

City of Tualatin

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March 2, 2018

SUBDIVISION REVIEW FINDINGS AND DECISION FOR SB17-0001, HAZELBROOK ESTATES

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I. RECOMMENDATION

Based on the findings presented, the City Engineer approves the preliminary plat of SB17-0001, Hazelbrook Estates with the following conditions:

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

- PFR-1 Submit final sanitary sewer plans that show location of the lines, grade, materials, and other details.
- PFR-2 Show each lot will have a separate minimum 1-inch water lateral with backflow prevention, double check valve assemblies, and control valves.
- PFR-3 Submit final water system plans that show location of the water lines, grade, materials, and other details.
- PFR-4 Obtain a City of Tualatin erosion control permit in accordance with code section TMC 3-5-060.
- PFR-5 Submit final stormwater calculations that include conveyance through the development. Provide an area take off of the public impervious area for the city to provide the stormwater fee-In-lieu. Submit a fee-in-lieu of construction of a public stormwater facility.
- PFR-6 Submit final stormwater plans.
- PFR-7 Submit plans that meet the requirements of TVF&R.
- PFR-8 Submit approvable plans and color elevations that include all color, material, and design specifications pursuant to TDC 34.340 for the entirety of the subject site's masonry fence along SW Hazelbrook Road frontage or obtain an alternate approval through Architectural Review.
- PFR-9 Submit plans that show the existing well use is only for irrigation.
- PFR-10 Obtain a Floodplain Hazard Area Development Permit with supporting final plans and no-rise certification.
- PFR-11 Submit plans that show at least 6-foot wide public utility easements at the frontage of all lots.
- PFR-12 Submit plans that show street lighting up to current Public Works Construction Code standards.
- PFR-13 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-14 Submit plans that show approved street trees.
- PFR-15 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. This includes a provision that states mitigation plantings for vegetated corridors within the area of the 18' wide future Tualatin River Greenway Trail along the southern side of Tract B, including the associated shy widths on both sides of the trail are not required.

PFR-16 Submit plans that minimize the impact of stormwater from the development to adjacent properties.

B. PRIOR TO APPROVAL OF THE FINAL PLAT:

- PFR-17 Execute Purchase and Sale Agreement with the City for the sale of Tract B.
- PFR-18 Tract B will need to be surveyed, staked and marked with boundary markers, provided by the City and shown as a sale on the Final Subdivision Plat, per TDC, Section 74.310.
- PFR-19 Record the final plat within 24 months of the issued decision or obtain an extension per TDC 36.160(6).
- PFR-20 Obtain Erosion Control, Public Works, and Water Quality Permits.
- PFR-21 Complete all the public improvements, shown on submitted plans and corrected by conditions of approval, and have them accepted by the City or provide financial assurance.
- PFR-22 Submit proof of DEQ approval of decommissioning of all tanks.
- PFR-23 Record all public easements and dedications shown on submitted plans and corrected by conditions of approval.

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

- PFR-24 Mitigation plantings for vegetated corridors of sensitive areas, per TDC Section 72.056 and the amended Clean Water Services' Service Provider Letter, will need to be placed outside of the area of the 12' wide future Tualatin River Greenway Trail and outside of the associated shy 3' widths on both sides of the trail along the southern side of Tract B.
- PFR-25 Prior to approval of the first home's building permit on the subject site, the applicant shall pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The current fee is \$175 per tree and is subject to change. The location, placement, and cost of the trees shall be determined by the Community Services Department. This sum shall be calculated on the Hazelbrook Road frontage as indicated on the final subdivision plat.
- PFR-26 Construct all private and public improvements shown on submitted plans and corrected by conditions of approval.
- PFR-27 Deliver a Mylar copy of the recorded plat to the City Engineer.
- PFR-28 Construct the entirety of required masonry fences per TDC 34.330 and 34.340 or per future approved Architectural Review plans and obtain a final inspection from the planning division.

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

PFR-29 Each building permit submittal must include a tree preservation plan that closely matches the tree preservation plan submitted with SB17-0001. The tree preservation plan must include tree protection fencing very similar to the

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tree protection fencing shown on P04, November 8, 2017, and meet the requirements of TDC73.250. If necessary for construction purposes, the tree preservation plan may be amended by a licensed arborist subject to Planning Division approval. The applicant must schedule a tree protection inspection with the Planning Division (503.691.3026) to ensure that tree preservation fencing is installed as approved by Sheet 04, dated November 8, 2017.

PFR-30 Obtain a Water Quality Permit for private LIDA facility per lot.

PFR-31 Submit proof that shows all crawl spaces will be served by gravity drainage. Based on the conditions presented by Chuck Gregory, PE, civil engineer for this project, the City of Tualatin Building Official hereby approves the use of 1% slopes for the sanitary sewer and storm laterals for Hazelbrook subdivision, pursuant to Sec. 708.1 of the 2017 Oregon Plumbing Specialty Code. The conditions, to reiterate them, are that each home will be served by its own sewer lateral 4" or greater in size and shall not exceed the maximum fixture count per individual lot per the plumbing code fixture counts. For the storm sewer laterals, the 1% slope is also approved.

II. APPEAL

Requests for review of this decision must be received by the Engineering Division within the 14-day appeal period ending on **March 16, 2018 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: Robert and Mary Bosak, 10605 SW Hazelbrook Road, Tualatin, OR 97062 Chuck Gregory, AKS Engineering & Forestry, LLC, 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

Agencies That Commented (see attachments):

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

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

Citizens Who Commented After the 14-Day Comment Period (see attachments): Dan Scott, 17010 SW 108th Avenue, Tualatin, Oregon, 97062

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File Number: SB17-0001, Hazelbrook Estates

OWNER:

Robert and Mary Bosak 10605 SW Hazelbrook Road Tualatin, OR 97062

APPLICANT'S CONSULTANT:

AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100

Tualatin, OR 97062

Contact(s): Chuck Gregory (chuckg@aks-eng.com)

Phone: (503) 563-6151 Fax: (503) 563-6152

REQUEST:

The Applicant seeks approval of an application for Subdivision Preliminary Plat for the development of 5 residential lots.

STAFF CONTACT:

Tony Doran, Engineering Associate

III. STANDARDS AND APPLICABLE CRITERIA

Tualatin Municipal Code (TMC)

Title 03: Utilities and Water Quality

Title 04: Building

<u>Tualatin Development Code (TDC)</u>

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 70: Flood Plain District

Chapter 72: Natural Resource Protection Overlay District (NRPO)

Chapter 73: Community Design Standards

Chapter 74: Public Improvement Requirements

Chapter 75: Access Management

IV. FINDINGS OF FACT

- A. Site Location: 10605 SW Hazelbrook Road, Tualatin, OR 97062
- B. Washington County Assessor's Information: Assessor's Map: 2S115DA Tax Lot: 300
- C. Site Size: ±4.20 Acres
- D. Land Use District: Low Density Residential (RL)
- E. Surrounding Land Uses: Low Density Residential (RL)
- F. Proposal: Subdivision to create five residential lots and two tracts
- G. Public Agency Comments:, Clean Water Services, Tualatin Valley Fire and Rescue.
- H. Executive Summary
 - a. On behalf of the property owners, AKS Engineering & Forestry, LLC is submitting this application for a 5-lot subdivision (Hazelbrook Estates) in the City of Tualatin for the future construction of single-family detached residential homes on Lots 1 through 4 and retain the existing home on Lot 5. The project includes the necessary frontage improvements along SW Hazelbrook Road, services, utilities, and other improvements to support the project.
 - b. The essential components of this subdivision application are:
 - 5 lots for the future construction of single-family detached homes (existing home to remain on Lot 5) consistent with the allowed density of the City's Low Density Residential (RL) zone
 - ii. Creation of a natural resource tract (Tract A) protecting natural resources identified on the City's Significant Natural Resources Map
 - iii. Creation and sale of a tract of land (Tract B) abutting the Tualatin River, to the City of Tualatin for the future extension of the Tualatin River Greenway Trail by the City

- iv. Improvements to the property's frontage on SW Hazelbrook Road including the dedication of right-of-way, additional pavement, new sidewalk, and street trees
- c. This written narrative describes how the application is consistent with the applicable approval criteria found in the City's Development Code. The narrative is complemented by other documentation that is required for the subdivision application. Considered together, this information is substantial and supports the City's approval of the application.
- I. Site Description/Setting
 - a. The subject property is approximately ±4.20 acres located along the bank of the Tualatin River to the north. Properties abutting the subject site to the east and northwest are located within unincorporated Washington County, zoned FD-10, and are underdeveloped with single-family detached homes. The southwest abutting property is located within the City of Tualatin, has an RL zoning designation, and is also underdeveloped with a single-family detached home. Properties to the south are part of the Jeffwood Estates No. 3 Subdivision also within the City's RL zone. The subject property is within close proximity (walking distance) to Hazelbrook Middle School, Jurgens Park, and within 1 mile of the nearest transit stop on Pacific Highway to the west.

V. <u>CONCLUSIONS</u>

A. TMC TITLE 03: UTILITIES AND WATER QUALITY

- I. TMC CHAPTER 03-02: SEWER REGULATIONS; RATES
 - 1. <u>TMC 3-2-020 APPLICATION, PERMIT AND INSPECTION</u> 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 plans show new gravity sanitary sewer service laterals connecting to each new lot to the sanitary sewer main in SW Hazelbrook Road. Sanitary sewer lateral design details can be found on Sheet P08 in the Preliminary Plans. The sanitary sewer laterals are shown to be at a 1% slope, which needs to be approved by the building official before design, per Section 708.1 of the Oregon Plumbing Code. Further information will be provided prior to obtaining a public works permit.

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 location of the planned water lines and meters are shown on Sheet P08 in the preliminary plans. Further information will be provided prior to obtaining a public works permit.

