

Autumn Sunrise Subdivision Application

Date: July 2021

Submitted to: City of Tualatin
18800 SW Martinazzi Avenue
Tualatin, OR 97062

Applicant: Lennar Northwest, Inc.
11807 NE 99th Street, Suite 1170
Vancouver, WA 98682

AKS Job Number: 7454



AKS
ENGINEERING & FORESTRY

12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibits

- Exhibit A:** Preliminary Plans
 - Exhibit B:** Application Forms and Checklists
 - Exhibit C:** Property Ownership Information
 - Exhibit D:** Washington County Assessor's Map
 - Exhibit E:** Neighborhood Meeting Documentation
 - Exhibit F:** CWS Service Provider Letter
 - Exhibit G:** Preliminary Tree Assessment Report and Tree Inventory
 - Exhibit H:** Traffic Impact Analysis
 - Exhibit I:** Preliminary Stormwater Report
 - Exhibit J:** Subdivision Plat Naming Confirmation
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Submitted to:	City of Tualatin – Planning Division 18800 SW Martinazzi Avenue Tualatin, OR 97062
Applicant:	Lennar Northwest, Inc. 11807 NE 99 th Street, Suite 1170 Vancouver, WA 98682
Property Owners:	Tax Lots 400, 401, 500, 501, 600, 800, and 900: Autumn Sunrise, LLC 485 S State Street Lake Oswego, OR 97034 Tax Lot 100: P3 Properties LLC PO Box 691 White Salmon, WA 98672
Applicant’s Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Mimi Doukas, AICP, RLA Email: mimid@aks-eng.com Phone: (503) 563-6151
Site Location:	23620 & 23740 SW Boones Ferry Road; 9185, 9335, & 9415 SW Greenhill Lane South of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane; Tualatin, OR
Washington County Assessor’s Map:	Map 2S 1 35D, Tax Lots 100, 400, 401, 500, 501, 600, 800, and 900
Site Size:	Total of ±61.71 acres
Land Use Districts:	Medium-Low Density Residential (RML) Neighborhood Commercial (CN)



I. Executive Summary

Consistent with State and Metro guidelines and in order to address the identified regional and local need for urban land for housing, the City of Tualatin adopted the Housing Element of the Tualatin Comprehensive Plan and Housing Needs Analysis in 2020. The Housing Needs Analysis identifies the main area for residential growth to occur in the southern area of the City, in the Basalt Creek Concept Plan Area. This Subdivision application is for a project known as Autumn Sunrise within the Basalt Creek Area. The project will provide a diverse mix of small lot and attached housing units and help meet the City's housing needs as identified in the City's Comprehensive Plan and implemented in the Tualatin Development Code.

The subject ±62-acre site is located in the Medium Low Density Residential (RML) and Neighborhood Commercial (CN) zones and has received previous land use approvals, which are described below.

1. ANN 19-0002
The City of Tualatin annexed Tax Lots 400, 401, 500, 501, 600, 800, and 900 of Washington County Assessor's Map 2S 1 35D into the City. These lots comprise the southern ±38 acres of the subject site adjacent to SW Boones Ferry Road and SW Greenhill Lane.
2. ANN 20-003
The City of Tualatin annexed Tax Lot 100 of Washington County Assessor's Map 2S 1 35D, the northern ±25 acres of the subject site adjacent to SW Norwood Road.
2. PTA 20-003
This Development Code Text Amendment approved modified development standards—smaller lot sizes, reduced setbacks, and increased structural lot coverage—for development of detached single-family dwellings in a "Small Lot Subdivision" under a Conditional Use Permit in the Basalt Creek Area. It also included requirements to build at least 20 percent of the units in a proposed development as attached single-family and a minimum of 5 percent of the gross site area as open space for the provision of recreational area and/or tree preservation. The maximum density of 10 units per acre remained unchanged.
3. PMA 20-002 and PTA 20-005
This application adjusted the combined Comprehensive Plan and Zoning Map to shift the CN zoning district boundary on the subject site. The CN zoning district remains ±3.9 acres in area but is now an elongated rectangle fronting on SW Boones Ferry Road. The RML zoning district is now located further from SW Boones Ferry Road. This approval also included a text amendment to remove a provision that prohibited the CN zoning district within 300 feet of a school property and added the "basic utility" use category to the list of permitted uses within the CN zone.

This application package includes a detailed Subdivision submittal for 400 single-family attached and detached residential lots, and two commercial lots. Key issues for consideration are described below.

Phasing

The Autumn Sunrise residential subdivision is planned to be constructed in 4 phases, starting at the northern end of the site. Small lot subdivisions within the Basalt Creek Area (per TDC 41.330) are required to provide a phasing plan demonstrating that the required attached townhome units will not be left to the last phase to be constructed. As illustrated on the Product Distribution Plan included in Exhibit A, 24

townhomes are planned in Phase 1, 14 townhomes are planned in Phase 2, and 42 townhomes are planned in Phase 3. No townhomes are planned in Phase 4. Therefore, all 80 of the townhome lots will be created prior to the final phase of the project. Rather than tying the issuance of building permits in Phase 4 to the Certificates of Occupancy for all the townhomes, the Applicant would prefer that a condition of approval be written that requires no more than 70 percent of the single-family detached lots be platted prior to the platting of all the townhome lots. Please see the response to TDC 41.330 below for additional detail.

Future Architectural Review Applications

Future single-family detached residential units are required to obtain an Architectural Review Single Family (ARSF) approval prior to building permit submittal. ARSF is a Type I staff-level decision that ensures the applicable architectural design elements required by code are provided. The future attached townhome units are also required to obtain Architectural Review (AR) approval. The AR process for the attached units will be a Type II staff-level decision with public notice.

Open Space and Pedestrian Connections

The planned open spaces within Autumn Sunrise include three tracts along SW Norwood Road that serve as a visual and acoustic buffer. Over 70 existing trees are planned to be preserved within these tracts. In addition, a neighborhood park and green spaces that will be owned and maintained by the Homeowners' Association are planned. Pedestrian connections are provided on the planned sidewalks along both sides of the new streets. Instead of the standard 5-foot sidewalk, a 12-foot multi-use pathway is included in the SW Norwood Road frontage improvements as required by the City Transportation System Plan (TSP). Additional pedestrian pathways provide connectivity to the open space to the south and tracts are provided for future connections to the Horizon Community Church and Christian School (Horizon School) campus to the northwest.

Stormwater Drainage and Intersection Location along SW Boones Ferry Road

As mentioned above, PMA 20-002 and PTA 20-005 were a Plan Map and Text Amendment that modified the CN zoning boundary and modified language for the CN zoning district. During the review of the application, two concerns were expressed by neighbors along SW Boones Ferry Road. First, a concern was raised about the amount of stormwater runoff currently being collected from the east side of SW Boones Ferry Road and routed under the street, causing flooding on properties west of the right-of-way. The second concern was the location of the Autumn Sunrise subdivision local street access on SW Boones Ferry Road and wanting to make sure Washington County and the City took the location of the frontage road west of SW Boones Ferry Road into consideration.

