

April 5, 2016

CITY OF TUALATIN, OREGON
City Engineering Department
18880 SW Martinazzi Ave, Tualatin, OR 97062

RE: 2 Lot Partition; Burchill Partition
Case File Number: PAR 16-0001, Burchill
Response for additional information for completeness of application

The following memo addresses the items deemed not complete by the City of Tualatin in a notice letter dated March 21, 2016. This memo is a summary response to those items. The applicable plans are updated to address the requests for additional information from the City of Tualatin along with a revised narrative. The items from the letter are shown as *italicized font*. The applicant's responses are shown in **bold**.

Information Necessary to Complete Application

Please submit the following to complete your application:

- *Title report showing ownership (our system still shows James Burchill as the owner)*
- *Certificate sign posting for partition submittal (this never arrived after the initial submittal to obtain the application number)*
- *Mailing labels (for the City to send postcards of notice of submittal after completeness)*
- *Provide the arborist report referenced as Exhibit J. The existing conditions sheet notes 26 trees with 19 over 8" dbh. (the section divider was there without any information)*

Response: An updated title report, certificate of the sign posting, mailing labels, and arborist report are enclosed with this submittal.

Public lines need to be constructed at the time of development to serve adjacent lots. The proposed plan for the lot to the west to obtain service in the future doesn't satisfy TDC 74.620(3) & 630(3). Revised plans are needed that show:

- *The public sanitary sewer and stormwater lines extending from the property east of this development across the north property line in a 20-foot wide easement to the property to the west*
- *Manholes at the northwest corner of the lot with public lines to the west property line*
- *A 15-foot wide maintenance easement with 12-foot wide surface to the manholes (Operations was willing to not require a turn-around despite the length as it would consume too much property and the line would only be cleaned every three years.)*
- *Revise Grading & Tree Plan to identify tree preservation/ removal in accordance with TDC 73.250(2).*

A fee in lieu will not be possible for stormwater treatment therefore you proposed LIDA systems per lot will be required. Preliminary stormwater calculations including

conveyance are needed to demonstrate that gravity service can be provided and appropriate detention can be constructed (that the lines do not need upsizing).

Response: An updated plan set, narrative, and stormwater report are enclosed with this submittal. The public sanitary sewer and stormwater lines have been shown on the plan set with an extension to the western property line in a 20-foot easement. The shared access drive extends to the 20-foot easement via a 12-foot surface one a 17-foot maintenance easement. The grading and tree plan identifies the trees that will be removed for the subdivision. An arborist report is included with this submittal.

Revisions are needed to the narrative to address the changes to the plan plus new narrative explaining how the following code section criteria is met:

- TMC
 - 3-2-20 & 30
 - 3-3-40, 110, 120, & 130
 - 3-5-10, 50, 60
 - 3-5-200, 210, 220
 - 3-5-280 to 370, 390, 420
 - 4-2-1

- TDC
 - 34.330(1) – *(The exceptions of 3(a) are not applicable as the requirement is not for the final lot width but the overall site width, which is greater than 60 feet. A requirement will be as you saw in the Sager Farm subdivision decision to construct the fence, however afterwards an AR can be submitted to remove the requirement. The Planning contacts Erin and Aquilla can help you through this future step.)*
 - 40.050 *(minor correction to avoid confusion - the second paragraph refers to lot 4)*
 - 75.130 & 140 - *(As you don't have access to a public street the shared access to Avery is acceptable.)*

Along with this letter, we have included 8 copies of the revised Engineering Plan Set, 2 copies of the Revised Narrative, with applicable exhibits including the arborist report, stormwater report, and updated title report. One set of mailing labels for property owners with 500 feet is also enclosed.

Sincerely,

Westlake Consultants, Inc.



Kenneth L. Sandblast, AICP
Director of Planning

Burchill Partition

Land Use Application

April 5, 2016

Burchill Partition

Land Use Application

Prepared for:

Kurt Dalbey

Mission Homes Northwest, LLC

PO Box 1689

Lake Oswego, Or 97035

Phone: (503) 781-1814

Prepared by:

Westlake Consultants, Inc.

15115 SW Sequoia Parkway, Suite 150

Tigard, Oregon 97224

Phone: (503) 684-0652

Fax: (503) 624-0157

Table of Contents

TABLE OF CONTENTS I

EXHIBITS II

NARRATIVE PROJECT DESCRIPTION..... III

FINDINGS OF COMPLIANCE WITH APPLICABLE REGULATIONS 4

TUALATIN DEVELOPMENT CODE..... 4

 TDC CHAPTER 36: SUBDIVIDING, PARTITIONING AND PROPERTY LINE ADJUSTMENTS4

 PROCEDURE FOR PARTITIONING4

 LOT REQUIREMENTS8

 RL PLANNING DISTRICT REQUIREMENTS10

 TREE REMOVAL13

 FENCE STANDARDS15

 ARCHITECTURAL REVIEW APPROVAL16

 ACCESS REQUIREMENTS18

 IMPROVEMENTS21

 RIGHT-OF-WAY21

 EASEMENTS AND TRACTS23

 TRANSPORTATION25

 UTILITIES30

 ACCESS MANAGEMENT34

TUALATIN MUNICIPAL CODE..... **34**

 TMC CHAPTER 03-02: SEWER REGULATIONS; RATES34

 TMC CHAPTER 03-03: WATER SERVICE35

 TMC CHAPTER 03-05 ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS36

SUMMARY AND REQUEST..... **41**

Exhibits

A	Application Form
B	Preliminary Subdivision Plan Drawings (11"x17" reduced)
C	Neighborhood/Developer Meeting Documentation
D	Stormwater Report
E	Clean Water Services Service Provider Letter
F	Map and Form of Mailing Label Sheets for Notices
G	Certification of Sign Posting
H	Excerpts from Tualatin Transportation System Plan (TSP)
I	Reserved
J	Arborist's Report
K	Reserved

Narrative Project Description

The applicant proposes to partition the current lot into 2 lots for detached single-family residential construction in the City of Tualatin. The rectangular project site, at 8965 SW Avery Street (Tax Map 2S1 26AA, Tax Lot 600) contains .48 acres of land. It is located on the north side of SW Avery Street in the area between SW Boones Ferry Road and SW 86th Avenue. There had been an existing dwelling on the site which has been recently demolished.. Surrounding development consists entirely of detached single-family residences.

The 2 lots will have access via a shared access driveway with SW Avery Street.

With respect to construction of infrastructure elements:

- Sanitary sewer and storm drain lines that are being constructed as part of the Mission Terrace Subdivision to the east will extend to the north east boundary of the property. As part of the partition improvements, the sanitary sewer and storm water lines will be extended across the northern end of the site to NW property line to allow for future connections. The lines will be place in a public utility easement.
- Water connections are available from SW Avery.
- Storm water runoff from the driveway and roof drains will be collected and conveyed in pipes to the storm drain lines. Each lot will have private LIDA systems which will tie into the storm line extension from the Mission Terrace Subdivision.
- The existing driveway and sidewalk will be rebuilt to accommodate the shared access driveway and public utility access easement for the storm and sewer lines, which will be located on the rear of Lot 1.

A copy of the City of Tualatin application form is provided in Exhibit A. Full-size drawings have been submitted with this application; Exhibit B contains a reduced-size (11” x 17”) set.

Findings of Compliance with Applicable Regulations

Tualatin Development Code

TDC Chapter 36: Subdividing, Partitioning and Property Line Adjustments

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.*

Response: This 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.

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. [Ord. 590-83 §1, 4/11/83]*

Response: 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.

Section 36.090 Issuance of Building Permits. [detailed provisions omitted for brevity]

Response: 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.

PROCEDURE FOR PARTITIONING

Section 36.210 Approval Required.

- (1) *No land may be partitioned except in accordance with this Chapter and if a minor variance is requested to the dimensional standards of the lots or the minimum lot size, in accordance with the approval criteria in TDC Chapter 33..*
- (2) *The procedure for review and action on partition applications, and requested minor variances, is intended to provide orderly and expeditious processing of such applications*

and to require conditions of development approval to protect the health and safety of the citizens. [Ord. 590-83 §1, 4/11/83; Ord. 1009-98 §19, 11/9/98]

Section 36.220 Applications and Filing Fee.

- (1) Prior to the submittal of a partition application, an applicant for a partition shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063.*
- (2) The applicant shall prepare and submit a City of Tualatin Development Application, available from the City Engineer. The applicant shall post a sign pursuant to TDC 31.064(2).*

Response: 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.

- (3) The application shall contain:*
 - (a) 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;*
 - (b) the signatures of the property owners and applicants;*
 - (c) the site location by address and current County Tax Assessor's map and tax lot numbers; and*
 - (d) a description of the manner in which the proposed division complies with each of the expedited criterion for an Expedited Partition Application.*
 - (e) if a 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.*
 - (f) a "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.*
 - (g) The information on the Neighbor-hood/Developer Meeting specified in TDC 31.063(10).*
 - (h) 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.*

Response: 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.

- (4) *The partition application shall be submitted to the City Engineer, along with:*
- (a) *the partition plan;*
 - (b) *preliminary utility plans for streets, water, sanitary sewer and storm drainage; and*
 - (c) *a black and white 8&1/2" x 11" site plan suitable for reproduction;*
 - (d) *a completed City fact sheet; and*
 - (e) *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.*

Response: 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.

- (5) *The following general information shall be shown on the partition plan:*
[detailed list of items omitted for brevity]

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

- (6) *The partition application shall be accompanied by a nonrefundable fee as established by City Council resolution. The partition 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.*

Response: The Applicant has paid the application fee.

- (7) *The applicant shall submit, along with the partition application, a mailing list in accordance with TDC 31.077.*

Response: 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.

- (8) *The City Engineer may require information in addition to that stated in this section.*

Response: Acknowledged

- (9) *Unless otherwise specified in the partition application, approval, or in express direction from the City Engineer, any material submitted by the applicant with the partition application which exceeds the TDC requirements shall be considered a part of the recommended decision.*

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

- (10) *The applicant has the burden of demonstrating compliance with the applicable development regulations.*

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

- (11) *The applicable time period for action on the partition application shall not commence until the City Engineer has determined that the application is complete.*
- (a) *In the event such determination of completeness is not made within 30 days of the date of its submission, or resubmission, the development 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; and*
 - (iii) *the City Engineer has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the partition 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 deemed necessary to make an informed decision, though such additional or corrected information will result in extending the applicable time period for action by the City.*

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

- (11) *The City Engineer shall prepare the standard form of Development Application for partition plans, including provisions which will best accomplish the intent of this section. [Ord. 590-83 §1, 4/11/83; Ord. 954-95 §8, 12/11/95; Ord. 1009-98 §20, 11/9/98; Ord. 1070-01 §7, 4/9/01; Ord. 1096-02 §26, 01/28/02; Ord. 1157-04, 3/8/04; Ord. 1149-03, 10/13/03; Ord. 1096-02, 01/28/02; Ord. 1070-01, 4/9/01; Ord. 1304-10 §21, 4/14/10]*

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

Section 36.240 Review Process.

[Subsections (3) through (9) provide procedural guidance and are omitted for brevity]

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

Section 36.240 Final Decision.

- (1) *The City Engineer shall render a final decision for a partition or an Expedited Partition Application.*
- (2) *The City Engineer shall approve no partition or expedited partition application unless adequate public facilities are available to serve the proposed partition.*

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

[Subsections (3) through (8) provide procedural guidance and are omitted for brevity]

Response: These subsections provide procedural guidance and require no statement from the Applicant.

- (9) *A partition plan approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:*
- (a) *protect the public from the potentially deleterious effects of the proposal;*
 - (b) *fulfill the need for public facilities and services created by the proposal, or in creased or in part attributable to the impacts of the proposal;*

(c) *further the implementation of the requirements of the TDC.*

Response: 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.

*Section 36.161 Requests for Review of Subdivision and Partition Decision.
[detailed provisions omitted for brevity]*

Response: This Section is not applicable because this application is not a request for review of a prior decision. The Applicant retains the right to request review of the City Engineer's decision on this application.

*Section 36.242 Modifications to Final Decision.
[detailed provisions omitted for brevity]*

Response: This Section is not applicable because this application is not a request to modify a prior decision.

Section 36.250 Requests for Review. [detailed provisions omitted for brevity]

Section 36.270 Partition Plat. [detailed provisions omitted for brevity]

Section 36.272 Information on Partition Plat. [detailed provisions omitted for brevity]

Section 36.274 Approval of Partition Plat by City. [detailed provisions omitted for brevity]

Section 36.276 Recording of Partition Plat. [detailed provisions omitted for brevity]

Response: These Sections are not applicable because this application is not a request for approval of a final partition plat.

LOT REQUIREMENTS

Section 36.410 Double Frontage and Reverse Frontage. (detailed provisions omitted for brevity)

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

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. [Ord. 590-83 §1, 4/11/83.]*

Response: 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.

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. [Ord. 590-83 §1, 4/11/83]

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

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]

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

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. [Ord. 590-83 §1, 4/11/83]

Response: 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 which the lots open up to.

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.*
- (2) *These minimum standards shall apply with the following exceptions:
[subsections (a), (b) and (c) are not applicable and are omitted for brevity]*

Response: 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.

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. [Ord. 1054-00 §1, 8/14/00]*

Response: 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).

RL PLANNING DISTRICT REQUIREMENTS

Tualatin Development Code Chapter 40: Low Density Residential Planning District (RL)

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. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 661-85 §3, 3/25/85; Ord. 956-96 §10, 1/8/96]

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. [Ord. 956-96 §11, 1/8/96. by Ord. 1026-99 §21, 8/9/99; Ord. 1272-08 §5, 11/10/08; Ord. 1317-10 §3, 12/13/10]*

Response: 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.

Section 40.020 Permitted Uses.

- (1) *Single-family dwellings, including manufactured homes.*
[additional listed Permitted Uses omitted for brevity]

Response: 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.

Section 40.030 Conditional Uses Permitted. [detailed provisions omitted for brevity]

Response: This Section is not applicable because no Conditional Use is proposed.

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).*

Response: 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.

Subsection (4) is not applicable at this time because 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.

Section 40.055 Lot Size for Greenway and Natural Area Tracts and Lots.

[detailed provisions omitted for brevity]

Response: This Section is not applicable because no Greenway- or Natural Area Tracts or Lots are proposed.

Section 40.060 Lot Size for Conditional Uses.

[detailed provisions omitted for brevity]

Response: This Section is not applicable because no Conditional Use is proposed.

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. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 731-87 §1, 9/14/87; Ord. 743-88 §46, 3/28/88; Ord. 956-96 §15, 1/8/96; Ord. 965-96 §8, 12/9/96; Ord. 1026-99 §27 8/9/99; Ord. 1076-01 §1, 7/9/01]*

Response: 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.

Section 40.080 Setback Requirements for Conditional Uses.

[detailed provisions omitted for brevity]

Response: This Section is not applicable because no Conditional Use is proposed.

Section 40.085 Setback Requirements Adjacent to the Norwood Expressway.

A setback no less than 50 feet in depth will be provided adjacent to the Norwood Expressway right-of-way. [Ord. 592-83 §69, 6/13/83]

Response: This Section is not applicable because the Subject Property is not adjacent to the Norwood Expressway.

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. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 731-87 §2, 9/14/87]

Response: Future construction of dwellings on the proposed lots will be required to comply with the provisions of this Section.

Section 40.100 Structure Height.

Except as otherwise provided, the maximum structure height is 35 feet. [Ord. 590-83 §1, 4/11/83; Ord. 592-83 §6, 6/13/83; Ord. 956-96 §16, 1/8/96; Ord. 965-96 §9, 12/9/96]

Response: Future construction of dwellings on the proposed lots will be required to comply with the provisions of this Section.

Section 40.110 Access.

Refer to TDC 36.470 [see Applicant’s response statement, above] and 73.400 [discussed later in this narrative.]

Section 40.120 Off-Street Parking and Loading.

Refer to TDC Chapter 73.

Section 73.370(2) Off-Street Parking Provisions

USE	MINIMUM MOTOR VEHICLE PARKING REQUIREMENT	MAXIMUM MOTOR VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
<i>Residential Uses:</i>				
<i>(i) Detached single-family dwelling, residential home, residential facilities (located in low density (RL) planning districts) Townhouse</i>	<i>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).</i>	<i>None</i>	<i>None Required</i>	<i>N/A</i>

Response: 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.

Section 40.130 Floodplain District.

Refer to TDC Chapter 70.

Response: Per FEMA and CWS mapping, the site does not lie within a 100 year flood plain.

Section 40.140 Community Design Standards.