The plans show single laterals with meters serving each lot, but do not indicate backflow prevention, double check valve assemblies, or control valves. Each lot will have a separate minimum 1-inch lateral with backflow prevention, double check valve assemblies, and control valves.

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

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

A Preliminary Grading And Erosion Control Plan, meeting these requirements, is included as Sheet P06 of the preliminary plans.

The applicant has submitted plans showing erosion control for an area of approximately 0.78 acres. The applicant will obtain an erosion control permit. This criterion is satisfied with conditions of approval PFR-4.

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

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

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

For new development other than the construction of a single family house or duplex, plans shall document review by the design engineer of the downstream capacity of any existing storm drainage facilities impacted by the proposed development. That review shall extend downstream to a point where the impacts

to the water surface elevation from the development will be insignificant, or to a point where the conveyance system has adequate capacity, as determined by the City Engineer. To determine the point at which the downstream impacts are insignificant or the drainage system has adequate capacity, the design engineer shall submit an analysis using the following guidelines:

- (1) evaluate the downstream drainage system for at least ¼ mile;
- (2) evaluate the downstream drainage system to a point at which the runoff from the development in a build out condition is less than 10 percent of the total runoff of the basin in its current development status. Developments in the basin that have been approved may be considered in place and their conditions of approval to exist if the work has started on those projects;
- (3) evaluate the downstream drainage system throughout the following range of storms: 2, 5, 10, 25 year;
- (4) The City Engineer may modify items 1, 2, 3 to require additional information to determine the impacts of the development or to delete the provision of unnecessary information.

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

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

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

FINDING:

One public stormwater street swale and six private LIDA stormwater planter or rain garden facilities are shown to serve each lot and have been adequately sized for treatment and detention as needed (see the Preliminary Stormwater Report for sizing calculations). The City will accept a fee-in-lieu in place of the public stormwater street swale. This criterion is satisfied with conditions of approval PFR-5.

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:

One public stormwater facility (infiltration stormwater planter) and six private stormwater facilities (four flow-through stormwater planters and two rain gardens) are shown to be located outside both wetland and associated buffer areas. 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. <u>TMC 3-5-330 PERMIT REQUIRED.</u>

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 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.

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:

Public and private stormwater facilities have been adequately sized for water quality (see the Preliminary Stormwater Report for sizing calculations). Water quality facilities designed based on Clean Water Services Design and Construction Standards. A stormwater facility agreement identifying who will be responsible for long term compliance with the operation and maintenance plan will be provided prior to obtaining a stormwater quality control facility permit. The City will accept a fee-in-lieu in place of the public stormwater street swale. This criterion is satisfied with conditions of approval PFR-5 and PFR-6.

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

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

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

FINDING:

The plans show an existing public fire hydrant just south of the subject site across SW Hazelbrook Road. New and existing buildings are less than 400 feet from the existing fire hydrant, which meets the Tualatin Valley Fire & Rescue Requirements.

TVF&R has submitted an attached letter regarding their requirements. The applicant will need to address these requirements in the final plans. This criterion is satisfied with conditions of approval PFR-7.

C. TDC SECTION 31.063 NEIGHBORHOOD/ DEVELOPER MEETINGS.

- (2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners located within the mailing area designated in TDC 31.064(1)(c). Notice of the meeting shall be provided to Recognized Neighborhood Associations within the Notice Area of TDC 31.064(1)(c) and to designated representatives of recognized Citizen Involvement Organizations. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (3) The Neighborhood/Developer Meeting shall be held on a weekday evening, or weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the City of Tualatin.
- (4) The applicant shall at least 14 calendar days and no more than 28 calendar

days prior to the meeting mail notice of the meeting pursuant to TDC 31.064(1) stating the date, time and location of the meeting and briefly discussing the nature and location of the proposal:

- (6) The applicant shall, at least 14 calendar days before the meeting, post a sign pursuant to TDC 31.064(2). If the sign disappears prior to the meeting date, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) days after the meeting date.
- (7) The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and expressed.
- (8) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.
- (9) If an applicant fails to hold a neighborhood meeting, the application shall be deemed incomplete.
- (10) The application shall include the following materials related to the Neighborhood/Developer meeting:
- (a) the mailing list for the notice;
- (b) a copy of the notice;
- (c) an affidavit of the mailing and posting;
- (d) the original sign-in sheet of participants;
- (e) the meeting notes described in TDC 31.063(7).
- (11) Applications shall be submitted to the City within 180 days of the Neighborhood/Developer meeting. If an application is not submitted in this time frame, the Developer shall be required to hold a new Neighborhood/Developer meeting.

FINDING:

A neighborhood meeting to discuss the project with surrounding property owners was held on August 15, 2017. Approximately 4 interested persons were in attendance. The appropriate neighborhood meeting materials as outlined in TDC 31.063 have been included in the application materials. This criterion is satisfied.

D. TDC CHAPTER 34: SPECIAL REGULATIONS

- I. TDC SECTION 34.210 APPLICATION FOR ARCHITECTURAL REVIEW, SUBDIVISION OR PARTITION REVIEW, OR TREE REMOVAL PERMIT.
- (1) Architectural Review, Subdivision, or Partition. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), to develop property, and the development is subject to Architectural Review, Subdivision Review, or Partition Review approval, the property owner

shall apply for approval to remove trees as part of the Architectural Review, Subdivision Review, or Partition Review application process.

- (a) The application for tree removal shall include:
- (i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; existing and proposed property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:
- (A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and
- (B) Where CWS has approved delineation of a "sensitive area" or "vegetated corridor" on the subject property, and
- (C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then
- (D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.
- (ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist's signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year proceeding the date the development application is deemed complete by the City. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.
- (iii) All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.
- (b) The application for tree removal shall be approved or denied based on the criteria in TDC 34.230.
- (c) The approval or denial of an application to remove trees shall be a part of the Architectural Review, Subdivision Review, or Partition Review decision.

FINDING:

As shown on the preliminary plans, trees located in the project area are planned to be removed except for the few trees located on Lot 5, which are located away from site disturbance associated with the project. Based on conversations with City staff, an arborist report is required and therefore is provided in the preliminary plans. Trees to be removed are planned to be marked with yellow flagging in the field. This section is met.

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 heir 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) Tow or more limbs dead (1) ____ *For deciduous trees only

FINDING:

As mentioned previously and as shown on the preliminary plans, trees within the project area are planned to be removed to construct project improvements, infrastructure, and accommodate future dwellings on the planned lots. This section is satisfied.

Staff notes that a Preliminary Tree Preservation and Removal Plan has been included as Sheet P04, dated 11/08/2017. This sheet includes a detailed tree inventory and assessment by a Bruce Baldwin, certified arborist. The inventory includes 57 trees (42 onsite and 15 offsite). A total of 30 onsite trees are proposed for removal to construct improvements. 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 for those trees outside the project construction area and/or on adjoining properties is planned to be installed in accordance with TDC 73.250.2 Tree Preservation, as necessary. This standard is met.

Staff notes that tree protection is shown on Sheet P04. Please refer to TDC 73.250(2) for a detailed finding.

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 subject property has frontage on SW Hazelbrook Road, which is classified as a minor collector street. Therefore, a masonry fence designed in accordance with TDC 34.340 is planned to be installed along the entire length of the project's frontage on SW Hazelbrook Road, except at the intersection of the project's shared private driveway and SW Hazelbrook Road. A detail of the masonry fence is shown in Figure 34-2 on Sheet P07 in the preliminary plans.

As shown on the preliminary plans Sheet P07, the required masonry fence to be installed along the project's frontage on SW Hazelbrook Road is planned to be outside the public right-of-way, as close to and parallel with the project's south property line, and will not alter the pattern and/or flow rate of stormwater drainage. These criteria are met.

1. TDC SECTION 34.340 FENCE DESIGN.

- (1) Masonry Fence Design. (See Figure 34-2 for illustration)
- (a) Material and Color. All components of fence visible from the public vantage point shall be constructed of stone, brick, stone-look or brick-look cast masonry or stone-look or brick-look cast vinyl or composite material. The color of the fence shall be that of natural stones, red clay brick, neutral brown-tones, or gray earth-tones.
- (b) Finished Face. Fence shall be constructed such that the finished side of the fence faces the public right-of-way or state-owned interstate highway, and any structural components (metal brackets, etc.) are not visible from the public or highway vantage point.
- (c) Slopes. Fences constructed on slopes shall be installed using a stair-step method, whereby each fence panel steps up or down the slope and remains level (zero-slope) rather than parallel to the grade of the underlying terrain.
- (d) Height. For public streets classified as an arterial/collector/expressway, height of fence panels shall be six feet, and for interstate highways (I-5 or I-205) height of fence panels shall be a minimum of eight feet, measured from the underlying ground surface directly beneath the fence panels to the top edge of the cornice cap. (Any fence over six feet in height requires a building permit and engineered drawings.)
- (i) For fences constructed on slopes, the height of fence measured at the up-slope end of each fence panel shall be six feet for public streets classified as an arterial/collector/express-way and a minimum of eight feet for interstate highways. (Any fence over six feet in height requires a building permit and engineered drawings.)
- (ii) Pilasters, excluding pilaster caps, shall be no shorter than the shorter of the attached fence panels, including the cornice cap, and shall not extend more than six inches higher than the highest attached fence panel, including the cornice cap.
- (iii) Height of pilaster caps shall be no greater than six inches, measured from the top of the underlying pilaster to the highest point on the cap.
- (e) Ground Clearance. There shall be no ground clearance or gap visible between the bottom of the fence panels and the underlying ground surface. Where a pre-cast panel system is used, any gaps that result beneath panels shall be filled in with earth, rock, evergreen vegetation, or similar material. This provision does not prohibit the use of stormwater drainage holes.
- (f) Pilasters. The horizontal run of fence must be broken up by pilasters, which shall be set at approximately regular intervals, no more than twenty feet apart on center. Pilasters shall be installed perpendicular to a zero-slope plane.

