



City of Tualatin

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June 14, 2017

PARTITION REVIEW FINDINGS AND DECISION FOR SB16-0001, SAGERT GROVE

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I. RECOMMENDATION

Based on the findings presented, the City Engineer approves the preliminary plat of SB16-0001, Sagert Grove with the following conditions:

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

- PFR-1 Submit final sanitary sewer plans that show location of the lines, grade, materials, and other details including cleanouts at the boundary of right-of-way.
- PFR-2 Show each lot will have a separate water lateral with backflow prevention, double check valve assemblies, and control valves.
- PFR-3 Submit final water system plans that show location of the water lines, grade, materials, and other details including: decommissioning the existing well and pump house required to construct the proposed public street and water quality facility and relocating the existing water meter serving the existing home to be adjacent to the future right-of-way of SW 94th Place.
- PFR-4 Obtain 1200CN NPDES and City of Tualatin erosion control permits in accordance with code section TMC 3-5-060.
- PFR-5 Submit final stormwater plans and calculations that show location of the lines, grade, materials, and other details including cleanouts at the boundary of right-of-way and include LIDA facilities for the existing home that will remain.
- PFR-6 Submit plans that meet the requirements of TVF&R and include a new public fire hydrant at the south end of the proposed public water line at the south end of the proposed cul-de-sac.
- PFR-7 Submit plans that show a public stormwater easement for the public stormwater line connecting between the treatment and detention facility tracts under the existing home on Parcel 1's driveway to SW 94th Avenue.
- PFR-8 Replace the public sidewalk and existing driveway on SW Sagert Street where damaged or not meeting ADA requirements.
- PFR-9 Submit plans that show root barriers for street trees that are within 10 feet of a public line or adjacent to a public sidewalk will need a 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public easement or sidewalk.
- PFR-10 Submit plans that show approved street trees for SW Sagert Street.

- PFR-11 Submit plans that show the proposed north/south cul-de-sac as SW 94th Place.
- PFR-12 Submit plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions and obtain an Amended Service Provider Letter as determined by Clean Water Services for any revisions to the proposed plans.
- PFR-13 Underground all utility lines with the exception of those that are 50,000 volts or above or record a Street Improvement Agreement for undergrounding.
- PFR-14 Submit plans that minimize the impact of stormwater from the development to adjacent properties.
- PFR-15 Submit PDFs of final site and permit plans.

B. PRIOR TO APPROVAL OF THE FINAL PLAT:

- PFR-16 Pay street tree fees.
- PFR-17 Record the final plat within 24 months of the issued decision or obtain an extension per TDC 36.160(6).
- PFR-18 Obtain a Public Works Permit and Water Quality Permit.
- PFR-19 Complete all the public and private improvements, shown on submitted plans and corrected by conditions of approval, and have them accepted by the City or provide financial assurance.
- PFR-20 Show all public and private easements shown on submitted plans and corrected by conditions of approval.

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

- PFR-21 Submit a final site plan that illustrates a masonry fence located entirely along access restricted property lines parallel to SW 95th Avenue and located entirely outside the public right-of-way. This masonry fence site plan shall conform to all applicable sections of TDC 34.330 or obtain an alternate approval through Architectural Review after the ability to issue building permits for lots 2 and 3 as shown in this application.
- PFR-22 Construct all public improvements shown on submitted plans and corrected by conditions of approval.

PFR-23 Deliver a Mylar copy of the recorded plat to the City Engineer.

PFR-24 Pay Parks SDC.

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

PFR-25 Submit final stormwater calculations, plans, and obtain water quality permits for each lot's LIDA facilities.

PFR-26 The Applicant shall submit Architectural Review Single-Family (ARSF) applications for proposed dwellings on Parcels 2 to 7 to show compliance with maximum building coverage standards pursuant to TDC 40.050(4).

PFR-27 The Applicant shall submit ARSF applications for proposed dwellings on Parcels 2 to 7 to show compliance with setback standards pursuant to TDC 40.070.

PFR-28 The Applicant shall submit ARSF applications for proposed dwellings on Parcels 2 to 7 to show compliance with projection into required yard standards pursuant to TDC 40.090.

PFR-29 The Applicant shall submit ARSF applications for proposed dwellings on Parcels 2 to 7 to show compliance with structure height standards pursuant to TDC 40.100.

PFR-30 The Applicant shall submit ARSF applications for proposed dwellings on Parcels 2 to 7 to show compliance with off-street parking requirements pursuant to TDC 73.370(2)(a).

PFR-31 Show driveways widths a minimum of 10 feet wide and with a maximum for 26 feet for one or two car garages and 37 for three or more.

PFR-32 Submit plans that show private sanitary sewer and stormwater laterals.

PFR-33 Submit proof that shows all crawl spaces will be served by gravity drainage.

II. APPEAL

Requests for review of this decision must be received by the Engineering Division within the 14-day appeal period ending on **June 28, 2017 at 5 PM**. Issues must have been described with adequate clarity and detail with identification of the associated Tualatin Municipal or Development Code section to afford a decision maker an opportunity to respond to the issue. A request for review must be submitted on the form provided by the City, as detailed in TDC 36.161, and signed by the appellant.

Sincerely,



Tony Doran, EIT
Engineering Associate

C: JOHN MARQUARDT, LANDMARQ CONSULTING, PO Box 1928, Vancouver, WA
98668

BRIAN LYNOTT (MEMBER), SAGERT 45 LLC, 14870 NW PIONEER ROAD,
BEAVERTON, OR 97006

Laura Wellons, 9369 SW Umiat Street, Tualatin, OR 97062

Agencies That Commented (see attachments):

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

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

Laura Wellons, 9369 SW Umat Street, Tualatin, OR 97062

File Number: SB16-0001, Sagert Grove

APPLICANT: **LANDMARQ CONSULTING**
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SITE DEVELOPER **Better World Homes**
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PROJECT SURVEYOR: **NW Surveying, Inc.**
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PROJECT ARBORIST: **MULTNOMAH TREE EXPERTS**
PO Box 80098
Portland, OR 97280
PHONE: (503) 452-8160

SITE ADDRESS: 9440 SW Sagert Street

TAX MAP: 2S126AB 4500

LOT AREA: 1.54 ACRES

ZONING DISTRICT: RL

NEIGHBORHOOD MEETING: August 15th, 2016

Requested Land Use Review: 7-Lot Subdivision

Staff Contact: Tony Doran, Engineering Associate

III. STANDARDS AND APPLICABLE CRITERIA

Tualatin Municipal Code (TMC)

Title 03: Utilities and Water Quality

Title 04: Building

Tualatin Development Code (TDC)

Chapter 31: General Provisions

Chapter 34: Special Regulations

Chapter 36: Subdividing, Partitioning and Property Line Adjustments

Chapter 40: Low Density Residential Planning District (RL)

Chapter 73: Community Design Standards

Chapter 74: Public Improvement Requirements

Chapter 75: Access Management

IV. FINDINGS OF FACT

- A. Location: 9440 SW Sagert Street, southeast of SW 95th Avenue and SW Sagert Street
- B. Zoning: Low Density Residential (RL)
- C. Lot of record: 2S126AB 4500
- D. Site description: Approximately 1.54 acres previously used as a single family home
- E. Surrounding land uses: East and South – Low Density Residential single family homes (RL), West – Light Manufacturing (ML) Tigard-Tualatin school, North – Residential Medium Low Density apartments (RML)
- F. Proposal: 7-lot residential subdivision
- G. Public Agency Comments: Clean Water Services

EXISTING SITE DESCRIPTION

The project site is currently a single family residence on an under-developed parcel in the RL zoning district. The parcel is adjacent to the public right-of-way of 95th Avenue along the west property line and SW Sagert Street which borders the northern property boundary. The property has a total area of 1.54 acres, which equals 67,038 square feet. The adjacent lots are also in the RL Zoning district. The property has a minimal slope from the south to the north. There are a number of existing trees already on-site. The proposed development will seek to maintain as many of these as possible.