(1) *Development of the following is subject to the provisions set forth in TDC 40.140(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:*

(a) *A new single-family dwelling.*

(b) *[not applicable – omitted for brevity]*

(2) *No building permits shall be issued for development described in TDC 40.140(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:*

[detailed provisions omitted for brevity]

(3) *A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).*

(4) *Where a site, structure, or object is designated a historic landmark, and pro-posed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria. [Ord. 1260-08 §4, 5/12/08]*

Response: This Section is not applicable because this proposal does not include any request for approval of new single-family residential construction plans. Following final plat recording, review pursuant to this Section will be required prior to construction of homes on the proposed subdivision lots.

Section 40.145 Placement Standards for Manufactured Homes.

[detailed provisions omitted for brevity]

Response: This Section is not applicable because this application does not request approval to place a Manufactured Home.

Section 40.150 Landscape Standards.

Refer to TDC Chapter 73. [Ord. 725-87 §13, 6/22/87]

Response: This Section is not applicable because Chapter 73 does not contain landscape standards applicable to single-family residential use in the RL Planning District.

TREE REMOVAL

Section 34.210 Application for Architectural Review, Sub-division 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 preceding 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.*
- (2) *Existing Single-Family Dwelling.*
- [not applicable; detailed provisions omitted for brevity]*
- (3) *Other. When a property owner wishes to remove trees, other than the exemptions permitted under **TDC 34.200(3)**, for reasons other than those identified in **TDC 34.210(1) and (2)**, the property owner shall apply for a Tree Removal Permit as follows:*
- [not applicable; detailed provisions omitted for brevity]*

Response: 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.

FENCE STANDARDS

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*

Response: A tree removal plan is shown with engineering plan set. An arborist report is included as Exhibit J. The trees shown on the plan for removal are necessary for removal due to their location to improvements for partition or their condition.

Section 34.320 Purpose.

The purpose of fence standards in the RL and RML Planning Districts for access-restricted lot lines and property lines that abut collector, arterial, and expressway streets, and interstate highways (I-5 or I-205) is to implement the community design objectives of TDC 10.020. [Ord. 1244-07 §1, 07/23/07; Ord.1285-09 §1, 07/13/09]

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). [detailed provisions omitted for brevity]

- (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. [Ord. 1244-07 §2, 07/23/07; Ord.1285-09 §2, 07/13/09; Ord. 1354-13 §5, 02/25/13]

Response: SW Avery St is classified as a Minor Collector according to the Tualatin TSP. The 2 Lots of the partition will have their access off of SW Avery St 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 St.

ARCHITECTURAL REVIEW APPROVAL

Section 73.040 Architectural Review Plan Approval Required.

- (1) *Except for [a less-than 35% expansion of a single-family residence] as permitted by these standards, no new building, condominium, townhouse, **single family dwelling** [emphasis added; additional list items omitted for brevity], or exterior major remodeling shall occur until the architectural review plan required under TDC 31.071 has been reviewed and approved by the Community Development Director and City Engineer or their designees, or by the Architectural Review Board or City Council for conformity with applicable standards or criteria.*
- (2) *No new single-family dwelling or [35% or more expansion of a single-family residence] as permitted by these standards, shall occur until the architectural review application under TDC 31.071(7) has been reviewed and approved by the Community Development Director or their designee for conformity with the applicable standards or criteria.*

Response: This Section is not directly applicable to this application because it does not include plans for construction of a dwelling. This Section will apply to requests to construct homes on the lots to be created by this proposed subdivision.

LANDSCAPING

Section 73.240 Landscaping General Provisions.

- (1) *The following standards are minimum requirements.*
- (2) *The minimum area requirement for landscaping for conditional uses for RL, RML, RMH, RH and RH/HR Planning Districts, listed in TDC 40.030, 41.030, 42.030, 43.030 and 44.030, excluding 40.030(3), 40.030 (4)(j), 40.030*

(4)(m), 40.030 (4)(n) and 41.030(2) shall be twenty-five (25) percent of the total area to be developed. When a dedication is granted in accordance with the planning district provisions on the subject property for a fish and wildlife habitat area, the minimum area requirement for landscaping shall be twenty (20) percent of the total area to be developed as determined through the AR process.

Response: The Partition will consist of single family houses which are not a conditional use and are not subject to the minimum landscaping requirements.

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. [Ord. 904-93, §55, 9/13/93; Ord. 1224-06, §26, 11/13/06]

Response: 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.

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.*

Response: 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.

ACCESS REQUIREMENTS

Section 73.400 Access.

- (1) *The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. Access management and spacing standards are provided in this section of the TDC and TDC Chapter 75. No building or other permit shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until the required increase in ingress and egress is provided.*
- (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.*

Response: Both lots will utilize a shared access driveway, which is built upon both parcels as shown on the site plan.

- (3) *Joint and Cross Access.*
- (4) *Requirements for Development on Less than the Entire Site.*
- (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. [Ord. 882-92, § 24,12/14/92]*
- (7) *Vehicular access for residential uses shall be brought to within 50 feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.*

Response: The two lots created by the partition will have a joint access driveway accessing SW Avery near the current alignment of the existing driveway.

- (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.

Response: 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.

- (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.*
 - (b) *Ingress and egress for multi-family residential uses shall not be less than the following:*

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

Response: 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.

- (11) *Minimum Access Requirements for Commercial, Public and Semi-Public Uses.*
- (12) *Minimum Access Requirements for Industrial Uses.*
- (13) *One-way Ingress or Egress.*
When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements of Subsections (7), (8), and (9). However, the hard surfaced pavement of one-way drives shall not be less than 16 feet for multi-family residential, commercial, or industrial uses.
- (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).*
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.

Response: 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.

(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.*

Response: 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 St.

(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).*

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

(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.

Response: No Major Driveways are proposed with this Partition.

IMPROVEMENTS

Section 74.110 Phasing of Improvements.

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.*
- (2) *In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative affects of public streets by modifying right-of-way widths and street improvements when appropriate. The City Engineer is authorized to modify right-of-way widths and street improvements to address the negative affects on fish and wildlife habitat. [Ord. 1224-06 §35, 11/13/06]*

Response: 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.

Section 74.130 Private Improvements.

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

Response: Conditions of approval can be used to ensure that detailed construction plans are submitted and approved prior to commencement of construction.

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.*

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

RIGHT-OF-WAY

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.*
 - (2) *For development applications other than subdivisions and partitions, [not applicable; detailed provisions omitted for brevity].*
 - (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. [Ord. 933-94 §50, 11/28/94; Ord. 979-97 §52, 7/14/97; Ord. 1026-99 §98, 8/9/99; Ord. 1354-13 §17, 02/25/13]*

Response: 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.

Section 74.220 Parcels Excluded from Development.

On subdivision development applications which include land partitioned off or having adjusted property lines from the original parcel, but do not include the original parcel, the applicant shall be responsible for obtaining any necessary right-of-way from the owner of the original parcel if the right-of-way is needed to accommodate street improvements required of the applicant. The applicant shall submit a completed right-of-way dedication deed to the City Engineer for acceptance. The right-of-way dedication shall be accepted by the City prior to the City approving the final subdivision plat. [Ord. 933-94, § 49, 11/28/94]

Response: This Section is not applicable because the Subject Property does not involve its threshold situation.

EASEMENTS AND TRACTS

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

- (1) *Areas dedicated to the City for Greenway or Natural Area purposes or easements or dedications for bike and pedestrian facilities during the development application process shall be surveyed, staked and marked with a City approved boundary marker prior to acceptance by the City.*
- (2) *For subdivision and partition applications, the Greenway, Natural Area, bike, and pedestrian path dedication and easement areas 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; or*
- (3) *For all other development applications, Greenway, Natural Area, bike, and pedestrian path dedications and easements shall be submitted to the City Engineer; building permits shall not be issued for the development prior to acceptance of the dedication or easement by the City. [Ord. 933-94 §50, 11/28/94; Ord. 979-97 §52, 7/14/97; Ord. 1026-99 §98, 8/9/99].*

Response: This Section is not applicable because the Subject Property is not situated in or adjacent to an identified Greenway or Natural Area, or bike or pedestrian path corridor. Because of the way surrounding development has occurred, there is no existing corridor (i.e., public access tract or easement) to which a connection could be made on the Subject Property's boundaries.

Section 74.320 Slope Easements.

- (1) *The applicant shall obtain and convey to the City any slope easements determined by the City Engineer to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.*
- (2) *For subdivision and partition applications, the slope easement dedication area 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; or*
- (3) *For all other development applications, a slope easement dedication shall be submitted to the City Engineer; building permits shall not be issued for the development prior to acceptance of the easement by the City. [Ord. 933-94, § 51, 11/28/94]*

Response: This Section is not applicable because the site's topography and relationship to the abutting street of SW Avery Street, does not involve grades for which a slope easement would be warranted.

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.*
- (4) *For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement shall be granted to the City; building permits shall not be issued for the development prior to acceptance of the easement 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. [Ord. 933-94, § 52, 11/28/94]*

Response: 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.

Section 74.340 Watercourse Easements.

- (1) *Where a proposed development site is traversed by or adjacent to a watercourse, drainage way, channel or stream, the applicant shall provide a storm water easement, drainage right-of-way, or other means of preservation approved by the City Engineer, conforming substantially with the lines of the watercourse. The City Engineer shall determine the width of the easement, or other means of preservation, required to accommodate all the requirements of the Surface Water Management Ordinance, existing and future storm drainage needs and access for operation and maintenance.*
- (2) *For subdivision and partition applications, any watercourse 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; or*
- (3) *For all other development applications, any watercourse easement shall be executed on a dedication form submitted to the City Engineer; building permits shall not be issued for the development prior to acceptance of the easement by the City.*
- (4) *The storm water easement shall be sized to accommodate the existing water course and all future improvements in the drainage basin. There may be additional requirements as set forth in TDC Chapter 72, Greenway and Riverbank Protection District, and the Surface Water Management Ordinance. Water quality facilities may require additional easements as described in the Surface Water Management Ordinance. [Ord. 933-94, § 53, 11/28/94]*

Response: There are no water courses that cross the property so this section is not applicable.

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. [Ord. 933-94, § 54, 11/28/94]

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

TRANSPORTATION*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.**

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

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.*
- (8) *For development applications other than subdivisions and partitions, all street improvements required by this section shall be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.*
- (9) *In addition to land adjacent to an existing or proposed street, the requirements of this section shall apply to land separated from such a street only by a railroad right-of-way.*
- (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.*

Response: 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.

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-striped 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.*
- (4) *The Local Commercial-Industrial Street Section, B-CI, may have an interim reduced cross-section as determined by the City Engineer. The interim reduced standard would include 24-28 feet of pavement, 3-foot gravel shoulders, 2:1 side slopes to a drainage ditch and a 5-foot asphalt sidewalk on one side. Development to the full B-CI Standard will be determined subject to required traffic study analysis. See Figure 75-2F for the Interim B-CI Street Standard. [Ord. 1124-02, 12/9/02; Ord. 1224-06 §37, 11/13/06]*

Response: 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.

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. [Ord. 1103-02, 3/25/02]*

Response: 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 should be required.

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. [Ord. 933-94, § 57, 11/28/94; Ord. 1354-13 §21, 02/25/13]*

Response: 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.

Section 74.460 Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.

- (1) *Accessways shall be constructed by the applicant, dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.*
- (2) *Accessways shall be located between the proposed subdivision or partition and all of the following locations that apply:*
- (a) *adjoining publicly-owned land intended for public use, including schools and parks. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;*
- (b) *adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;*
- (c) *adjoining undeveloped residential, commercial or industrial properties;*
- (d) *adjoining developed sites where an accessway is planned or provided.*
- [additional subsections (3) through (13) omitted for brevity]*

Response: No accessways are proposed with the partition. All adjoining sites are currently developed and there are no pedestrian connections planned or existing to tie into.

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 site prior to issuance of a Public Works Permit.*

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

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.*

Response: There are no new streets with this project for naming.

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. [Ord.. 1192-05, 7/24/05]*

Response: No new street signs will be needed for this partition.

Section 74.485 Street Trees.

- (1) *Prior to approval of a residential sub-division 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.*
- (2) *In nonresidential subdivisions and partitions street trees shall be planted by the owners of the individual lots as development occurs.*
- (3) *The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees. [Ord. 1192-05, 7/25/05]*

Response: 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.

UTILITIES*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. [Ord. 933-94, § 59, 11/28/94]*

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

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. [Ord. 933-94, § 60, 11/28/94]*

Response: An extension of the 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.

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. [Ord. 933-94, § 61, 11/28/94; Ord. 952-95, § 2, 10/23/95]*

Response: 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 sanitary stormwater 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.

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.

Response: A grading plan is shown with the plan set in Exhibit B.

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*
- (2) On all other development applications, prior to issuance of any building permit, 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 met and obtain a Stormwater Connection Permit from Clean Water Services.*
- (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. [Ord. 952-95, § 3, 10/23/95; Ord. 1070-01, 4/9/01; Ord. 1327-11 §1; 6/27/11]*

Response: 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.

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.*

Response: 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.

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.*

Response: The existing structure on lot 2 has been demolished.

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. [Ord. 963-96, § 9, 6/24/96. Ord. 1079-01, § 1, 7/23/01; Ord. 1079-01, 7/23/01]

Response: 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.

Section 74.705 Street Tree Removal Permit.

Section 74.706 Street Tree Fees.

Section 74.707 Street Tree Voluntary Planting.

Section 74.708 Street Tree Emergencies.

Section 74.710 Open Ground.

Section 74.715 Attachments to Trees.

Section 74.720 Protection of Trees During Construction.

Response: The Applicant will obtain any necessary Tree Removal Permits per City requirements and provide fees to the City for planting of street trees pursuant to Section 74.485 if needed.

Section 74.725 Maintenance Responsibilities.

Trees, shrubs or plants standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk shall be kept trimmed by the owner of the property adjacent to or in front of where such trees, shrubs or plants are growing so that:

- (1) *The lowest branches are not less than 12 feet above the surface of the street, and are not be less than 14 feet above the surface of streets designated as state highways.*
- (2) *The lowest branches are not less than eight feet above the surface of a sidewalk or footpath.*
- (3) *No plant, tree, bush or shrub shall be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured 10 feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic.*
- (4) *Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.*
- (5) *Maintenance responsibilities of the property owner include repair and upkeep of the sidewalk in accordance with the City Sidewalk Maintenance Ordinance. [Ord. 963-96, § 9, 6/24/96]*

Section 74.730 Notice of Violation. [detailed provisions omitted for brevity]

Section 74.735 Trimming by City. [detailed provisions omitted for brevity]

Section 74.740 Prohibited Trees.

Section 74.745 Cutting and Planting Specifications.

Section 74.750 Removal or Treatment by City.

Section 74.755 Appeal of Permit Denial.

Section 74.760 Penalties.

Response: The above provisions will apply to ongoing care and maintenance of street trees following final plat recording and planting of street trees by the City of Tualatin.

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.

[Schedule A: Street Tree Species omitted for brevity]

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

ACCESS MANAGEMENT

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. [Ord. 635-84, §55, 6/11/84]

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. [Ord. 1124-02, 12/9/02; Ord. 1354-13 §29, 02/25/13]*

Response: 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.

Tualatin Municipal Code

TMC Chapter 03-02: Sewer Regulations; Rates

Section 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.

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.*

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

TMC Chapter 03-03: Water Service

Section 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.*

Section 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.

Section 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.*

Section 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.

Response: 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.

TMC Chapter 03-05 Additional Surface Water Management Standards*Section 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. [Ord. 846-91 §1, 10/28/1991]

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. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.*
- (2) *No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required. No public agency or body shall undertake any public works project without first obtaining from the City an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.*
- (3) *No Erosion Control Permit from City is required for the following:*
 - (a) *For work of a minor nature provided all the following criteria are met:*
 - (A) *The development does not require a development permit or approval from the City;*
 - (B) *No development activity or disturbance of land surface occurs within 100 feet of a sensitive area defined in TMC 3-5.270;*
 - (C) *The slope of the site is less than 20 percent;*
 - (D) *The work on the site involves the disturbance of less than 500 square feet of land surface; and*
 - (E) *The excavation, fill or combination thereof involves less than 20 cubic yards of material.*
 - (b) *Permits and approvals of land division, interior improvements to an existing structure, and other activities for which there is no physical disturbance to the surface of the land.*
 - (c) *A permit shall not be required for activities within the City which constitute accepted farming practices as defined in ORS 215.203, provided any erosion does not cause sedimentation in waters of the Tualatin River basin.*

- (4) *An exception from the permit requirement shall not relieve the property or its owner from the prohibition of TMC 3-5.040. [Ord. 846-91 §5, 10/28/1991]*

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. [Ord. 846-91 §6, 10/28/1991]*

Response: 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.

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:

- (1) *Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this title;*
- (2) *Enlargement of the downstream conveyance system in accordance with this title and the Public Works Construction Code;*
- (3) *The payment of a Storm and Surface Water Management System Development Charge, which includes a water quantity component designated to meet these requirements. [Ord. 846-91 §20, 10/28/1991]*

Response: 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.