- (g) Panels. Panels shall be 100 percent solid and opaque. The finished face shall have the appearance of a stacked or mortared stone wall or brick wall.
- (h) Cornice. A cornice cap shall be installed on top of each of the fence panels. Cornice caps shall be masonry or brick in appearance, and shall match or closely compliment the colors and materials used to construct the fence panels and pilasters.
- (i) Pilaster Caps. Decorative caps shall be installed on top of all pilasters such that the cap completely covers the surface area of the pilaster end. Caps shall be masonry or brick in appearance, and shall match or closely compliment the colors and materials used to construct the fence panels and pilasters. Illuminated pilaster caps are allowed, provided the lighting element is an integral internal component of the cap (i.e., no exposed light bulb) and the light is low-voltage or solar powered. Caps shall be no taller than six inches, measured from the surface of the pilaster end to the highest point on the pilaster cap.

FINDING:

A masonry fence is required along the site's SW Hazelbrook Road frontage. The applicant has stated that a future fence design will comply with Figure 34-2 on Sheet P07 in the preliminary plans; however specific details are not shown. The design criterion is satisfied with condition of approval PFR-8.

- (2) Variance Prohibited.
- (a) Development unable to meet one or more of the design standards set forth in TDC 34.340(1) may alternatively submit application for Architectural Review.
- (b) Application for Architectural Review shall be made pursuant to application procedures set forth in TDC 31.071. Approval or denial shall be based upon the criteria set forth in TDC 73.050, including objectives and standards set forth in TDC 73.221 and 73.222.

FINDING:

Variances are not included or required with this application. This standard does not apply.

E. <u>TDC CHAPTER 36: SUBDIVIDING, PARTITIONING AND PROPERTY</u> LINE ADJUSTMENTS

- I. <u>TDC SECTION 36.070 LAND DIVISIONS AND PROPERTY LINE</u> 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:

This narrative, along with the preliminary plans, and other documentation in the application materials have been provided as evidence demonstrating that the project complies with the applicable regulations of the City of Tualatin and ORS Chapter 92.

A previous property line adjustment involving the subject property and the adjacent property to the west (17000 SW 108th Avenue) was processed through the City of Tualatin and approved under casefile number PLA17-00001. A copy of the City's decision and evidence of the recorded property line adjustment have been included in the application materials.

This land division is proposed to be created by a subdivision complying with all applicable standards. This criterion is satisfied.

II. TDC SECTION 36.080 APPROVAL OF STREETS AND WAYS.

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

Right-of-way dedication, easements, tracts, accessways, and the requirements of TDC Chapter 74 are addressed later in this narrative. As shown on the preliminary plans, improvements associated with this project have been designed in accordance with the design and construction standards of the Public Works Construction Code.

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A copy of the property's Statutory Warranty Deed has been included in the application materials, which indicates the property intended to be dedicated is free of liens, encumbrances, claims, and encroachments.

Information mentioned in this standard is planned to be shown on the final subdivision plat. Tract B is planned to be sold to the City for the City's future construction of the Tualatin River Greenway Trail. Tract A is a natural resource tract, which will be owned by Lot 5. This standard is met.

This application has been submitted for preliminary plat approval. Required right-of-way dedication, utility, and street improvements are planned to be completed in conjunction with the final subdivision plat process. This criterion is satisfied.

III. TDC SECTION 36.090 ISSUANCE OF BUILDING PERMITS.

- (1) Except as provided in subsection (5) of this section no building permit or permits to connect to City utility services shall be issued for lots within a subdivision or partition plat until the City Engineer has determined that the corresponding public improvements are substantially complete to assure that the health and safety of the citizens will not be endangered from inadequate public facilities.
- (2) Subject to submittal and approval of, and compliance with, the subdivision plan, as well as sufficient security to assure completion of the public portions of the subdivision, the applicant or individual lot owners within the subdivision may receive a building permit or utility service for not more than 50 percent of the platted lots within the subdivision prior to:
- (a) the completion of all required public improvements in accordance with the Public Works Construction Code; and
- (b) the acceptance of the public improvements by resolution of the City Council. (3) No building permits shall be issued or utility service approved for any lot which together with previously approved lots would exceed 50 percent of the platted lots within the subdivision until:
- (a) all required public improvements have been completed in accordance with the Public Works Construction Code; and
- (b) the public improvements have been accepted by resolution of the City Council.

FINDING:

Compliance with the standards of this section are planned to be obtained prior to submittal of building permit applications. This section is met.

The Applicant will comply with all requirements necessary to obtain building permits. 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-24, PFR-25, PFR-26, PFR-27, PFR-29, and PFR-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, rightof-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;
- (I) 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 Citydesignated 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 to discuss the project with surrounding property owners was held on August 15, 2017. Approximately 4 interested persons were in attendance. The appropriate neighborhood meeting materials as outlined in TDC 31.063 have been included in the application materials.

A formal pre-application conference was held with City staff to discuss the project in September 2016. Since the pre-application conference, multiple meetings and correspondence with City staff have been conducted to discuss and refine the planned subdivision layout.

Applicable information listed in the standard above has been included in the application materials.

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The appropriate application fee has been submitted with the project's application packet. A list of mailing recipients and proof of sign posting in accordance with TDC 31.064 has been included in the application materials.

This written narrative describes how the application is consistent with the applicable approval criteria found in the City's Development Code. The narrative is complemented by other documentation that is required for the subdivision application. Considered together, this information is substantial and supports the City's approval of the application. This criterion is satisfied.

V. <u>TDC SECTION 36.420 EXISTING STRUCTURES AND</u> 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:

As shown on the preliminary plans, a small shed located at the south end of the subject property is planned to be removed prior to City approval of the final subdivision plat. The existing home and outbuildings located on Lot 5 are to remain. Existing structures located on the subject property have not been identified as "historic City landmarks."

The existing well associated with the single-family home located on Lot 5 is planned to be retained only for irrigation in accordance with State and County regulations.

Underground storage tanks requiring decommissioning have not been identified on the subject property. This standard does not apply.

This criterion is satisfied with condition of approval PFR-9 and PFR-22.

VI. 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:

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As shown on the preliminary plans, the planned lots will be accessed by a shared private driveway that connects to the SW Hazelbrook Road. Side lot lines of the lots within this project are planned to run at right angles to the shared private driveway and SW Hazelbrook Road as far as practicable. This criterion is satisfied.

I. 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:

As shown on the preliminary plans, dimensions of the planned lots within the project are appropriate and comply with the minimum standards of the Low Density Residential (RL) zoning district.

Lots within the project are planned to be served by public sewer and water. In addition, the project plans to conform to required standards of the Washington County Health Department and/or Department of Environmental Quality with respect to sewage disposal and water supply. Compliance with Washington County and DEQ standards are planned to be addressed by obtaining necessary permits from the applicable agencies. This criterion is satisfied.

II. TDC SECTION 36.470 FRONTAGE ON PUBLIC STREETS.

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

- (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.

As shown on the preliminary plans, this project includes two tracts. Tract A is planned to preserve the site's natural resource features. Tract B is planned to be sold to the City for the city's future construction of the Tualatin River Greenway Trail. Neither of the planned tracts associated with this project abut a public street as allowed by this standard. This standard is met.

As shown on the preliminary plans, this project consists of 5 lots with appropriate frontage on SW Hazelbrook Road, 3 of which (Lots 3 through 5) are planned to have frontage by way of flag poles (flag lots). Access to the project is planned to be provided by way of a shared private driveway over the pole portions of the planned flag lots. Therefore, this standard does not apply.

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

I. 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:

As shown on the Preliminary Subdivision Plat on Sheet P03, the net acreage of the site, after the removal of land dedicated to SW Hazelbrook Road right-of-way, the natural resource tract (Tract A), area to be sold to the City of Tualatin for the future Tualatin Greenway Trail (Tract B), is approximately ±1.08 acres. The planned 5 lot subdivision results in a density of ±4.62 dwelling units per net residential acre, which is below the maximum 6.4 units per acre allowed by this section. This standard is satisfied.

II. 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 single-family dwellings, greenways and natural areas, and transportation facilities and improvements are permitted outright in the RL zone. This criterion is satisfied.

III. 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:

As shown on the Sheet P03, the overall average lot area is 9,498 square feet, which is greater than the 6,500 square feet required by the RL zoning district. This standard is met.

As shown on the preliminary plans, Lots 1-4 have an average lot width of 74.6 feet and Lot 5 has a width of 163.3 feet, which exceeds the 30-foot average lot width required by the RL zoning district. This standard is met.

As shown on the preliminary plans, Lots 1 and 2 have 71.11 feet of frontage on SW Hazelbrook Road, which exceeds the minimum requirement 50 feet of frontage. Lots 3 through 5 are considered flag lots, and are shown on the preliminary plans to have flag poles extending to SW Hazelbrook Road as allowed by Subsection 40.050.5 addressed below. This standard is met.

Building coverages of individual lots will be reviewed with Architectural Review Single Family applications (ARSF) to ensure the 45% maximum building coverage is not exceeded. This standard is met.

Lots 3 through 5 are considered flag lots, and are shown on the preliminary plans to each have a 7-foot flag pole extending to SW Hazelbrook Road (combined access of 21 feet wide). A shared private driveway over the flag poles is shown to provide sufficient access to the planned lots in accordance with the applicable standards of TDC 73.400(7) – (12) addressed later in this narrative. This standard is met.

