statement by the Applicant.

Root barriers are required to be installed for trees that are within 10 feet of a public line or adjacent to a public sidewalk. Root barriers shall be 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public easement or sidewalk.

This criterion is satisfied with conditions of approval PFR-11 and -12.

## **I. TDC CHAPTER 75: ACCESS MANAGEMENT**

### **I. TDC SECTION 75.010 PURPOSE.**

The purpose of this chapter is to promote the development of safe, convenient and economic transportation systems and to preserve the safety and capacity of the street system by limiting conflicts resulting from uncontrolled driveway access, street intersections, and turning movements while providing for appropriate access for all properties.

### **II. TDC SECTION 75.130 JOINT ACCESSES REQUIRED.**

When the City Engineer determines that joint accesses are required by properties undergoing development or redevelopment, an overall access plan shall be prescribed by the City Engineer and all properties shall adhere to this. Interim accesses may be allowed in accordance with TDC 75.090 of this chapter to provide for the eventual implementation of the overall access plan.

### **III. TDC SECTION 75.140 COLLECTOR STREETS.**

- (a) Major Collectors.** Direct access from newly constructed single family homes, duplexes or triplexes shall not be 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.
- (b) 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.
- (c) If access is not able to be relocated to the nearest local street, the City Engineer may allow interim access in accordance with 75.090 of this chapter to provide for the eventual implementation of the overall access plan.**

**FINDINGS:**

As shown on the plan set in Exhibit B, a shared access driveway will provide access for both lots onto SW Avery St. Avery is Minor Collector according to the City of Tualatin TSP. The frontage of the site along SW Avery is greater than 70 feet. Access onto SW Avery St is the only available option for this partition due to the surrounding development. The alignment of the shared access driveway for the site is on the western section of the site running to the rear of the site keeping the alignment of the original driveway. This also allows for a greater separation from the street intersection of SW Comanche Terrace and SW Avery St. The alignment is also reasonably opposing SW 90<sup>th</sup> Avenue, rather than offset.

This criterion is met.

**VI. ATTACHMENTS**

**The record includes all submitted materials that may be requested for viewing at the Planning Counter. The following which can be downloaded from the City of Tualatin's webpage:**

Notice  
Application Submittals  
Clean Water Services Service Provider Letter  
Agency Requirements (also attached)  
Citizen Comments With Developers Response (also attached)

CITY OF TUALATIN  
RECEIVED

APR 29 2016

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

April 26, 2016

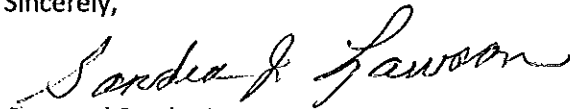
City Engineer  
Attn: Tony Doran  
City of Tualatin  
18880 S W Martinazz Ave  
Tualatin, Oregon 97062

RE: PAR16-0001, Burchill  
& development next to it

We are at 20386 S W Boones Ferry Rd, Tualatin, OR. We expressed concern about water backing up on our property when the 11 house development was started, We were assured the issued would be addressed, What was the end results for that development? I know what we have been told. I would like to see it in black and white.

The ground level height has been raised several feet on Development at Par16-0001, Burchill. Is that the height the gound level will remain at? What are the plans to prevent flooding on our property?

Sincerely,



Gary and Sandra Lawson  
503-692-4793  
20386 S W Boones Ferry Rd  
Tualatin, OR 97062

May 16, 2016

Sandra and Gary Lawson  
20386 SW Boones Ferry Road  
Tualatin, OR 97062

delivered via US Mail

**RE: Public Comment Submitted Regarding Water  
PAR 16-001 Burchill Partition**

Dear Mr. & Mrs. Lawson,

My name is Ken Sandblast. I am the Director of Planning at Westlake Consultants, Inc. and we are working with Kurt Dalbey of Mission Homes NW on his application to partition the property at 8965 SW Avery Street into a total of two parcels in place of the existing residential house. The City of Tualatin application file is #PAR16-0001.

We have received a copy of the public comment letter you both submitted dated April 26, 2016 and I am sending you this letter to respond to you on the concern you have raised regarding water flooding on your property.

Your property at 20386 SW Boones Ferry is adjacent to the north boundary of 8965 SW Avery. Attached is a copy of a portion of the utilities plan submitted for the two parcel partition application #PAR16-001. I have highlighted your property in blue color.

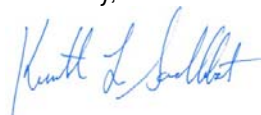
As this plan demonstrates, there is a public stormwater line being proposed as part of application #PAR16-001 on the 8965 SW Avery property across the entire north boundary adjacent to your property. As shown on the attached plan, this line will be connected to the existing public stormwater pipe that runs through properties adjacent to your east property line.

In addition to these public stormwater pipes, both the future houses that will be constructed on the 8965 SW Avery property will be required by the City of Tualatin to have foundation drainage systems that collect water on each lot and these systems are required to be connected to the public stormwater pipes.

Given the proposed stormwater pipes that will be built as part of PAR16-001 and the required future foundation drains, it is our expectation that the majority of any existing surface water flowing across the property at 8965 SW Avery will be collected and directed into the public stormwater system which will reduce the amount of water that may be flowing onto your property.

Thank you for your public comments on this application. Feel free to contact me further if needed on this water issue.

Sincerely,



Kenneth L. Sandblast, AICP

cc: Mr. Kurt Dalbey, Mission Homes NW  
Mr. Tony Doran, City of Tualatin Engineering