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.

If the increase in surface waters leaving a development will cause or contribute to damage from flooding, then the identified capacity deficiency shall be corrected prior to development or the development must construct onsite detention. To determine if the runoff from the development will cause or contribute to damage from flooding the City Engineer will consider the following factors:

- (1) The potential for or extent of flooding or other adverse impacts from the run-off of the development on downstream properties;
- (2) The potential for or extent of possibility of inverse condemnation claims;
- (3) Incremental impacts of runoff from the subject and other developments in the basin; and
- (4) Other factors that may be relevant to the particular situation.

The purpose of the City Engineer's review is to protect the City and its inhabitants from the impacts or damage caused by runoff from development while recognizing all appropriate limitations on exactions from the development. [Ord. 846-91 §21, 10/28/1991; Ord. 972-97 §1, 2/24/1997]

Response: A downstream analysis was conducted for the partition with the stormwater report shown in Exhibit D.

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.
- (2) There is an identified regional detention site within the boundary of the development.
- (3) There is a site within the boundary of the development which would qualify as a regional detention site under criteria or capital plan adopted by the Unified Sewerage Agency.
- (4) The site is located in the Hedges Creek Subbasin as identified in the Tualatin Drainage Plan and surface water runoff from the site flows directly or indirectly into the Wetland Protected Area (WPA) as defined in TDC 71.020. Properties located within the Wetland Protection District as described in TDC 71.010, or within the portion of the subbasin east of SW Tualatin Road are excepted from the on-site detention facility requirement. [Ord. 846-91 §22, 10/28/1991; Ord. 952-95 § 4, 10/23/1995]

Response: The site is not ideal to create on site detention for the 2 lot partition. According to the downstream analysis in stormwater report in Exhibit D, there is available capacity in the Mission Terrace system for conveyance of stormwater after onsite treatment on individual LIDA systems.

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. [Ord. 846-91 §28, 10/28/1991; Ord. 972-97 § 3, 2/24/1997; Ord. 1068-01 §2, 3/26/2001; Ord. 1068-01, 03/26/2001]

PERMANENT ON-SITE WATER QUALITY FACILITIES

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. [Ord. 846-91 §29, 10/28/1991]

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. [Ord. 846-91 §30, 10/28/1991]

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. [Ord. 846-91 §31, 10/28/1991]*

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. [Ord. 846-91 §32, 10/28/1991; Ord. 1319-11 §1, 3/28/2011]

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. [Ord. 846-91 §33, 10/28/1991]

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. [Ord. 846-91 §34, 10/28/1991; Ord. 1323-11 §1, 6/13/2011]

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. [Ord. 1319-11§6, 3/28/2011]

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. [Ord. 846-91 §35, 10/28/1991]

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. [Ord. 846-91 §36, 10/28/1991]

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. [Ord. 846-91 §37, 10/28/1991]

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. [Ord. 846-91 §39, 10/28/1991; Ord. 1323-11 §3, 06/13/2011]*

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. [Ord. 846-91 §42, 10/28/1991]

Response: 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.

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. [Ord. 510-80 §1, 5/12/80; Ord. 1033-99 §1, 10/25/99; Ord. 1292-09 §6, 11/23/09]*

Response: This section applies to building permits for new home construction.

Summary and Request

The Applicant has provided substantial evidence to demonstrate that the 2-Lot Partition meets all applicable development standards, and respectfully requests approval of the preliminary subdivision plan.

Exhibit A

Development Application



CITY OF TUALATIN
 18880 SW Martinazzi Ave
 Tualatin, OR 97062-7092
 Phone: (503) 692-2000
 Fax: (503) 692-0147

**DEVELOPMENT APPLICATION:
 SUBDIVISION/PARTITION/
 PROPERTY LINE ADJUSTMENT**

Application for: Subdivision Partition Property Line Adjustment

Project Address: 8965 Avery St. Planning District: RL

Project Tax Map Number: 2S126AA Tax Lot Number(s): 600

Property Owner(s): Kurt Dalbey Mission Homes NW LLC

Property Owner's Address: PO Box 1689 Lake Oswego, OR 97035

Owner's Phone Number: 503-781-1814 Fax Number: _____

Owner's Email Address: kdalbey@gmail.com

Owner's Signature: [Signature] Date: _____

Owner's Signature: _____ Date: _____

Owner's Signature: _____

Applicant's Name: Kurt Dalbey Mission Homes NW LLC

Applicant's Address: PO Box 1689 Lake Oswego, OR 97035

Applicant's Phone Number: 503 - 781 - 1814 Fax Number: _____

Applicant's Email Address: kdalbey@gmail.com

Applicant's Signature: [Signature] Date: _____

Consultant's Name: Ken Sandblast

Consultant's Company: Westlake Consultants, Inc.

Consultant's Address: 15115 SW Sequoia Pkwy, Tigard, OR 97224

Consultant's Phone Number: 503 - 684 - 0652 Fax Number: _____

Consultant's Email Address: ksandblast@westlakeconsultants.com

Direct Communication to: Owner Applicant Consultant

Existing Use: single family residential Proposed Use: single family residential

Total Acreage: .46 No. of Lots/Parcels: 2

Average Lot/Parcel Width: 58 ft. Average Lot/Parcel Area: 10,000 sq.ft.

Subdivision Name (if applicable): _____

Receipt Number: _____ Fee: \$ _____ Job Number: _____

By: _____ Date: _____



After recording return to:
Mission Homes Northwest, LLC
PO Box 1689
Lake Oswego, OR 97035

Until a change is requested all tax
statements shall be sent to the
following address:
Mission Homes Northwest, LLC
PO Box 1689
Lake Oswego, OR 97035

File No.: 7000-2573956 (srm)
Date: December 21, 2015

FIRST AMERICAN 2573956-LO

Washington County, Oregon **2016-013137**
D-DW
Stn=19 D MOON **02/23/2016 09:38:10 AM**
\$10.00 \$11.00 \$5.00 \$225.00 \$20.00 **\$271.00**

THIS SPACE RE

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

STATUTORY WARRANTY DEED

James H. Burchill, Grantor, conveys and warrants to **Mission Homes Northwest, LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Washington, State of Oregon, described as follows:

LOT 17, BRYN GWELED, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON. EXCEPTING THEREFROM THE NORTH 106 FEET.

NOTE: This Legal Description was created prior to January 01, 2008.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

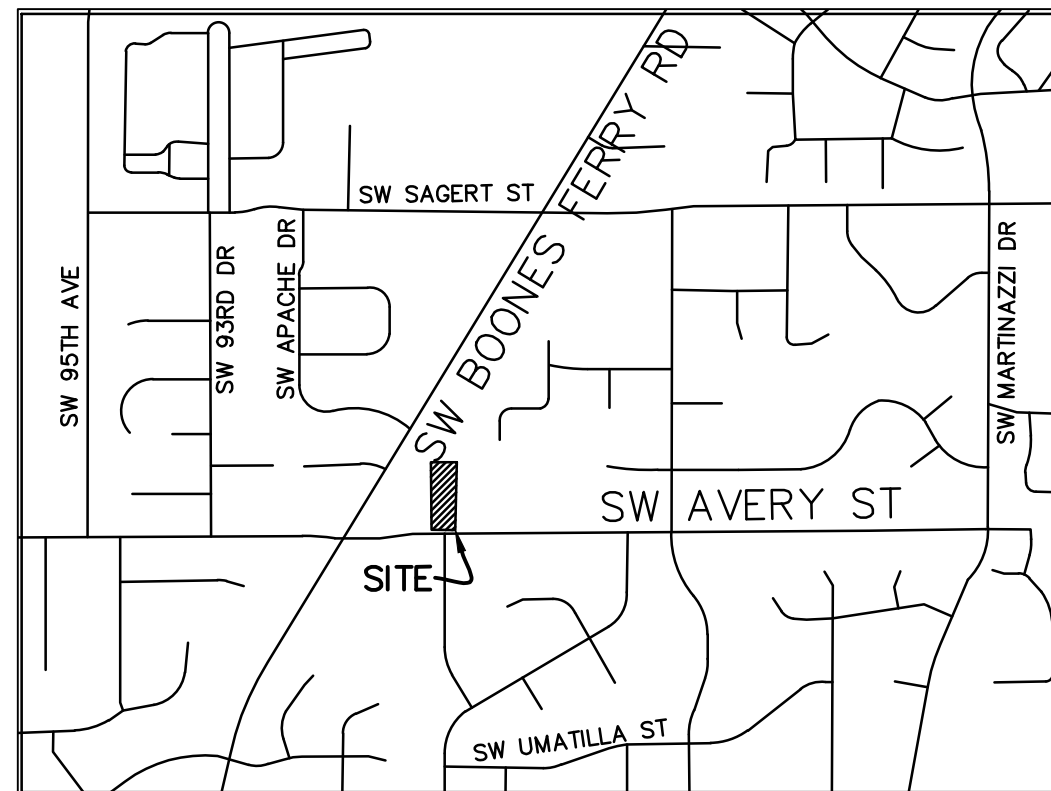
The true consideration for this conveyance is **\$225,000.00**. (Here comply with requirements of ORS 93.030)

Exhibit B

Preliminary Partition Plan Drawings (11"x17", reduced)

PRELIMINARY PLANS FOR BURCHILL PARTITION

TUALATIN, OREGON



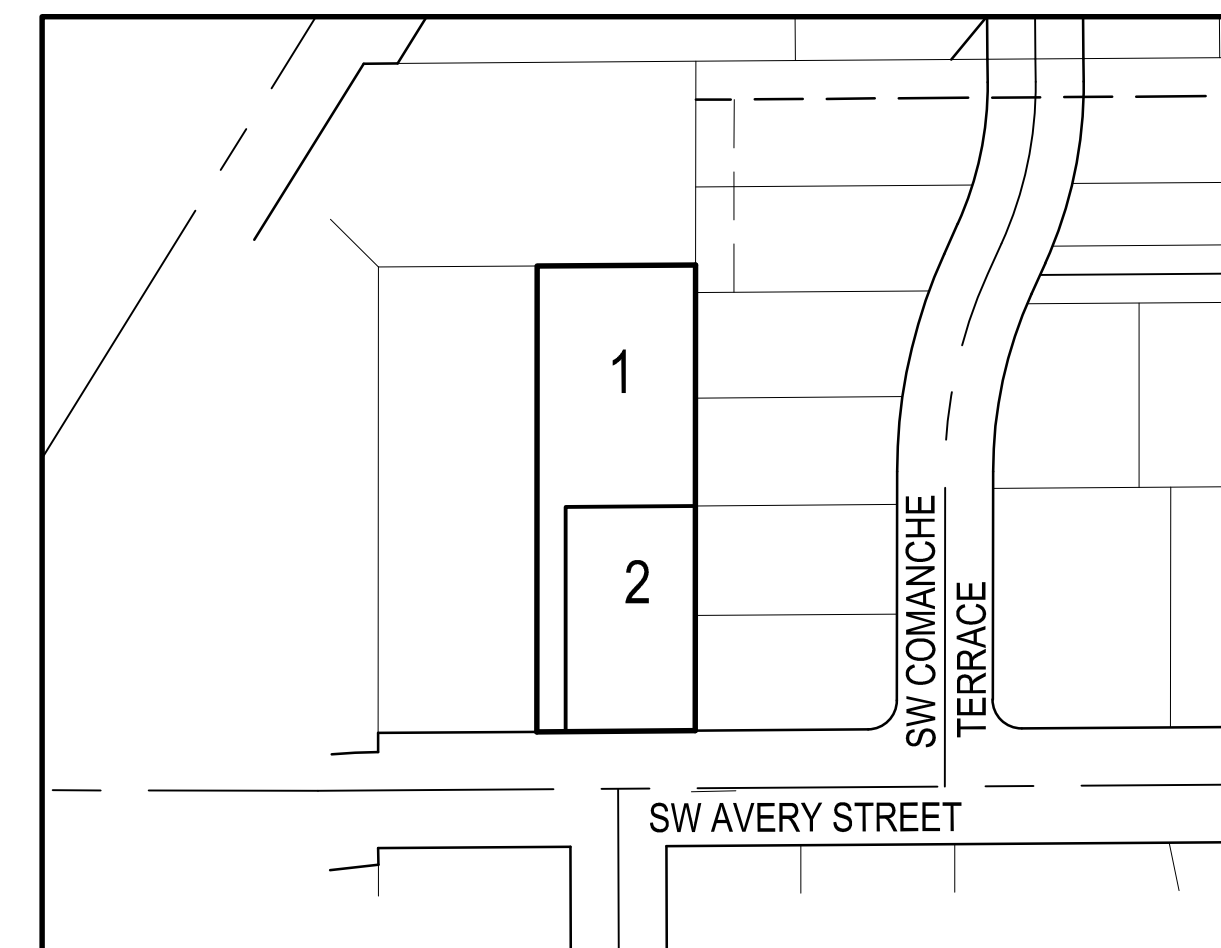
VICINITY MAP

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.



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

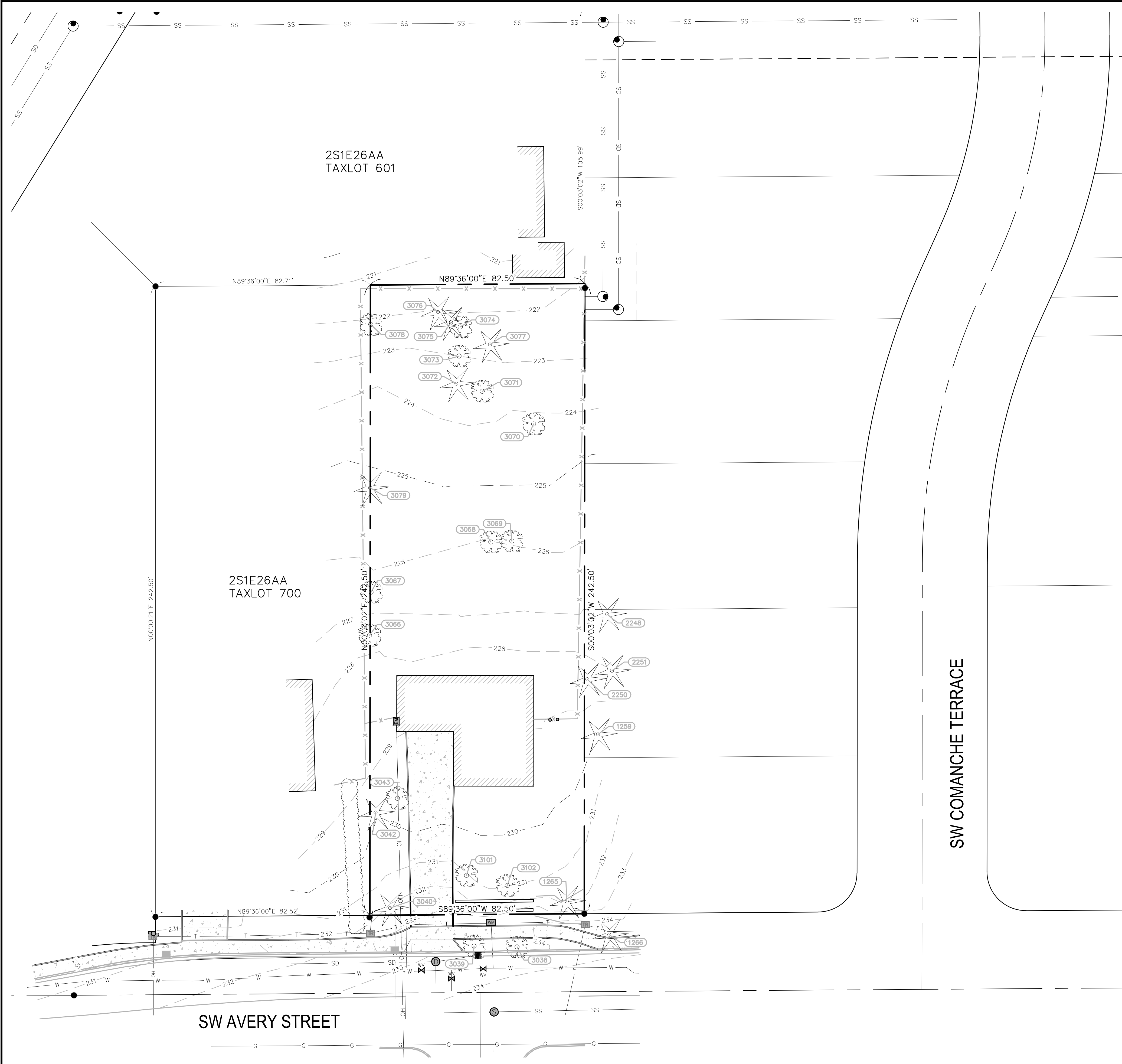
COVER SHEET

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\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.