IV. <u>TDC SECTION 40.070 SETBACK REQUIREMENTS FOR</u> PERMITTED USES.

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

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

FINDING:

As shown on Sheet P03, conceptual building areas for Lots 1 through 4 meet the minimum setbacks listed in this section. Lots 1 and 2 are the only lots that front on a public right-of-way with a required front yard setback of 15 feet being provided on the southern property line. Lots 1-5 illustrate appropriate side, rear, and garage setbacks. The existing home on Lot 5 meets minimum setbacks, except for the side yard setback to the adjacent property to the west. Because the home is pre-existing and the project does not increase the non-conforming setback, this section is met.

All setback standards will be met at the time of Architectural Review Single Family applications (ARSF).

V. 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:

This section is planned to be reviewed for compliance at time Architectural Review Single Family applications (ARSF) for future homes. This section can be met.

VI. TDC SECTION 40.100 STRUCTURE HEIGHT.

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

This section is planned to be reviewed for compliance at time of Architectural Review Single Family applications (ARSF) for future homes. This section can be met.

G. TDC CHAPTER 70: FLOOD PLAIN DISTRICT (FP)

I. SECTION 70.110 DEVELOPMENT PERMIT REQUIRED.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by TDC 70.050. The permit shall be for all structures, including manufactured homes, as set forth in the "Definitions," and for all other development, including fill and other activities, also as set forth in the "Definitions."

FINDING:

As shown on the preliminary plans, the project's Lot 5 is located within the 100-year floodplain. Planned improvements associated with the existing home on Lot 5 include, driveway transition improvements, extension of a new water lateral, and relocation of existing domestic utilities (gas, electrical, etc.). In addition, a new rain garden and associated outfall are planned to be installed to treat and convey stormwater from the existing impervious area associated with the existing home and driveway of Lot 5. An additional rain garden is also planned to be installed within an existing landscape area on Lot 5 to treat stormwater from the project's shared private driveway. A development permit will be obtained prior to site disturbance. This criterion is satisfied with condition of approval PFR-10.

II. SECTION 70.170 GENERAL STANDARDS.

In all areas of special flood hazards, the following standards are required:

- (1) Anchoring.
- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All manufactured dwellings must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

FINDING:

Aforementioned improvements within the 100-year floodplain are planned to be anchored as necessary as to not allow flotation, collapse, or lateral movement. This standard is met.

- (2) Construction Materials and Methods.
- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (d) AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

Improvements within the 100-year floodplain are planned to be constructed of materials and methods that are to be resistant to flood damage. This standard is met.

- (3) Utilities.
- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

FINDING:

As mentioned previously, utility improvements located in the 100-year floodplain have been designed to minimize infiltration of flood waters and are located to avoid impairments to them. This standard is met.

- (4) Subdivision Proposals.
- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.

FINDING:

As shown on the preliminary plans, and addressed in the Preliminary Stormwater Report, planned improvements within the 100-year floodplain are consistent with the need to minimize the potential for flood damage. This criterion is met.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed so as to minimize flood damage.

FINDING:

Disturbance areas associated with utilities within the 100-year floodplain have been designed as to minimize any potential for flood damage. For additional information please refer to the preliminary plans and the Preliminary Stormwater Report. This criterion is met.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

As mentioned above, shown on the preliminary plans, and addressed in the Preliminary Stormwater Report, the project's drainage improvements have been designed to reduce exposure to flood damage. For additional information regarding storm drainage, please refer to the preliminary plans and the Preliminary Stormwater Report. This criterion is met.

(d) here base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

FINDING:

The subject property is less than 5 acres and this application involved subdividing the property into 5 residential lots. Therefore, this criterion does not apply.

III. <u>SECTION 70.180 SPECIFIC STANDARDS</u>.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in TDC 70.050, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD," or TDC 70.140(2), "USE OF OTHER BASE FLOOD DATA," the following provisions are required:

FINDING:

This section refers to residential construction, nonresidential construction (commercial, industrial, or other nonresidential structures), manufactured dwellings, recreational vehicles, and the elevation of the lowest floor being elevated above the base flood elevation. This project does not include construction or placement of new structures intended to be habitable, or alteration of the existing home on Lot 5 within the 100-year floodplain. This section does not apply.

IV. SECTION 70.190 FLOODWAYS.

Located within areas of special flood hazard established by TDC 70.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development that will increase in flood levels during the occurrence of the base flood discharge.
- (2) If TDC 70.190(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of TDC 70.170 to and including 70.190, Provisions for Flood Hazard Reduction.

FINDING:

As shown on the preliminary plans, project improvements will not be located within the floodway located in the natural resource tract (Tract A) abutting Lot 5 to the north. Any stormwater conveyance to the floodway associated with the project's stormwater

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management system will be conveyed at a rate as to not increase flood levels. For additional information regarding stormwater, please refer to the Preliminary Stormwater Report included in the application materials. This section is met.

H. TDC CHAPTER 72: NATURAL RESOURCE PROTECTION OVERLAY DISTRICT (NRPO)

I. TDC SECTION 72.010 PURPOSE.

(1) To identify and protect by preservation and conservation the designated significant natural resources and Other Natural Areas. The designated significant natural resources are greenways and natural areas, which include the riparian areas and scenic areas of the Tualatin River and certain creeks and drainage swales, wetlands, upland forests, meadows, fish and wildlife resources, and the geologic features of the Tonquin Scablands. Significant Natural Resources are identified on the Significant Natural Resource List and Map TDC 72.013 and Map 72-3, TDC). The significant natural resources designated for protection are shown on Map 72-1, TDC. Other Natural Areas are identified on Figure 3-4 of the Parks and Recreation Master Plan.

FINDING:

The central portion of the subject property has been identified on the City of Tualatin's Map 72-3: Significant Natural Resources Map as containing a seep or spring located in the floodplain (W-21). Additionally, the Wetland Summary Sheet for W-21, also included in the City's Local Wetland Inventory, has categorized W-21 as a small relic wet prairie categorized as "high" in wildlife habitat value and having potential recreation and education value.

The north portion of the subject property has been identified on Map 72-3 as containing a riparian corridor (F43), which is identified as a providing, "important wildlife habitat for resident and migratory species, wildlife travel corridors, and aesthetics for the community."

As shown on the preliminary plans, the central portion of the property containing the site's "small relic wet prairie" (W-21) is planned to be protected within a natural resource tract (Tract A) to be owned and maintained by the future owner of Lot 5. The north portion of the site containing the "riparian corridor" (F43) is planned to be sold to the City of Tualatin for the city's future extension of the Tualatin River Greenway Trail (Tract B).

The Wetland has been determined to be Significant. This criterion is satisfied.

II. TDC SECTION 72.020 LOCATION OF GREEN-WAYS AND NATURAL AREAS.

(1) The designated significant natural resources are the Greenways and Natural Areas on Map 72-1, which shows the general location of the NRPO District. The general locations of Other [n] Natural Areas are shown on the Recreation Resources Map (Figure 3-4) of the Parks and Recreation Master Plan.

FINDING:

Based on the City's Natural Areas Map 72-1, the northern portion of the subject property abutting the Tualatin River has been identified as the location of the Tualatin River Greenway. In addition, Figure 3-4 of the Parks and Recreation Master Plan has also identified the north portion of the subject property as containing a riparian forest. As shown on the preliminary plans, the north portion of the property containing the Tualatin River Greenway and riparian forest is planned to be located within a tract (Tract B) and sold to the City for the city's future extension of the Tualatin River Greenway Trail. This criterion is satisfied.

(2) Lands in the Wetland Protection District (WPD) are subject to Chapter 71, and other applicable regulations, but not Chapter 72.

FINDING:

The subject property is not located within the Wetland Protection District (WPD). Therefore, Chapter 71 has not been addressed in this narrative and this standard is not applicable.

III. .TDC SECTION 72.030 GREENWAYS.

- (1) Greenways can exhibit diverse characteristics. Those along the Tualatin River and Hedges, Nyberg and Saum Creeks can be natural in some sections and have pedestrian and bike paths in other sections. Greenways in built-up areas such as in subdivisions are typically landscaped with lawn and often include concrete pedestrian/bike paths.
- (2) Riverbank Greenway (NRPO-GR).
 - (a) Except as provided in Subsection (b), the NRPO District along the south bank of the Tualatin River, beginning at the City's western Urban Growth Boundary (UGB) and extending to the City's eastern UGB, and along the north bank of the Tualatin River from the northwest corner of Tax Lot 1007 to the southeast corner of Tax Lot 1006, Washington County Tax Map 2S1 24B, shall have a width as measured from a line 40 feet inland from the top of the bank extending to the middle of the river. The top of the bank shall be where the landform called "the bank" changes from a generally up-slope feature to a generally flat feature. The NRPO District shall automatically apply to property annexed to the City, except as provided for in Appendix G to the Parks and Recreation Master Plan.
 - (b) For the area 300 feet east and west of the I-5 right-of-way as shown on Map 72-1, the NRPO District on the south bank of the Tualatin River shall have a width as measured from a line 75 feet in-land from the top of the bank extending to the middle of the river.

As mentioned previously, the northern portion of the subject property abutting the Tualatin River has been identified on Map 72-1: Natural Resource Protection Overlay District (NRPO) and Greenway Locations, as the location of the Tualatin River Greenway.

IV. SECTION 72.040 NATURAL AREAS.

(1) Natural Areas are the wetlands and upland open space areas on Map 72-1. They provide flood control, water quality, erosion control, fish and wildlife habitat, and valuable scenic qualities. Natural Areas may include restored and enhanced wetlands, park sites and other areas accessible by the public for passive recreation.

FINDING:

Based on the City's Natural Areas Map 72-1, no natural areas other than the Tualatin River Greenway have been identified on the subject property. Therefore, this standard is not applicable.