SW BOONES  
FERRY ROAD

Lawson

251E26AA  
TAXLOT 601

20' PUBLIC STORM &  
SANITARY SEWER EASEMENT

EXISTING 8" SANITARY  
EXISTING 12" STORM

EXISTING 20' PUBLIC STORM &  
SANITARY SEWER EASEMENT

RECIPROCAL ACCESS  
EASEMENT & PRIVATE  
SEWER EASEMENT

251E26AA  
TAXLOT 700

PUE

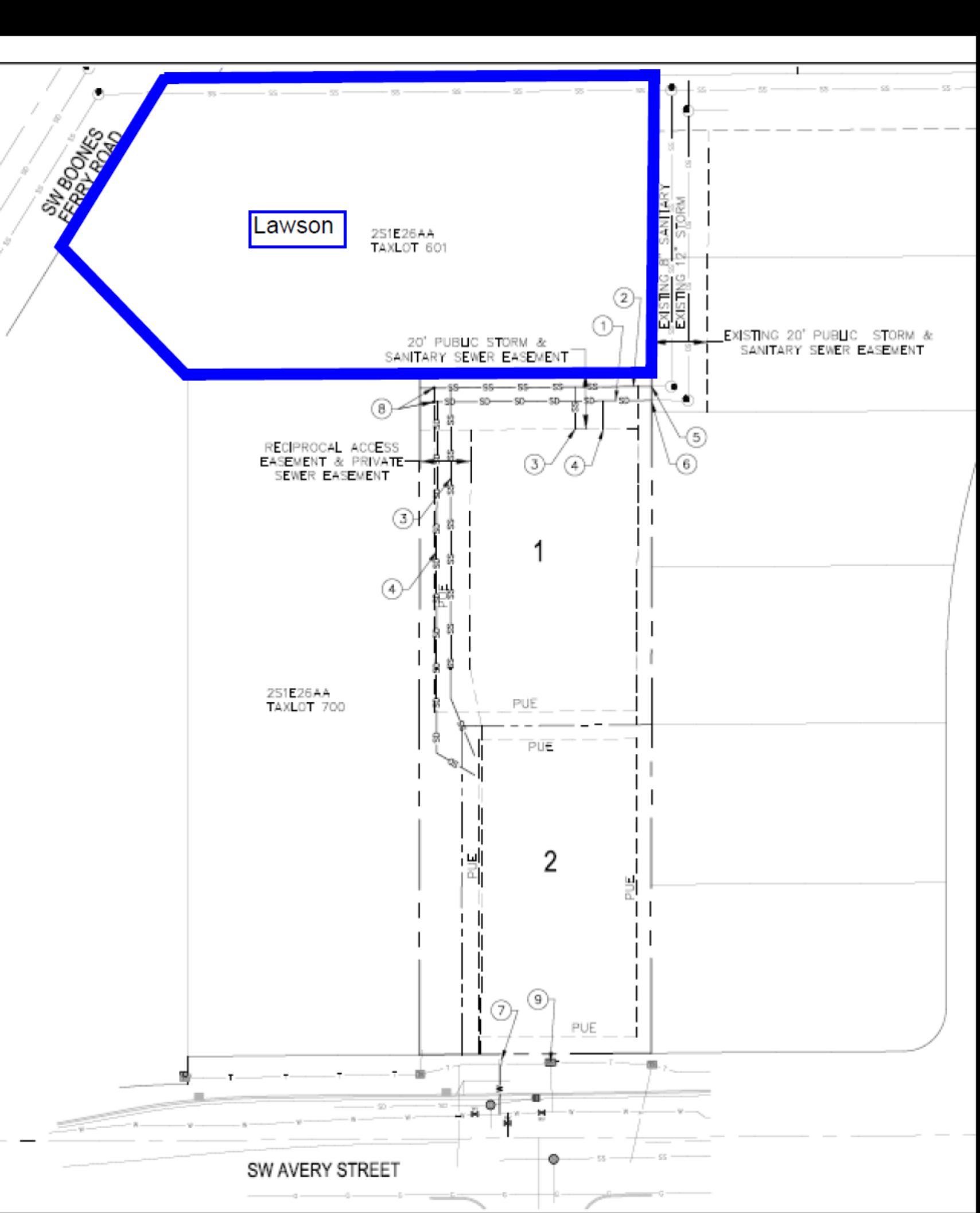
PUE

PUE

PUE

PUE

SW AVERY STREET





MAY 05 2016

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

MEMORANDUM

**Date:** April 29, 2016  
**To:** Robin Dehnert, Associate Planner, City of Tualatin  
**From:** Jackie Sue Humphreys, Clean Water Services (the District)  
**Subject:** Burchill 2-Parcel Partition, PAR2016-0001, 2S126AA00600

Please include the following comments when writing your conditions of approval:

**PRIOR TO ANY WORK ON THE SITE AND PARTITION PLAT RECORDING**

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1.
- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

## CONCLUSION

This Land Use Review does not constitute the District's approval of storm or sanitary sewer compliance to the NPDES permit held by the District. The District, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.



# Tualatin Valley Fire & Rescue

April 26, 2016

Tony Doran, Engineering Associate  
City of Tualatin  
18880 SW Martinazzi Ave  
Tualatin, OR 97062

**Re: PAR16-0001**  
**Taxlot ID: 2S126 AA 00600**

Dear Tony,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

## **FIRE APPARATUS ACCESS:**

- FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1))
- DEAD END ROADS AND TURNAROUNDS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams of approved turnarounds are shown below: (OFC 503.2.5 & D103.1)
- FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. The fire district will approve access roads of 12 feet for up to three dwelling units and accessory buildings. (OFC 503.2.1 & D103.1)
- NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)
- SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)

6. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 12%. When fire sprinklers\* are installed, a maximum grade of 15% will be allowed.

0-12%	Allowed
13-15%	Special consideration with submission of written Alternate Methods and Materials request. Ex: Automatic fire sprinkler (13-D) system* in lieu of grade.
≥16%	Special consideration on a case by case basis with submission of written Alternate Methods and Materials request Ex: Automatic fire sprinkler (13-D) system* plus additional engineering controls in lieu of grade.**

\*The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5) and OAR 918-480-0100 and installed per section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the Oregon Fire Code (OFC 503.2.7 & D103.2)

\*\* See Forest Dwelling Access section for exceptions.

7. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
1. Gates serving three or less single-family dwellings shall be a minimum of 12 feet in width.
  2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
  3. Electric gates shall be equipped with a means for operation by fire department personnel
  4. Electric automatic gates shall comply with ASTM F 2200 and UL 325.
8. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)

## FIREFIGHTING WATER SUPPLIES:

9. **MUNICIPAL FIREFIGHTING WATER SUPPLY EXCEPTIONS:** The requirements for firefighting water supplies may be modified as approved by the fire code official where any of the following apply: (OFC 507.5.1 Exceptions)
1. Buildings are equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
  2. There are not more than three Group R-3 or Group U occupancies.
    - In areas where the water system is already developed, the maximum needed fire flow shall be either 3,000 GPM or the available flow in the system at 20 psi, whichever is greater.
    - In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi.
    - Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
10. **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)
11. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)
12. **WATER SUPPLY DURING CONSTRUCTION:** Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

## FIRE HYDRANTS:

13. **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)

14. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)
  - Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
  - Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
  - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the fire code official.
  - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.
15. **PRIVATE FIRE HYDRANT IDENTIFICATION:** Private fire hydrants shall be painted red in color. Exception: Private fire hydrants within the City of Tualatin shall be yellow in color. (OFC 507)
16. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the fire code official. (OFC C102.1)
17. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)
18. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)
19. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

## **BUILDING ACCESS AND FIRE SERVICE FEATURES**

20. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

If you have questions or need further clarification, please feel free to contact me at (503) 649-8577.