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

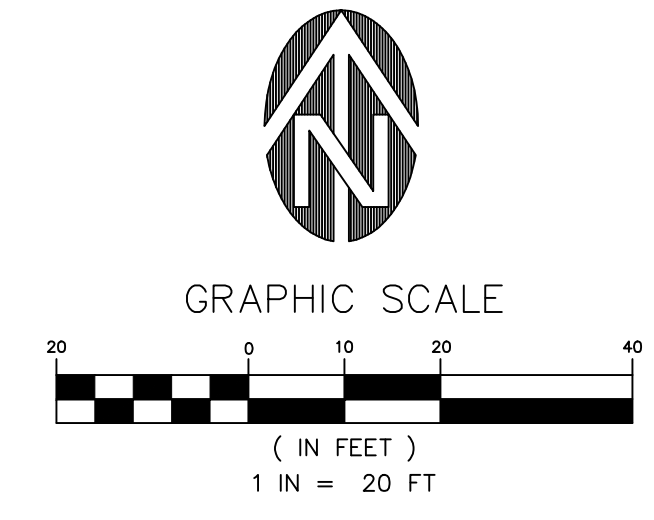
BURCHILL PARTITION
 TUALATIN, OR
 EXISTING CONDITIONS

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

REVISIONS
 SHEET
P200
 JOB NO.
 2312-020

Drawing Name: \\2312-020\161\Engrin\CAD\Draw\Production\LU\2312-20 P300.dwg Apr 05, 2016 - 1:29pm - cmh



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

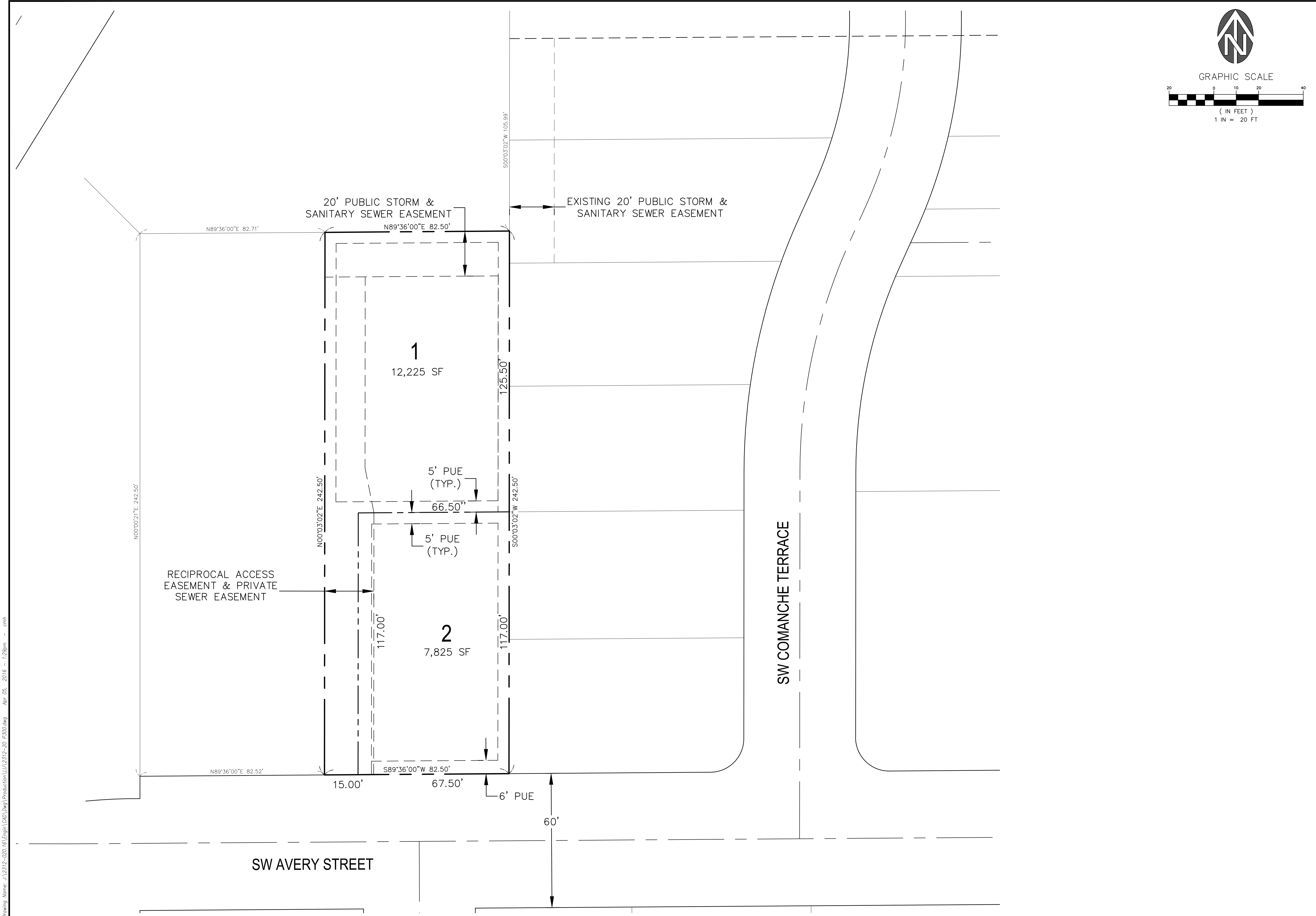
BURCHILL PARTITION
TUALATIN, OR
PRELIMINARY PLAT

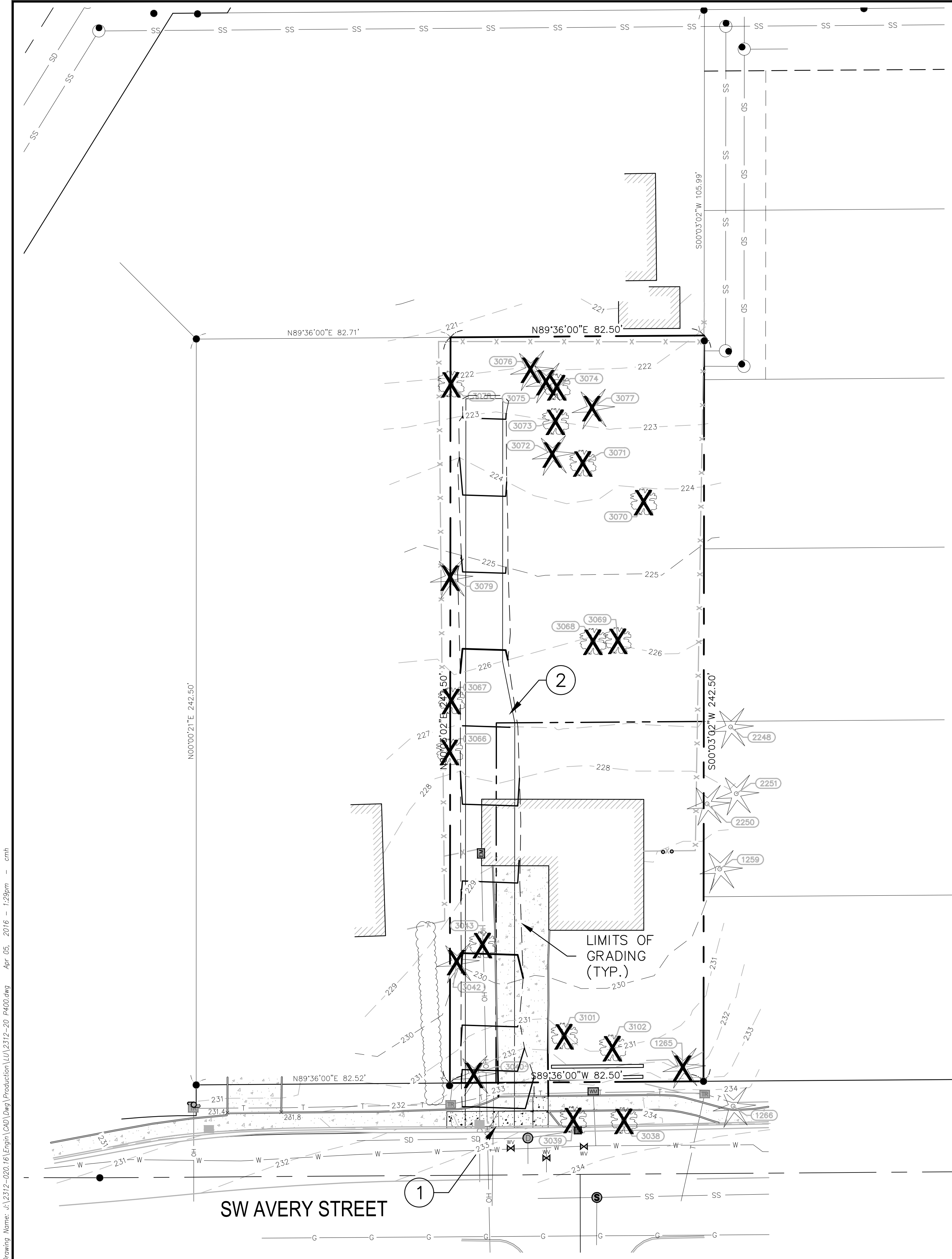
THESE DRAWINGS ARE THE PROPERTY OF WESTLAKE CONSULTANTS INC. (WCI) AND ARE NOT TO BE REPRODUCED IN ANY MANNER EXCEPT WITH THE WRITTEN PERMISSION OF WCI

NO.	DATE	DESCRIPTION	DRAFT BY	CHECK BY

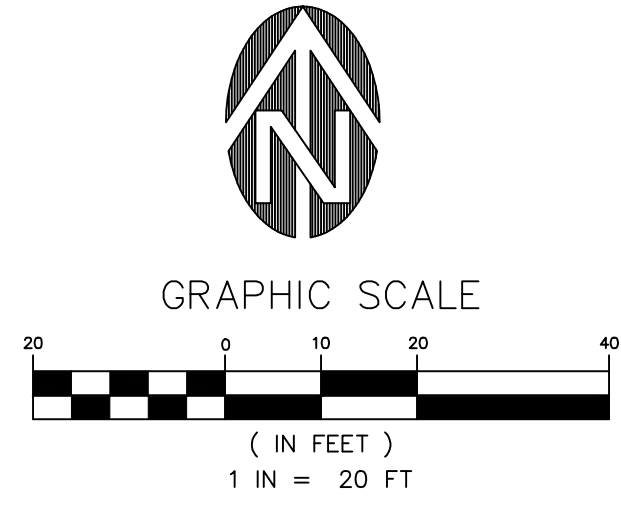
SHEET
F300
JOB NO.
2312-020

LAND USE SUBMITTAL - XX/XX/2016





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

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
PRELIMINARY GRADING & TREE PLAN

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

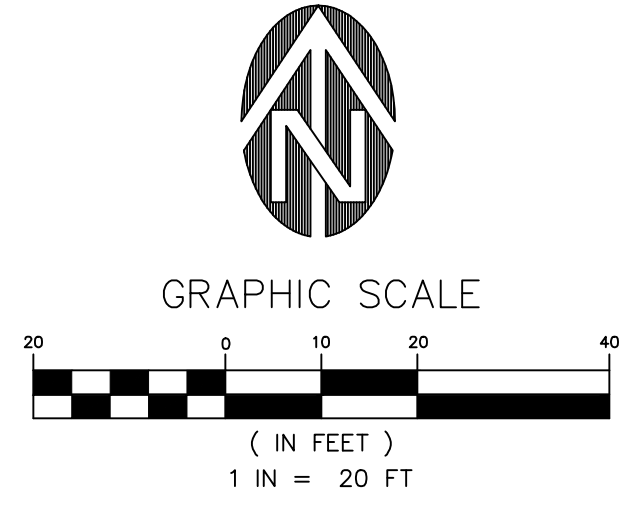
NO.	DATE	DESCRIPTION	DRAFT BY	CHECK BY

SHEET
P400
 JOB NO.
 2312-020

Drawing Name: s:\2312-020\161\Engr\CAD\Draw\Production\LU\2312-20 P400.dwg Apr 05, 2016 1:29pm cmh

LAND USE SUBMITTAL - XX/XX/2016

Drawing Name: s:\2312-020\161\Engrin\CAD\Drawn\Production\LU\2312-20 P500.dwg Apr 05, 2016 - 1:29pm - cmh



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

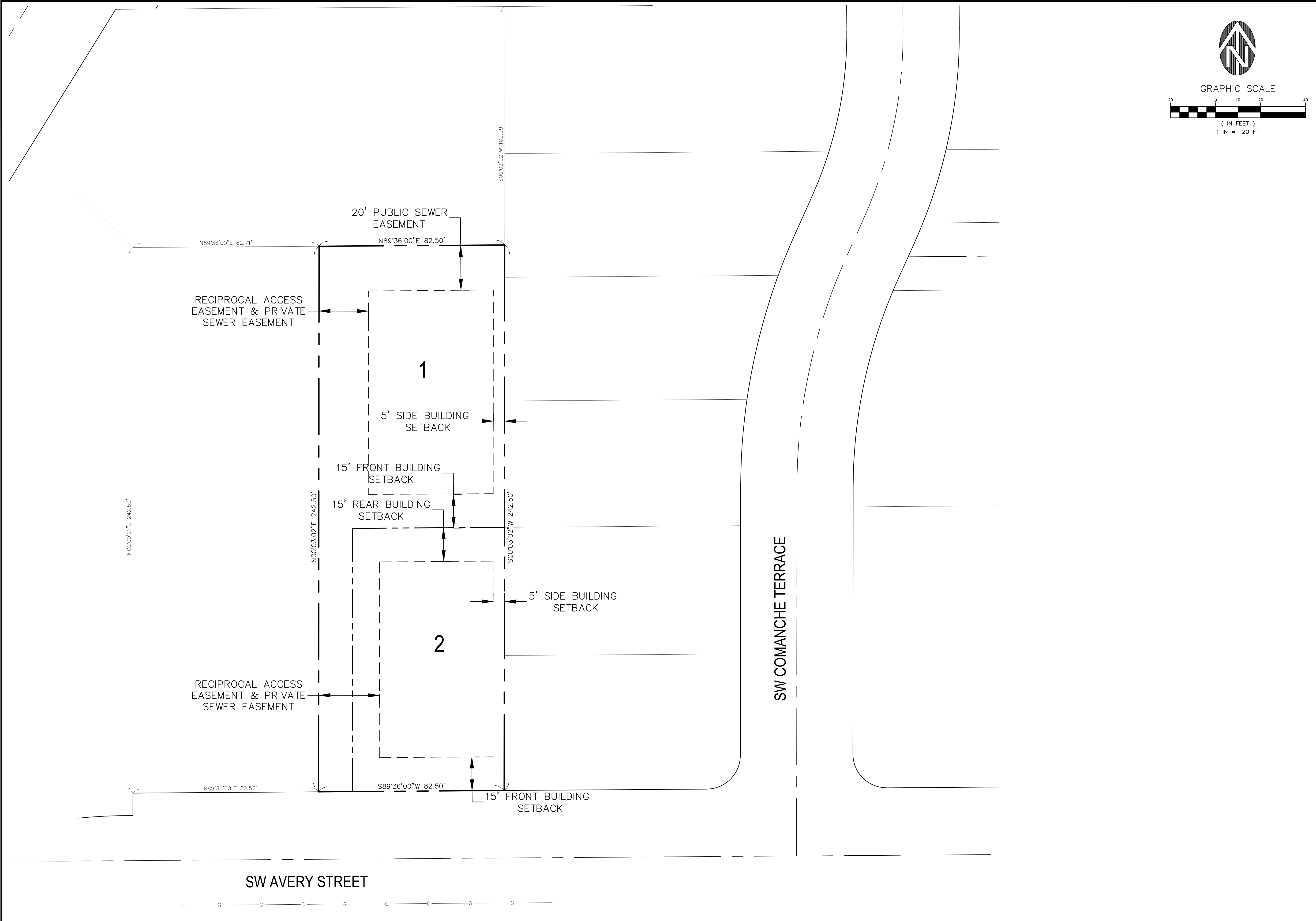
BUILDING ENVELOPE PLAN

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.