- (2) Wetland Natural Areas.
 - (a) Wetland Preservation Natural Areas (NRPO-WPNA) are shown on Map 72-1. They include all land within a delineated wetland boundary.
 - (b) Wetland Conservation Natural Areas (NRPO-WCNA) are shown on Map 72-1. Except as provided in Subsection (c), they include all land within a delineated wetland boundary.

FINDING:

Wetland Natural Areas (NRPO-WPNA) of Map 72-1 have not been identified on the subject property. Therefore, this standard is not applicable.

- (3) Open Space Natural Areas.
- (a) Open Space Natural Areas (NRPO-OSNA) are shown on Map 72-1. They include upland forests, upland forests associated with slopes or streams, upland meadows, upland meadows associated with slopes or streams, the geologic features of the Tonquin Scablands, areas with slopes greater than 25%, areas within 50 feet of a delineated wetland and areas within 50 feet of a stream top of bank.
- (b) The top of bank for the Tualatin River is as stated in TDC 72.030 and for all other streams is the bankfull stage. Slope is the vertical elevation divided by the horizontal distance of vertical change and is measured for a horizontal distance of 100 feet.

(c) Land use and permit applications shall show the NRPO-OSNA Boundary and shall include information on wetland delineations, location of streams, top of bank, topography and a vegetation inventory.

FINDING:

Open Space Natural Areas (NRPO-OSNA) of Map 72-1 have not been identified on the subject property. Therefore, this standard is not applicable.

V. <u>SECTION 72.055 OTHER NATURAL AREAS.</u>

- (1) Other Natural Areas are not shown on Map 72-1. They are shown in the Parks and Recreation Master Plan (pp. 7, 65 and 70). They are natural resources not designated as NRPO Greenways or Natural Areas.
- (2) Other Natural Areas may be voluntarily conserved or preserved using measures such as land dedication, granting conservation easements and acquisition programs.

FINDING:

In accordance with the Recreation Master Plan, and through conversations with City staff, the north portion of the subject property abutting the Tualatin River is identified as a segment of the future Tualatin River Greenway Trail. Therefore, this property is shown to be placed in a tract (Tract B) and sold to the City of Tualatin for the city's future extension of the Tualatin River Greenway Trail. This criterion is met.

VI. <u>SECTION 72.056 VEGETATED CORRIDORS OF SENSITIVE</u> AREAS.

Lands subject to these regulations are also subject to the regulations in the Unified Sewage Agency's Design and Construction Standards. [Ord. 947-95, §5, 7/24/95; Ord. 979-97, §37, 7/14/97; Ord. 1070-01 §10, 4/9/01; Ord. 1070-01, 4/09/01]

FINDING:

A Service Provider Letter from Clean Water Services (CWS) has been obtained identifying needed vegetated corridor enhancement areas associated with the subject property. Further information regarding vegetated corridors can be found in the Amended CWS Service Provider Letter included in the application materials. This criterion is satisfied and conditions of approval PFR-15.

VII. <u>SECTION 72.060 DEVELOPMENT RESTRICTIONS IN</u> <u>GREENWAYS AND NATURAL AREAS.</u>

(1) Except as provided in Subsection (2), no building, structure, grading, excavation, placement of fill, vegetation removal, impervious surface, use, activity or other development shall occur within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas.

- (2) The following uses, activities and types of development are permitted within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas provided they are designed to minimize intrusion into riparian areas:[...]
- (3) The City may, through the subdivision, conditional use, architectural review, or other development approval process, attach appropriate conditions to approval of a development permit. Such conditions may include, but are not limited to: [...]
- (4) Greenways and Natural Areas in which an access easement is owned by the City, but retained in private ownership, shall be maintained by the property owner in their natural state and may only be modified if a landscape and maintenance plan complies with the approved Plant List in the Parks and Recreation Master Plan, and has been approved through the Architectural Review process or by the Parks and Recreation Director when Architectural Review is not required.
- (5) The Parks and Recreation Director shall be included as a commentor when a development application proposes dedication of Greenway or Natural Area property to the City or when development is pro-posed on Greenway or Natural Areas property maintained by the Parks and Recreation Department. [Ord. 673-85, §2, 8/12/85; Ord. 933-94, §34, 11/28/94; Ord. 947-95, §5, 7/24/95; Ord. 979-97, §38, 7/14/97]

As shown on the preliminary plans, Tract B containing the Tualatin River Greenway shown on the City Map 72-1 and riparian forest identified in Figure 3-4 of the Parks and Recreation Master Plan is planned to be sold to the City of Tualatin for the city's future extension of the Tualatin River Greenway Trail. In addition, the natural resources identified previously and shown on Map 72-3: Significant Natural Resources Map are planned to be preserved in the project's Tract A. Disturbance, other than vegetated corridor enhancement required by Clean Water Services is not included or required as part of this application. Therefore, this criterion is met.

VIII. <u>SECTION 72.065 HARDSHIP CREATED, MAP ERROR,</u> PROPERTY NOT BUILDABLE.

- (1) Applications for variances due to a hardship resulting from the requirements of Chapter 72 shall be processed in accordance with the provisions of Chapter 33. For variance applications alleging the requirements of Chapter 72 have rendered a property not buildable, the applicant has the burden of proof to show the property is not buildable and to specify which Chapter 72 requirements are proposed to be reduced or removed to render the property buildable.
- (2) Claims of a location error in a Greenway or Natural Area Boundary on Map 72-1 shall be considered as part of an application for a subdivision, partition, lot line adjustment, architectural review or variance. Claims that an existing Greenway or

Natural Area Boundary should be deleted, or added, on Map 72-1 shall be considered through the Plan Amendment process. Claims of map errors shall be supported by adequate inventory information and analysis to justify the claim and meet the land use application approval criteria. Claims of map error for wetland boundaries shall be verified by the Oregon Division of State Lands. [Ord. 979-97, §39, 7/14/97]

FINDING:

Variances to Chapter 72 or claims of error of Map 72-1 are not included with this application. Therefore, this section does not apply.

IX. TDC SECTION 72.070 GENERAL GUIDELINES FOR PEDESTRIAN AND BIKE PATHS IN GREENWAYS.

To construct bike and pedestrian paths in greenways, the developer of the path shall adhere to the following guidelines, wherever practicable:

- (1) Incorporate trails into the surrounding topography.
- (2) Provide viewing opportunities for special vistas, wetlands, and unique natural features.
- (3) Protect existing vegetation to the greatest extent possible. In wooded areas meander paths through the woods to avoid significant trees. An arborist should be consulted to determine methods for minimizing impact of construction of paths near trees greater than 5 inch caliper as measured 4 feet above-grade.
- (4) Replant trees in the vicinity where they were removed. Use native species as outlined in the approved plant list incorporated in the Parks and Recreation Master Plan.
- (5) Minimize impact on wetland environments. Build paths above wetlands wherever possible. Use boardwalks, bridges or other elevated structures when passing through a wetland. Direct trails away from sensitive habitat areas such as nesting or breeding grounds.
- (6) Provide interpretive opportunities along the trail. Use interpretive signage and displays to describe plant and animal species, nesting areas, wildlife food sources, and geologic, cultural and historic features.
- (7) Provide amenities along the trail. Place benches, picnic tables, trash receptacles and interpretive signage where appropriate.
- (8) Where paths are placed in utility corridors, path design should be coordinated with the City's Engineering and Building Department and Operations Department to allow utility maintenance.

- (9) Mitigate surface water drainage near wetlands and streams. Where hard surface trails occur adjacent to wetlands or creeks, provide, when appropriate, an open water system through swales, trench percolation, or on-site detention ponds to prevent erosion and negative impacts.
- (10) Incorporate signage. Place properly scaled and sited regulatory and guide signs to instruct users on accessibility, local conditions, safety concerns and mileage information.

The City's Bicycle and Pedestrian Plan, identified as Figure 11-4 in the Transportation System Plan (TSP) indicates that a multi-use path, better known as the Tualatin River Greenway Trail, will ultimately be constructed adjacent to the Tualatin River along the northern boundary of the subject property but located the southern side of Tract B. As shown on the preliminary plans, the portion of the property containing the Tualatin River Greenway (Tract B) is planned to be sold to the City of Tualatin for the city's future extension of the Tualatin River Greenway Trail. Construction of the Tualatin River Greenway Trail is not included with this application. Therefore, this section is not applicable to the approval of this application.

- X. TDC SECTION 72.080 SHIFT OF DENSITY FOR RESIDENTIAL DEVELOPMENT ADJACENT TO GREENWAYS OR NATURAL AREAS.
- (1) A shift of density may be allowed in accordance with TDC 41.150 (RML District), 42.150 (RMH District), 43.180 (RH District) and 44.160 (RH/HR District).
- (2) Small lots may be allowed in subdivisions and partitions in accordance with TDC 40.055 (RL District).

FINDING:

Shift of density or small lots are not required as part of this application as addressed previously under Section 40.055 (RL District). Therefore, this section is not applicable.

XI. TDC SECTION 72.100 PARKS SYSTEMS DEVELOPMENT CHARGE (SDC) CREDIT.

Ordinance 833-91 establishes a System Development Charge for Parks in residential planning districts. The ordinance contains provisions for credits against the Parks SDC, subject to certain limitations and procedures. Credit may be received up to the full amount of the Parks SDC fee. Dedication of NRPO District Areas, Other Natural Areas or vegetated corridors located within or adjacent to the NRPO District listed in the SDC capital improvement list are eligible for a SDC credit. Dedication and improvement of bicycle and pedestrian paths may also be eligible for a SDC credit.

FINDING:

This project includes a tract of land (Tract B) that contains a portion of the Tualatin River Greenway planned to be sold to the City for the city's future extension of the City's Tualatin River Greenway Trail. Prior to the approval of Final Plat, a Purchase and Sale Agreement will need to be executed with the City. This criterion is satisfied with conditions of approval PFR-1.