The street classification for both SW Sagert Street and SW 95th avenue is Minor Collector. The frontage improvements along the public right-of-way of SW Sagert Street currently consist of a street section which includes, curb and gutter, a planter strip and concrete sidewalk. The frontage improvements along SW 95th Avenue include a street section with a bike lane and curb and gutter. These improvements are consistent along the entire length of SW 95th Avenue from SW Sagert Street to the next intersection to the south at SW Avery Street.

PROPOSED DEVELOPMENT ACTION

The proposed development is for a seven (7) lot subdivision. The existing house will remain along the frontage of SW Sagert Street and six new lots will be created to the south of the existing house. A new public street will be constructed that will have direct access to the public right-of-way of SW Sagert Street and terminate in a cul-de-sac to provide lot frontage for the six new lots and access for the existing house. Two of the new lots will have double frontage, with one lot line also adjacent to the public right-of-way of SW 95th Avenue. The proposed grading for the project site will be consistent with the natural grading patterns. Public utilities will be extended from SW Sagert Street to serve the new lots. Proposed Storm Water management will consist of an on-site facility.

V. CONCLUSIONS

A. TMC TITLE 02: PUBLIC WORKS AND FINANCING

I. TMC CHAPTER 02-06: SYSTEMS DEVELOPMENT CHARGES

1. TMC 2-6-060 SYSTEM DEVELOPMENT CHARGES ESTABLISHED.

Unless otherwise exempted by this ordinance or other local or state law, effective July 1, 1991, a Park System Development Charge shall be established as set forth in the Parks SDC Methodology, which is attached and incorporated into this ordinance, and the SDC improvement fee per housing unit set forth on Table 3.1, Option 1, is imposed upon all new development within the City. The charge established may be revised by resolution of the Council.

FINDING:

The applicant will pay the applicable Parks SDC prior to the issuance of the first home's building permit.

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

B. TMC TITLE 03: UTILITIES AND WATER QUALITY

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

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

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

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

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

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

FINDING:

The applicant will pay all applicable fees and obtain all required permits to complete the approved sewer improvements for the proposed development. The applicant will ensure that a responsible party for the project is available to the city for the duration of the project schedule. The applicant intends to complete all required improvements during a reasonable timeframe, at their own expense and will indemnify the city for said improvements, as required.

The sewers will be constructed per the approved construction documents, which will adhere to all applicable requirements.

The proposed development includes an existing sewer connection for a structure that is to remain as well as six new connections for new construction.

The applicant will obtain all applicable permits prior to beginning construction.

The applicant acknowledges the requirement of not holding the city liable for harm done to any person(s) or material(s) that are associated with completing all required site improvements for the proposed development.

As shown on the plans for the preliminary land use approval, each new lot will be served with gravity laterals connected to the proposed public sanitary line located within the new public street. The existing house is currently connected to public sanitary sewer in SW Sagert Street. Construction plans will be reviewed and approved by the City prior to issuance of necessary permits and commencement of construction activities

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

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

II. TMC CHAPTER 03-03: WATER SERVICE

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

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

constitute a single unit unless the City Engineer determines that separate services are required.

2. TMC 3-3-110 CONSTRUCTION STANDARDS.

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

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

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

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

4. TMC 3-3-130 CONTROL VALVES.

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

FINDING:

The proposed development is for new single family, detached residences. All lots will have their individual water services and meter which will be installed per the approved construction drawings and shall meet all applicable requirements. Backflow devices are required for all irrigation systems. The applicant acknowledges all provisions of this code section.

The waterline and all services shall be designed and installed to meet all applicable requirements. The proposed development will include a cul-de-sac bulb so the waterline that is designed and installed will not likely be installed for future development as is the case that all adjacent lots are already fully developed.

A well and pump house exists to the east of the existing home to remain. The well and pump house will be decommissioned and removed to construct the new public street and water quality facility.

Construction plans will be reviewed and approved by the City prior to issuance of necessary permits and commencement of construction activities. The applicant has not applied for a public works permit for these improvements. The applicant will need to submit water system plans that show location of the water lines, grade, materials, and other details prior to obtaining a public works permit.

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

III. TMC 3-5 ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS

1. TMC 3-5-010 POLICY.

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

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

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

3. TMC 3-5-060 PERMIT PROCESS.

(1) Applications for an Erosion Control Permit. Application for an Erosion Control Permit shall include an Erosion Control Plan which contains methods and

interim facilities to be constructed or used concurrently and to be operated during construction to control erosion. The plan shall include either:

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

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

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

(a) greater than five acres;

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

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

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

FINDING:

The proposed development includes provisions for erosion control to ensure that the adjacent properties or public rights-of-way are not adversely affected during the construction phase of the site improvements.

The applicant or one of their assigns will obtain an Erosion Control Permit prior to beginning any construction activity on site for the proposed development.

The application for the Erosion Control Permit will include all applicable material, as required by this code section.

The construction drawings prepared for the proposed development will be completed by a licensed professional engineer and will include a site plan that could be used to meet this requirement.

Final Construction plans will be reviewed and approved by the City prior to issuance of necessary permits and commencement of construction activities. The application indicates a development area of approximately 1.54 acres. A 1200CN NPDES Permit is needed.

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

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

Each new development is responsible for mitigating the impacts of that development upon the public storm water quantity system. The development may satisfy this requirement through the use of any of the following techniques,

subject to the limitations and requirements in TMC 3-5-210: Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this title;...

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

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

(1) evaluate the downstream drainage system for at least $\frac{1}{4}$ mile;

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

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

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

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

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

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

FINDING:

The applicant submitted preliminary stormwater and conveyance calculations performed by Tom Sisul, of Sisul Engineering. These calculations show that the proposed

stormwater treatment and detention system can capture, treat, and convey stormwater to the existing system in SW Sagert Street that flows north.

Construction drawings as well as a drainage study/downstream analysis will be prepared for the proposed development by a licensed civil engineer. The applicant will comply with the provisions of this code section by meeting one of the three aforementioned techniques. The proposed development will include a storm water system that will consist of collecting storm water runoff and conveying it to a water quality facility constructed on-site, prior to releasing it to the existing storm drain system.

The design engineer for the proposed development will complete a drainage study and submit it to the city engineering staff to review and approve. The drainage study will include all of the necessary information to meet the requirements of this code section.