Sincerely,

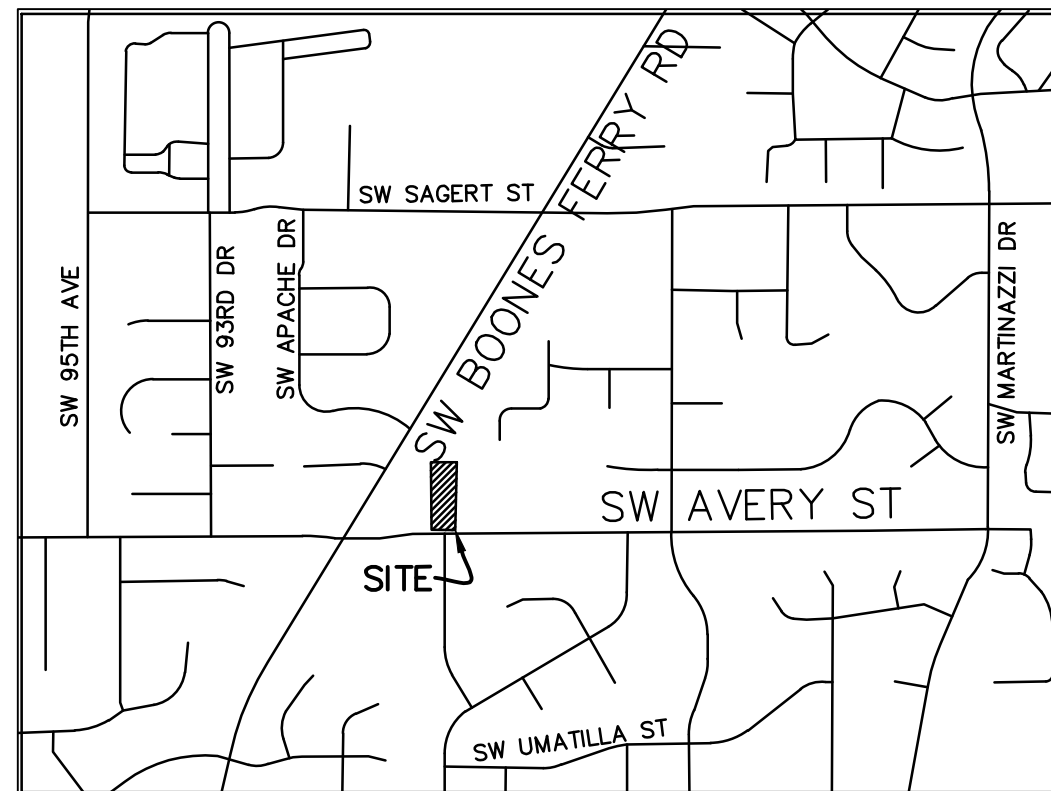


Ty Darby  
Deputy Fire Marshal II

Cc: file

# PRELIMINARY PLANS FOR BURCHILL PARTITION

## TUALATIN, OREGON



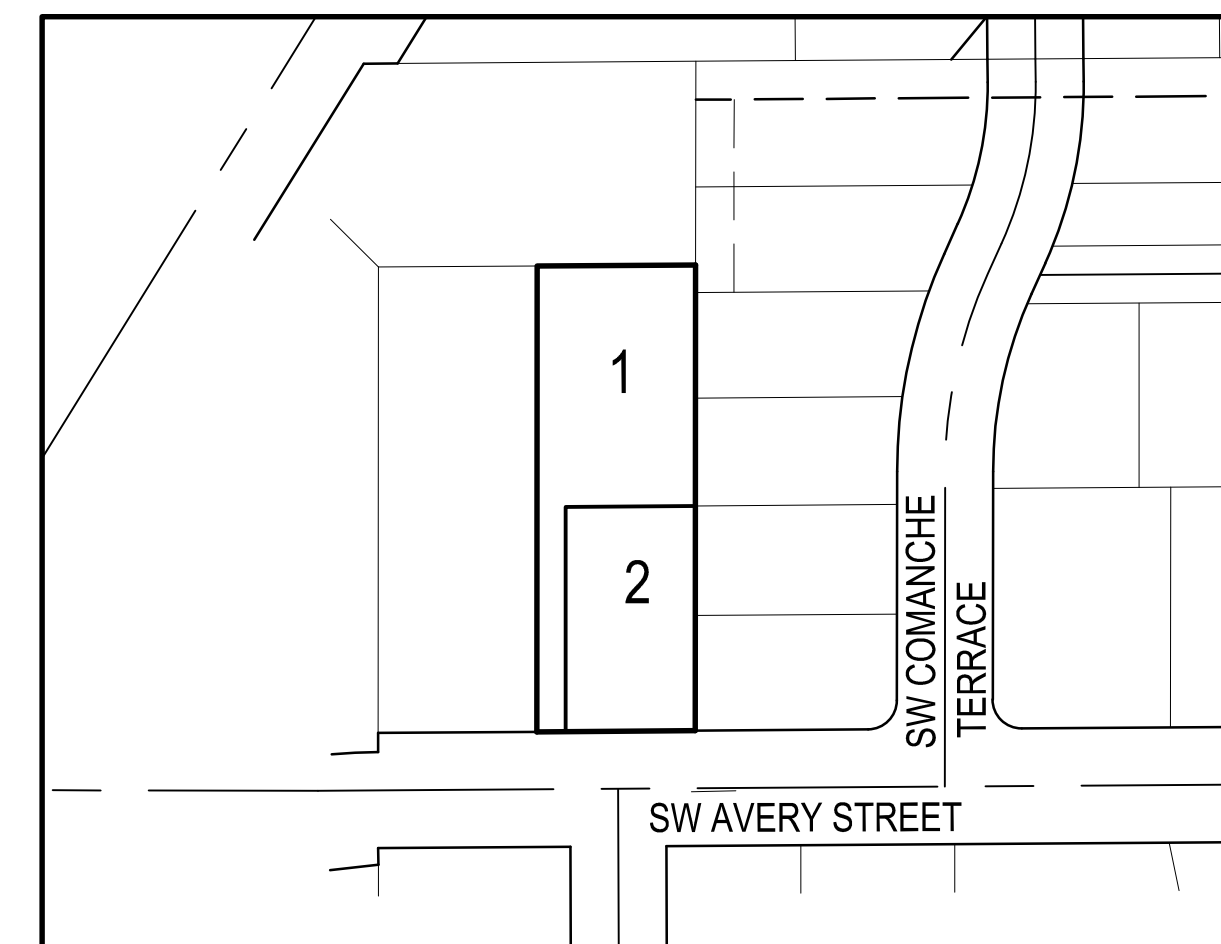
**VICINITY MAP**

NOT TO SCALE



**SHEET INDEX**

NAME:	NO.
COVER SHEET	P100
EXISTING CONDITIONS	P200
PRELIMINARY PLAT	P300
PRELIMINARY GRADING & TREE PLAN	P400
BUILDING ENVELOPE PLAN	P500
PRELIMINARY UTILITY PLAN	P600