XII. TDC SECTION 72.110 EASEMENTS FOR PEDESTRIAN AND BICYCLE ACCESS.

In any portion of the NRPO District, the City may, through the subdivision, partition, conditional use, architectural review, or other applicable development approval process, require that easements for pedestrian and bicycle access and maintenance uses be granted as a condition of approval when said easements are necessary to achieve the purposes of the Parks and Recreation Master Plan, Greenways Development Plan, or Bikeways Plan.

FINDING:

As mentioned previously and shown on the preliminary plans, Tract B includes the Tualatin River Greenway, which is planned to be sold to the City of Tualatin for the city's future extension of the Tualatin River Greenway Trail. Therefore, no easement for pedestrian and bicycle access is planned to be dedicated or required as part of this application.

XIII. SECTION 72.120 WETLANDS PROTECTION DISTRICT.

In cases where land within the NRPO District is also within the Wetlands Protection District, Chapter 71, any development permitted by TDC 72.060 shall be subject to the provisions of Chapter 71. [Ord. 933-94, §41, 11/28/94; Ord. 947-95, §5, 7/24/95; Ord. 979-97, §45, 7/14/97]

FINDING:

The subject property is not located within the Wetlands Protection District. Therefore, Chapter 71 has not been addressed in this narrative. Therefore, this section is not applicable.

XIV. SECTION 72.130 FLOODPLAIN DISTRICT.

In cases where land within the NRPO District is also within the Floodplain District, Chapter 70, any development permitted by TDC 72.060 shall be subject to the provisions of Chapter 70. [Ord. 933-94, §42, 11/28/94; Ord. 947-95, §5, 7/24/95; Ord. 979-97, §46, 7/14/97]

FINDING:

Development within the NRPO District is not included with this application. Therefore, this section is not applicable.

XV. <u>SECTION 72.140 DEDICATION OF LAND FOR PARK PURPOSES.</u>

Nothing in this chapter shall prohibit the dedication of land within the NRPO District to the public for park or open space purposes when the City Council finds that such dedication would be consistent with the purpose and objectives of the parks and recreation element of the Tualatin Public Facilities Plan. [Ord. 933-94, §43, 11/28/94; Ord. 947-95, §5, 7/24/95; Ord. 979-97, §47, 7/14/97]

FINDING:

As mentioned previously, and shown on the preliminary plans, the north portion of the subject property containing the Tualatin River Greenway (Tract B) is planned to be sold to the City of Tualatin for the city's future extension of the Tualatin River Greenway Trail. Dedication of additional land for park purposes has not been identified as being required by City staff. Therefore, this section is not applicable.

XVI. <u>SECTION 72.150 MODIFICATIONS FOR STORM DRAINAGE</u> IMPROVEMENTS.

Nothing in this chapter shall prohibit the City or any property owner from altering, enlarging, straightening, piping, or otherwise modifying a creek channel in the NRPO District upon a finding by the City Engineer that such modification is necessary for maintaining the ability of the creek to transmit storm water run-off. [Ord. 933-94, §44, 11/28/94; Ord. 947-95, §5, 7/5/95; Ord. 979-97, §48, 7/14/97]

FINDING:

Modifications to storm drainage improvements are not included with this application. Therefore, this section is not applicable.

I. TDC CHAPTER 73: COMMUNITY DESIGN STANDARDS

I. <u>SECTION 73.190 STANDARDS – SINGLE-FAMILY AND MULTI-FAMILY USES.</u>

(1) Standards - Single-family Uses.

Except for the side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, the standards in this section shall apply to all sides of a new single-family dwelling or to an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane. The wall plane shall be defined as all vertical surfaces on one side of a dwelling from the base of the main floor level up including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas. Garage door windows may be counted toward the required window coverage percentage in TDC 73.190(1)(a). Cornices, eaves, canopies, decks, sunshades, 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 (3') and into a required side yard not more than two feet (2'), or into the required open space as established by coverage standards in TDC Chapter 40 Low Density Residential Planning District (RL) or Chapter 41 Medium Low Density Residential Planning District (RML).

Response:

Future home designs for Lots 1 through 4 have not yet been determined. The existing home on Lot 5 is planned to remain, and no alterations to the existing home are planned as part of this application. Therefore, compliance with this standard can be met at time of Architectural Review Single Family applications (ARSF) for future homes, including alterations of the existing home if desired by the future home owner. This standard is met.

II. SECTION 73.222 FENCE STANDARDS.

Minimum requirements for construction of fences in a RL or a RML Planning District, where an access-restricted lot line or property line abuts a public street right-of-way classified as a major or minor collector or arterial or expressway street, or a property line of a state-owned interstate highway are set forth in TDC 34.330 and 34.340.

Response:

The subject property is located in the City's RL zoning district and has frontage on SW Hazelbrook Road (minor collector). Fence requirements for the property's frontage on SW Hazelbrook Road has been addressed previously under TDC 34.330 and 34.340. This standard is met with condition PFR-8.

III. TDC SECTION 73.250 TREE PRESERVATION.

- (1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.
- (2) During the construction process:
- (a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.
- (b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.
- (c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in TDC 31.060.
- (d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
- (e) Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment

shall only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met. (f) Tree root ends shall not remain exposed.

- (3) Landscaping under preserved trees shall be compatible with the retention and health of said tree.
- (4) When it is necessary for a preserved tree to be removed in accordance with TDC 34.210 the landscaped area surrounding the tree or trees shall be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, nearby landscape materials. Native trees are encouraged
- (5) Pruning for retained deciduous shade trees shall be in accordance with National Arborist Association "Pruning Standards For Shade Trees," revised 1979.
- (6) Except for impervious surface areas, one hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape plan (as approved through the Architectural Review process) shall apply directly to the percentage of landscaping required for a development.

FINDING:

The applicant has submitted a "Preliminary Tree Preservation and Removal Plan"P04 dated November 8, 2017 in the application materials. This plan includes a detailed tree inventory and a site plan indicating which trees are proposed for removal and which trees are to be preserved. The drip line of trees to be preserved is indicated on the plan as well as a tree protection construction fence. The plan also indicates trees off site on neighboring properties. Several trees on neighboring properties are near the eastern and western property lines and they have drip lines that cross the property line onto the subject property. A qualified arborist stamped and approved the tree preservation plan and has specified that tree protection fencing within the drip of trees is necessary in order to fully build out the lots this meets TDC 73.250(c).

The tree preservation plan indicates potential building envelopes within the drip lines of trees labeled 10420, 10440, 10439, 10536 and 10527. Given the proximity of the building envelopes to the drip lines it seems preservation could be difficult during grading and building construction. An arborist will be onsite during the site preparation and grading work. To ensure that trees are preserved during construction of residential structures staff is adding a condition that requires a tree preservation plan to be submitted with the building plan set prior to issuance of any building permits. The tree preservation plan must show tree protection fencing and meet the requirements of TDC 73.250 prior to Planning Division sign of building permits. As a result of this situation the City is adding conditions of approval to ensure trees are preserved during the site preparation phase and residential structure construction phase.

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

IV. 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.

FINDING:

Top-soil is planned to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting upon completion of grading.

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

FINDING:

Planting areas are planned to be graded to provide positive drainage.

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

FINDING:

As shown on the preliminary plans, erosion control measures are put into place so that soil, water, planting and mulching materials do not 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:

As explained in the preliminary stormwater report, new public drainage from impervious surfaces is designed to drain to an infiltration planter in the public right-of-way. Private roof runoff is designed to drain to individual lined planters. The shared driveway and individual driveways of each home is planned to drain to a private rain garden. The roof runoff from the existing house is shown on the preliminary plans, as draining to another private rain garden.

The public street swale creates a singular facility only treating a small amount of impervious area that can be more effectively treated in a regional public facility along with the incompatibility of street swales with the requirement of street trees within the same planter strip and location. The City prefers a fee-in-lieu for this specific circumstance. This criterion is satisfied with conditions of approval PFR-5 and PFR-6.

V. 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
Residential Uses:				
(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

Future homes within the project will include parking in future driveways for a minimum of two additional cars. Parking standards for Lots 1-4 will be reviewed by Architectural Review Single Family applications (ARSF). The existing home to remain on Lot 5 has an existing garage, and parking area on the north side of the home that can accommodate at a minimum 2 parking spaces. This standard is met.

VI. TDC SECTION 73.400 ACCESS.

- (1) The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. Access management and spacing standards are provided in this section of the TDC and TDC Chapter 75. No building or other permit shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until the required increase in ingress and egress is provided.
- (2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements,

leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts shall be placed on permanent file with the City Recorder.

FINDINGS:

As shown on the preliminary plans, access to the project is planned to be provided by a 22-foot wide utility and access easement (consisting of a 22-foot wide driveway), located over the pole portions of the planned flag lots (Lots 3 through 5). This section is met. This criterion is satisfied with conditions of approval PFR-27.

- (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;

FINDINGS:

As shown on the preliminary plans, the project's shared 22-foot wide utility and access easement (consisting of a 22-foot wide driveway) is for the exclusive use of the lots within the project. A joint maintenance agreement for the shared utility and access easement is planned to be recorded with the final subdivision plat. The shared driveway will not involve access to the state highway system or county road system. This standard is met. This criterion is satisfied with conditions of approval PFR-27.

- (4) Requirements for Development on Less than the Entire Site.
- (a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as one unit in relation to the access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The

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owner and all lessees within the affected area shall comply with the access requirements.

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

FINDINGS:

This application involves the subdivision of the subject property into 5 separate lots. The existing home located on the subject property is planned to remain on Lot 5. Future construction of individual detached single-family homes is planned for Lots 1 through 4, and does not involve the consolidation of property under the same ownership. This standard does not apply.