The design engineer for the proposed development will make a final determination as to whether or not there will be an adverse impact on downstream properties from the storm water runoff. If it is determined that there will be an adverse impact, the applicant will direct the design engineer to work with the city engineering staff to mitigate the effect of the storm water runoff leaving the project site through sound engineering practice and design.

The proposed development will include final construction drawings and final stormwater calculations that will be prepared by a licensed civil engineer and submitted to the city engineering staff for design and approval. The drawings will include all information necessary to construct the project to meet all applicable requirements. The design engineer will work with the city staff to include any additional information that may be required to meet the provisions of this code section.

The proposed development will be for a single family residential subdivision and will include an on-site storm water facility that will be designed by a licensed civil engineer to meet all applicable design standards

This criterion is satisfied with conditions of approval PFR-5 and -25.

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

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

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

FINDING:

The proposed development is not within an existing wetland area nor is one created by the proposed development.

This criterion is met.

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

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

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

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

4. TMC 3-5-310 EXCEPTIONS.

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

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

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

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

5. TMC 3-5-320 DEFINITIONS.

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

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

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

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

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

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

6. TMC 3-5-330 PERMIT REQUIRED.

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

7. TMC 3-5-340 FACILITIES REQUIRED.

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

8. TMC 3-5-345 INSPECTION REPORTS.

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

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

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

10. TMC 3-5-360 DESIGN STORM.

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

11. TMC 3-5-370 DESIGN REQUIREMENTS.

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

12. TMC 3-5-330 PERMIT REQUIRED.

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

13. TMC -5-340 FACILITIES REQUIRED.

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

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

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

(1) The plat, site plan, or permit application includes plans and a certification prepared by an Oregon registered, professional engineer that the proposed stormwater quality control facilities have been designed in accordance with

criteria expected to achieve removal efficiencies for total phosphorous required by this Title III. Clean Water Services Design and Construction Standards shall be used in preparing the plan for the water quality facility; and

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

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

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

15. TMC 3-5-420 RESIDENTIAL DEVELOPMENTS.

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

FINDING:

The proposed development will create impervious areas on the project site and will include a storm water quality facility to collect runoff from a portion of the new public street and all runoff from the new structures constructed on-site.

Construction on the proposed development will consist of new single family dwellings and a new public street which will increase the amount of storm water runoff on the project site.

The proposed development will include a Storm Water Quantity Control facility and a water quality swale. There are no known wetlands on the project site and a determination whether or not to use Low Impact Development Approaches will be made by the project engineer.

The proposed development will include a new water quality swale to treat storm water runoff and release the treated water into the existing storm drain system at a pre-developed rate. The applicant will obtain a permit from the city, if required to mitigate any additional effects felt downstream from the proposed development.

The applicant will submit for review and approval, construction drawings that will illustrate all required site upgrades and improvements for treatment of storm water runoff and will obtain all required permits prior to beginning construction.

The applicant or their project assigns will ensure that all inspection reports are submitted to the city, as required.

The project engineer for the proposed development will design the storm water quality facility to meet all applicable requirements.

The applicant will pay all fees required for plan review and permits.

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.

The proposed stormwater treatment area is separated from the detention area to allow the existing home on Parcel 1's driveway to connect to the proposed local street SW 94th Avenue. This is appropriate as connections should be to the lowest street classification. To maintain the most owner rights over the portions that include the driveway, Parcel 1 will include the driveway with only a public stormwater easement for the line connection between two tracts for the separate treatment and detention areas.

This criterion is satisfied with conditions of approval PFR-5, -7, and -25.

C. CHAPTER 04-02: FIRE HYDRANT LOCATIONS AND RATES OF FLOW

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

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

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

FINDING:

The plans show an existing public fire hydrant on SW 95th Avenue to the west. This hydrant is more than 400 feet from the end of the cul-de-sac. A new public fire hydrant will be installed at the south end of the proposed public water line at the south end of the proposed cul-de-sac.

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

D. TDC SECTION 31.063 NEIGHBORHOOD/ DEVELOPER MEETINGS.

(2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners located within the mailing area designated in TDC 31.064(1)(c). Notice of the meeting shall be provided to Recognized Neighborhood Associations within the Notice Area of TDC 31.064(1)(c) and to designated representatives of recognized Citizen Involvement Organizations. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

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

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

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

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

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

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

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

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

(11) Applications shall be submitted to the City within 180 days of the Neighborhood/Developer meeting. If an

application is not submitted in this time frame, the Developer shall be required to hold a new Neighborhood/Developer meeting.

FINDING:

A public neighborhood meeting that met the requirements of TDC Section 31.06 was held on August 15, 2016 at 6:30 pm. The notice was mailed and a sign was posted 16 days prior to the meeting pursuant to TDC 31.064(2). The application package includes notes from the meeting, the mailing list, a copy of the notice, affidavit of mailing and posting, and the meeting sign in sheet.

This criterion is satisfied.

E. TDC CHAPTER 34: SPECIAL REGULATIONS

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

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

(a) The application for tree removal shall include:

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

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

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

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

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

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

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

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

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

FINDING:

All trees that will be deemed as necessary to be removed from the site in order to complete the proposed development will be included with the subdivision approval. Included in the development application is an arborist report and a Tree Preservation Site Plan.

This requirement has been satisfied.

1. TDC SECTION 34.230 CRITERIA.

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

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

- (a) The tree is diseased, and
 - (i) The disease threatens the structural integrity of the tree; or
 - (ii) The disease permanently and severely diminishes the esthetic value of the tree; or
 - (iii) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.

(b) The tree represents a hazard which may include but not be limited to:

- (i) The tree is in danger of falling;
- (ii) Substantial portions of the tree are in danger of falling.
- (c) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

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

FACTOR VARIATION OF CONDITION FACTOR AWARDED

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

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

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

*For deciduous trees only

FINDING:

Removal of trees to construct proposed improvements is allowed per TDC 34.230(1)(c).

This requirement has been satisfied.

2. TDC SECTION 34.270 TREE PROTECTION DURING CONSTRUCTION.

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

FINDING:

Tree protection measures which will include fencing around root protection zones—are illustrated on the appropriate grading and tree protection plans (see arborist report).

This requirement has been satisfied.

II. TDC SECTION 34.330 FENCE STANDARDS.

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

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

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

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

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

(3) Exceptions to Fence Location or Configuration:

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

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

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

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

(e) For state-owned interstate highways, where an area of vegetation at least 200 linear feet in width runs parallel to the interstate highway and forms a visual, esthetic or acoustic barrier, or land in a Natural Resource Protection Overlay (NRPO) district or other protected area as defined in TDC Chapter 72 runs parallel to the inter-state highway, AND such land is located between the interstate

highway property line and the developable area of a property being developed in the RL or RML Planning District, no fence shall be required. Where the area of vegetation is less than 200 linear feet in width, the required fence shall be located entirely outside the vegetated, NRPO or other protected area and as close as physically possible to, approximately parallel with, the edge of said vegetated, NRPO or other protected area on the developable portion of the property being developed.