**LOCATION MAP**

SCALE: 1"=100'



**PROPERTY OWNER**

MISSION HOMES NW, LLC  
PO BOX 1689  
LAKE OSWEGO, OR 97035  
PHONE: (503) 781-1814  
FAX: (503) 570-8828  
CONTACT: KURT DALBEY

**APPLICANT**

MISSION HOMES NW, LLC  
PO BOX 1689  
LAKE OSWEGO, OR 97035  
PHONE: (503) 781-1814  
FAX: (503) 570-8828  
CONTACT: KURT DALBEY

**PROPERTY DESCRIPTION**

**TAX MAP AND LOT:**  
TAX MAP 2S1E26AA, TAX LOT 600

**SITE SIZE:**  
0.48 ACRES

**ZONING DESIGNATION:**  
RL, LOW DENSITY RESIDENTIAL

**PROPOSAL:**  
2 LOT RESIDENTIAL PARTITION (SINGLE FAMILY DETACHED)

**STREET ADDRESS**

8965 SW AVERY STREET  
TUALATIN, OR 97062

**ENGINEER / SURVEYOR**

WESTLAKE CONSULTANTS, INC.  
PACIFIC CORPORATE CENTER  
15115 S.W. SEQUOIA PARKWAY,  
SUITE 150 TIGARD, OREGON 97224  
PHONE: (503) 684-0652  
FAX: (503) 624-0157  
CONTACT: KEN SANDBLAST, AICP  
JEFF VANDERDASSON, PE

**BENCHMARK**

ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 448. MARK IS A BRASS DISK LOCATED IN THE TOP OF A CONCRETE GUARDRAIL AT THE SW CORNER OF A BRIDGE OVER 1-5 ON SW SAGERT STREET.

**ATTENTION:** OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THESE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987).

**UTILITY STATEMENT:** THE UNDERGROUND UTILITIES SHOWN ARE PER FIELD MARKINGS AND RECORD DRAWINGS PROVIDED BY THE RESPECTIVE UTILITY AGENCIES. LOCATION OF NON-OBSERVABLE AND/OR UNDERGROUND UTILITIES ARE SHOWN FOR INFORMATION ONLY AND ARE NOT GUARANTEED TO BE COMPLETE OR ACCURATE.

**UTILITY VERIFICATION:** CONTRACTOR SHALL POTHOLE TO VERIFY LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION AND SHALL PROVIDE WESTLAKE CONSULTANTS, INC. 72-HOURS NOTICE OF ANY POTENTIAL CONFLICTS.

**WESTLAKE**  
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER  
15115 S.W. SEQUOIA PARKWAY, SUITE 150  
TIGARD, OREGON 97224  
(503) 684-0652  
FAX (503) 624-0157

**BURCHILL PARTITION**  
TUALATIN, OR  
**COVER SHEET**

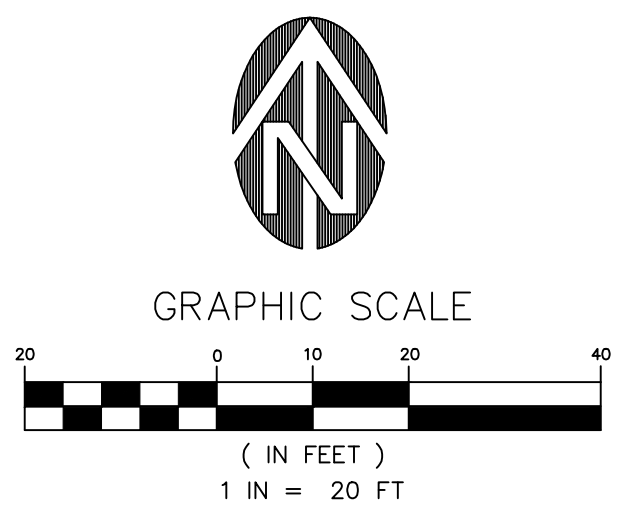
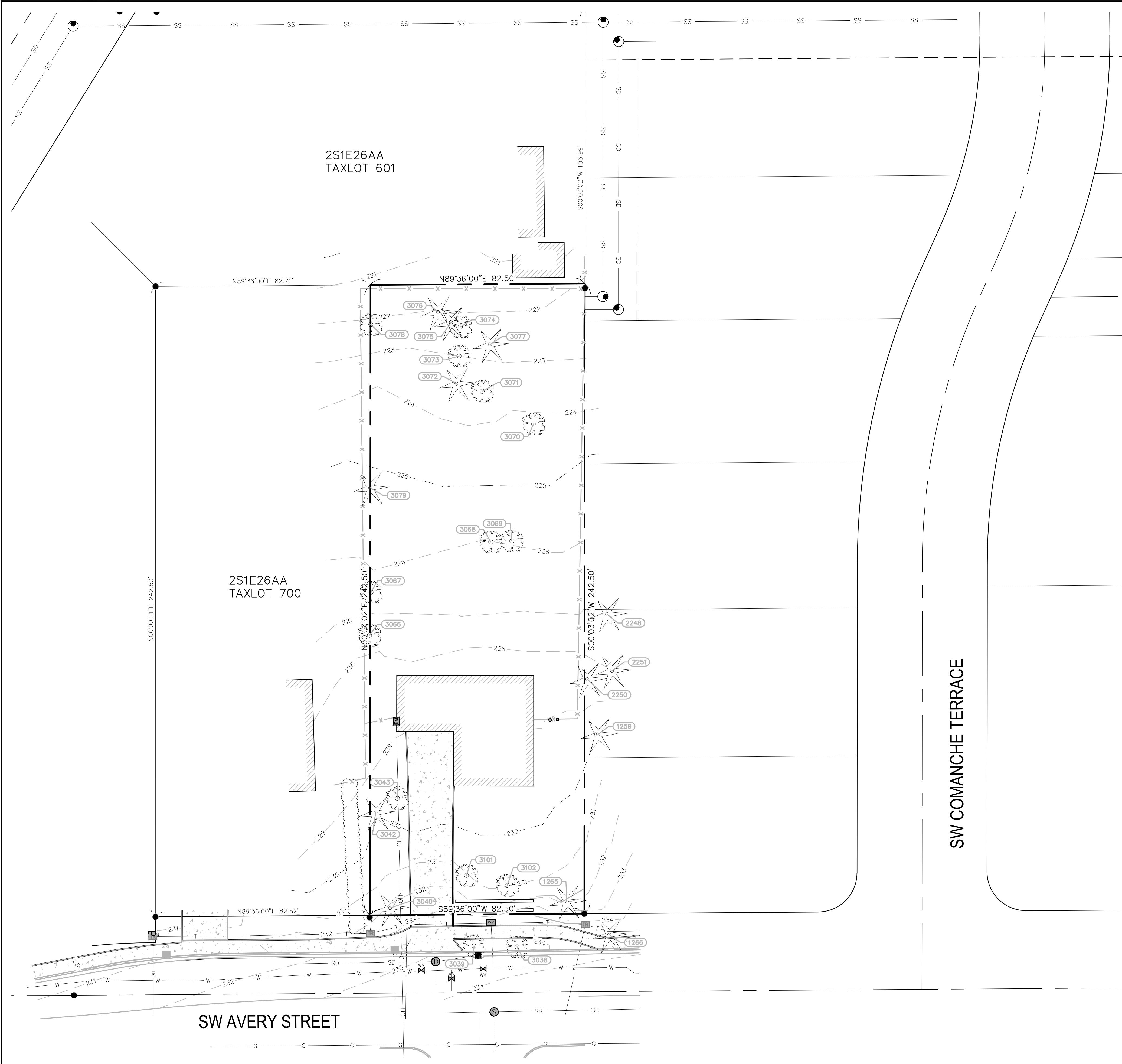
THESE DRAWINGS ARE THE PROPERTY OF WESTLAKE CONSULTANTS INC. (WCI) AND ARE NOT TO BE REPRODUCED IN ANY MANNER EXCEPT WITH THE WRITTEN PERMISSION OF WCI.

