



# City of Tualatin

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December 16, 2015

Matthew Drake  
Franklin Business Park, LLC  
1202 NW 17<sup>th</sup> Avenue  
Portland, OR 97209

RE: SB15-0003, Franklin Business Park – SB 97-03, Phase 6 Material Modification

Matthew:

Staff has reviewed the submitted request for a material modification that proposes a change to conditions of approval included in Resolution No. 3402-98 of SB 97-03 - Franklin Business Park that require permitting and construction of a bridge over Hedges Creek for SW 115<sup>th</sup> Avenue.

## **TDC 36.162 Modifications to Subdivision Plan Approval.**

**(1) After the City Engineer has approved, or conditionally approved, the subdivision or expedited subdivision plan, but before the subdivision plat has been approved, any proposed modifications to the subdivision plan shall be submitted to the City Engineer for approval. The City Engineer shall determine if the proposed modifications are material or immaterial in nature.**

**(5) A proposed material modification, or a modification which results in a subdivision plan that no longer meets the conditions of the subdivision plan approval or the requirements of the TDC and other applicable regulations, shall require a new application in accordance with TDC 36.120. The application shall follow the limited land use process as described in TDC 36.140. An Expedited Subdivision Application shall be submitted to the City Engineer for a decision.**

## **FINDINGS:**

After reviewing the proposed modifications to subdivision approval SB 97-03 submitted by the applicant, the City determined that the proposed changes meet the requirements for a Material Modification.

The applicant submitted a new application that address the modifications as described as described below.

The City of Tualatin plans to construct a new bridge crossing Hedges Creek on Myslony to the north near SW 124<sup>th</sup> Avenue (hereafter “Myslony Bridge”). Design for the Myslony Bridge project is planned to begin in the fourth quarter of 2015 and the project is currently included in the adopted 2015-2019 CIP.

Since the Franklin Business Park subdivision was approved by the City of Tualatin in 1997, Franklin Business Park, LLC has completed all public infrastructure requirements associated with the approved subdivision. The only exception to this is the requirement to construct a portion of the bridge to the south at SW 115<sup>th</sup> Avenue (hereafter “115<sup>th</sup> Bridge”). Franklin Business Park, LLC believes the 115<sup>th</sup> Bridge is not feasible and that the Myslony Bridge will perform the same or similar function that the SW 115<sup>th</sup> Bridge would perform.

Based on Tualatin Development Code Section 36.162, Modifications to Subdivision Plan Approval, the submitted material modification to the existing subdivision decision SB-97-03 conditions of approval is modified as follows:

1. Remove the condition of approval that requires Franklin Business Park, LLC to construct the 115th Bridge.
2. Replace that condition with a condition of approval that requires Franklin Business Park, LLC to pay a fee-in-lieu of \$200,000 that will be used toward the cost of constructing the Myslony Bridge as follows:
  - a. Franklin Business Park, LLC will pay \$200,000 as a fee-in-lieu of construction of the 115<sup>th</sup> Bridge. The fee-in-lieu will be used to pay for a portion of the construction costs of the Myslony Bridge.
  - b. This fee-in-lieu will be paid before the plat is released to Washington County for review.
  - c. Upon payment by Franklin Business Park, LLC of the fee-in-lieu, the City of Tualatin will deem the subdivision decision requirements to have been met and the City will release the plat to Washington County for review.
  - d. The fee-in-lieu will be used by the City of Tualatin solely for construction costs of the Myslony Bridge.
  - e. If Franklin Business Park, LLC pays the fee-in-lieu and if the Myslony Bridge is not open to traffic on or before December 31, 2018, the City of Tualatin will return the fee-in-lieu amount returned to Franklin Business Park, LLC.

**APPEAL**

Requests for review of this decision must be received by the Engineering Division within the 14-day appeal period ending on **December 30, 2015 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,

A handwritten signature in blue ink, appearing to read "Tony Doran". The signature is fluid and cursive, with a large initial "T" and "D".

Tony Doran, EIT  
Engineering Associate

File: SB 97-03, SB15-0003