Both of the above concerns have been addressed in the design of the street and stormwater systems in this application. The planned Autumn Sunrise stormwater facilities have been designed to provide both stormwater quality treatment and quantity detention in accordance with the current Clean Water Services (CWS) requirements. In addition, the stormwater improvements include re-routing the stormwater runoff from the two existing ditch inlets on the east side of SW Boones Ferry Road to the new stormwater facility. Upon approval by Washington County, the existing storm pipe under SW Boones Ferry Road is planned to be capped to end the flow of stormwater from the east side to the west side of the roadway. Also, as illustrated on the Aerial Photo Site Map included in Exhibit A, after coordination with adjacent property owners, Washington County, and the City, the location of the new local street intersection at SW Boones

Ferry Road is planned to be directly opposite the existing emergency access point of the frontage road on the west side of SW Boones Ferry Road.

Model Homes

This application includes two model home areas (in Phases 1 and 3). The Applicant would like the provision to allow building permits to be obtained for the model homes prior to completion of the public improvements of the applicable phase to be included with the Subdivision approval.

Concurrent Conditional Use Permit Application

While the RML zoning district allows a variety of attached dwellings as well as detached, small-lot subdivisions, Conditional Use Permit approval is required for detached single-family dwellings. Within the Basalt Creek Area, small lot subdivisions are required to meet the standards in TDC 36.410 as well as those standards specific to the Basalt Creek Area (TDC 41.330). The standards allow a maximum of 80 percent of the units to be detached dwellings and require a minimum of 5 percent of the site to be open space. The Conditional Use Permit application package has been submitted separately but will be reviewed concurrently by the City.

This application includes the City application forms, written materials, and preliminary plans necessary for the Planning Commission to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The subject site is a total of ±61.96 acres located at the southernmost extent of the City's UGB and is comprised of eight tax lots. The site has frontage on SW Norwood Road, SW Boones Ferry Road, and SW Greenhill Road. Please refer to the Vicinity Map on the first page of the Preliminary Plans (Exhibit A) for the location of the site. A ±3.9-acre portion of the site adjacent to SW Boones Ferry Road is zoned CN. The remaining ±58 acres are zoned RML. The northern portion of the site is wooded while the southern area has three existing homes adjacent to SE Greenhill Lane and open agricultural fields.

North: SW Norwood Road and Norwood Heights residential subdivision. Zoned RML.

East: City Boundary and Urban Growth Boundary (UGB) at edge of site. Interstate 5 right-of-way with unincorporated Washington County zoned Agriculture and Forest District (AF-5) and Future Development 20-Acre (FD-20) beyond.

South: The City Boundary is at SW Greenhill Lane, beyond which are agricultural and low-density residential development in unincorporated Washington County zoned FD-20. The areas south of SW Greenhill Lane are within the City of Wilsonville Planning Area.

West: The City of Tualatin water towers and Horizon School are zoned Institutional (IN). There is also a 5-acre unincorporated lot adjacent to SW Boones Ferry Road that will have the zoning designation of High Density Residential (RH) once it is annexed to the City. Unincorporated properties on the west side of SW Boones Ferry Road have low-density residential development (with County Zoning of FD-20) and will have the Low Density Residential (RL) zoning designation when annexed to the City.

III. Applicable Review Criteria

This application involves the development of land for housing. Oregon Revised Statutes (ORS) 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. In addition, this application involves a “limited land use decision” as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development” (Rogue Valley Association of Realtors v. City of Ashland, 35 Or LUBA 139, 158 [1998] aff’d, 158 Or App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. The exceptions in ORS 197.307(5) do not apply to this application.

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application. The applicable land use regulations are found in this application. Pursuant to ORS 197.195(1), Comprehensive Plan provisions (as well as goals, policies, etc. from within the adopted elements of the Comprehensive Plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this application may respond to Comprehensive Plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the Applicant does not waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the Applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. The jurisdiction is not obligated to take the initiative to develop such conditions on its own or develop the evidentiary record that might be needed to impose such conditions.

City of Tualatin Development Code

CHAPTER 32 – PROCEDURES

TDC 32.010. Purpose and Applicability.

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- (2) **Applicability of Review Procedures.** All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

...

- (b) **Type II Procedure (Administrative/Staff Review with Notice).** A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are "limited land use decisions" as defined in ORS 197.015 are so noted in Table 32-1.
 - (c) **Type III Procedure (Quasi-Judicial Review—Public Hearing).** Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.
- ...
- (3) **Determination of Review Type.** Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Excerpt of Table 32-1—Applications Types and Review Procedures						
Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood / Developer Mtg Required	Applicable Code Chapter
Architectural Review	II	CM	ARB/CC	Yes	Yes	TDC 33.020
Conditional Use Permit	III	PC	CC	Yes	Yes	TDC 33.040
Subdivisions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 36
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Response: As described in Table 32-1, a Subdivision application is subject to a Type II procedure and the City Manager is the decision body. However, as described under TDC 32.010(3) above, an applicant may choose to elevate a Type II application to a higher level of review. The associated Conditional Use Permit for the Autumn Sunrise site is being reviewed through the Type III procedure; therefore, to simplify and streamline the review process, the Applicant is choosing to elevate this Subdivision application to the Type III level of review. Therefore, this application will follow the Type III review procedure with a public hearing before the Planning Commission.

TDC 32.020. - Procedures for Review of Multiple Applications.

Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:

- (1) Applications with the highest numbered procedure type must be processed first;

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- (2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and
 - (3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).

Response: City staff confirmed at the Pre-application conference that the applications can be processed concurrently and do not need to be submitted sequentially.

TDC 32.110. – Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.
- (4) *Application Requirements for Pre-Application Conference.*
 - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
 - (b) *Submittal Requirements.* Pre-application conference requests must include:
 - (i) A completed application form;
 - (ii) Payment of the application fee;
 - (iii) The information required, if any, for the specific pre-application conference sought; and
 - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
- (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
 - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;

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- (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
 - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Response: A pre-application conference was held with City staff on February 17, 2021. The pre-application conference followed the above procedures and is valid for six months (until August 17, 2021). The standards are met.

TDC 32.120. - Neighborhood/Developer Meetings.

- (1) *Purpose.* 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.
- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
 - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
 - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.
- (5) *Notice Requirements.*
 - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.
 - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
 - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;
 - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
 - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
 - (c) The City will provide the applicant with labels for mailing for a fee.
 - (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

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- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
 - (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Response: A Neighborhood/Developer Meeting is required for the subject application and was held on June 9, 2021. The meeting was held for the Subdivision and Conditional Use applications, following the City of Tualatin's Temporary Guidance for Neighborhood/Developer Meeting. The applicable meeting documentation is provided in Exhibit E and the above requirements are met.

TDC 32.130. - Initiation of Applications.

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
 - (a) The owner of the subject property;
 - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
 - (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.
- (2) *Type IV-A or B Applications.* Type IV-A or B applications may be initiated by the City.

Response: This application has been submitted by the contract purchaser of the subject properties. The above standards are met.