FINDING:

The western boundary of the subject site abuts SW 95th Avenue, which is classified as a collector; as such, development on the site is subject to the masonry fence standards identified in TDC 34.330 and would require the construction of a masonry fence along SW 95th Avenue, resulting in the removal of a large grove of mature fir trees. The proposed subdivision will not provide vehicular or pedestrian access from SW 95th Avenue, and therefore no openings in the fence are necessary.

Per TDC 34.330(1)(a), required fencing shall be installed along the entire length of the access-restricted property line (SW 95th Avenue) prior to issuance of any building permit on any parcel or lot created by the partition or subdivision or an alternate approval through Architectural Review after the ability to issue building permits on lots 2 and 3 could be employed to preserve the fir trees.

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

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

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

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

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

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

FINDING:

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

This criterion is satisfied.

II. SECTION 36.080 APPROVAL OF STREETS AND WAYS.

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

FINDING:

The proposed development will include a new public street that terminates in a cul-de-sac which will be dedicated as public right-of-way. The improvements within the public right-of-way will all be designed and constructed to meet all applicable design standards. The applicant shall provide whatever documentation is necessary to demonstrate that the property is available to be dedicated and the final plat will include all of the required information at the time of plat recording.

This criterion is satisfied with conditions of approval PFR-17.

III. TDC SECTION 36.090 ISSUANCE OF BUILDING PERMITS.

- (1) Except as provided in subsection (5) of this section no building permit or permits to connect to City utility services shall be issued for lots within a subdivision or partition plat until the City Engineer has determined that the corresponding public improvements are substantially complete to assure that the health and safety of the citizens will not be endangered from inadequate public facilities.**
- (2) Subject to submittal and approval of, and compliance with, the subdivision plan, as well as sufficient security to assure completion of the public portions of the subdivision, the applicant or individual lot owners within the subdivision may receive a building permit or utility service for not more than 50 percent of the platted lots within the subdivision prior to:**
 - (a) the completion of all required public improvements in accordance with the Public Works Construction Code; and**

(b) the acceptance of the public improvements by resolution of the City Council. (3) No building permits shall be issued or utility service approved for any lot which together with previously approved lots would exceed 50 percent of the platted lots within the subdivision until:

(a) all required public improvements have been completed in accordance with the Public Works Construction Code; and

(b) the public improvements have been accepted by resolution of the City Council.

FINDING:

The public improvements will be completed to whatever level is deemed adequate by the review authority before seeking building permits

The applicant will comply with the requirements of this code section before seeking building permits for any lots that are to be created with the subdivision application.

The applicant will not request release of any securities put forth prior to final acceptance of the public improvements by the review authority.

The proposed development is in a residential zoning district.

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

This criterion is satisfied with conditions of approval PFR-25, -26, -27, -28, -29, -30 and -31.

IV. TDC SECTION 36.120 APPLICATIONS AND FILING FEE.

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

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

(3) The application shall contain:

(a) the proposed plat name, approved by the County Surveyor;

(b) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(c) the signatures of the property owners and applicants; and

(d) the site location by address and current County Tax Assessor's map and tax lot numbers.

(e) A description of the manner in which the proposed division complies with each of the expedited criterion for an Expedited Subdivision Application.

(f) If a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, adequate information to show compliance with the approval criteria in TDC Chapter 33.

(g) A "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.

(h) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).

(i) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received.

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

(a) the subdivision plan;

(b) preliminary utility plans for streets, water, sanitary sewer and storm drainage;

(c) a black and white 8&1/2" x 11" site plan suitable for reproduction;

(d) a completed City fact sheet;

(e) a Clean Water Services Service Provider letter; and

(f) other supplementary material as may be required, such as:

(i) deed restrictions; or

(ii) for all non-buildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.

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

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

(b) proposed plat name, approved by the County Surveyor;

(c) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(d) the date the plan was prepared;

(e) north arrow;

(f) scale of drawing;

(g) location of the subdivision by 1/4 Section, Township and Range;

(h) existing streets (public and private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;

(i) proposed streets (public and private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;

(j) an outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;

(k) easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;

(l) public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of on-site and off-site storm drainage lines, and the approximate location and size of water lines;

(m) flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;

(n) natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;

(o) approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;

(p) approximate area of each lot;

(q) proposed lot numbers;

(r) existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;

(s) all lots and tracts of land intended to be dedicated or reserved for public use;

(t) a vicinity map showing a minimum one- mile radius;

(u) contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and

(v) other information required by the City Engineer.

(6) The subdivision application shall be accompanied by a nonrefundable fee as established by City Council resolution. The subdivision application shall not be accepted until the fee has been paid to the City. This fee does not apply towards any building permit or other fees that may later be required.

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

(a) A list of mailing recipients pursuant to TDC .31.064(1).

(b) Proof of sign posting pursuant to TDC 31.064(2).

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

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

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

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

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

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

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

1. TDC SECTION 36.140 REVIEW PROCESS.

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

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

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

(b) utility companies;

(c) City departments; and

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

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

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

(b) state that issues which may provide the basis for a request for review to the City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient clarity

and detail to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

- (c) list the applicable criteria by code section for the decision;
- (d) include the street address or other easily understood geographical reference to the subject property;
- (e) state the place, date and time that comments are due, and that comments are due no later than 5:00 pm on the fourteenth calendar day after notice was sent;
- (f) state that copies of all evidence relied upon by the applicant are available for review, and can be obtained at cost;
- (g) state of the local government contact person and telephone number; and
- (h) briefly summarize the local decision-making process for the limited land use decision being made.

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

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

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

(7) The approval of a subdivision application shall not automatically grant other approvals that may be required by the Development Code or City ordinances. However, a decision on a requested minor variance to the dimensional standards of lots or the minimum lot size, shall be included in the subdivision decision.

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

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

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

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

FINDING:

A neighborhood meeting was scheduled and hosted by the applicant and/or their assigns per the requirements of the specified code section.

The applicant has attended a project scoping meeting and a pre-application conference with city staff to discuss the proposed development

The application includes all of the required information.

The application includes the required fee.

The applicant acknowledges that all of the information included with the subdivision application shall be considered.

The applicant acknowledges the timing, requirements and provisions of the subdivision application review process.

The Applicant met with City staff (Tony Doran and other city staff members) for scoping and pre-application meetings. 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 Tuesday, August 16, 2016, at the Tualatin Public Library. 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.

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.

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

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

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

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

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

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

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

Materials submitted included

- the proposed plat name, approved by the County Surveyor
- the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor
- the signatures of the property owners and applicants
- the site location by address and current County Tax Assessor's map and tax lot numbers
- A "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued
- The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10)
- the land division plan
- preliminary utility plans for streets, water, sanitary sewer and storm drainage
- electronic black and white site plans suitable for reproduction at any size including 8½" x 11"
- a completed City fact sheet
- (ii) for all non-buildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance
- A list of mailing recipients pursuant to TDC .31.064(1)
- Proof of sign posting pursuant to TDC 31.064(2)
- Preliminary storm drainage plan
- Tree assessment
- Electronic copies of submittals

Notice of the subdivision was mailed to the neighborhood mailing list and emailed to CIOs and Staff May 3, 2017 with public commentary period ending May 17, 2017. No comment from the public was received during the comment period. All agency comments and responses are attached in the Appendixes. The information needed for a City fact sheet was submitted in the narrative and application.