(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.

FINDINGS:

As shown on the preliminary plans, the subject property does not have frontage on more than one street. Therefore, access to lots within the project is planned to extend from SW Hazelbrook Road (minor collector). This standard does not apply.

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

FINDINGS:

The project's shared access easement provides access to the lots within the project and is planned to connect directly to SW Hazelbrook Road. This criterion is satisfied with conditions of approval PFR-27.

(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 project's shared driveway is planned to provide access within 50 feet of the ground floor entrance of future single-family dwellings intended for Lots 1 through 4, including the existing home located on planned Lot 5, which is planned to be confirmed at time of building permit issuance. This standard is met.

(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:

As shown on the preliminary plans, this project is planned to include a 5-foot wide sidewalk along the frontage of SW Hazelbrook Road designed to City standards. This criterion is satisfied with conditions of approval PFR-20.

- (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....

FINDINGS:

As mentioned previously, future driveway widths for individual future homes accessing the shared driveway, are planned to be reviewed for compliance with this requirement at time of building permit issuance. This standard is met.

- (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:

Individual driveway widths and spacing for future homes is planned to be reviewed for compliance with this requirement at time of building permit issuance. This standard is met.

(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).

Appropriate vision clearance triangles at the intersection of the project's shared private driveway and SW Hazelbrook Road (minor collector) have been provided on the preliminary plans (see Sheet P07). Required vision clearance areas are planned to be maintained by future property owners. This standard is met.

VII. SECTION 73.410 STREET TREE PLAN.

A person who desires to plant a street tree shall comply with TDC 74.765, which comprises the street tree plan.

FINDINGS:

As shown on the preliminary plans, street trees are planned to be planted along the project site's frontage along SW Hazelbrook Road in accordance with TDC 74.765. Appropriate funding determined by the City for street trees required by TDC 74.485 is planned to be paid prior to final plat approval. This criterion is met with condition of approval PFR-25.

J. 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 SB17-0001, Hazelbrook Estates March 2, 2018 Page 62 of 79

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 public improvements additionally include a public street and sanitary sewer, stormwater, and water services This criterion is satisfied with conditions of approval PFR-21and PFR-26.

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:

Onsite improvements including the masonry fence required in TDC 34.32-340 are private improvements. This criterion is satisfied with conditions of approval PFR-28.

II. TDC SECTION 74.140 CONSTRUCTION TIMING.

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

FINDINGS:

The Applicant acknowledges the procedural requirements of this section. This criterion is satisfied with conditions of approval PFR-26.

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

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

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

The City's TSP designates SW Hazelbrook Road as a minor collector street. According to Figures 74-2A through 74-2G in the City's TDC, the minimum width for a minor collector street is 62 feet. Based on the existing right-of-way width at the subject property's frontage, an additional right-of-way dedication of one-foot is required. This criterion is satisfied with conditions of approval PFR-27.

IV. TDC SECTION 74.310 GREENWAY, NATURAL AREA, BIKE, AND PEDESTRIAN PATH DEDICATIONS AND EASEMENTS.

- (1) Areas dedicated to the City for Greenway or Natural Area purposes or easements or dedications for bike and pedestrian facilities during the development application process shall be surveyed, staked and marked with a City approved boundary marker prior to acceptance by the City.
- (2) For subdivision and partition applications, the Greenway, Natural Area, bike, and pedestrian path dedication and easement areas shall be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or

FINDINGS:

As discussed previously in responses to Chapter 72: Natural Resource Protection Overlay District (NRPO), and shown on the preliminary plans, the central portion of the subject property containing natural resources is planned to be placed in a natural resource tract (Tract A) to be maintained by the future property owner of Lot 5. The northern portion of the subject property (Tract B) is to be sold to the City of Tualatin for the future extension of the Tualatin River Greenway Trail by the City. Both tracts are planned to be surveyed, staked, and Tract A can be marked with City boundary markers if required by City staff. This criterion is satisfied with conditions of approval PFR-24.

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:

Utility easements are shown on the preliminary plans to meet appropriate widths required by the City's Public Works Construction Code, which are planned to be recorded with the final subdivision plat. This criterion is satisfied with conditions of approval PFR-11 and PFR-27.

VI. TDC SECTION 74.340 WATERCOURSE EASEMENTS.

- (1) Where a proposed development site is traversed by or adjacent to a watercourse, drainage way, channel or stream, the applicant shall provide a storm water easement, drainage right-of-way, or other means of preservation approved by the City Engineer, conforming substantially with the lines of the watercourse. The City Engineer shall determine the width of the easement, or other means of preservation, required to accommodate all the requirements of the Surface Water Management Ordinance, existing and future storm drainage needs and access for operation and maintenance.
- (2) For subdivision and partition applications, any watercourse easement dedication area shall be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or
- (3) For all other development applications, any watercourse easement shall be executed on a dedication form submitted to the City Engineer; building permits shall not be issued for the development prior to acceptance of the easement by the City.

(4) The storm water easement shall be sized to accommodate the existing water course and all future improvements in the drainage basin. There may be additional requirements as set forth in TDC Chapter 72, Greenway and Riverbank Protection District, and the Surface Water Management Ordinance. Water quality facilities may require additional easements as described in the Surface Water Management Ordinance.

FINDINGS:

The subject property has frontage on the Tualatin River, which as shown on the preliminary plans, is planned to be separated from the project area by way of a natural resource tract (Tract A), and the tract planned to be sold to the City for the city's future construction of the Tualatin River Greenway Trail (Tract B). Watercourse easements are not necessary. This criterion is satisfied.

VII. TDC SECTION 74.350 TRACTS.

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

FINDINGS:

Public improvements associated with the project are planned to be located along the frontage on SW Hazelbrook Road, which can be directly accessed from SW Hazelbrook Road. An existing public sanitary sewer line and easement exists through the central portion of the property through future Tract A, which can be accessed by SW 108th Avenue. Access easements through the project have not been deemed necessary by City staff. Therefore, special tracts or public utility easements are not planned to allow access for operation and maintenance purposes. This standard does not apply. This criterion is satisfied.

VIII. TDC SECTION 74.410 FUTURE STREET EXTENSIONS.

- (1) Streets shall be extended to the proposed development site boundary where necessary to:
 - (a) give access to, or permit future development of adjoining land;
 - (b) provide additional access for emergency vehicles;
- (c) provide for additional direct and convenient pedestrian, bicycle and vehicle circulation;
- (d) eliminate the use of cul-de-sacs except where topography, barriers such as railroads or freeways, existing development, or environmental constraints such as major streams and rivers prevent street extension.

(e) eliminate circuitous routes. The resulting dead end streets may be approved without a turnaround. A reserve strip may be required to preserve the objectives of future street extensions.

FINDINGS:

As shown on the preliminary plans, access to the project is planned to be provided by way of a shared private driveway over the pole portions of the planned flag lots (Lots 3 through 5). New streets or extension of existing streets are not planned or required with this project. This section does not apply. 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:

As mentioned previously, new streets or extension of existing streets are not planned or required with this project. This standard does not apply. This criterion is satisfied.

IX. 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.

FINDINGS:

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As shown on the preliminary plans, planned improvements within the SW Hazelbrook Road right-of-way have been designed and are planned to be constructed in accordance with the City's Public Works Construction Code. This standard is met. This criterion is satisfied.

(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.

FINDINGS:

Other than the planned improvements along the project's frontage on SW Hazelbrook, rebuilding or reconstruction of existing facilities within the Hazelbrook right-of-way have not been identified as being required as part of this project. This standard does not apply. This criterion is satisfied.

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

FINDINGS:

Off-site improvements other than those required along the project's frontage on SW Hazelbrook Road are not planned or have been identified by City staff as being required for this project. This standard does not apply. This criterion is satisfied.

(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.

FINDINGS:

As shown on the preliminary plans, the subject property fronts SW Hazelbrook Road. Planned street improvements to SW Hazelbrook Road have been designed in accordance with the Public Works Construction Code and are not planned to extend beyond the extent of the project's frontage on SW Hazelbrook Road. This standard is met. This criterion is satisfied.

(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.

FINDINGS:

Additional street improvements beyond those planned for SW Hazelbrook Road as shown on the preliminary plans, have not been identified by City staff, the City's Access

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Management Plan, or TDC Chapter 75. This standard does not apply. This criterion is satisfied.

(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.

FINDINGS:

As shown on the preliminary plans, planned improvements to SW Hazelbrook (minor collector) have been designed and are planned to be constructed consistent with the applicable minimum cross section for a minor collector street, as shown in the City's TSP and figures 74-2A through 74-2G of the City's TDC, which includes applicable improvements listed in this standard. This standard is met. This criterion is satisfied.

(11) Existing streets which abut the pro-posed 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).

FINDINGS:

As shown on the preliminary plans, and as discussed previously, improvements to SW Hazelbrook Road have been planned in accordance with the City's Public Works Construction Code, TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards). This standard is met. This criterion is satisfied.

(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.

FINDINGS:

As shown on the preliminary plans and addressed in this narrative, the project is planned to be accessed by a shared private driveway, which does not require sidewalks. Sidewalks are planned to be constructed along the project's frontage on SW Hazelbrook Road in accordance with the City's Public Works Construction Code. This standard is met. This criterion is satisfied.

(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.

FINDINGS:

The project site has frontage on SW Hazelbrook Road, which is under the jurisdiction of the City of Tualatin. Planned improvements to SW Hazelbrook Road are shown on the preliminary plans to meet applicable requirements of this chapter. Therefore, as applicable, this standard is met. This criterion is satisfied.

(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.

FINDINGS:

This project does not include parcels excluded from development as set forth in TDC 74.220. This standard does not apply.