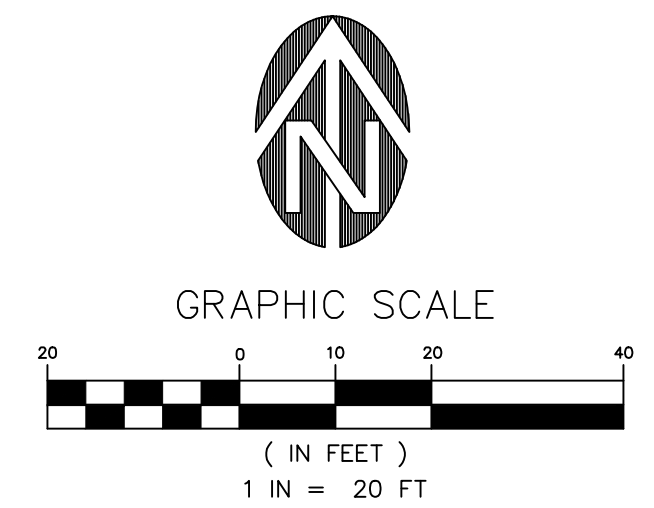
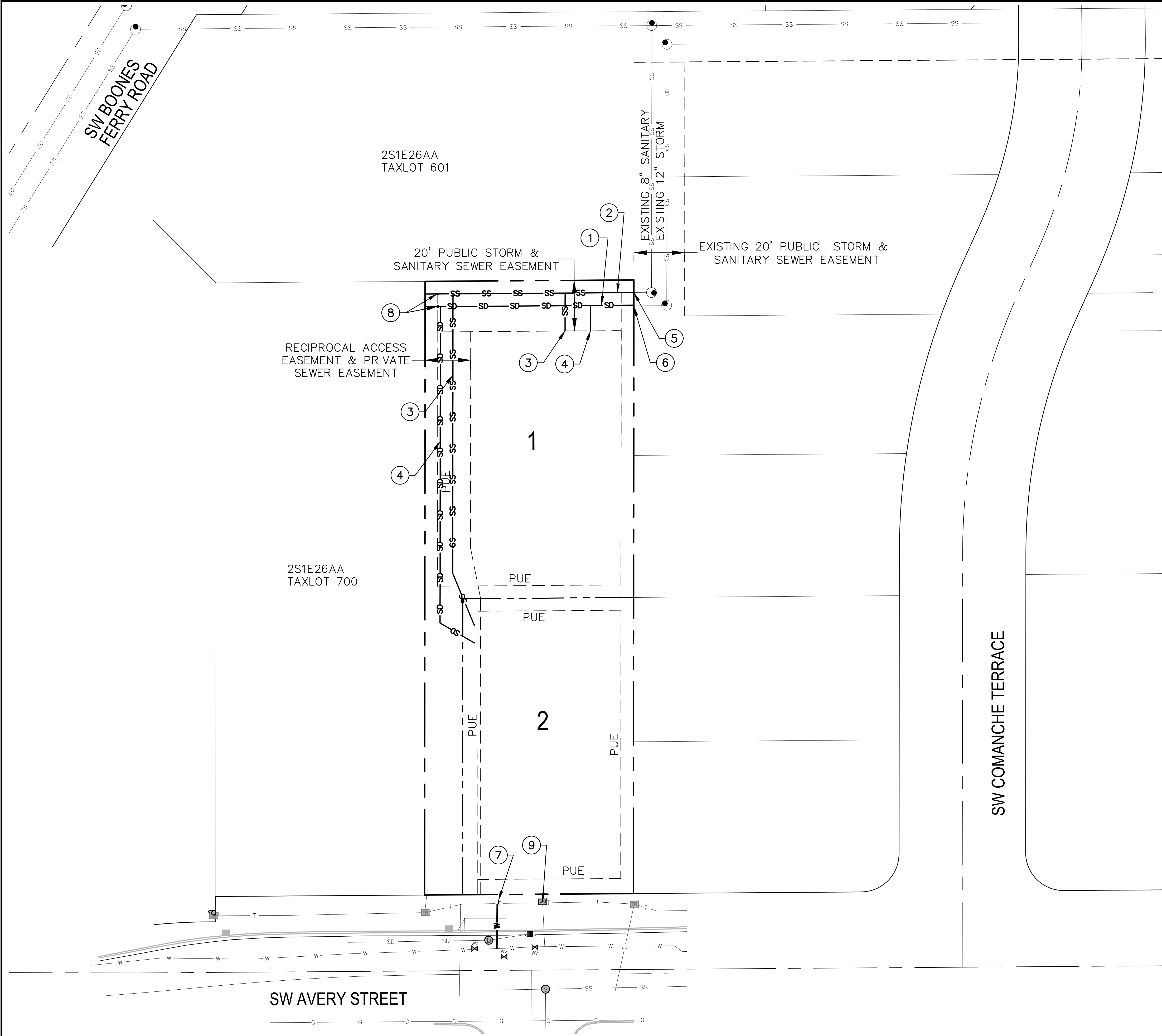
NO.	DATE	DESCRIPTION	DRAFT BY	CHECK BY

SHEET
P500
JOB NO.
2312-020

LAND USE SUBMITTAL - XX/XX/2016



Drawing Name: s:\2312-020\161\Engr\CAD\Draw\Production\LU\2312-20 P600.dwg Apr 05, 2016 - 1:50pm - cmh



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

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

PRELIMINARY UTILITY PLAN

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
P600
JOB NO.
2312-020

Exhibit C

Neighborhood/Developer Meeting Documentation

ENGINEERING • SURVEYING • PLANNING

PHONE 503.684.0652

DATE OF MEMO: February 8, 2016**PROJECT NAME:** Burchill Partition**DATE OF MEETING:** February 4, 2016**PROJECT NUMBER:** 2312-020**LOCATION:** Juanita Pohl Community Center**PRESENT:** Westlake Consultants - Ken Sandblast and Justin Lindley
Neighbors (see attached list)**DISTRIBUTION:** File,**SUBMITTED BY:** Justin Lindley

Presentation

A meeting was held to provide information to surrounding neighbors regarding a proposed 2 Lot Land Partition on a .48 acre site located at 8965 SW Avery St, Tualatin, OR 97062, 2S126AA, Tax Lot 600. Eleven neighbors attended the meeting including Tony Duran, an engineer with the City of Tualatin who also lived in the area of the notification.

Exhibits presented:

1. 24" x 36" Aerial vicinity map with property lines
2. Preliminary plat showing the lot lines, streets, and contours
3. Preliminary Plat with color to highlight site

Ken Sanblast opened the meeting with a brief description of the proposed development. Ken explained the process of the meeting requirements for developments within City of Tualatin and the fact that 550 and mailers were sent out to residents in the surrounding area notifying them of the meeting. He also apologized for the rescheduling of the meeting and 2 notifications that were sent out. He described the exhibits and the agenda of the meeting.

Ken first talked about the 2 lot partition that was proposed for the site and the low density zoning of the area. He discussed how the minimum lot dimensions and setbacks set the basic design of the 2 lot partition. He explained what the setbacks were and that future houses built on the site would meet them. He demonstrated with the exhibits that the site partition configuration would consist of a front lot and back lot with a flag lot design with a shared driveway access. There would be no streets added to the development.

Next, he discussed how the site will be served by utilities and where the connections will tie in with the neighboring subdivision that is currently under construction. He discussed how the lots will handle stormwater with onsite filtration prior to entering a stormwater system. He discussed how water and sewer will be served to the site along with electrical and communications.

Next, he explained the time frame for the land use application with the City involving the land use application, engineering design and review, permitting, and platting. He said that it is possible that construction could start on the site by the end of the year.

Finally, he concluded the presentation with information on the developer, Kurt Dalbey with Mission Homes. He stated that they are the same developer constructing the neighboring subdivision. He stated that Kurt was unable to attend, but wanted to leave his information for the public to be to reach him regarding any questions or comments. Ken stated that the developer is committed to working with community for his developments. A couple of the neighbors commented that on the previous subdivision, Kurt had done a great job with tree preservation and working with the City of Tualatin and the community.

Comments and Questions

The presentation was opened up for questions.

Q.1 What are the curved lines on the plan?

A.1 They are contour lines which represent the topography of the site. It shows the site is basically flat with a slight slope to the rear.

Q.2 Will there be any road development?

A.2 No, just a shared access driveway. It will not connect to neighboring subdivision under construction.

Q.3 Will the other subdivision have an impact on traffic in the area?

A.3 Tony Doran with the City of Tualatin commented that the extension of Comanche Terrace to Avery St. had been planned out in the City Transportation Plan and the development with its addition traffic was planned for.

Q.4 Why wasn't the partition done with Mission Terrace Subdivision?

A.4 The developer was unable to obtain the property during the development phase of the Mission Terrace Subdivision. The property was recently acquired.

Q.5 How will stormwater be addressed for both the partition and the Mission Terrace Subdivision?

A.5 Tony Doran with the City explained how the Mission Terrace Subdivision was handling stormwater. Ken stated that the partition is still under engineering design, but will meet all requirements of the City code.

Q.6 A neighbor commented that the recent street developments in the area had caused ponding issues on her property.

A.6 Tony Doran stated that the City would look into the issue regarding her property.

Q.7 Is the neighboring house to the west a historical property?

A.7 This was discussed by group with comments from several neighbors on the history of the house and legitimacy of the historical designation. One neighbor was a real estate agent who brokered the sale of the property and stated that

it had not been identified at the time of sale as being a home on a national registry of historic properties. Neighbors had said that the house has a plaque in front which states the house was part of downtown historic Tualatin and had been moved to the current site. Tony and others stated that the house may be on a list that the City uses to identify historic buildings.

The meeting was concluded and Ken thanked the neighbors for attending the meeting and their comments.

Burchill MLP
 Community Meeting, February 04, 2016
 Juanita Pohl Community Center
 8513 SW Tualatin Rd, Tualatin, OR 97062
Sign-In Sheet

Name	Address	Phone	E-mail
RHOON M. COLLIER	20545 SW 90 th Ave, Tualatin	15031 357-2425	rmoons@comcast.net
Patti Risdal	20940 SW 90 th	503 672-5D68	risdal - patti @ comcast.net
Jasen Martin	20365 SW Comanche	612-741-8866	jasenmartin@aol.com
Sondra Tracy Lawson	20388 SW Brown Tr	503-693-4993	SondraLawson@aol.com
Dave & Gail Landis	8865 SW Aveny		
DIANNE ZIGMOND	8730 SW Aveny	971-3375208	DIANNEZIGMOND@gmail.com
Jill HERBERT	SW 90 th Aveny		

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

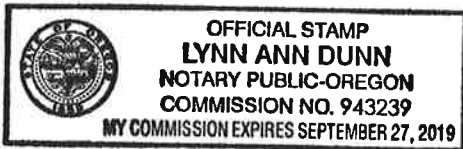
I, MACKENZIE DAVIS, being first duly sworn, depose and say:


That on the 13TH day of JANUARY, 2016, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 14th day of January,
2016.





Notary Public for Oregon
My commission expires: Sept 27, 2019

RE: _____

January 13, 2016

Dear Neighbor,

Westlake Consultants, Inc. is representing Mission Homes Northwest, L.L.C, who plans to develop approximately .48-acres of property located at 8965 SW Avery St, Tualatin, OR 97062 (Tax Map 2S126AA, Tax Lot 600), in the RL Zoning District, as shown on the attached map. We are preparing a land partition application with a total of 2 lots for detached single family home construction.

The purpose of this meeting is to provide a forum for surrounding property owners / residents to review the proposal and to identify issues so they may be considered before the formal application is submitted. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with Tualatin's land use regulations.

MEETING TIME AND PLACE

Thursday January 28th, 2016 6:00 PM
At Juanita Pohl Center
8513 SW Tualatin Road
Tualatin, OR 97062

Please note that this will be an informational meeting on preliminary development plans. These plans may change slightly before the application is submitted to the City. You may also receive an official notice from the City of Tualatin when the application is submitted, advising you of your opportunity to participate by submitting written comments.

I look forward to discussing this proposal with you. If you have questions but will be unable to attend, please feel free to call me at (503)-684-0652 or email me at ksandblast@westlakeconsultants.com.

Sincerely,

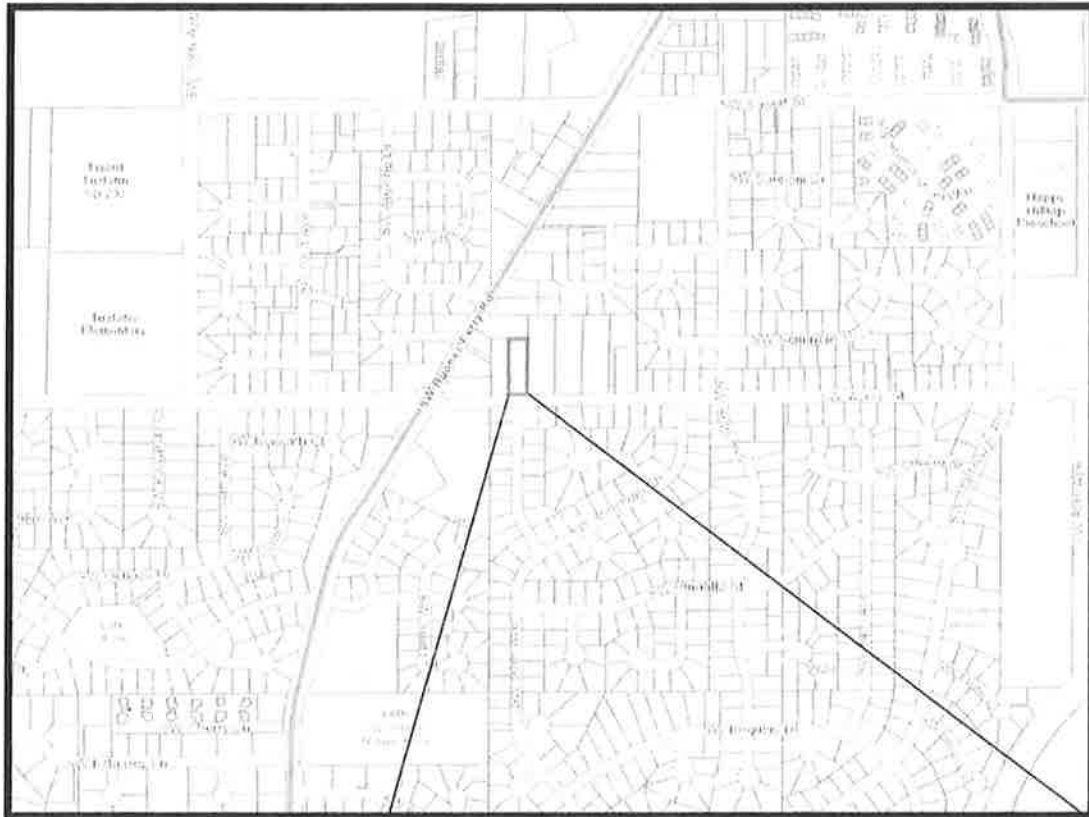
Westlake Consultants, Inc.



Kenneth L. Sandblast, AICP
Director of Planning

KLS/mrd

Site Vicinity Map



Project

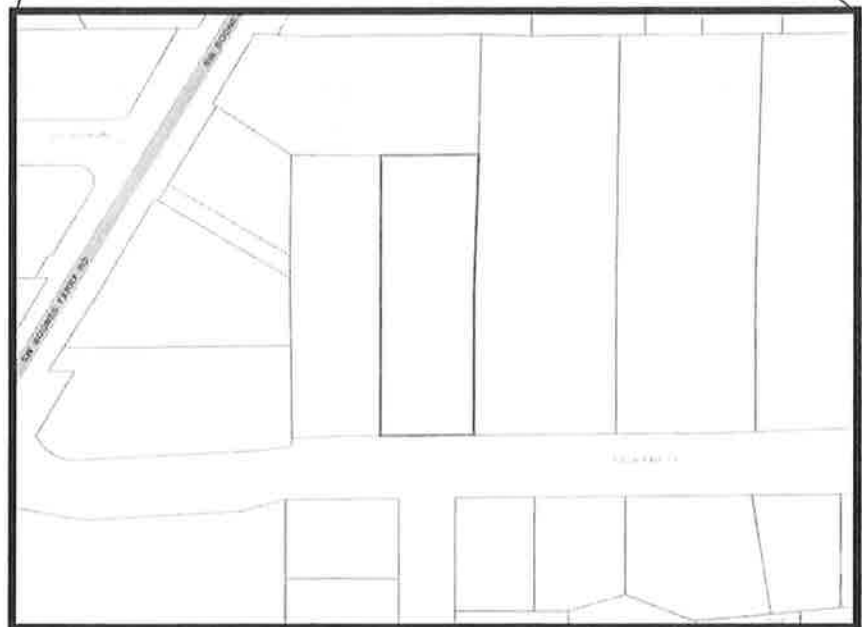
Burchill Land Partition

Site Address

8965 SW Avery St

Tax Map

2S126AA Tax Lot 600



NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

NOTICE

**NEIGHBORHOOD /
DEVELOPER MEETING**

__/__/2010 __:__.m.

SW _____

503-__-__


24"
18"

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the Burchill Partition project, I Date Revised on Sign for new NCM Date.

hereby certify that on this day, 1/20 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Justin Lindley
(PLEASE PRINT)

Applicant's Signature: 
Date: 1/20/16

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

NOTICE
NEIGHBORHOOD / DEVELOPER MEETING
__/__/2010 __:__.m.
SW _____
503-__-__

18"

24"

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the

Burchill Partition

project, I

hereby certify that on this day, 1 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: _____