This criterion is satisfied.

V. SECTION 36.410 DOUBLE FRONTAGE AND REVERSE FRONTAGE.

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

FINDING:

The proposed development will create some lots that will have double frontage because the existing project site is a corner lot with frontage on SW 95th Avenue and SW Sagert street and there will be a new public street created to access all of the new lots. Because of this new public street, approximately half of the lots will have double frontage with the new public street and SW 95th avenue. No access will be allowed to SW 95th Avenue.

The lots that have frontage on both SW 95th Avenue (a minor collector) and the new public street (a local street) shall take their access from the new public street.

All of the lots created in the proposed development will have access to the new internal public street.

This criterion is satisfied.

VI. SECTION 36.420 EXISTING STRUCTURES AND APPURTENANCES.

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

FINDING:

The project site for the proposed development does include an existing house that is to remain on a smaller lot. All other site fixtures described in this code section shall be removed as part of the subdivision application and will be done so when the site is cleared and readied for on-site improvements.

A well and pump house exists to the east of the existing home to remain. The well and pump house will be decommissioned and removed to construct the new public street and water quality facility.

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

VII. TDC SECTION 36.450 SIDE LOT LINES.

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

FINDING:

The proposed development is for a seven lot subdivision and will include a new internal public street that will end in a cul-de-sac. The lot lines that are outside of the cul-de-sac area shall be orientated such that they are at or very near to a right angle with the new public street. The new lots that are near the cul-de-sac shall be orientated such that the lines are directed towards the center of the cul-de-sac bulb.

This criterion is satisfied.

VIII. TDC SECTION 36.460 SIZE AND SHAPE.

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

FINDING:

The newly created lots in the proposed development will meet the criteria for lot size, width and shape and will be orientated for the best use to accompany the new public street.

This criterion is satisfied.

IX. TDC SECTION 36.470 FRONTAGE ON PUBLIC STREETS.

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

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

(2) Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72 Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5 respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan;

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

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

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

FINDING:

The proposed development is for a seven lot subdivision and will not include condominiums.

The proposed development will not include any lots and/or tracts dedicated to preserve wetlands, greenways or natural areas. A new tract may be created to contain a stormwater WQ facility.

None of the newly created lots in the proposed development are expected to have physical constraints to limit access along the public frontage.

The proposed development is for a seven lot subdivision in a residential zoning district.

This criterion is satisfied.

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

I. TDC SECTION 40.010 PURPOSE.

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

FINDING:

The applicant acknowledges the purpose of the RL Planning district

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

This criterion is satisfied.

II. TDC SECTION 40.015 PERMITTED DENSITY.

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

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

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

1. TDC SECTION 1.020 DEFINITIONS.

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

FINDING:

The total area for the proposed development is 1.54 acres. Per the density requirement specified in this code section, the maximum density for the proposed development is 11.55 units. The proposal is for 7 residential lots, less than the allowed maximum.

This criterion is satisfied.

III. TDC SECTION 40.020 PERMITTED USES.

- (1) Single-family dwellings, including manufactured homes.**
- (2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than the following:
 - (a) Normal household pets;**
 - (b) Chickens as otherwise allowed by the Tualatin Municipal Code.****
- (3) Home occupations as provided in TDC 34.030 to 34.050.**
- (4) Public transit shelters.**
- (5) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.**
- (6) Residential homes.**
- (7) Residential facilities for up to 15 residents, not including staff.**
- (8) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.**
- (9) Sewer and water pump stations and pressure reading stations.**
- (10) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.**
- (11) Accessory dwelling units as provided in TDC 34.300 to 34.310.**
- (12) Transportation facilities and improvements.**
- (13) Public park, public playground, and public recreation building.**

FINDING:

The proposed development is will only include single family, detached dwellings, which are a permitted use.

This criterion is satisfied.

IV. TDC 40.050 LOT SIZE FOR PERMITTED USES.

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

- (1) The minimum lot area shall be an average of 6,500 square feet.**
- (2) The average lot width shall be at least 30 feet.**
- (3) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.**
- (4) The maximum building coverage shall be 45 percent.**
- (5) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).**

FINDING:

All lots created as part of this subdivision action will meet the required lot size standards per TDC 40.050. The proposed development does not include any flag lots.

The existing dwelling on Parcel 1 complies the maximum building coverage standard per TDC 40.050(4); compliance with the maximum building coverage standard for future dwellings on the Parcels 2 through 7 will be reviewed via the separate Architectural Review Single-Family ARSF process.

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

V. TDC SECTION 40.070 SETBACK REQUIREMENTS FOR PERMITTED USES.

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

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

FINDING:

The existing dwelling on Parcel 1 meets the setback standards per TDC 40.070; compliance with the setback standards for future dwellings on Parcels 2 through 7 will be reviewed via the separate (ARSF) process.

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

VI. TDC SECTION 40.090 PROJECTIONS INTO REQUIRED YARDS.

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

FINDING:

The existing dwelling on Parcel 1 meets the projection standards per TDC 40.070; compliance with the projection standards for future dwellings on Parcels 2 through 7 will be reviewed via the separate ARSF process.

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

VII. TDC SECTION 40.100 STRUCTURE HEIGHT.

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

FINDING:

The existing home on Parcel 1 is less than 35 feet tall; compliance with the structure height standards for future dwellings on Parcels 2 through 7 will be reviewed via the separate ARSF process.

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

H. TDC CHAPTER 73: COMMUNITY DESIGN STANDARDS

I. TDC SECTION 73.250 TREE PRESERVATION.

(1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.

(2) During the construction process:

(a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.

(b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.

(c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in TDC 31.060.

(d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.

(e) Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment shall only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met.
(f) Tree root ends shall not remain exposed.

(3) Landscaping under preserved trees shall be compatible with the retention and health of said tree.

(4) When it is necessary for a preserved tree to be removed in accordance with TDC 34.210 the landscaped area surrounding the tree or trees shall be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, nearby landscape materials. Native trees are encouraged

(5) Pruning for retained deciduous shade trees shall be in accordance with National Arborist Association "Pruning Standards For Shade Trees," revised 1979.

(6) Except for impervious surface areas, one hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape plan (as approved through the Architectural Review process) shall apply directly to the percentage of landscaping required for a development.

FINDING:

See responses to TDC 34.230 and 34.270 above.

This criterion is satisfied.

II. TDC SECTION 73.270 GRADING.

(1) After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

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

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

(4) Impervious surface drainage shall be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.

FINDING:

The existing grades for the project site currently slope from gradually down from the south property line towards the north portion of the site. The proposed development will

not change this positive flow pattern. After the site improvements have been completed, final grading of the site will be completed to ensure the drainage patterns of the site are correct. Final grading for each of the lots and top-soil restoration shall occur upon final completion of the new structure on each lot.

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

III. TDC SECTION 73.370 OFF-STREET PARKING AND LOADING.

(2) Off-Street Parking Provisions.