NO.	DATE	DESCRIPTION	DRAFT BY	CHECK BY

SHEET  
**P100**  
JOB NO.  
2312-020

Drawing Name: s:\2312-020\161\Engr\CAD\Draw\Production\LU12312-20\_P100.dwg Apr 05, 2016 - 1:26pm - cmh

Drawing Name: s:\2312-020\161\Engr\CAD\Draw\Production\LU\2312-20 P200.dwg Apr 05, 2016 11:26am cmh



- LEGEND**
- FOUND SURVEY MONUMENT AS NOTED
  - FH FIRE HYDRANT
  - WV WATER VALVE
  - SM SANITARY SEWER MANHOLE
  - CB CATCH BASIN
  - SSM STORM SEWER MANHOLE
  - SS UNDERGROUND SANITARY SEWER LINE
  - ST UNDERGROUND STORM DRAIN LINE
  - OH OVERHEAD WIRES
  - 24" EVERGREEN TREE
  - 24" DECIDUOUS TREE

- NOTES**
- BOUNDARY RESOLUTION WAS BASED ON PLATS OF "MISSION TERRACE" AND "BRYN GWELD", WASHINGTON COUNTY PLAT RECORDS, AND SURVEY NUMBER 15306, WASHINGTON COUNTY SURVEY RECORDS.
  - ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 448. MARK IS A BRASS DISK LOCATED IN THE TOP OF A CONCRETE GUARDRAIL AT THE SW CORNER OF A BRIDGE OVER 1-5 ON SW SAGERT STREET. ELEVATION = 231.98' (NGVD 29)
  - FIELD SURVEYED JANUARY 07, 2016.

**UTILITY STATEMENT**  
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN MAPPED FROM FIELD SURVEY INFORMATION, OBSERVED ABOVE GROUND EVIDENCE AND GROUND MARKINGS BY OTHERS, AND EXISTING DRAWINGS SUPPLIED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

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 (503) 684-0652  
 FAX (503) 624-0157

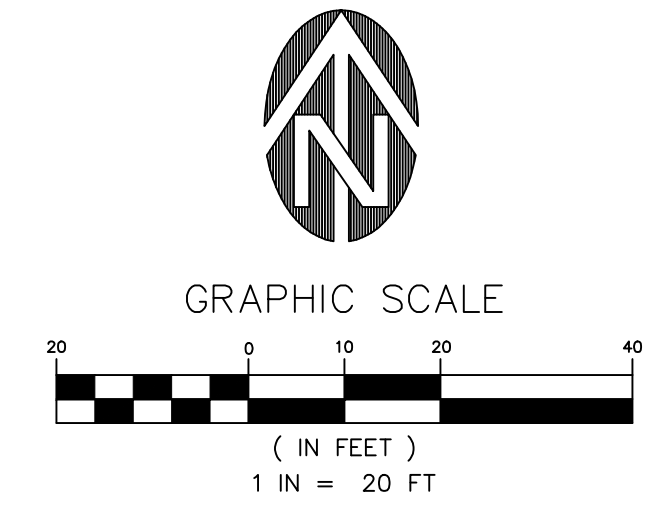
**BURCHILL PARTITION**  
 TUALATIN, OR  
 EXISTING CONDITIONS

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**P200**  
 JOB NO.  
 2312-020

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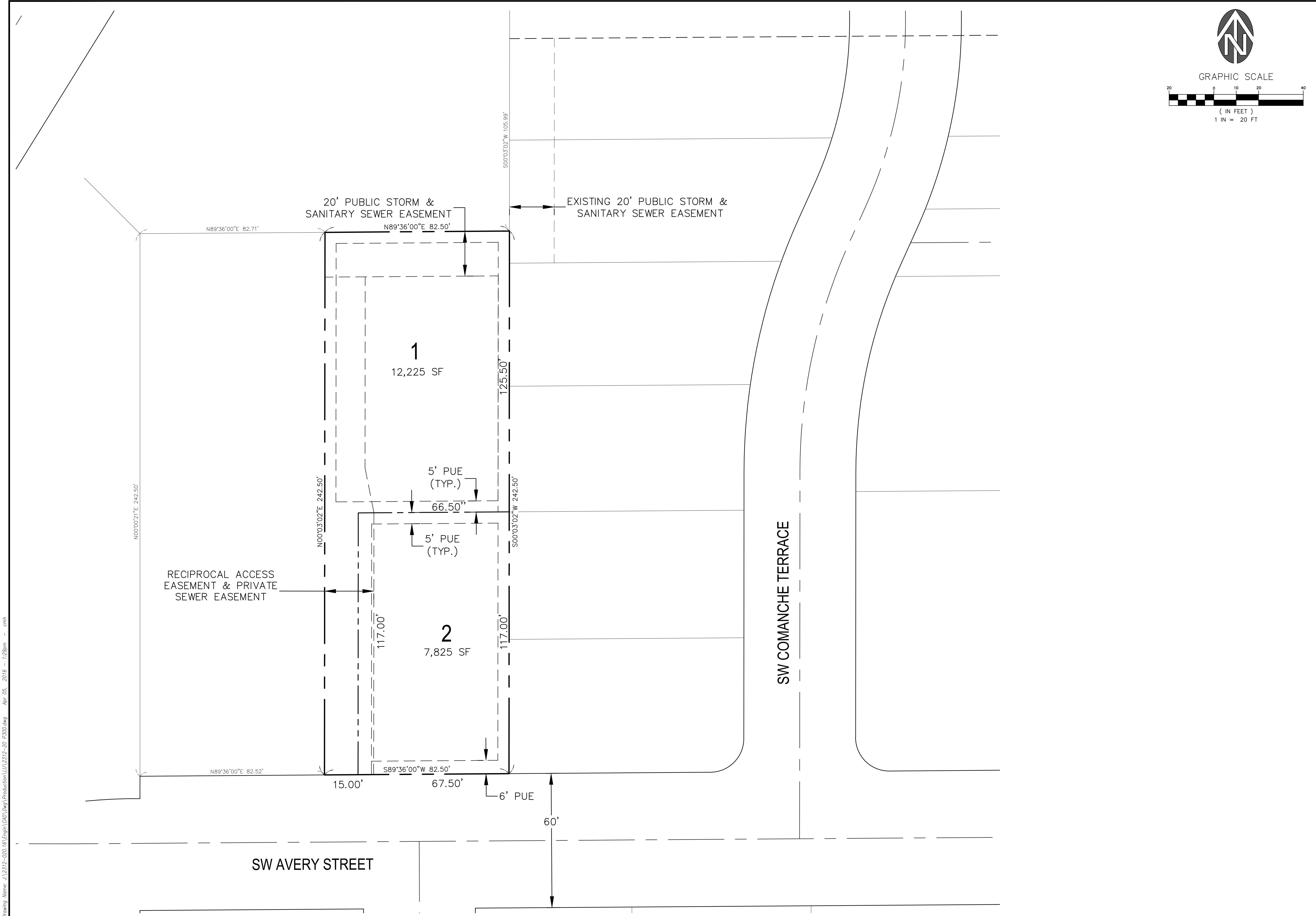
**BURCHILL PARTITION**  
TUALATIN, OR  
**PRELIMINARY PLAT**