(PLEASE PRINT)

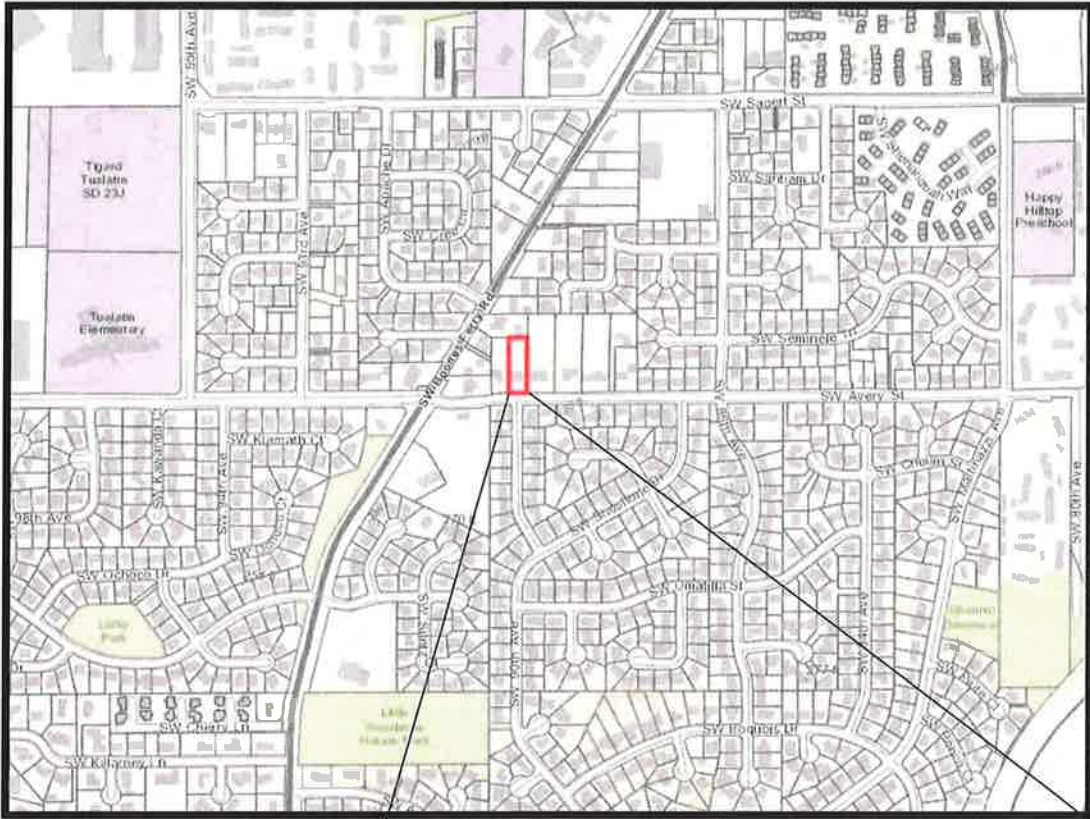
Justin Lindley

Applicant's Signature: _____

Date: _____

1/13/16

Site Vicinity Map



Project
Burchill Land Partition

Site Address
8965 SW Avery St

Tax Map
2S126AA Tax Lot 600



**Sign Posting
Location**

NOTICE

NEIGHBORHOOD / DEVELOPER MEETING

01 / 28 / 16 at 6 : 00 p.m.

8315 SW Tualatin Rd. (Juanita Pohl

503-684-0652
Center in
Community Park)

Burchill Partition

Site Vicinity Map



Meeting Exhibits
2-4-16



Westlake
consultants, inc

PLANNING | ENGINEERING | SURVEYING





GRAPHIC SCALE



71.82.71'

82.5'

125.5'

242.5'

60'

117'

117'

22.5'

60'

NEIGHBORING BLVD

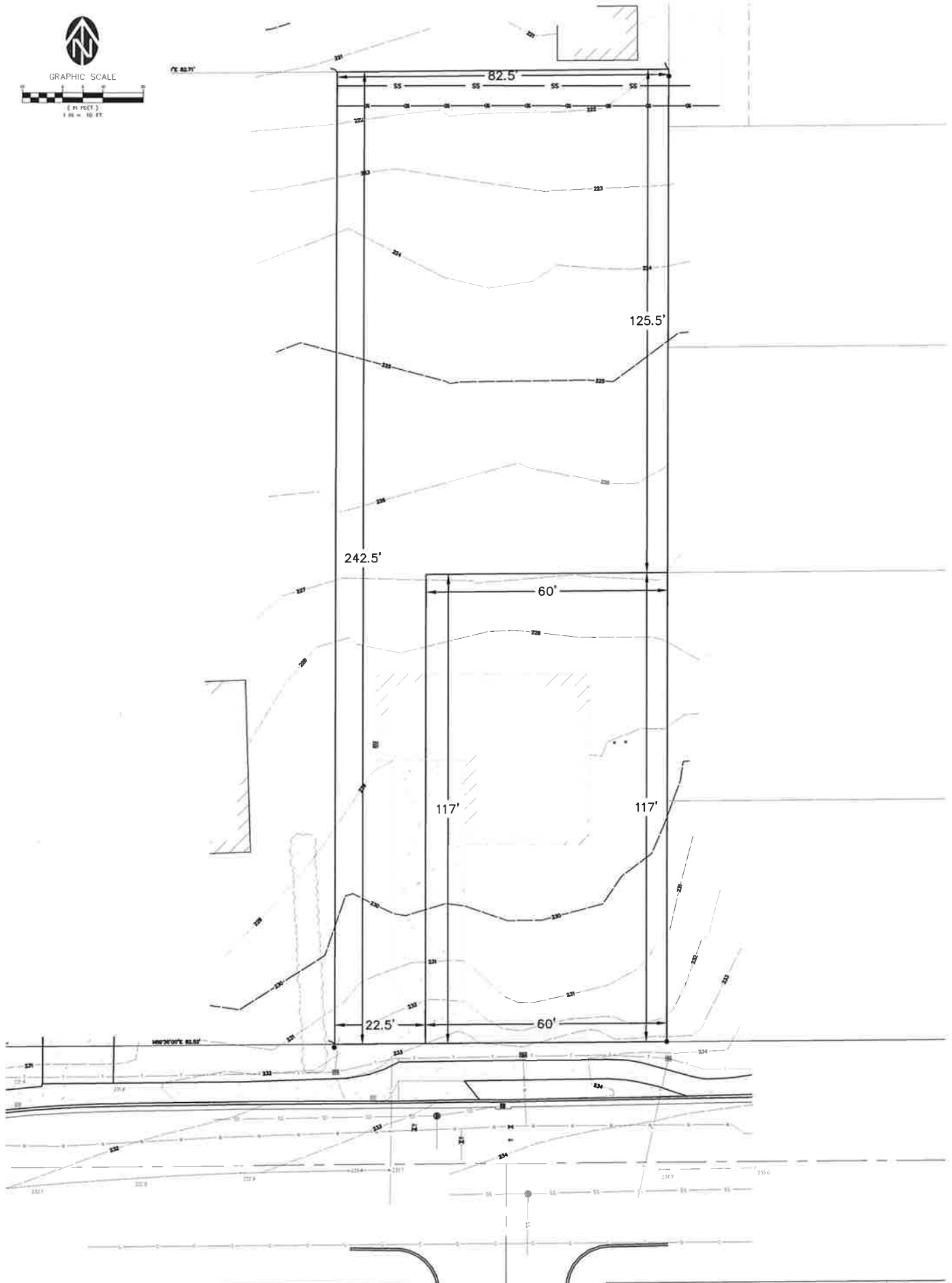
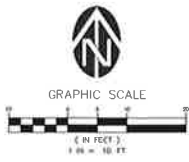
BURCHILL PARTITION SITE PLAN

WESTLAKE
CONSULTANTS, INC.

ENGINEERING • SURVEYING • PLANNING


PACIFIC CORPORATE CENTER
15111 N.W. 86TH AVENUE, SUITE 100
SHAWNEE, OREGON 97144

TEL: (503) 864-0888
FAX: (503) 864-0177



BURCHILL PARTITION

SITE PLAN

 WESTLAKE CONSULTANTS INC.
ENGINEERING • SURVEYING • PLANNING
FATIGUE COMPANY CENTER 10115 W. 105TH AVENUE SUITE 100 Troy, Michigan 48064
(313) 824-0955 FAX (313) 824-0177

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

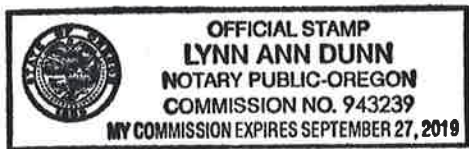
I, MACKENZIE DAVIS, being first duly sworn, depose and say:

That on the 20 day of JANUARY, 2016, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 8th day of February
20 16.





Notary Public for Oregon
My commission expires: Sept 27, 2019

RE: _____

January 20, 2016

Dear Neighbor,

REVISED MEETING DATE

Westlake Consultants, Inc. is representing Mission Homes Northwest, L.L.C, who plans to develop approximately .48-acres of property located at 8965 SW Avery St, Tualatin, OR 97062 (Tax Map 2S126AA, Tax Lot 600), in the RL Zoning District, as shown on the attached map. We are preparing a land partition application with a total of 2 lots for detached single family home construction.

The purpose of this meeting is to provide a forum for surrounding property owners / residents to review the proposal and to identify issues so they may be considered before the formal application is submitted. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with Tualatin's land use regulations.

REVISED MEETING TIME AND PLACE

**Thursday February 4th, 2016 6:00 PM
At Juanita Pohl Center
8513 SW Tualatin Road
Tualatin, OR 97062**

Please note that this will be an informational meeting on preliminary development plans. These plans may change slightly before the application is submitted to the City. You may also receive an official notice from the City of Tualatin when the application is submitted, advising you of your opportunity to participate by submitting written comments.

I look forward to discussing this proposal with you. If you have questions but will be unable to attend, please feel free to call me at (503)-684-0652 or email me at ksandblast@westlakeconsultants.com.

Sincerely,

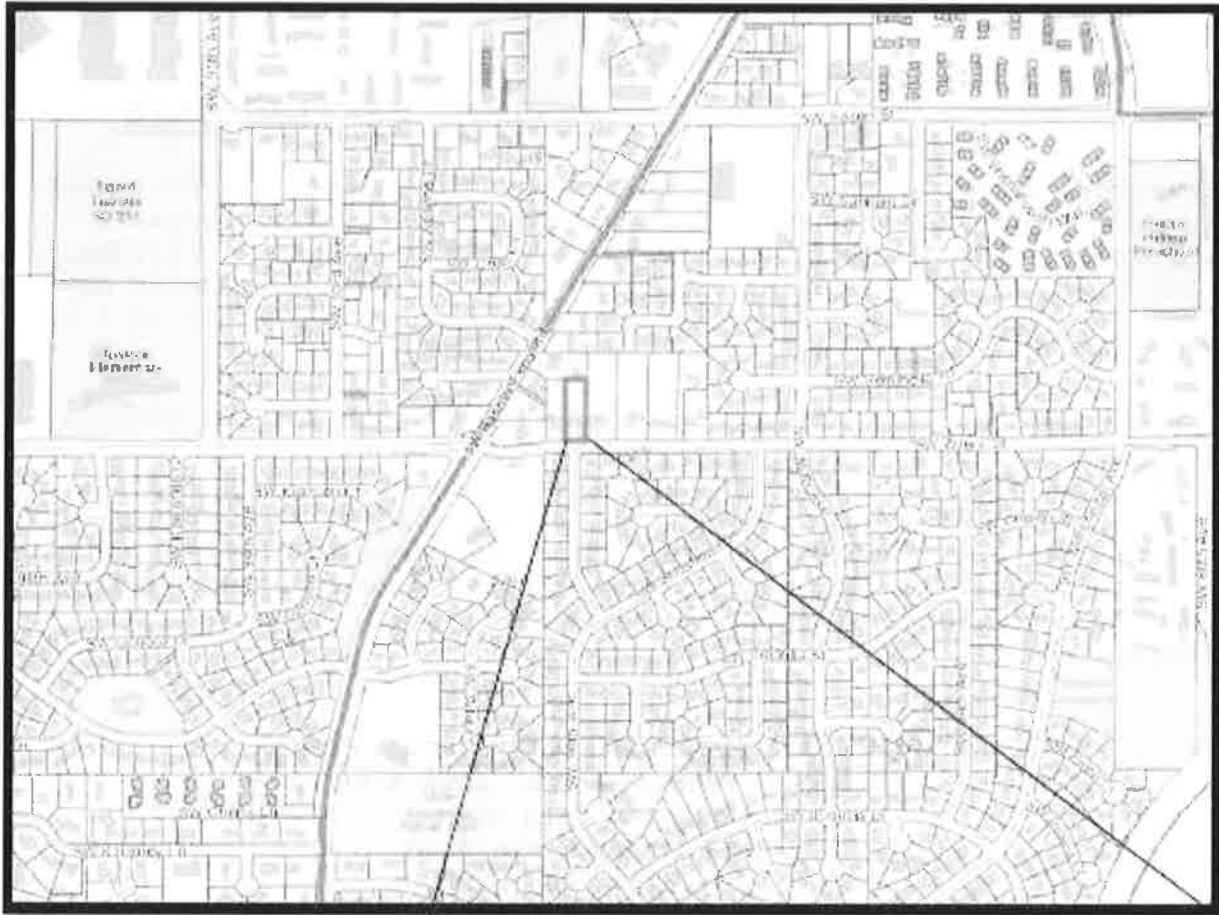
Westlake Consultants, Inc.



Kenneth L. Sandblast, AICP
Director of Planning

KLS/mrd

Site Vicinity Map



Project
Burchill Land Partition

Site Address
8965 SW Avery St

Tax Map
2S126AA Tax Lot 600



Exhibit D

Stormwater Memo



April 5, 2016

City of Tualatin

RE: Burchill Stormwater Memo
Westlake Reference No. 2312-020-16

The proposed project includes a two lot partition of an existing single lot located at 8965 SW Avery Street (Tax Map 2S1 26AA, Tax Lot 600). The property size is 0.48 acres, two new homes are expected to be constructed within the proposed project. The existing dwelling on the lot was recently demolished. This memo will address preliminary stormwater design for the proposed project. Preliminary design shall adhere to applicable City of Tualatin and Clean Water Services requirements.

The downstream analysis included in the stormwater report for the adjacent project, Mission Terrace, has been evaluated to determine if adequate capacity exists in the existing stormwater system. The USDA Web Soils Survey website has been used to find the hydrologic soil group of the existing soils, and it has been found that existing site soils are type B soils. Assuming 2,640 square feet of impervious area per lot, the areas used to estimate the post construction runoff are .121 acres of impervious surfaces (CN=98), and 0.359 acres of area covered by grass in good condition with type B soils (CN=61). This provides a post construction runoff of 0.12 CFS for the 25 year design storm per preliminary calculations performed using HydroCAD design software. Per the downstream analysis completed in the Mission Terrace project, the critical pipe has 0.2 CFS of remaining capacity. Based on this analysis detention is not proposed for this project.

For stormwater treatment, it is expected that individual LIDA facilities will be designed for each lot. These facilities are expected to treat 2,640 square feet of impervious area per lot. The design of the individual LIDA facilities will be completed during final engineering. This stormwater treatment may be achieved using a variety of techniques outlined in the Clean Water Services LIDA handbook.

Thank you for your comments. Please don't hesitate to contact me with any further questions.

Sincerely yours,
Westlake Consultants, Inc.