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

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

FINDING:

According to the table, a minimum of 2 vehicle parking spaces per dwelling unit is required, not including stalls/spaces within a residential garage. The existing house has 2 spaces in the driveway and on Parcel 1 complies with this off-street parking standard; off-street parking standards for future dwellings on Parcels 2 through 7 will be reviewed via the separate ARSF process.

This criterion is met with conditions of approval PFR-30.

IV. TDC SECTION 73.400 ACCESS.

(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and

egress of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts shall be placed on permanent file with the City Recorder.

(3) Joint and Cross Access.

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

(i) a continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.

(ii) a design speed of 10 mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

(iii) stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive;

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

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

(i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

(ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners;

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

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

(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.

FINDINGS:

The proposed development will include driveway aprons designed and constructed to all applicable standards for ingress and egress between the public right-of-way and private property.

The proposed development will not include shared ingress and egress points of access. Each of the newly created lots will have their independent access point.

The proposed development will not include and joint or cross access points.

The proposed development plan will utilize the entire existing project site.

The proposed development will provide for direct access to the public right-of-way along the newly constructed public street.

The proposed development will include driveway for off-street parking that will be within 50 feet of the ground floor entrance of each new dwelling unit.

This criterion is satisfied.

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

FINDINGS:

The proposed development will include sidewalks along the frontage of the newly constructed public street.

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

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

(10) Minimum access requirements for residential uses:

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

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

FINDINGS:

The proposed development is for single family residential use and will include driveways that meet this requirement.

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

(14) Maximum Driveway Widths and Other Requirements.

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

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

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

FINDINGS:

The proposed development will not include driveways that exceed 40 feet in width. All constructed driveways will meet the spacing requirements set forth in this code section.

This criterion is satisfied.

(15) Distance between Driveways and Intersections.

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

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

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

(c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line as required by TDC 73.400(14)(b).

(d) When considering a public facilities plan that has been submitted as part of an Architectural Review plan in accordance with TDC 31.071(6), the City Engineer may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. The written approval shall be incorporated into the decision of the City Engineer for the utility facilities portion of the Architectural Review plan under the process set forth in TDC 31.071 through 31.077.

FINDINGS:

The proposed development is for single family residential use only.

This criterion is satisfied.

(16) Vision Clearance Area.

(a) Local Streets - A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections shall be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 10 feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

(b) Collector Streets - A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections shall be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area shall be 10 feet (see Figure 73-2 for illustration).

(c) Vertical Height Restriction - Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction shall be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

FINDINGS:

The proposed development will include a new local street that will intersect with a minor collector (SW Sagert Street). The street will be designed such that the required vision clearance is incorporated into the final design and construction.

This criterion is satisfied.

I. TDC CHAPTER 74: PUBLIC IMPROVEMENT REQUIREMENTS

I. TDC SECTION 74.120 PUBLIC IMPROVEMENTS.

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

FINDINGS:

The applicant will design and construct all improvements within the public right-of-way at their own expense.

The preliminary plans included in the application show all public improvements anticipated for this project.

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

II. TDC SECTION 74.130 PRIVATE IMPROVEMENTS

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

FINDINGS:

The applicant will design and construct all improvements on private property at their own expense and remit responsibility for maintenance of improvements over to individual property owners at the sale of each new tax lot.

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

III. TDC SECTION 74.140 CONSTRUCTION TIMING.

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

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

FINDINGS:

The applicant will complete all site improvements prior to seeking occupancy for any of the new structures constructed within the proposed development.

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

IV. TDC SECTION 74.210 MINIMUM STREET RIGHT-OF-WAY WIDTHS.

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

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

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

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

(5) Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G, additional right-of-way shall be dedicated from both sides or from one side only as determined by the City Engineer to bring the road right-of-way in compliance with this section.

(6) When a proposed development is adjacent to or bisected by a street proposed in TDC Chapter 11, Transportation Plan (Figure 11-3) and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G shall be dedicated by the applicant. The dedication of right-of-way required in this subsection shall be along the route of the road as determined by the City.

FINDINGS:

The applicant will dedicate additional right-of-way, as required by the review authority for the public right-of-way that is adjacent to the project site as well as the right-of-way necessary to complete the new local street.

The proposed development is for a seven lot subdivision.

The proposed development will not impact any existing streets that are not adjacent to the project site.

The proposed development has public right-of-way along SW Sagert Street and SW 95th Avenue. The right-of-way width from the centerline to the boundary of the project site for the portion of the project site that is adjacent to these two streets is consistent with the right-of-way width in either direction, away from the project site.

The proposed development will not be bisected by an existing street but does include a new public street which will be dedicated to the public right-of-way.

The proposed development does include a new public street that will bisect a portion of the property prior to its termination. The applicant will dedicate the portion of the project site needed to construct the new street to the public right-of-way.

This criterion is satisfied with conditions of approval PFR-17.

V. TDC SECTION 74.330 UTILITY EASEMENTS.

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

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

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

(5) The width of the public utility easement shall meet the requirements of the Public Works Construction Code. All subdivisions and partitions shall have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines.

FINDINGS:

The final plat for the proposed development will include all utility easements needed for the on-site improvements.

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

VI. SECTION 74.350 TRACTS.

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

FINDINGS:

The final plat for the proposed development will include all tracts which may be necessary to facilitate the on-site improvements. Improvements within the tract for maintenance and operations vehicles will be designed and constructed to meet all applicable design standards.

This criterion is satisfied with conditions of approval PFR-17.

VII. 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.**

FINDINGS:

The existing project site is a corner lot at the intersection of SW Sagert Street and SW 95th Avenue. There are no existing streets being extended to the project site.

This criterion is satisfied.

- (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.**

FINDINGS:

The proposed development does include a new public street that will terminate in a cul-de-sac within the project site. The new public street will be less than 200 feet long and will serve seven lots. The parcels to the south of the project are all fully developed and would not be adequately served by extending the new public street through the proposed development which is why the applicant is proposing to terminate the new street in a cul-de-sac.

This criterion is satisfied.

(3) During the development application process, the location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a subdivision shall either:

- (a) provide for the continuation or appropriate projection of existing streets into surrounding areas; or**
- (b) conform to a street plan approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.**

FINDINGS:

The existing project site for the proposed development is bordered by public right-of-way to the west and north and has fully developed parcels to the south. The new public street will meet the design requirements for a local street and will terminate in a cul-de-sac. The centerline for the new street will intersect with SW Sagert Street and will be located as far from the intersection of SW Sagert Street and SW 95th Avenue as possible. The new public street will provide lot frontage for all of the new parcels created by the proposed development. There are no existing public streets that can be extended into the proposed development site.

This criterion is satisfied.

(4) The City Engineer may require the applicant to submit a street plan showing all existing, proposed, and future streets in the area of the proposed development.

FINDINGS:

The final construction documents will be prepared by the project engineer and will include plans, for the proposed street along with the existing streets, as required. There are no future streets in the immediate vicinity of the project site that would impact the proposed development.

This criterion is satisfied.

(5) The City Engineer may require the applicant to participate in the funding of future off-site street extensions when the traffic impacts of the applicant's development warrant such a condition.

FINDINGS:

The proposed development will have a minimal impact on the adjacent streets.

This criterion is satisfied.