TDC 32.140. - Application Submittal.

- (1) *Submittal Requirements.* Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:
 - (a) *A completed application form.* The application form must contain, at a minimum, the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;

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- (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application(s);
 - (vi) A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (b) A written statement addressing each applicable approval criterion and standard;
 - (c) Any additional information required under the TDC for the specific land use action sought;
 - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
 - (e) Recorded deed/land sales contract with legal description.
 - (f) A preliminary title report or other proof of ownership.
 - (g) For those applications requiring a neighborhood/developer meeting:
 - (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
 - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
 - (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

...

Response:

This application submittal includes the applicable information required above, including the application form, fee, narrative, property ownership information, and neighborhood/developer meeting documentation. An email with the neighborhood/developer meeting information was sent to City staff and the applicable City-recognized Citizen Involvement Organization (CIOs) contacts. The neighborhood/developer meeting documentation is provided in Exhibit E. The above submittal requirements are met.

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CHAPTER 33 – APPLICATIONS AND APPROVAL CRITERIA

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TDC 33.110. - Tree Removal Permit/Review.

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- (2) *Applicability.* No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.

Response: This application includes tree removal on private property; therefore, the standards of this section apply.

- (3) *Exemptions.* The following actions are exempt from the requirements of a tree removal permit.
- (a) *General Exemption.* Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:
- (i) Not located in the Natural Resource Protection Overlay District (NRPO);
 - (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);
 - (iii) Not a Heritage Tree; and
 - (iv) Not previously required to be retained or planted under an approved Architectural Review decision.
- (b) *Forest Harvesting Exemption.* Forest Harvesting Uses, as provided by Agricultural Uses in TDC 39.300 are exempt.
- (c) *Orchard Exemption.* Orchards Uses, as provided by Agricultural Uses in TDC 39.300, are exempt.
- (d) *Public Property Exemption.* Tree removal on federal, state, county, or City property is exempt from the requirements of a tree removal permit. This exemption includes, but is not limited to road, improvements and maintenance to City parks, rights-of-way, water, sanitary sewer, and stormwater facilities. (Removal of trees from public right-of-way are governed by TDC Chapter 74.)

Response: The on-site trees planned for removal do not meet the exemption criteria above. The exemptions do not apply.

- (3) *Procedure Type.* Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.

Response: The Tree Removal Permit is being processed in conjunction with the Subdivision application through a Type III review procedure as discussed above.

- (4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:
- (a) *Tree Preservation Plan.* A tree preservation plan drawn to scale must include:
- (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;

- (ii) All trees proposed for removal and all trees proposed to be preserved;
 - (iii) All existing and proposed structures;
 - (iv) All existing and proposed public and private improvements; and
 - (v) All existing public and private easements.
- (b) *Tree Assessment Report.* A tree assessment prepared by a certified arborist must include:
- (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;
 - (ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;
 - (iii) a statement addressing the approval criteria set forth in TDC 33.110(5);
 - (iv) the name, contact information, and signature of the arborist preparing the report; and
 - (v) The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.
- (c) *Tree Tags.* All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.

Response: The above submittal requirements are included in the application. Please see the Tree Preservation and Removal Plans included with the Preliminary Tree Assessment Report and Tree Inventory (Exhibit G), and the approval criteria below.

- (5) *Approval Criteria.*
- (a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:
 - (i) The tree is diseased and:
 - (A) The disease threatens the structural integrity of the tree; or
 - (B) The disease permanently and severely diminishes the esthetic value of the tree; or
 - (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.
 - (ii) The tree represents a hazard which may include but not be limited to:
 - (A) The tree is in danger of falling; or
 - (B) Substantial portions of the tree are in danger of falling.
 - (iii) 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.

- (b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.
 - (i) *Evergreen Trees.* An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
 - (A) Trunk Condition—extensive decay and hollow; or
 - (B) Crown Development—unbalanced and lacking a full crown;
 - (ii) *Deciduous Trees.* A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
 - (A) Trunk Condition—extensive decay and hollow;
 - (B) Crown Development—unbalanced and lacking a full crown; or
 - (C) Structure—Two or more dead limbs.

Response: As illustrated in the Preliminary Tree Assessment Report and Tree Inventory (Exhibit G), tree removal is necessary to construct project improvements, infrastructure, and to accommodate future dwellings on the planned lots. Therefore criterion (5)(a)(iii) is met.

- (6) *Emergencies.* If emergency conditions occur requiring the immediate cutting or removal of trees to avoid danger or hazard to persons or property, an emergency permit must be issued by the City Manager without payment of a fee and without formal application, provided the owner provides enough information to the City Manager to document that an emergency exists. If an emergency exists and the City Offices are closed, the emergency condition may be abated provided the person files information documenting the emergency and necessity of immediate removal of the tree as soon as practical after the City Offices reopen. An "emergency condition" for purposes of this section is when a tree presents an immediate danger of collapse, and represents a clear and present hazard to persons or property. For the purposes of this section, "immediate danger of collapse" means that the tree is already leaning, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the nonemergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment. Examples of emergency conditions include:
 - (a) A tree leaning on a structure;
 - (b) A tree leaning on another tree and there is a significant likelihood that the tree will topple or otherwise fail; or
 - (c) If a utility service has been interrupted and repairs cannot be completed without the removal of a tree.

Response: Emergency conditions as described above are not anticipated. The above criteria do not apply with this application.

- (7) *Conditions of Approval.* Any tree required to be retained must be protected in accordance with the TDC 73B and 73C.

Response: See the responses to TDC 73B.080 for additional tree preservation standards. TDC 73C relates to parking lot standards and landscaping and does not apply to this application.

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CHAPTER 36 – SUBDIVIDING, PARTITIONS, AND PROPERTY LINE ADJUSTMENTS

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TDC 36.040. - Applications and Submittal Requirements.

- (1) Applications subject to this Chapter must follow the procedures specified in TDC Chapter 32; however, in case of conflict the procedures specified in TDC Chapter 36 prevail.
- (2) Additional Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required to subdivide, partition, or replat land:
 - (a) Subdivision or partition plan map;
 - (b) Proposed plat name, approved by the County Surveyor;
 - (c) The names, addresses, and contact information of the design engineer and surveyor;
 - (d) The date the plan was prepared;
 - (e) North arrow;
 - (f) Scale of drawing;
 - (g) Location of the subdivision or partition by 1-4 Section, Township and Range;
 - (h) Preliminary utility plans for existing and proposed water, sanitary sewer and storm drainage, including the size and grade;
 - (i) Existing and proposed streets (public and private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;
 - (j) An outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;
 - (k) Easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;
 - (l) Flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;
 - (m) 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;
 - (n) Approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;
 - (o) Approximate area of each lot;
 - (p) Proposed lot numbers;
 - (q) Existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;
 - (r) All lots intended to be dedicated or reserved for public use;
 - (s) A vicinity map showing a minimum one-mile radius;

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- (t) Contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent;
 - (u) For subdivisions and phased subdivisions, a completed trip generation estimate on forms provided by the City and a Traffic Impact Analysis;
 - (v) 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 33.120(5) for a minor variance or TDC 33.120(6) for a variance;
 - (w) A "Service Provider Letter" from Clean Water Services;
 - (x) 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;
 - (y) A completed City fact sheet;
 - (z) A title report for the property(ies) subject to the application;
 - (aa) Other supplementary material as may be required, such as deed restrictions, a statement of ownership, use, covenants, conditions, limitations, and responsibility for maintenance; and
 - (bb) Other information required by the City Manager.