(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.

FINDINGS:

This project has frontage on SW Hazelbrook Road, a minor collector street. Arterial streets are not associated with this application. This standard does not apply.

(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.

FINDINGS:

As mentioned in the previous responses to standards 14 and 15 of this section, this project does not include parcels excluded from development, or frontage on an arterial street. Therefore, this standard does not apply.

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

FINDINGS:

As shown on the preliminary plans, the only intersection included with this project is the intersection of SW Hazelbrook Road and the project's shared private driveway. Level of Service standards do not apply to this type of intersection. This standard does not apply.

(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 multifamily 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:

This project does not include multi-family residential, commercial, or institutional uses. SW Hazelbrook Road is not designated as a mass transit street. This standard does not apply.

X. 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:

As shown on the preliminary plans, improvements to SW Hazelbrook Road have been designed and are planned to be constructed consistent with the minimum cross section for a minor collector street instead of the preferred cross section. The minimum cross section is necessary in order to construct the project while preserving the subject property's natural resources (Tract A) and the sale of the north portion of the property to the City for the future construction of the Tualatin River Greenway Trail (Tract B). The planned improvements to SW Hazelbrook Road include the dedication of an additional foot to provide adequate right-of-way consistent with the minimum cross section for a minor collector street. Allowing the planned improvements to be constructed to the minimum standards will allow a reduced street transition to existing right-of-way along adjacent underdeveloped properties, and SW Hazelbrook Road does not have a large amount of heavy vehicle traffic (buses and trucks) based on the area's residential nature. The nearest property zoned manufacturing and/or industrial is approximately ±1,800 feet to the south along SW Tualatin Road. The planned street improvements to SW Hazelbrook Road have been discussed in multiple meetings with the City's Engineering staff and found to be appropriate. This criterion is met with conditions of approval PFR-26and PFR-27.

XI. TDC SECTION 74.450 BIKEWAYS AND PEDESTRIAN PATHS.

- (1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in TDC Chapter 11, Transportation Figure 11-4, the City may require that a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.
- (2) Where required, bikeways and pedestrian paths shall be provided as follows:
- (a) Bike and pedestrian paths shall be constructed and surfaced in accordance with the Public Works Construction Code.
- (b) The applicant shall install the striping and signing of the bike lanes and shared roadway facilities, where designated.

FINDINGS:

As mentioned previously, the northern most portion of the subject property abutting the Tualatin River (Tract B) is planned to be sold to the City of Tualatin for the future extension of the Tualatin River Greenway Trail by the City. Bike or pedestrian pathways are not planned or required to be constructed with this application. The construction of the Tualatin Greenway Trail is not required as approval for this application. Therefore, this section is not applicable. This criterion is satisfied.

XII. TDC SECTION 74.460 ACCESSWAYS IN RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SUBDIVISIONS AND PARTITIONS.

- (1) Accessways shall be constructed by the applicant, dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.
- (2) Accessways shall be located between the proposed subdivision or partition and all of the following locations that apply:
- (a) adjoining publicly-owned land intended for public use, including schools and parks. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;

FINDINGS:

The north portion of the subject property is located adjacent to land owned by the City of Tualatin. As shown on the preliminary plans, Tract B is planned to be sold to the City for the city's future extension of the Tualatin River Greenway Trail, which is planned to extend from Jurgens Park to the east. Based on the close proximity of the project to Jurgens Park, and in order to avoid unnecessary impacts to natural resources identified in the project's Tract A, accessways are not planned or required to provide access to the future Tualatin River Greenway Trail through the project. This criterion is satisfied.

(b) adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;

FINDINGS:

Future home owners of the project are planned to access SW Hazelbrook Road (minor collector) by using a shared private driveway. Additional accessways are not planned or warranted based on the small number of lots created by this project. This criterion is satisfied.

(c) adjoining undeveloped residential, commercial or industrial properties;

FINDINGS:

Due to the small number of lots created by this project, and the planned access to lots being private, accessways to adjoining undeveloped residential properties are not provided or necessary. This criterion is satisfied.

(d) adjoining developed sites where an accessway is planned or provided. FINDINGS:

This project does not abut developed sites where an accessway is planned and/or provided. This criterion does not apply.

XIII. 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:

This project does not include an interior street and there are existing street lights within close proximity to the subject property. A street lighting plan will be submitted for review prior to the issuance of a Public Works Permit. This criterion is satisfied with conditions of approval PFR-12.

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:

As mentioned previously, this project does not include internal public streets. Approximate location of street trees to be planted along the project's frontage on SW Hazelbrook Road have been shown on the preliminary plans. Appropriate funding for street trees in accordance with this section is planned to be paid by the applicant based on the City's determination. This criterion is satisfied with conditions of approval PFR-14 and PFR-25.

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 is 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

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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:

As shown on the preliminary plans, individual water laterals are planned to extend from the City's main line located in SW Hazelbrook Road to each of the planned lots within a private utility easement over the project's shared private driveway. Additional water laterals to adjoining properties or extension of City public main lines are not associated with this project. This criterion is satisfied with conditions of approval PFR-2and PFR-20.

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:

As shown on the preliminary plans, individual sanitary sewer laterals are planned to extend from the City's main line. Lot 5 containing the existing home, which is to remain, is currently connected to the sanitary sewer main located toward the center of the property by way of an existing lateral located in an existing utility easement. Additional sanitary sewer laterals to adjoining properties or extension of City public main lines are not associated with this project. This criterion is satisfied with conditions of approval PFR-2and PFR-26.

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:

As shown on the preliminary plans, individual stormwater laterals are planned to extend from the City's main line serving each lots' private LIDA facilities. Adjoining underdeveloped properties are not planned or required to be served by the project's stormwater management system. For additional information regarding the stormwater, please refer to the Preliminary Stormwater Report included in the application materials. This criterion is satisfied with conditions of approval PFR-26and PFR-29.

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 preliminary plans and Preliminary Stormwater Report demonstrate that project grading will not cause stormwater runoff to be conveyed to adjoining properties, nor affect existing drainage patterns of adjoining properties. This criterion is satisfied with conditions of approval PFR-4, PFR-16, and PFR-31.

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:

Water quality, stormwater detention, and erosion control is shown on the preliminary plans and addressed in the Preliminary Stormwater Report in accordance with the City's Surface Water Management Ordinance. Final construction plans and a Final Stormwater Report are planned to be submitted to the City for review and approval prior to site disturbance.

The applicant has submitted a Service Provider Letter from Clean Water Services indicating that Sensitive Areas exist on-site. A CWS Memorandum was received dated January 5, 2018 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-15.

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.

FINDINGS:

New utility lines associated with the project are planned to be placed underground. Future utility placement is planned to be coordinated with the appropriate utility provider as required. This standard is met.

(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:

Improvements to existing overhead utilities are not included or required with this application. This standard is met.

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:

As shown on the preliminary plans, the existing home located on the subject property is planned to remain on Lot 5 within the project. New utilities associated with the existing home are planned to connect to City utilities and placed underground at the expense of the applicant, as required by this section. This section is met.

XXII. TDC SECTION 74.720 PROTECTION OF TREES DURING CONSTRUCTION.

- (1) During the erection, repair, alteration or removal of a building or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave a tree in or upon a public right-of-way in the vicinity of the building or structure without a good and sufficient guard or protectors to prevent injury to the tree arising out of or by reason of such erection, repair, alteration or removal.
- (2) Excavations and driveways shall not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Engineer. During excavation or construction, the person shall guard the tree within six feet and all building material or other debris shall be kept at least four feet from any tree.

FINDINGS:

Tree removal permits are planned to be obtained prior to any tree removal. Remaining sections within Section 74 pertain to ongoing care and maintenance of street trees following final plat recording and planting of street trees by the City of Tualatin, and are therefore omitted from this narrative. This criterion is satisfied with conditions of approval PFR-4.

XXIII. TDC SECTION 74.740 PROHIBITED TREES.

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

XXIV. TDC SECTION 74.765 STREET TREE SPECIES AND PLANTING LOCATIONS.

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

FINDINGS:

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-13 and PFR-14.

K. 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. <u>SECTION 75.130 JOINT ACCESSES REQUIRED.</u>

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.

FINDINGS:

As shown on the preliminary plans, the lots within the project are planned to be accessed from SW Hazelbrook Road by way of a shared private driveway over the flag portions of Lots 3 through 5. Interim accesses are not included or required as part of this project. This section is met.

III. <u>SECTION 75.140 COLLECTOR STREETS.</u>

- (a) Major Collectors. Direct access from newly constructed single family homes, duplexes or triplexes shall not be permitted. As major collectors in residential areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible.
- (b) Minor Collectors. Residential, commercial and industrial driveways where the frontage is greater or equal to 70 feet are permitted. Minimum spacing at 100 feet. Uses with less than 50 feet of frontage shall use a common (joint) access where available.
- (c) If access is not able to be relocated to the nearest local street, the City Engineer may allow interim access in accordance with 75.090 of this chapter to provide for the eventual implementation of the overall access plan.

FINDINGS:

As shown on the preliminary plans, the lots within the project are planned to be accessed from SW Hazelbrook Road (minor collector) by way of a shared private driveway over the flag portions of Lots 3 through 5. Individual or interim accesses are not included with this project. This section 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

Preliminary Plans

Washington County Assessor's Map

City Land Use Application Form and Checklist

Property Ownership Information

Preliminary Stormwater Report

Clean Water Services Service Provider Letter

Subdivision Plat Naming Confirmation

Neighborhood Meeting Materials

Mailing List for 1000-Foot Radius Owners

Signed Affidavit of Posting

Previous Land Use Approvals (PLA17-0001)

Narrative

Agency Requirements (also attached)

Citizen Comment With Developers Response (also attached)