VIII. TDC SECTION 74.420 STREET IMPROVEMENTS.

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

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 shall be improved to standards as set out in the Public Works Construction Code.

(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

(4) Where development abuts an existing street, the improvement required shall apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the

City Engineer to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement shall connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

(5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements shall be required in the same manner as the half-street improvement requirements.

(6) All required street improvements shall include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.

(7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 shall be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.

(10) Streets within, or partially within, a proposed development site shall be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.

(11) Existing streets which abut the proposed development site shall be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).

(12) Sidewalks with appropriate buffering shall be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.

(13) The applicant shall comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.

(14) The applicant shall construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.

(15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant shall be required to construct and place at a minimum street signage, a sidewalk, street

trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.

(16) The City Engineer may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant shall sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement shall be subject to the City's approval.

(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

(18) Pursuant to requirements for off-site improvements as conditions of development approval in TDC 73.055(2)(e) and TDC 36.160(8), proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City's Mid-Block Crossing Policy.

FINDINGS:

The proposed development is adjacent to the public right-of-way for SW Sagert Street and SW 95th Avenue. The public right-of-way for SW Sagert Street is currently fully developed with a half-street section that consists of a traffic lane, a bike lane, curb and gutter, a planter strip and a concrete sidewalk. The half-street for SW 95th Avenue is consistent with the adjacent properties to the south and consists of a traffic lane, a bike lane and curb and gutter. A curb-tight sidewalk terminates just south of the intersection of SW 95th Avenue and SW Sagert Street and doesn't resume until SW Avery Street to the south. The applicant will complete improvements, as required within the public right-of-way of SW 95th Avenue.

This criterion is satisfied with conditions of approval PFR-17.

IX. TDC SECTION 74.425 STREET DESIGN STANDARDS.

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

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

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

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

(a) Arterials:

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

(b) Collectors:

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

(c) Local Streets:

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

FINDINGS:

The public streets that abut the existing project site are both classified as minor collectors and constructed to previous standards to the east and south. The applicant is not proposing to request access to either of these streets directly from any of the lots within the proposed development. The proposed public street within the interior of the project site will be designed and constructed to a local street standard and will be used for vehicular access from the newly created lots.

This criterion is satisfied with conditions of approval PFR-17.

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

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

(2) When the City Engineer determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Engineer shall prepare written findings of modification. The City Engineer shall forward a copy of said findings and description of modification to the applicant, or his authorized agent, as part of the Utility Facilities Review for the proposed development, as provided by TDC 31.072. The decision of the City Engineer may be appealed to the City Council in accordance with TDC 31.076 and 31.077.

(3) To accommodate bicyclists on streets prior to those streets being upgraded to the full standards, an interim standard may be implemented by the City. These interim standards include reduction in motor vehicle lane width to 10 feet [the minimum specified in AASHTO's A Policy on Geo-metric Design of Highways and Streets (1990)], a reduction of bike lane width to 4-feet (as measured from the longitudinal gutter joint to the centerline of the bike lane stripe), and a paint-stripped separation 2 to 4 feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.

FINDINGS:

The proposed development will all be completed at one time without any future improvements.

The public streets that abut the existing project site are both classified as minor collectors and constructed to previous standards to the east and south. As the respective cross-sections for SW Sagert Street and SW 95th Avenue remains consistent, no additional improvements are required.

Bike lanes already exist within the fully developed half-widths of the public streets that are adjacent to the project site. There are no bicycle lanes that will be included within the public right-of-way for the new local street that will be constructed within the interior of the project site.

This criterion is satisfied with conditions of approval PFR-17.

XI. TDC SECTION 74.470 STREET LIGHTS.

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

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

FINDINGS:

The proposed development will include street lights, as required.

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

XII. SECTION 74.475 STREET NAMES.

(1) No street name shall be used which will duplicate or be confused with the names of existing streets in the Counties of Washington or Clackamas, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.

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

FINDINGS:

The applicant will propose a street name that is consistent with the applicable standards and approved by the Review Authority. Street name conventions result with the new north/south cul-de-sac designated as SW 94th Place.

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

XIII. SECTION 74.480 STREET SIGNS.

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

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

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

FINDINGS:

The applicant will install street signs at the intersection of the new public street and SW Sagert Street.

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

XIV. TDC SECTION 74.485 STREET TREES.

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

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

FINDINGS:

The proposed development will include street trees, as required.

A fee will be paid to the City for the purchase and installation of street trees.

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

This criterion is satisfied with conditions of approval PFR-10 and -16.

XV. TDC SECTION 74.610 WATER SERVICE.

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

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

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

FINDINGS:

Currently, there are existing waterlines within the public right-of-way of SW Sagert Street as well as SW 95th avenue. The plans show extension of the public system south to the cul-de-sac. The adjacent lot to the east has access to the same water line in SW Sagert Street. The final construction plans will include a full design for a new waterline that is connected to an existing waterline and runs within the public right-of-way for the proposed street to serve the newly created lots.

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

XVI. TDC SECTION 74.620 SANITARY SEWER SERVICE.

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

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

FINDINGS:

An existing sanitary sewer line exists within the public right-of-way for SW Sagert Street and will be used for the connection point for the new system that will be designed and constructed to serve the proposed development. The final construction plans will demonstrate how the new sanitary sewer system will be installed to serve the newly created lots and connect to the existing manhole near the intersection of the new local street and SW Sagert Street. The proposed sanitary sewer will be a gravity system that includes an appropriately sized mainline as well as service laterals that will extend from the mainline to serve each newly created lot.

The plans do not show cleanouts serving the existing house nor for the proposed lots. Cleanouts will be installed at the boundary of the right of way line.

This criterion is satisfied with conditions of approval PFR-1 and -32.

XVII. TDC SECTION 74.630 STORM DRAINAGE SYSTEM.

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

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

(3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant shall extend storm drainage lines to the common boundary line with these properties. The lines shall be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin Drainage Plan in TDC Chapter 14.

FINDINGS:

The final construction plans for the proposed development will include a storm drain system comprised of collection points for surface water runoff and pipes for underground conveyance of surface water runoff which will discharge into a new water quality facility for detention and treatment prior to being released into the existing storm drain system.

The plans do not show cleanouts serving the existing house nor for the proposed lots. Cleanouts will be installed at the boundary of the right of way line.

This criterion is satisfied with conditions of approval PFR-5 and -32.

XVIII. TDC SECTION 74.640 GRADING.

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

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

FINDINGS:

The drainage pattern from the existing project site flows from the southern portion of the site towards the public right-of-way of SW Sagert Street, as shown on the Existing Conditions plan. The proposed grading scheme for the site improvements will maintain this drainage pattern to ensure there is no impact felt from adjacent properties to the east or to the south.

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

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

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

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

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

FINDINGS:

The final construction drawings will include a new water quality facility contained wholly within the project site. The project engineer will prepare final calculations for review and approval by the review authority, prior to approval of the final plat.

The proposed development will be part of a subdivision application.

The applicant has submitted a Service Provider Letter from Clean Water Services indicating that Sensitive Areas do not exist on-site. A CWS Memorandum was received dated May 16, 2017 for development on this site. The applicant will need to submit plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions, for review and approval.