Response: The above additional Subdivision submittal materials are included in this application as applicable. Please also see TDC 32.140 for additional submittal requirements.

TDC 36.120. - Tentative Subdivision Plan.

- (1) **Applicability.** Tentative Subdivision Plan approval is required before land is divided into four or more lots within a calendar year. For Phased Subdivisions, see TDC 36.130 (Phased Tentative Subdivision Plan). For Manufactured Dwelling Park Subdivisions, see TDC 36.140 (Manufactured Dwelling Park Tentative Subdivision Plan).

Response: This application includes a Tentative Subdivision Plan for a phased Subdivision. Therefore, the standards of this chapter and of TDC 36.130 below apply.

- (2) **Procedure Type.** A Tentative Subdivision Plan is processed as a Type II procedure under 32.220.

Response: This phased Subdivision application is being elevated to the Type III review procedure and will be reviewed concurrently with the associated Conditional Use Permit application.

- (3) **Submittal Requirements.**
 - (a) Prior to submitting an application for a Tentative Subdivision Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).
 - (b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for subdivision tentative plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).

Response: The Applicant has complied with the above submittal requirements, including a pre-application conference and neighborhood/developer meeting. In addition, the applicable

application materials described under TDC 32.140 and TDC 36.040(2) and listed above have been provided.

(4) *Approval Criteria.* A Tentative Subdivision Plan must be approved if all of the following criteria are met:

(a) The Tentative Subdivision Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to, the following:

(i) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.

(ii) City infrastructure standards; and

(iii) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Response: Please see the responses to the applicable lot standard requirements in TDC 41.300, 41.330, and TDC 51.300, the infrastructure standards in Chapter 74 and Title 3 of the Municipal Code, and other applicable special development standards in this narrative. This criterion is met.

(b) The Tentative Subdivision Plan does not impede the future use or development of the property or adjacent land.

Response: As illustrated on the Preliminary Plans (Exhibit A), the planned Subdivision allows future development on the created lots with permitted or conditionally permitted uses on the site. This criterion is met.

(c) Development within the Tentative Subdivision Plan can be adequately served by City infrastructure.

Response: As illustrated on the Preliminary Plans (Exhibit A), the planned Subdivision will be adequately served by the expansion of City infrastructure onto and through the site. This criterion is met.

(d) The street system in and adjacent to the Tentative Subdivision Plan conforms to the Tualatin Transportation System Plan.

Response: As illustrated on the Preliminary Circulation Plan (in Exhibit A), the planned street improvements conform to the Tualatin Transportation System Plan (TSP). This criterion is met.

(e) The street system in and adjacent to the Tentative Subdivision Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Response: As illustrated on the Preliminary Circulation Plan (in Exhibit A), the planned street system is designed to provide safe, orderly, and efficient circulation for vehicles, bicycles, and pedestrians throughout the site. This criterion is met.

(f) The Tentative Subdivision Plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, existing or planned schools, parks, shopping areas, transit stops, employment centers, and other neighborhood amenities.

Response: As illustrated on the Preliminary Circulation Plan (in Exhibit A), the planned street system is designed to provide safe and convenient bicycle and pedestrian access to adjacent streets and neighborhoods, including to the existing transit stop just south of the site on SW Boones Ferry Road. This criterion is met.

(g) The Tentative Subdivision Plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

Response: The planned street improvements provide mitigation of impacts to the transportation system that will result from the future uses. Please see the Traffic Impact Analysis included as Exhibit H. This criterion is met.

(h) The Tentative Subdivision Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Response: The street and lot pattern take the existing topography and vegetation into consideration so that variances are not needed with this application. This criterion is met.

(i) The Tentative Subdivision Plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Response: The planned street and lot pattern take the existing topography and vegetation into consideration, allowing development of the site at the required density while utilizing the existing trees as a buffer along the northern property line of the site. The planned grading works with the existing topography and steps down toward the northeast corner of the site. Areas with steeper topography are designed to have lots with deck-living homes that sit on the slope. This criterion is met.

...

TDC 36.130. - Phased Tentative Subdivision Plan.

(1) *Applicability.* Phased Tentative Subdivision Plan approval is required before land is divided as a phased subdivision. When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.

Response: This application includes a phased Subdivision. Each phase is planned to be submitted for separate final plat approval as described above. Please see the Preliminary Plat included in Exhibit A for details on the planned phasing.

(2) *Procedure Type.* A Phased Tentative Subdivision Plan is processed as a Type II procedure under TDC 32.220 (Type II Procedure).

Response: This phased Subdivision application is being elevated to the Type III review procedure and will be reviewed concurrently with the associated Conditional Use Permit application.

(3) *Submittal Requirements.*

(a) Prior to submitting an application for a Phased Tentative Subdivision Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).

- (b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for a Phased Tentative Subdivision Plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).
- (c) An application for a Phased Tentative Subdivision Plan must also include:
 - (i) A phasing plan that indicates the tentative boundaries of each phase;
 - (ii) The sequencing of the phases;
 - (iii) The tentative configuration of lots in each phase; and
 - (iv) A plan for the construction of all required city infrastructure in each phase.

Response: The Applicant has complied with the above submittal requirements, including a pre-application conference and neighborhood/developer meeting. In addition, the applicable application materials described under TDC 32.140, TDC 36.040(2), and listed above have been provided.

- (4) *Approval Criteria.* A Phased Tentative Subdivision Plan must be approved if all of the following criteria are met:
 - (a) The Phased Tentative Subdivision Plan meets all of the criteria for Tentative Subdivision Plan approval in TDC 36.110 (Tentative Subdivision);

Response: Please see the responses to TDC 36.120 above for the applicable Tentative Subdivision criteria. This criterion is met.

- (b) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases;

Response: Please see the Preliminary Street Plans and Preliminary Composite Utility Plans in Exhibit A for details on the planned street and utility connections and how the planned phasing allows for orderly and efficient construction of public improvements. This criterion is met.

- (c) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements; and

Response: Each phase of the Subdivision includes the necessary public improvements for a functioning neighborhood without reliance on future phases. Please see the Preliminary Street Plans and Preliminary Composite Utility Plans in Exhibit A for details on the planned street and utility improvements. This criterion is met.

- (d) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Response: As illustrated on the Preliminary Plans (Exhibit A), the planned phasing of improvements allows orderly development with each phase building on the previous phase and supporting the subdivision as a whole. This criterion is met.

...

TDC 36.310. - Approval of Streets and Rights of Way.