Ryan Crowther, PE
Senior Project Engineer

Exhibit E

Clean Water Services Service Provider Letter

Sensitive Area Pre-Screening Site Assessment

1. **Jurisdiction:** Washington County

2. **Property Information** (example 1S234AB01400)

Tax lot ID(s): 2S126AA00600

Site Address: 8965 SW Avery St

City, State, Zip: Tualatin, OR 97062

Nearest Cross Street: SW Boones Ferry Rd

3. **Owner Information**

Name: James H Burchill

Company: _____

Address: 22435 SW Martinazzi Ave

City, State, Zip: Tualatin, OR 97062

Phone/Fax: _____

E-Mail: _____

4. **Development Activity** (check all that apply)

- Addition to Single Family Residence (rooms, deck, garage)
- Lot Line Adjustment Minor Land Partition
- Residential Condominium Commercial Condominium
- Residential Subdivision Commercial Subdivision
- Single Lot Commercial Multi Lot Commercial
- Other _____

5. **Applicant Information**

Name: Ken Sanblast

Company: Westlake Consultants

Address: 15115 SW Sequoia Pkwy

City, State, Zip: Tigard, OR 97224

Phone/Fax: 503-684-0652

E-Mail: jlindley@westlakeconsultants.com

6. **Will the project involve any off-site work?** Yes No Unknown

Location and description of off-site work _____

7. **Additional comments or information that may be needed to understand your project** _____

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/Type Name Ken Sanblast Print/Type Title _____

ONLINE SUBMITTAL

Date 1/13/2016

FOR DISTRICT USE ONLY

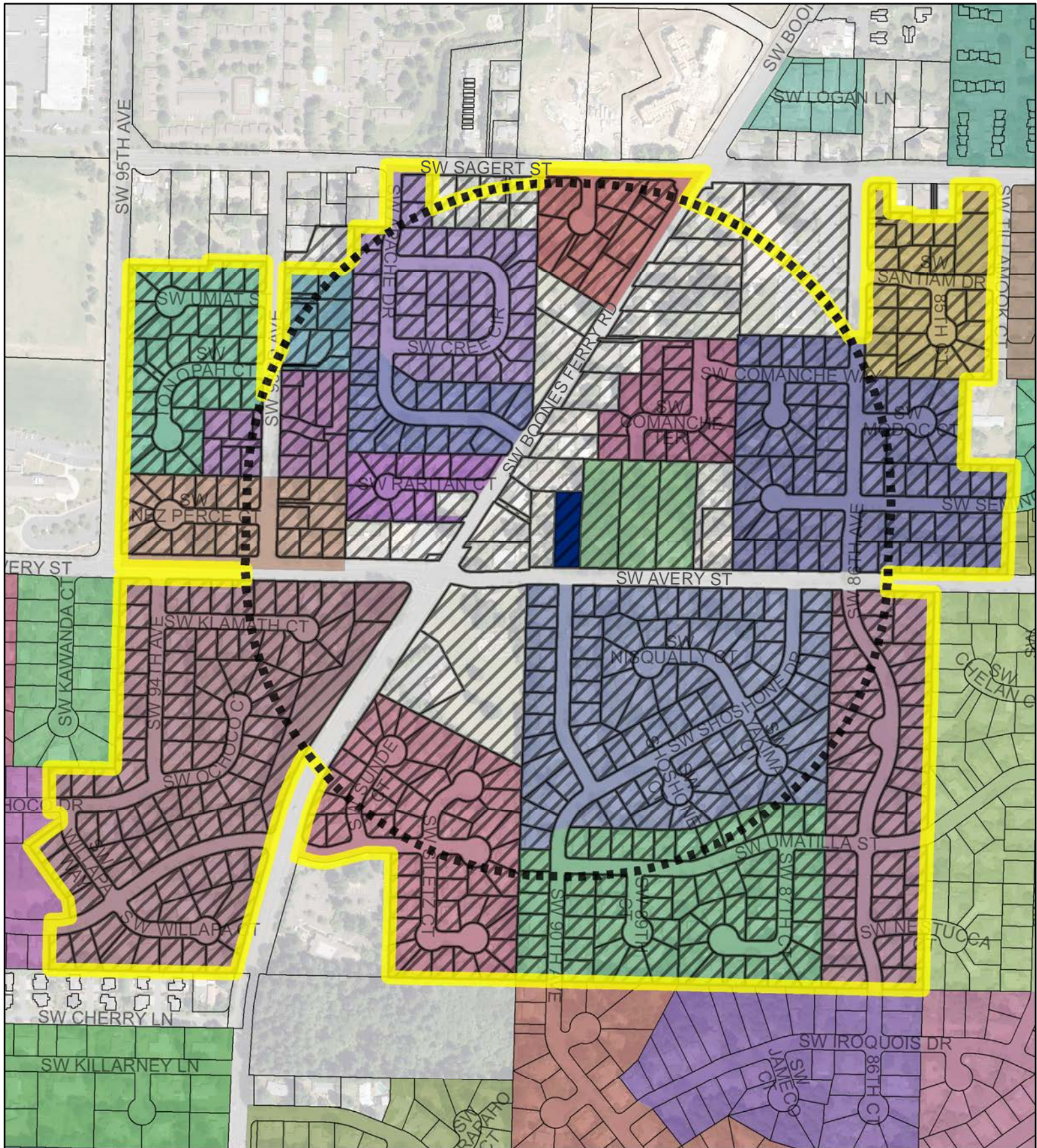
- Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Based on review of the submitted materials and best available information Sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.
- Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- This Service Provider Letter is not valid unless _____ CWS approved site plan(s) are attached.**
- The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.


Reviewed by Chuck Burchill Date 1/14/16


Exhibit F

Map and Form of Mailing Label Sheets for Notices

Mailing labels have been removed from the online packet and are available with a request.



 1000' Buffer

 1000' Buffer with Subdivisions


 Selected Taxlots



Exhibit G

Certification of Sign Posting

**PARTITION
CERTIFICATION OF SIGN POSTING**



The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain red composed of the **RGB color values Red 192, Green 0, and Blue 0**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning/docs/LUApplicationSignsPlanning.pptx>.

NOTE: For larger projects, the Engineering Division may require the posting of additional signs in conspicuous locations.

As the applicant for the 8965 SW Avery Rd.
project, I hereby certify that on this day, 2-24-16 sign(s) was/were posted on the
subject property in accordance with the requirements of the Tualatin Development Code and the
Engineering & Building Department – Engineering Division.

Applicant's Name: Justin Lindley
(PLEASE PRINT)

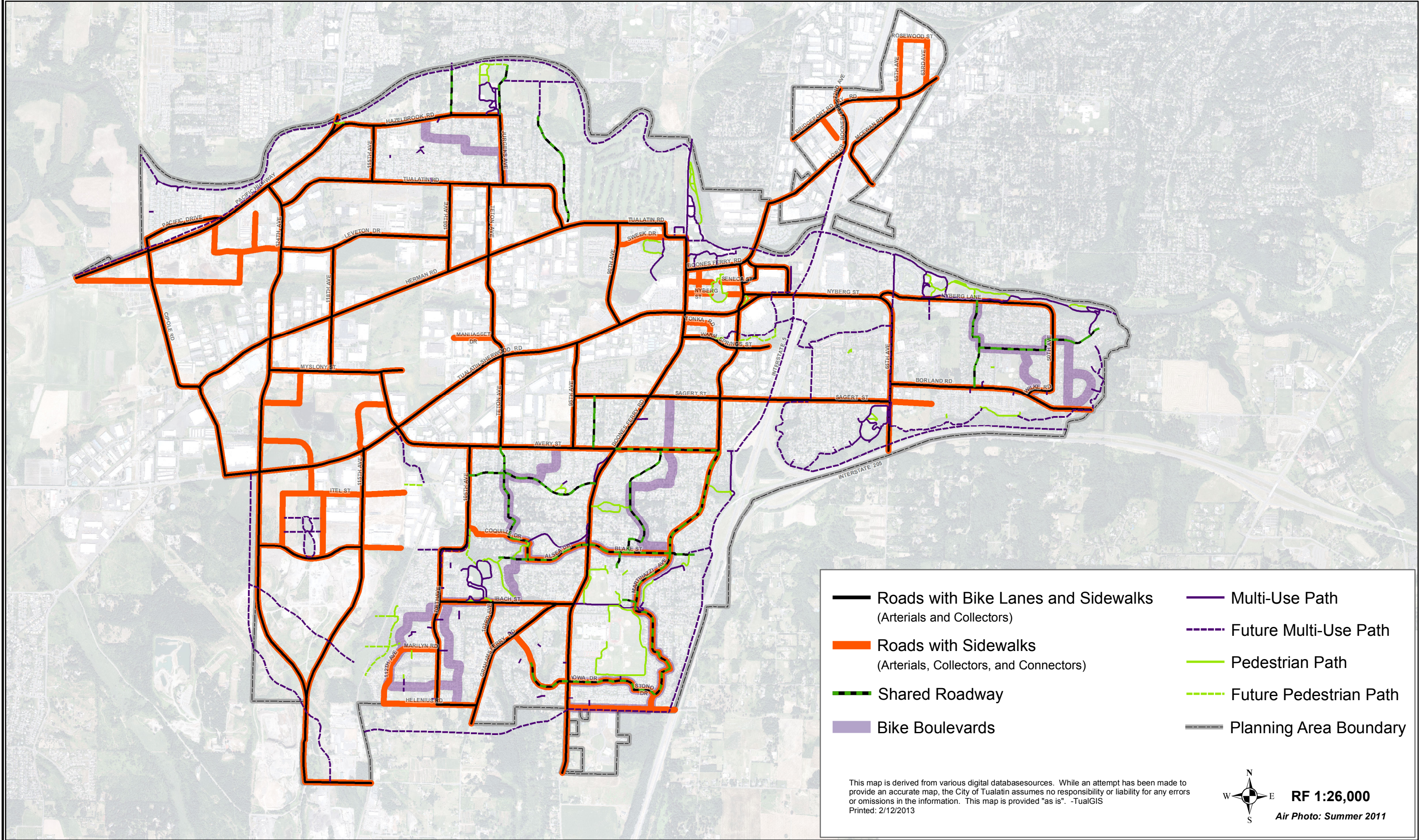
Applicant's Signature: [Handwritten Signature]



Date: 2-24-16

Exhibit H

Excerpts from Tualatin Transportation System Plan (TSP)

Figure 11-4: Bicycle and Pedestrian Plan



 Roads with Bike Lanes and Sidewalks (Arterials and Collectors)	 Multi-Use Path
 Roads with Sidewalks (Arterials, Collectors, and Connectors)	 Future Multi-Use Path
 Shared Roadway	 Pedestrian Path
 Bike Boulevards	 Future Pedestrian Path
	 Planning Area Boundary

This map is derived from various digital databasesources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS
Printed: 2/12/2013

 **RF 1:26,000**
Air Photo: Summer 2011

Figure 11-1: Functional Classification and Traffic Signal Plan

The projects embodied in this map that could affect rivers, streams and wetlands have not been analyzed in terms of Statewide Planning Goal 5 (Natural Resources) as required by Oregon Administrative Rule 660-12-0025(2) and (3)(b). Thus, prior to construction a Goal 5 analysis will be completed and proper permits obtained.

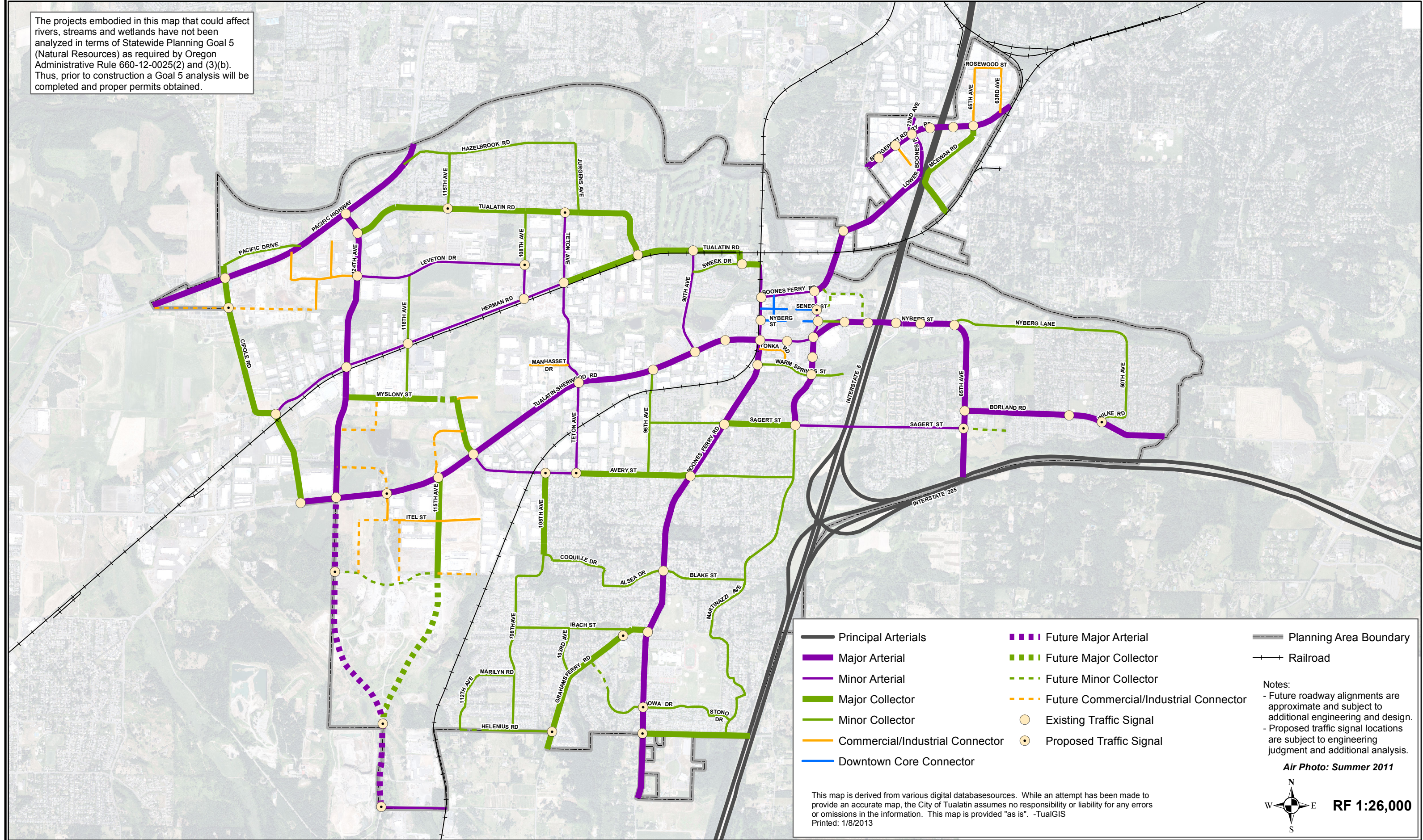


Exhibit I

Reserved

Exhibit J

Arborist Report

APPLIED HORTICULTURAL CONSULTING, INC.



MISSION HOMES NW, LLC.

**TREE
PROTECTION AND
PRESERVATION PLAN
AND TREE REMOVAL
PLAN**

8695 SW Avery Street Tualatin, Oregon



Applied Horticultural Consulting, Inc.

- ◆ **PROTECTION/PRESERVATION/REMOVAL PLAN**
Tree Protection, Preservation and Removal Plan with
Recommendations for Mission Homes Northwest, LLC.
for the Burchill Partition Site Located at
8695 SW Avery Street in Tualatin, OR

- ◆ **PREPARED FOR**
Mr. Kurt Dalbey
Mission Homes Northwest, LLC.
P.O. Box 1689
Lake Oswego, OR 97035

- ◆ **PREPARED BY**
Don Richards, President
Applied Horticultural Consulting, Inc.
P.O. Box 2355
Lake Oswego, Oregon 97035
ISA Certified Arborist Registration Number PN-5536A

- ◆ **TREE STUDY DATES**
March 15 and 16, 2016

- ◆ **REPORT DATE**
April 5, 2016

**TREE PROTECTION/PRESERVATION/REMOVAL
REPORT**



Applied Horticultural Consulting, Inc.

**Project Arborist's Report
Tree Protection, Preservation and Removal Plan
for the Burchill Partition Site Located at
8695 SW Avery Street in Tualatin, OR**

Prepared For:

Mr. Kurt Dalbey
Mission Homes Northwest, LLC.
P.O. Box 1689
Lake Oswego, OR 97035

Prepared By:

Don Richards, ASHS
Applied Horticultural Consulting, Inc.
P.O. Box 2355
Lake Oswego, Oregon 97035
Certified Arborist
ISA Certification Number PN-5536A

April 5, 2016

Scope and Limitation of Work

General

A request was made by Ken Sandblast of Westlake Consultants, Inc., the planners for this project, on behalf of Mission Homes NW, LLC., for a certified arborist's report containing a tree protection and removal plan of existing tree species on the site in the immediate area of the proposed lot partition and an opinion on specifications for existing tree protection/preservation and post-construction tree care. Mission Homes NW, LLC. will submit an application for a lot partition on this site. The certified arborist's scope of work includes reporting of all applicable tree-related requirements as outlined in the City of Tualatin's Tree Code Section 34.210 through 34.270 inclusive.

An initial pre-division/development tree inventory was previously conducted by Westlake Consultants, Inc. The certified arborist's report includes the location of each tree included on the survey base map (attached as Appendix A). The tree inventory includes the common name, botanical name, current condition and current size of each tree measured in DBH¹(attached as Appendix A).

Timetable

A timetable for completion of this portion of the project as proposed in the scope of work was confirmed as the week of April 4, 2016.

Standards

General

Research and documentation for this report and the attachments consists of:

- A review of applicable tree protection specifications, all sections and subsections from the City of Tualatin's Tree Code Section 34.210 through 34.270 inclusive.
- Recommendations for post-partition tree care;
- A survey base map indicating the trees and the location of the proposed protection fencing (to code standard) with identification of all trees to be retained (attached as Appendix A); and
- Identification of all trees designated for retention or removal (attached as Appendix A).