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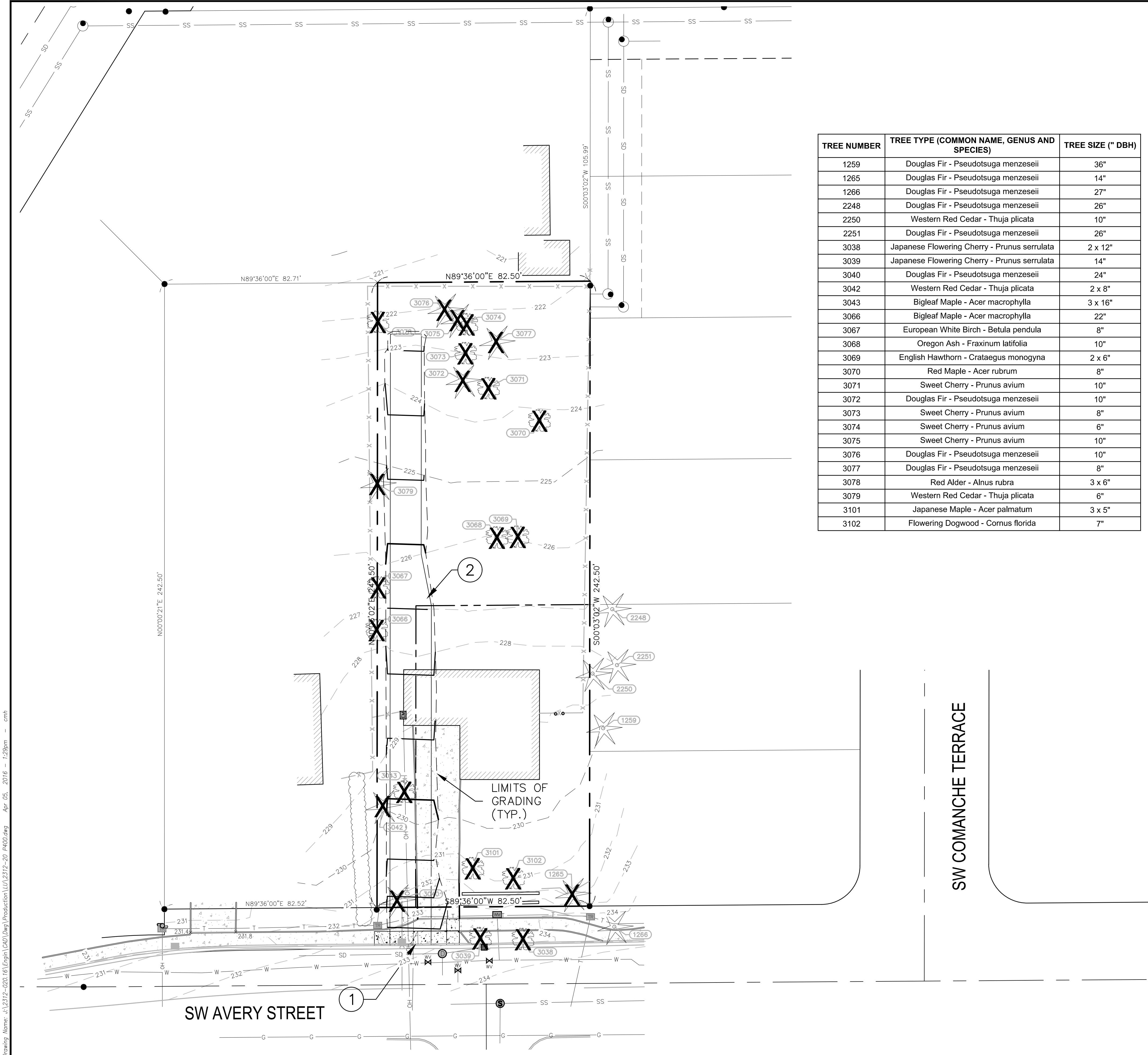
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JOB NO.  
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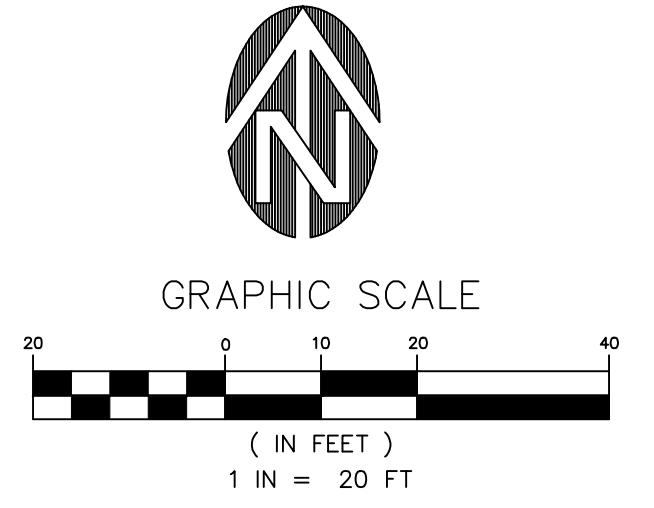
TREE NUMBER	TREE TYPE (COMMON NAME, GENUS AND SPECIES)	TREE SIZE (" DBH)
1259	Douglas Fir - Pseudotsuga menzeseii	36"
1265	Douglas Fir - Pseudotsuga menzeseii	14"
1266	Douglas Fir - Pseudotsuga menzeseii	27"
2248	Douglas Fir - Pseudotsuga menzeseii	26"
2250	Western Red Cedar - Thuja plicata	10"
2251	Douglas Fir - Pseudotsuga menzeseii	26"
3038	Japanese Flowering Cherry - Prunus serrulata	2 x 12"
3039	Japanese Flowering Cherry - Prunus serrulata	14"
3040	Douglas Fir - Pseudotsuga menzeseii	24"
3042	Western Red Cedar - Thuja plicata	2 x 8"
3043	Bigleaf Maple - Acer macrophylla	3 x 16"
3066	Bigleaf Maple - Acer macrophylla	22"
3067	European White Birch - Betula pendula	8"
3068	Oregon Ash - Fraxinum latifolia	10"
3069	English Hawthorn - Crataegus monogyna	2 x 6"
3070	Red Maple - Acer rubrum	8"
3071	Sweet Cherry - Prunus avium	10"
3072	Douglas Fir - Pseudotsuga menzeseii	10"
3073	Sweet Cherry - Prunus avium	8"
3074	Sweet Cherry - Prunus avium	6"
3075	Sweet Cherry - Prunus avium	10"
3076	Douglas Fir - Pseudotsuga menzeseii	10"
3077	Douglas Fir - Pseudotsuga menzeseii	8"
3078	Red Alder - Alnus rubra	3 x 6"
3079	Western Red Cedar - Thuja plicata	6"
3101	Japanese Maple - Acer palmatum	3 x 5"
3102	Flowering Dogwood - Cornus florida	7"