- (1) The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must 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 must comply with the requirements of TDC Chapter 74, Public Improvement Requirements.
- (b) The applicant must comply with the design and construction standards set forth in the Public Works Construction Code.
- (c) The applicant must provide evidence to the City that property intended to be dedicated to the public is free of all liens, encumbrances, claims and encroachments.

Response: This phased subdivision application includes the dedication of public rights-of-way, easements, and tracts, as well as the associated public improvements, as applicable. The public improvements are designed to comply with TDC Chapter 74, Public Improvement Requirements and the applicable standards of the Public Works Construction code. Copies of the property deeds are included in the application materials and indicate the property intended to be dedicated is free of liens, encumbrances, claims, and encroachments. The criteria are met.

- (2) The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must indicate the ownership and location of private easements and tracts, and the ownership and location of private improvements within public rights-of-way and easements.

Response: Information mentioned in this standard is planned to be shown on the final subdivision plats. This standard is met as applicable.

- (3) Approval of the final plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat by the City constitutes acceptance of all public rights-of-way, reserve strips, easements, tracts and accessways shown thereon, as well as public facilities located therein.

Response: This application is for preliminary plat approval. Dedication of public right-of-way and utility and street improvements are planned to be completed in conjunction with the final subdivision plat process. This standard is understood.

...

TDC 36.400. - Lot Dimensions.

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

Response: This application does not include double frontage or reversed frontage lots as described above. Planned open space tracts separate lots from SW Norwood Road on the north and the future Basalt Creek Parkway extension on the south. A large buffer of trees separates the eastern lots from the Interstate 5 improvements. The standards do not apply.

- (2) *Large Lots.* When subdividing, partitioning or adjusting land into large lots which at some future time are possible to be resubdivided, repartitioned, or readjusted to a size which more closely conforms to the other lots in the subdivision or area, the applicant must submit a future streets plan. The future streets plan must indicate that proposed large lots be of such size and shape and contain such building site restrictions as will provide for the extension and opening of streets at such intervals and the subsequent division of any such large lot into smaller size lots which meet the requirements of the TDC.

Response: This application does not create large lot. This standard does not apply.

- (3) *Side Lot Lines.* The side lines of lots, as far as practicable, must run at right angles to the street upon which the lots face.

Response: As much as possible, side lot lines are oriented at right angles to the front of the planned lots. Please see the Preliminary Plans (Exhibit A) for details. This standard is met.

- (4) *Lot Size and Shape.* The lot size, width, shape and orientation must be appropriate for the location of the lot and comply with the zone (planning district) standards for the type of development and use contemplated.

Response: The size and dimensions of the planned lots are appropriate for the planned residential and commercial uses and comply with the standards of the applicable zones. See the responses to the standards in Chapters 41 and 51 below. This standard is met.

- (5) *Frontage on Public Streets.* All lots created after September 1, 1979 must abut a public street, except for the following:
- (a) Secondary condominium lots, which must conform to TDC 73C and TDC 75;
 - (b) Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, 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;
 - (c) Residential lots where frontage along a public street is impractical due to physical site restraints. Access to lots must occur via a shared driveway within a tract. The tract must have no adverse impacts to surrounding properties or roads and may only be approved if it meets the following criteria:
 - (i) Does not exceed 250 feet in length;
 - (ii) If the tract exceeds 150 feet in length, it has a turnaround facility as approved by the Fire Marshal for fire and life safety;
 - (iii) The tract does not serve more than six lots;
 - (iv) A public street is not needed to provide access to other adjacent properties as required by TDC Chapter 74;
 - (v) A recorded document providing for the ownership, use rights, and allocation for liability for construction and maintenance has been submitted to the City Manager prior to issuance of a building permit; and

(vi) Access easements have been provided to all properties needing access to the driveway.

(d) Lots in the Manufacturing Park Zone Planning District which have access to the public right-of-way in accordance with TDC 73C and TDC Chapter 75 via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way.

Response: The planned lots abut public streets as required above. The above exceptions do not apply.

TDC 36.410. - Small Lot Subdivisions for RL and RML Zones.

(1) Conditional Use Permit Required.

(a) A conditional use permit is required before lots smaller than 6,500 square feet are permitted in RL and RML zones. An applicant must comply with the provisions of TDC 33.040 (Condition Use Permit).

(b) In addition to the submittal requirements for a Conditional Use Permit in TDC 33.040, a Tree Survey is required. The purpose of the tree survey is to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions.

Response: Conditional Use Permit approval is required for lots smaller than 6,500 square feet in the RML zone. See the associated Conditional Use Permit application that has been concurrently submitted to the City for review. A tree survey is included in this application in accordance with the above requirement. (See the Preliminary Tree Assessment Report and Tree Inventory in Exhibit G.) The smaller lots allow the targeted density of 7-10 units per acre while preserving the existing trees adjacent to SW Norwood Road. The applicable criteria are met.

(2) *Small Lot Standards.* In addition to the general subdivision requirement in TDC 36.120, a subdivision that includes the small lots must also meet the following standards:

...

Response: This application includes a small lot subdivision in the RML Zone. However, as stated in TDC 41.330, the small lot subdivision standards of this subsection do not apply to small lot subdivisions in the Basalt Creek Area. Please see the responses to TDC 41.330 below for the applicable standards.

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CHAPTER 41 – MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

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TDC 41.200. - Use Categories.

(1) *Use Categories.* Table 41-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 41-1 and restrictions identified in TDC 41.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to

be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Response: As further described in Table 41-2, the planned townhouse (attached residential) use is a permitted use in the RML zone, while the planned single-family dwelling (detached) use is a conditionally permitted use. Overlay zones do not apply to the site. Please also see the associated Conditional Use Permit application that has been concurrently submitted to the City for review.

Excerpt of Table 41-1 Use Categories in the RML Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 41.220.
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
Group Living	P/C (L)	Permitted uses limited to <ul style="list-style-type: none"> • Residential Facility; and, • Nursing Facility. Conditional uses limited to Congregate Care Facility subject to TDC 34.020 and TDC 34.030.

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TDC 41.220. - Housing Types.

Table 41-2 lists Housing Types permitted in the RML zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RML zone.

Table 41-2 Housing Types in the RML Zone		
HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	C	<ul style="list-style-type: none"> • Limited to single-family dwellings in a small lot subdivision, with conditional use permit, subject to TDC 36.410. • Limited to single-family dwellings in a small lot subdivision, with conditional use permit, and if the development is located south of Norwood Road and east of Boones Ferry Road (Basalt Creek Area), subject to TDC 36.410(1) and TDC 41.330
Accessory Dwelling Unit	P	Subject to TDC 34.600.
Duplex Townhouse (or Rowhouse)	P	See TDC definition in 31.060.
Multi-Family Structure	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	See TDC definition in 31.060.
Manufactured Dwelling Park	P	Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

Response: The planned townhomes (attached units) are permitted in the RML zone, while the planned single-family dwellings (detached units) are limited to small lot subdivisions with a Conditional Use Permit. The site is also located within the Basalt Creek Area and therefore TDC 36.410(1) applies. Please see the responses to TDC 36.410 and TDC 41.330 for the other applicable standards. The standards are met.