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

XX. TDC SECTION 74.660 UNDERGROUND.

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

utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

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

FINDINGS:

The utility lines needed to serve the proposed development will be placed underground as required by the provisions within this code section.

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

XXI. TDC SECTION 74.670 EXISTING STRUCTURES.

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

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

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

FINDINGS:

The applicant will construct all proposed utilities within the public right-of-way and make connections to the existing utilities at their own expense.

The existing house will be retained, and is connected to all available City utilities.

This criterion is satisfied.

XXII. TDC SECTION 74.700 REMOVAL, DESTRUCTION OR INJURY OF TREES.

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

FINDINGS:

The proposed development will not cause any tree within the public right-of-way that is adjacent to the project site to be harmed or removed.

This criterion is satisfied.

J. TDC CHAPTER 75: ACCESS MANAGEMENT

I. TDC SECTION 75.010 PURPOSE.

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

II. TDC SECTION 75.120 EXISTING STREETS

The following list describes in detail the freeways and arterials as defined in TDC 75.030 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.....

(14) Sagert Street, (a) Martinazzi Avenue to 65th Avenue: No new driveways or streets shall be allowed, except the City Engineer may allow one driveway from the SE corner lot of Sagert and Martinazzi. This driveway may be restricted to right-in, right-out.

III. TDC SECTION 75.130 JOINT ACCESSES REQUIRED.

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

IV. TDC SECTION 75.140 COLLECTOR STREETS.

(a) Major Collectors. Direct access from newly constructed single family homes, duplexes or triplexes shall not be permitted. As major collectors in residential

areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible.

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

(c) If access is not able to be relocated to the nearest local street, the City Engineer may allow interim access in accordance with 75.090 of this chapter to provide for the eventual implementation of the overall access plan.

FINDINGS:

SW 95th Avenue and SW Sagert Street are designated as Major Collectors. The existing home and new lots will directly access a new local street that connects to SW Sagert Street.

This criterion is met.

VI. ATTACHMENTS

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

Notice

Application Submittals

Clean Water Services Service Provider Letter

Agency Requirements (also attached)

Citizen's Comment and Developer's Response (also attached)

MAY 24 2017

COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMORANDUM

Date: May 16, 2017

To: Tony Doran, Engineering Associate, City of Tualatin

From: Jackie Sue Humphreys, Clean Water Services (CWS)

Subject: Sagert Grove 7-Lot Subdivision, SB16-0001, 2S126AB04500

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

PRIOR TO ANY WORK ON THE SITE AND PLAT RECORDING

A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for CWS Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 17-5, (or current R&O in effect at time of Engineering plan submittal), and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 17-5, Section 4.05. Access shall be provided for maintenance of facility per R&O 17-5, Section 4.02.4.

- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.
- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

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

May 8, 2017

City Engineer

Attn: Tony Doran, Engineering Associate

City of Tualatin

18880 S.W. Martinazzi Avenue

Tualatin, OR 97062-7092

Ref: SB16-0001, Sagert Grove

Mr. Doran:

I own the property at 9369 S.W. Umiat that will be experiencing the full brunt of the construction of this development. Not only will I lose the only privacy that I have on my lot, I will have to contend with the noise, dust and houses in my back yard.

I have a couple of requests: Please ask the developer to build a permanent retaining wall after completion of the houses that are backing my property. If a fence is built, it will rot. When it rains, the water pools in this area. Also, there are two fir trees at the property line that have large roots that are growing up to my foundation. I only noticed this after digging in the soil around my foundation and having to saw these roots out (these were large roots). Unfortunately, I know this won't stop the growth of the root system. I do not want to have a ruined foundation in case there are other roots that I haven't discovered. It will be unfortunate if they take all of the pine trees out of the middle of this property.

If the developer is not going to start building soon, then the field needs to be mowed. The spread of weed seeds, etc. will not be appreciated. When this property was privately owned the fields were groomed so that the dandelions, etc. did not drift not only on my property but also the neighbors' property.

I realize this is progress. I am not looking forward to the noise and people ruining the only privacy I have in my back yard. This will definitely devalue my property. Please let me know if there is anything you can do for me regarding the issues stated above.

Laura Wellons

9369 S.W. Umiat St.

Tualatin, OR 97062



Laura Wellons
9369 S.W. Umiat St.
Tualatin, OR 97062-9174

CITY OF TUALATIN
RECEIVED

MAY 30 2017

COMMUNITY DEVELOPMENT
PLANNING DIVISION



PORTLAND OR 970

25 MAY 2017 PM 2 L

City Engineer

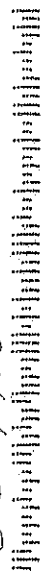
Attn: Tony Donnan, Engineering Coord.

City of Tualatin

18880 SW Martinazzi Ave

Tualatin, OR 97062-7092

97062-709250



June 6th, 2017

RE: RESPONSE TO LETTER FROM NEIGHBOR AT 9369 SW UMIAT

Dear Ms. Laura Wellons

I am writing this letter in response to the letter you submitted to the city for inclusion into the public record regarding the proposed 7 lot subdivision being proposed at 9445 SW Sagert Street. Regarding your concerns, I would expect the impact you would feel from the proposed development would be minimal. Your house appears to be a fair distance away from where the proposed road improvements will be so that shouldn't be a major issue. When it comes to the actual building of the houses, there are 6 new houses that will likely be constructed but given the position of your house in relation to the proposed lot layout, it is likely you would really only be affected by maybe one or two of the structures going up. Even then, given that the back yard of the new house will line up with your back yard should help to offset some of the effects you would feel from the construction, as most of the construction activity and traffic associated with it is typically in the front of the structure.

As far as the request for a permanent retaining wall, those types of features are only typically used to buffer a new residence from the public right-of-way. It is likely we will include a fence with the construction of the new residence which may not last forever but I do believe should be in good condition for several years.

Regarding the trees, we will make a good effort to protect all trees that were deemed viable by the certified Arborist who inspected the site and those of which do not impede upon the proposed public improvements or fall within the building footprints of the new structures. The trees that are to remain on-site will be protected during the construction process. If, after the trees are cleared for the site development, there are concerns regarding any specific trees that remain which are affecting your property, this can be discussed while the site development activity is occurring on-site.

The owner will visit the site in the upcoming days/weeks to determine if action needs to be taken on site ahead of when the proposed site clearing is to begin.

Given the density of the surrounding neighborhoods, I do not share the belief that filling in a larger, under-developed lot with a new public street and newly constructed homes on lots that meet the city code for the zoning requirements, will have a negative impact on the overall value of your property. If anything, the value of your home may be raised by the sale of new homes at current market prices. I understand it will change the view you have enjoyed for the past several years but after the construction is completed, a fence will be constructed to ensure you can enjoy the privacy of your yard and serve as a buffer from the new structures and subsequent neighbors. Development on large lots like this one in the Portland metropolitan area is pretty much a certainty in the current booming economy and at some point, many of us are affected by it. The applicant has worked diligently with the city staff during the land review process and will continue to do so during the other phases of the site development process to ensure that all of the applicable city codes are met.

Sincerely,



John Marquardt