**LEGEND**

- UTILITY EASEMENT LINE
- PROPERTY LINE
- ROW LINE
- CURB
- 100--- EXISTING 5' CONTOUR
- 102--- EXISTING 1' CONTOUR
- 100--- PROPOSED 5' CONTOUR
- 102--- PROPOSED 1' CONTOUR
- DRAINAGE ROUTE
- X TREE TO BE REMOVED
- X TREE TO BE REMOVED
- ☆ TREE TO REMAIN
- ☆ TREE TO REMAIN

**CONSTRUCTION KEYNOTES:**

- ① INSTALL DRIVEWAY APPROACH
- ② 12'-16' ASPHALT DRIVEWAY



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**BURCHILL PARTITION**  
TUALATIN, OR

**PRELIMINARY GRADING & TREE PLAN**

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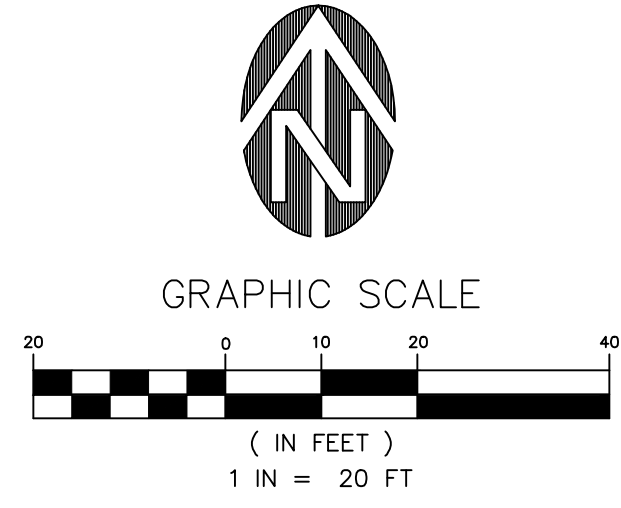
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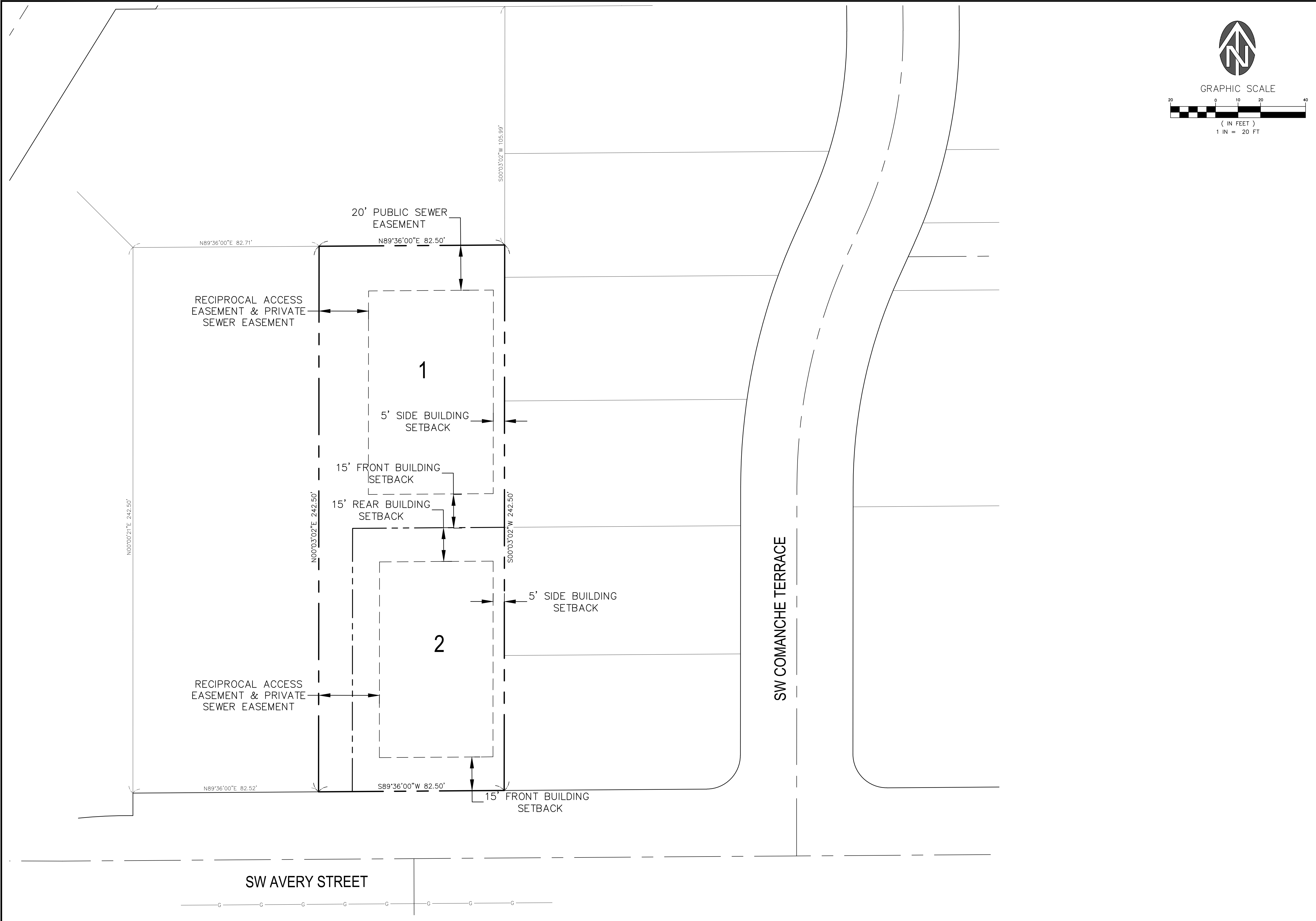
**BURCHILL PARTITION**  
TUALATIN, OR  
**BUILDING ENVELOPE PLAN**