TDC 41.300. - Development Standards.

Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).

Table 41-3 Development Standards in the RML Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	Maximum: 10 units per acre Minimum: 7 units per acre	
Manufactured Dwelling Parks	12 units per acre	Limited to single-wide dwelling parks or any part of a single-wide dwelling park.
Retirement Housing Facility, or Congregate Care Facility	15 units per acre	
Nursing Facility	15 units per acre	
Group Living Uses	15 units per acre	
MINIMUM LOT SIZE		
Townhouse (or Rowhouse)	1,400 square feet	
Multi-Family Structure and Duplex		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 4,195 square feet for each unit exceeding two.
• Development on More than One Acre	4,356 square feet per unit	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM AVERAGE LOT WIDTH		
Townhouse(or Rowhouse)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	100 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.

Table 41-3 Development Standards in the RML Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM SETBACKS		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Townhouse (or Rowhouse)	0-20 feet	As determined through Architectural Review process.
Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be ten feet
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
MAXIMUM LOT COVERAGE		
Townhouse (or Rowhouse)	90%	
All Other Permitted Uses	40%	
Conditional Uses	45%	

Response: The above development standards apply to the planned townhomes (attached units). Please see the responses to TDC 41.330 for the applicable development standards for the detached single-family residential units. As illustrated on the Preliminary Plans (Exhibit A), the townhome lots meet the above density, lot size, and lot width standards. Setbacks, height, and lot coverage will be reviewed with the subsequent Architectural Review process. The applicable standards are met.

TDC 41.310. - Projections Into Required Yards.

The following architectural features may 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: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

Response: Specific architectural features and projections into required yards for the specific lots will be reviewed with the subsequent Architectural Review applications. This standard does not apply with this application.

TDC 41.320. - Density Bonus or Setback Reduction for Developments Adjacent to Greenways and Natural Areas.

To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a density bonus or setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards:

Response: This application does not include greenways or natural areas as described above. Therefore, this section does not apply.

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TDC 41.330. - Development Standards for Single-Family Dwellings in a Small Lot Subdivision for Certain Basalt Creek Area Properties.

This section applies only to small lot subdivisions, with a conditional use permit as provided in TDC 36.410(1), in RML zoned properties located south of Norwood Road and east of Boones Ferry Road (Basalt Creek Area). Development standards for Single-Family Dwellings in a small lot subdivision, with conditional use permit are listed in Table 41-4. Additional conditions may be placed on the small lot subdivision through the conditional use process. The small lot subdivision standards in TDC 36.410(2) do not apply to small lot subdivisions subject to this section.

Response: The subject site is located in the Basalt Creek Area as defined above and this application is for a Small Lot Subdivision. Therefore, the development standards in this section apply to the detached single-family lots. Please also see the separate Conditional Use Permit application submittal for the responses to the applicable Conditional Use criteria.

Table 41-4 Development Standards in the RML Zone subject to TDC 41.330		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Single-Family Dwelling	10 units per acre	<ul style="list-style-type: none"> Limited subject to the requirement that a minimum of 20% of the dwelling units in the small lot subdivision must include attached housing types, as provided in TDC 41.300 and Table 41-3. A phasing plan for the timing of construction will be approved through the small lot subdivision process, with conditional use permit, but provided no more than 70% of the approved Single-Family Dwellings may be issued Building Permits prior to the construction and issuance of Certificates of Occupancy for all approved attached housing types (i.e., non-single-family dwellings), or as otherwise determined through the conditional use process.

**Table 41-4
Development Standards in the RML Zone subject to TDC 41.330**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
Minimum Open Space		
	5% of gross site acreage	<ul style="list-style-type: none"> Proposed open space shall be for tree preservation or active and passive open space, as approved through the conditional use process for small lot subdivisions. Stormwater and drainage facilities are not counted toward percentage of open space requirement. Compliance with this section satisfied TDC 36.410(1)(b).
MINIMUM AVERAGE LOT SIZE		
Single Family Lot	3,000 square feet	
MINIMUM AVERAGE LOT WIDTH		
Single Family Detached Lot	26 feet	Must be sufficient to comply with minimum access requirements of TDC 73C.
Single Family Flag Lots		Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Single Family Front Setback		
• building	10 feet	
• garage	20 feet	
Single Family Side Setback	5 feet	
Single Family Rear Setback	10 feet	
Single Family Street side setback	10 feet	
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
Single Family Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1% times the height of the building.
MAXIMUM LOT COVERAGE		
Single Family Detached Lot	55%	

Response: As illustrated on the Preliminary Plans (Exhibit A), the above standards are met for the detached single-family lots. A phasing plan is included in this application (see TDC 36.130 and the discussion in the Executive Summary) that ensures a maximum of 70 percent of the single-family detached lots will be created before all the attached townhouse lots have been platted. Please see the Density Calculations on the Product Distribution Plan in Exhibit A for details on how the density, open space, and lot size standards are met. The Preliminary Setback Plans (in Exhibit A) demonstrate that future homes can meet the minimum setback requirements at the time of Architectural Review and Building Permit submittals. The planned setback to the future Basalt Creek Parkway is also illustrated on the Preliminary Setback Plans (in Exhibit A). Maximum height and maximum lot coverage will also be reviewed with future Architectural Review and Building Permit submittals. The applicable standards are met.

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CHAPTER 51 – NEIGHBORHOOD COMMERCIAL ZONE (CN)

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TDC 51.110. - District Location Standards.

- (1) **District Location.** The boundaries of a CN District must be separated from all other CN, CC, and CG districts by at least 1,320 feet.
- (2) **Street Frontage.** At least one-fourth of the total street frontage of the CN District area must be on an Arterial or Major Collector street.

Response: The above district location standards were reviewed with the Plan Map Amendment application (PMA 20-0002). This application does not alter the location of the CN District; therefore, this section does not apply.

TDC 51.200. - Use Categories.

- (1) **Use Categories.** Table 51-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 51-1 and restrictions identified in TDC 51.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) **Overlay Zones.** Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 51-1 Use Categories in the CN Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P (L)	Permitted uses limited to one (1) dwelling unit for each business located on the lot.

Table 51-1 Use Categories in the CN Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
COMMERCIAL USE CATEGORIES		
Retail Sales and Services	P (L)	Permitted uses limited to: General merchandise or variety stores; • Food stores, subject to TDC 51.210(1) ; • Drug store and pharmacy; • Laundry and dry cleaning, subject to TDC 51.210(2) ; • Beauty and barber shops; Shoe repair; and • Child day care center, subject to TDC 34.100 . All commercial uses subject to floor area limitation, see TDC 51.210(3) .
INSTITUTIONAL USE CATEGORIES		
Community Services	P(L)	Permitted uses limited to a community center, community recreation facility, or community aquatic center, when open to the general public and operated by a non-profit community organization.
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations, pressure reading stations, water quality and flow control facilities. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Transportation Facilities	P	—

Response: This application includes the creation of two lots and one tract within the CN Zone. Future commercial development is planned for Lots 251 and 252; however, no uses or improvements to these two lots are included in this application. As illustrated on the Preliminary Plans (Exhibit A), a stormwater facility that serves the residential subdivision is planned for Tract K. The stormwater facility is considered a "Basic Utility" as described in Table 51-1 above and is a permitted use. The applicable use standards are met.