¹ DBH is diameter at breast height measured 4.5 feet above existing grade.

Standards (continued)

General (continued)

Specifications

Specifications for existing tree protection/preservation and retention are based on information gathered during the tree observations conducted on March 15 and 16, 2016 for all trees.

Additional specifications to be used for tree protection/preservation will be developed from information contained in the reference *Trees and Building Sites, 2014*.

The complete recommendations for tree protection/preservation and retention will be based on the final partition/development plans to be submitted as part of a separate permit application.

Tree Removal

On This Site

Trees scheduled for complete removal from this site are delineated on attached Appendix A. Trees identified for complete removal totaled (22). These (22) trees scheduled for complete removal range in size from 6 inch to 36 inch DBH and are a mix of indigenous, ornamental and invasive tree species.

Recommendations

On Site and Pre-Construction Care and Maintenance

The prevention of damage to overhanging branches that could be caused by construction equipment has been identified and a course of action must be agreed to by Mission Homes NW, LLC. before construction begins. Selective branch removal may be required in these limited areas.

Prescriptive Path

Delineation of a code-conforming "Root Protection Zone" *RPZ* should be by prescriptive path methods where practicable. For trees on the proposed division/development site - a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter shall constitute the conforming *RPZ*.

Recommendations (continued)

Prescriptive Path Use of Code Conforming Tree Protection Fencing

All conforming *RPZ*'s should be delineated using a minimum 3 foot high, orange, construction fence secured with metal posts, with a maximum separation of 10 feet at the edge of the root protection zone. A note that clearly informs all site contractors about the necessity of preventing damage to the trees should be incorporated on all appropriate partition/development plan drawings. Tree protection fencing must be installed prior to any work has begun and must remain in place until final permit inspection. Removal of fencing must be approved by a certified arborist and agreed to by the City of Tualatin Planning Project Inspector in advance.

Performance Path

In areas where the prescriptive path protection methods are not applicable or cannot be met, an alternative tree protection plan must be prepared by a certified arborist using the performance path method. This alternative plan shall provide the rationale used to demonstrate that the alternate methods recommended provide an adequate level of protection.

Signage

The tree protection zone (both prescriptive and performance based) must be marked with signage stating that penalties will apply for violations and the contact number for a certified arborist with oversight responsibilities on the project. Signage should be secured in a prominent location on each protection fence at regular interval spacing.

Performance Criteria

The *RPZ* and *MRPZ* should be protected at all times from chemicals and contaminants, which may be injurious to the root systems of trees.

The *RPZ* and *MRPZ* should be protected at all times from erosion or sediment depositing as a result of partition/development.

The *RPZ* and *MRPZ* should be protected at all times from excess water, mud or debris that may accumulate as a result of partition/development.

The *RPZ* and *MRPZ* should be protected at all times from compaction and mechanical tamping as a result of partition/development.

Recommendations (continued)

No machinery should be allowed in the *RPZ* or *MRPZ* of the trees to be retained during partition/development, unless approved by a certified arborist.

Based on the growth habits of the existing tree species, it may be possible to encounter subsurface roots that are 2 inch or greater outside the *RPZ* and the *MRPZ*. It will be important to avoid damaging these subsurface roots that are 2 inch in diameter or greater during partition/development

Soil excavation outside the *RPZ* or *MRPZ* is expected to be accomplished mechanically. No roots within the *RPZ* or *MRPZ* should be removed using excavation or construction equipment. Any roots 2 inch in diameter or greater that may be exposed outside the *RPZ* or *MRPZ*.

If roots 2 inch in diameter or greater are encountered outside the *RPZ* or *MRP*, they should be uncovered by hand and removed using a saw with a clean cut at an angle perpendicular with the growth of the root in accordance with good arboricultural standards².

On Site and Post-Construction Care and Maintenance

Recommendations for post-division/development care of the trees to be retained by both prescriptive and performance methods include, but may not be limited to; pruning of limbs and branches that appear to have been impacted as a result of partition/development activities; fertilization and irrigation adequate for the proper health and maintenance of the trees equal to or greater than that which existed prior to partition/development and; pest management if trees show serious pest infestation resulting from division/development activities, after completion of the project. Mulch, prune, irrigate, and fertilize as necessary. Any plants that die should be replaced by the property owner.

Mitigation

Replacement of trees to be removed

Replacement or mitigation of the trees scheduled for removal due to their proximity to the partition/development area, grade changes or other factors within the partition/development area will be determined and provided separately in the land use application. A plan will include comprehensive, on-site mitigation, off-site mitigation and/or payment in lieu of mitigation as part of the permit application process.

² *Trees and Building Sites* 2014, requirements for adequate tree protection, chapter 12, page 147.

Certification of Report

◆ Don Richards, President, AHC, Inc.
Arborist's Name and Title

◆ Don Richards PN-5536-A
Arborist's Signature and ISA Cert. Number

◆ March 16, 2015
As-Of Date for Inspection

◆ April 5, 2015
Date of Final Report



EXHIBITS

PHOTOGRAPHIC EXHIBITS

Photographic Exhibits

**8695 SW Avery Street - Tualatin, Oregon
Existing Conditions**



Big Leaf Maple – *Acer Macrophylla* - Indigenous



Japanese Maple – *Acer Palmatum* - Ornamental

Photographic Exhibits



Red Maple – *Acer rubrum* - Ornamental



Red Alder – *Alnus Rubra* - Indigenous

Photographic Exhibits



European White Birch – *Betula pendula* - Invasive



English Hawthorn – *Crataegus monogyna* - Invasive

Photographic Exhibits



Cherry Understock – *Prunus avium* - Invasive



Japanese Flowering Cherry – *Prunus Serrulata* - Ornamental

Photographic Exhibits



Flowering Dogwood – *Cornus florida* - Ornamental



Oregon Ash – *Fraxinus latifolia* - Indigenous

Photographic Exhibits



Douglas Fir – *Pseudotsuga Menziesii* - Indigenous



Western Red Cedar – *Thuja plicata* - Indigenous

Photographic Exhibits



Red Cedar #3042 – Existing Damage



Big Leaf Maple #3066 – Existing Included Bark

Photographic Exhibits



Japanese Flowering Cherry #3038 – Existing Rot



Japanese Flowering Cherry #3038 – Existing Rot

Photographic Exhibits



Douglas Fir #1266 – Already Heaving Existing Sidewalk

APPENDIX

APPENDIX

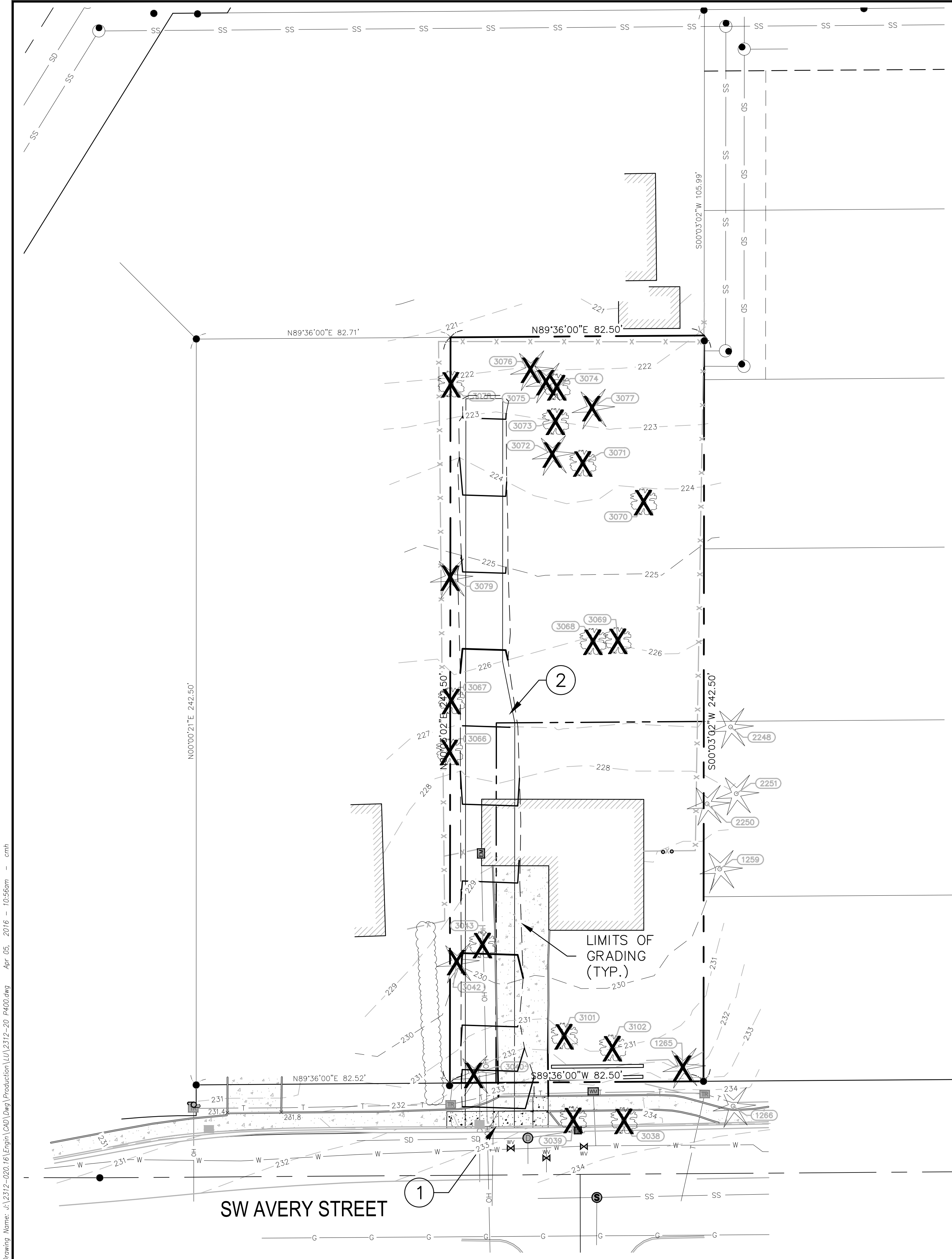
A

TREE NUMBER (KEYED TO SURVEY NUMBERS)	TREE TYPE (COMMON NAME, GENUS AND SPECIES)	TREE SIZE (" DBH)	HEIGHT, SPREAD, CONDITION, AND OTHER OBSERVATIONS	INDIGENOUS SPECIES	ORNAMENTAL SPECIES	INVASIVE SPECIES	PROPOSED FOR PRESERVATION AT THIS POINT (YES/NO)
Trees on this Property							
1259	Douglas Fir - <i>Pseudotsuga menzeseii</i>	36"	95' x 40'. Fair condition. Dead on one side.	1			YES
1265	Douglas Fir - <i>Pseudotsuga menzeseii</i>	14"	60' x 10'. Fair condition. Dead on one side.	1			NO
1266	Douglas Fir - <i>Pseudotsuga menzeseii</i>	27"	95' x 35'. Fair condition. Pushing the existing sidewalk.	1			YES
2248	Douglas Fir - <i>Pseudotsuga menzeseii</i>	26"	85' x 35'. Fair condition. Dead on one side.	1			YES
2250	Western Red Cedar - <i>Thuja plicata</i>	10"	45' x 15'. Good condition.	1			YES
2251	Douglas Fir - <i>Pseudotsuga menzeseii</i>	26"	85' x 35'. Fair condition. Dead on one side.	1			YES
3038	Japanese Flowering Cherry - <i>Prunus serrulata</i>	2 x 12"	25' x 12' multi-stem. Poor condition. Existing rot.		1		NO
3039	Japanese Flowering Cherry - <i>Prunus serrulata</i>	14"	25' x 12' stump sprout. Poor condition. Existing rot.		1		NO
3040	Douglas Fir - <i>Pseudotsuga menzeseii</i>	24"	90' x 30'. Fair condition. Ivy.	1			NO
3042	Western Red Cedar - <i>Thuja plicata</i>	2 x 8"	40' x 18' multi-stem. Good condition. Ivy.	1			NO
3043	Bigleaf Maple - <i>Acer macrophylla</i>	3 x 16"	70' x 30' multi-stem. Poor condition. Included bark.	1			NO
3066	Bigleaf Maple - <i>Acer macrophylla</i>	22"	70' x 30'. Fair condition.	1			NO
3067	European White Birch - <i>Betula pendula</i>	8"	35' x 12'. Poor condition. Invasive species.			1	NO
3068	Oregon Ash - <i>Fraxinus latifolia</i>	10"	25' x 12'. Good condition. Ivy.	1			NO
3069	English Hawthorn - <i>Crataegus monogyna</i>	2 x 6"	20' x 10' multi-stem. Poor condition. Ivy. Invasive species.			1	NO
3070	Red Maple - <i>Acer rubrum</i>	8"	18' x 8'. Good condition.		1		NO
3071	Sweet Cherry - <i>Prunus avium</i>	10"	20' x 10'. Fair condition. Invasive species.			1	NO
3072	Douglas Fir - <i>Pseudotsuga menzeseii</i>	10"	40' x 18'. Good condition.	1			NO
3073	Sweet Cherry - <i>Prunus avium</i>	8"	18' x 8'. Fair condition. Invasive species.			1	NO
3074	Sweet Cherry - <i>Prunus avium</i>	6"	16' x 8'. Fair condition. Invasive species.			1	NO
3075	Sweet Cherry - <i>Prunus avium</i>	10"	18' x 8'. Fair condition. Invasive species.			1	NO
3076	Douglas Fir - <i>Pseudotsuga menzeseii</i>	10"	35' x 15'. Good condition.	1			NO
3077	Douglas Fir - <i>Pseudotsuga menzeseii</i>	8"	20' x 8'. Good condition.	1			NO
3078	Red Alder - <i>Alnus rubra</i>	3 x 6"	15' x 5' multi-stem. Stump sprout.	1			NO
3079	Western Red Cedar - <i>Thuja plicata</i>	6"	11' x 3'. Good condition.	1			NO
3101	Japanese Maple - <i>Acer palmatum</i>	3 x 5"	13' x 8'. Fair condition.		1		NO
3102	Flowering Dogwood - <i>Cornus florida</i>	7"	18' x 12'. Good condition.		1		NO

TREE NUMBER (KEYED TO SURVEY NUMBERS)	TREE TYPE (COMMON NAME, GENUS AND SPECIES)	TREE SIZE (" DBH)	HEIGHT, SPREAD, CONDITION, AND OTHER OBSERVATIONS	INDIGENOUS SPECIES	ORNAMENTAL SPECIES	INVASIVE SPECIES	PROPOSED FOR PRESERVATION AT THIS POINT (YES/NO)
Subtotal Trees on this Property							
Grand Total of All Trees on this Site:	27		22 Total scheduled for removal				
Indigenous Tree Species on this Site:	16		11 Scheduled for Removal				
Ornamental Tree Species on this Site:	5		5 Scheduled for Removal				
Invasive Tree Species on this Site:	6		6 Scheduled for Removal				

APPENDIX

B



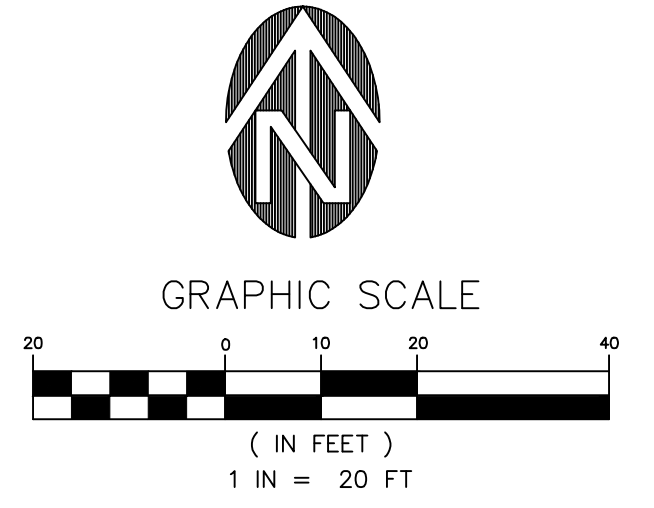
TREE NUMBER	TREE TYPE (COMMON NAME, GENUS AND SPECIES)	TREE SIZE (" DBH)
1259	Douglas Fir - Pseudotsuga menzeseii	36"
1265	Douglas Fir - Pseudotsuga menzeseii	14"
1266	Douglas Fir - Pseudotsuga menzeseii	27"
2248	Douglas Fir - Pseudotsuga menzeseii	26"
2250	Western Red Cedar - Thuja plicata	10"
2251	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



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
GRADING & TREE PLAN

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
P400
JOB NO.
2312-020

Drawing Name: \\2312-020\161\Engr\CAD\Draw\Production\LU\2312-20_P400.dwg Apr 05, 2016 10:56am - dcm

LAND USE SUBMITTAL - XX/XX/2016

Exhibit K

Reserved