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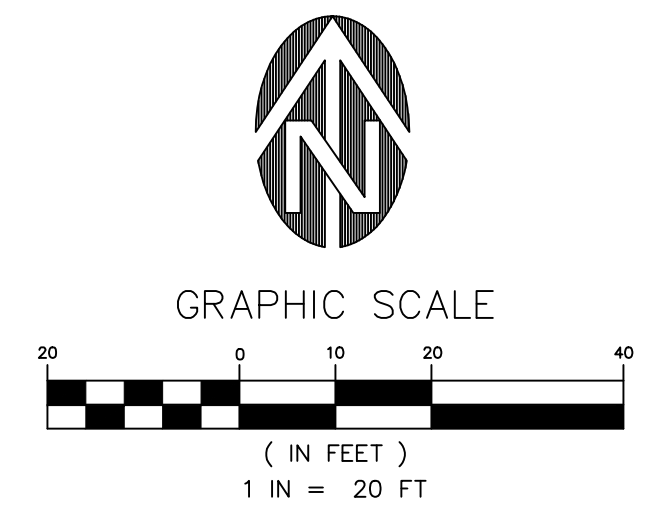
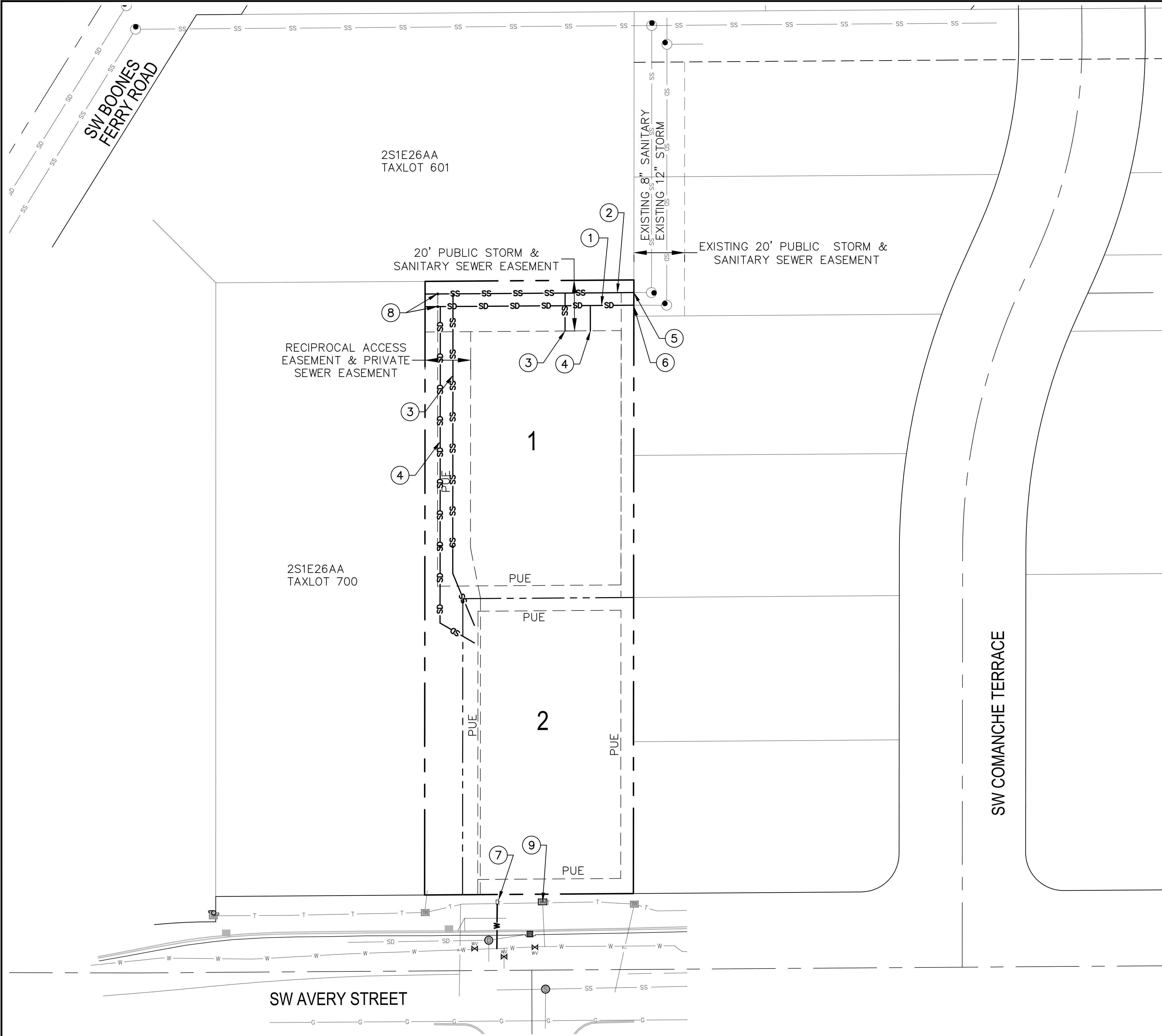
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LAND USE SUBMITTAL - XX/XX/2016



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**CONSTRUCTION KEYNOTES:**

- ① INSTALL 12" STORM SEWER EXTENSION.
- ② INSTALL 8" SANITARY SEWER EXTENSION.
- ③ INSTALL 4" SANITARY LATERAL.
- ④ INSTALL 4" STORM LATERAL.
- ⑤ CONNECT TO EXISTING SANITARY MAIN.
- ⑥ CONNECT TO EXISTING STORM MAIN.
- ⑦ INSTALL WATER METER.
- ⑧ INSTALL CLEANOUT
- ⑨ EXISTING WATER METER, UTILIZE TO SERVE LOT 2

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**BURCHILL PARTITION**  
TUALATIN, OR

**PRELIMINARY UTILITY PLAN**

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