TDC 51.210. - Additional Limitations on Uses.

- (1) Food Stores. Food stores must not exceed 4,000 square feet of gross floor area.
- (2) Laundry and Dry Cleaning. Laundry and dry cleaning establishments must be exclusively for the cleaning of clothing and materials of the resident population and must not involve laundry or cleaning of commercial, industrial, or institutional clothing and materials.
- (3) Commercial Floor Area Limit. A nonresidential occupant must not occupy more than 10,000 square feet of any building or combination of buildings within a single CN District area.

Response: The above limitations on uses do not apply to the stormwater facility use. Therefore, the above standards do not apply.

TDC 51.300. - Development Standards.

Development standards in the CN zone are listed in Table 51-2. Additional standards may apply to some uses and situations, see TDC 51.310.

Table 51-2 Development Standards in the CN Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	20,000 square feet	—
MINIMUM LOT WIDTH		
Minimum Average Lot Width	100 feet	When lot has frontage on public street, minimum lot width is 100 feet.
Minimum Lot Width at the Building Line	100 feet	—
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
MINIMUM SETBACKS		
Front	20 feet	
Side and Rear	0— 15 feet	As determined through Architectural Review Process.
Corner Lots	0—10 feet along each frontage	Must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process.
Fences	5 feet	From public right-of-way.
MAXIMUM LOT COVERAGE		
All Uses	75 percent	Includes both building and parking areas. All land not covered by buildings or parking must be landscaped.
MAXIMUM STRUCTURE HEIGHT		
All Uses	25 feet	In addition to meeting the maximum height limit, where a property line or alley separates CN land from land in a residential district, a building must not be greater than 20 feet in height at the setback line; and a building or structure must not extend above a plane beginning at 20 feet in height above that setback line and extending inward and upward at a slope of 45 degrees.

Response: As illustrated on the Preliminary Plat in Exhibit A, Lot 251 and Lot 252 meet the above lot size and lot width requirements. Setbacks, lot coverage, and building height will be reviewed with subsequent land use applications. The applicable standards are met.

TDC 51.310. - Additional Development Standards.

- (1) **Building and Driveway Orientation.** All commercial uses in CN District must be oriented and have primary driveway access to an Arterial or Major Collector street. No more than one driveway may access Minor Collector, Local Residential, or Cul-De-Sac street.
- (2) **Building Design.** All commercial buildings must be of a general residential character, including the following design elements:
 - (a) **Facade Design.** All building facades must be of wood or brick and, if painted, must be in muted, earth tone colors.
 - (b) **Roof Forms.** All roofs must be compatible with the surrounding residential area as determined through the Architectural Review process.

- (3) **Setback Reduction for Developments Adjacent to Greenways and Natural Areas.** To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards.

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Response: Commercial uses or improvements are not included in this application and the site does not include greenways or natural areas; therefore, the above standards do not apply.

CHAPTER 73B - LANDSCAPING STANDARDS

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TDC 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone.

The following are the minimum areas required to be landscaped for each use and zone:

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
1. RL, RML, RMH, RH and RH/HR zones—Permitted Uses	None	None
2. RL, RML, RMH, RH and RH/HR zones—Conditional Uses, except Small Lot Subdivisions	25 percent of the total area to be developed	20 percent of the total area to be developed
3. CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed
4. CO, CR, CC, CG, MUC, ML and MG zones within the Core Area Parking District—All uses	10 percent of the total area to be developed	7.5 percent of the total area to be developed
5. IN, CN, CO/MR, MC and MP zones—All uses	25 percent of the total area to be developed	22.5 percent of the total area to be developed
6. Industrial Business Park Overlay District and MBP—must be approved through Industrial Master Plans	20 percent of the total area to be developed	Not applicable

* For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.

Response: As stated in the table above, a minimum landscape area requirement does not apply within the RML zone for permitted uses or small lot subdivisions. However, open space landscaped areas are included in the project and the applicable landscape standards are met as described in the responses below.

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TDC 73B.080. - Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

<p>(1) Required Landscape Areas</p>	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement. • A maximum of ten percent of the landscaped area may be covered with unvegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
<p>(2) Fences</p>	<ul style="list-style-type: none"> • Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
<p>(3) Tree Preservation</p>	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: <ul style="list-style-type: none"> ○ Must provide above and below ground protection for existing trees and plant materials identified to remain; ○ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; ○ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; ○ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; ○ 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 must 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; and ○ Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with <u>TDC 33.110</u> (Tree Removal Permit) the landscaped area surrounding the tree or trees must 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, landscape materials. Native trees are encouraged • 100 percent of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development

(4) Grading	<ul style="list-style-type: none"> • 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. • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must 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.
(5) Irrigation	<ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system • Exceptions: <ul style="list-style-type: none"> ○ Irrigation requirement does not apply to duplexes and townhouses.
(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

Response: The planned landscape areas, as illustrated on the Preliminary Plans (Exhibit A), are designed to meet the applicable landscaping standards above. Final details of the landscape areas will be provided with the construction plans for review and approval by the City prior to construction. The standards are met as applicable.

TDC 73B.090. - Minimum Standards Trees and Plants.

The following minimum standards apply to the types of landscaping required to be installed for all zones.

(1) Deciduous Shade Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and • Barren of fruit production.
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground;

	<ul style="list-style-type: none"> • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species
(3) Coniferous Trees	<ul style="list-style-type: none"> • Five feet in height above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view.
(5) Groundcovers	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited.
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species.

Response: The planned landscape areas, as illustrated on the Preliminary Plans (Exhibit A), are designed to meet the above minimum tree and plant standards. Final details of the landscape areas will be provided with the construction plans for review and approval by the City prior to construction. The standards are met as applicable.

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CHAPTER 73G – MASONRY WALL STANDARDS

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TDC 73G.020. - Applicability.

- (1) New Construction of Access-Restricted Lot Lines in the RL and RML Zones. A masonry wall is required to be installed for all properties in the RL and RML zones that meet either of the following:
 - (a) The property has access-restricted lot lines abutting the following streets for a distance greater than 60 feet:
 - (i) Major collectors;
 - (ii) Minor collectors;
 - (iii) Major arterials;
 - (iv) Minor arterials;
 - (v) Expressway right-of-way; or

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- (vi) Interstate highway.
 - (b) No existing masonry wall is located along an access restricted lot line and more than 50 percent of masonry walls are constructed along the abutting access restricted street to the nearest intersecting streets, or hypothetical extensions thereof on both sides of the subject property (See Figure 73-5 for illustration), meet the masonry wall standard, then any new masonry wall must be in conformance with the required design standards.
- (2) Subdivisions and Partitions of Access-Restricted Lot Lines in the RL and RML Zones. A masonry wall is required to be installed for all subdivisions and partitions in the RL and RML zones that have access-restricted lot lines abutting the following streets for a distance greater than 60 feet:
- (a) Major collectors;
 - (b) Minor collectors;
 - (c) Major arterials;
 - (d) Minor arterials,
 - (e) Expressway right-of-way; or
 - (f) Interstate highway.

Response: The subject site of this Subdivision application includes access-restricted lot lines in the RML Zone. As discussed below under (4)(e), the eastern property line adjacent to the Interstate 5 corridor is exempt from the masonry wall standard since there is more than a 200-foot vegetated buffer between the planned lots and the Interstate 5 highway improvements. The masonry wall standards do not apply along SW Boones Ferry Road because that portion of the site has CN zoning. Additionally, there are 60-foot open space tracts provided along the SW Norwood Street right-of-way for the purpose of tree preservation and a visual buffer. Therefore, the residential lots do not abut the SW Norwood Road right-of-way and the masonry wall standards do not apply. (Please note that fencing and landscaping is provided on the south side of the open space tracts. See the Preliminary Street Tree and Planting Plans included in Exhibit A for details.) Finally, while the future Basalt Creek Parkway will be access restricted, the right-of-way does not yet exist and will not be created with this application; therefore, the masonry wall standards do not apply along the southern SW Greenhill Road right-of-way. Therefore, the masonry wall standards are not applicable.

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- (4) Exceptions to Masonry Wall Location or Configuration. The following exceptions apply to the masonry wall location or configuration requirements:
- (a) Where the City Manager determines that vehicular access is to be provided from the arterial/collector/expressway to a parcel or lot abutting the arterial/collector/expressway, the masonry wall is not 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 Manager determines that an opening or passage through the masonry wall must be provided, the masonry wall must include such required opening. The same must be provided in masonry walls along state-owned interstate highways when required by the state or Tualatin Valley Fire & Rescue or the City Manager.

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- (c) All vision clearance requirements must be met.
 - (d) The City Manager, 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 masonry wall 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 interstate 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, a masonry wall is not required. Where the area of vegetation is less than 200 linear feet in width, the required masonry wall must 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.

Response: As best illustrated on the Aerial Photo Site Map in Exhibit A, there is an existing vegetated buffer along the Interstate 5 corridor that is over 200 linear feet in width. This vegetated buffer runs along the entire eastern property line of the subject site. Therefore, a masonry wall is not required along the eastern perimeter of the site in accordance with (4)(e) above. In addition, vision clearance requirements are met adjacent to the planned fence south of SW Norwood Road.

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CHAPTER 74 – PUBLIC IMPROVEMENT REQUIREMENTS

TDC 74.110. - Phasing of Improvements.

The applicant may build the development in phases. If the development is to be phased the applicant must submit a phasing plan to the City Manager for approval with the development application. The timing and extent or scope of public improvements and the conditions of development must be determined by the City Council on subdivision applications and by the City Manager on other development applications.

Response: As discussed above in the responses to TDC 36.130, this Subdivision application is planned in four phases. Public improvements are planned to follow this phasing plan as illustrated on the Preliminary Plans (Exhibit A). This standard is met.

TDC 74.120. - Public Improvements.

- (1) Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.

Response: This standard is understood.

- (2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is

authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.

Response: City staff have not indicated that the planned improvements along the project's public street frontages are planned to have a negative effect on fish and/or wildlife habitat. Therefore, no modification to right-of-way widths or improvements for fish and wildlife are included with this project. Please refer to the Preliminary Plans (Exhibit A) for additional information regarding right-of-way dedication and planned street improvements. This standard is met.

TDC 74.130. - Private Improvements.

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

Response: This standard is understood.

TDC 74.140. - Construction Timing.

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

Response: These standards are understood.

TDC 74.210. - Minimum Street Right-of-Way Widths.

The width of streets in feet must 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 must 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 must be shown on the final subdivision or partition plat prior to approval of the plat by the City. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.

Response: The City's TSP classifies SW Norwood Road as a Major Collector and SW Boones Ferry Road as a Major Arterial. Please see the Preliminary Street Plans in Exhibit A for details on the planned dedications and improvements along these existing rights-of-way in accordance with the applicable City standards. The future Basalt Creek Parkway is planned to run along a portion of the southern boundary of the site, as illustrated on the Preliminary Circulation Plan in Exhibit A. However, details on the design have not been determined and the portion of the future parkway abutting the site is anticipated to be constructed after 2040 (according to the Basalt Creek Concept Plan) and is not included in the City TSP. The standards are met.

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

Response: This application does not include off-site improvements that require additional right-of-way. The above standards do not apply.

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

Response: As illustrated on the Preliminary Plat and Preliminary Street Plans (in Exhibit A), the existing right-of-way widths vary in size and equal dedications on both sides of the streets are not feasible. The planned dedications and improvements allow the roadways to be built to the applicable City and County standards and are illustrated on the Preliminary Plans (Exhibit A) in accordance with the above standard. This standard is met.

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

Response: The project site is not bisected by an existing or future road with inadequate right-of-way width. Therefore, this standard does not apply.

- (6) When a proposed development is adjacent to or bisected by a street proposed in the Transportation System Plan 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 must be dedicated by the applicant. The dedication of right-of-way required in this subsection must be along the route of the road as determined by the City.

Response: The project site is not bisected by an existing or future road with inadequate right-of-way width. The layout takes the general location of the future Basalt Creek Parkway into consideration, but the final right-of-way design and location have not been determined and dedication is not required with this application. Therefore, this standard does not apply.

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TDC 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 must 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 must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or
- (3) For all other development applications, Greenway, Natural Area, bike, and pedestrian path dedications and easements must be submitted to the City Manager ; building permits must not be issued for the development prior to acceptance of the dedication or easement by the City.

Response: Easements for public pedestrian access are included in this application and will meet the applicable standards above prior to approval of the plat or acceptance by the City.

TDC 74.320. - Slope Easements.

- (1) The applicant must obtain and convey to the City any slope easements determined by the City Manager to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.
- (2) For subdivision and partition applications, the slope easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or
- (3) For all other development applications, a slope easement dedication must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.

Response: Slope easements are not included in this application. The above standards do not apply.

TDC 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 must be granted to the City.
- (2) For subdivision and partition applications, the on-site public utility easement dedication area must 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 must 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 must determine when condemnation proceedings are to be used.
- (4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.
- (5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must 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. Other easements may be required as determined by the City Manager.

Response: Utility easements are included in the application as illustrated on the Preliminary Plat and Preliminary Composite Utility Plans included in Exhibit A. Off-site public utility easements are not necessary. Public utility easements (PUEs) eight feet wide are provided along the public street frontages. The applicable requirements of the Public Works Construction Code can be met. The applicable standards are met.

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TDC 74.350. - Maintenance Easement or Lots.

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

Response: The stormwater facilities are planned to be owned and maintained by the City; however because each facility abuts public right-of-way, maintenance or access easements are not needed to access the facilities. Access to the existing City water reservoirs will be provided at the west end of "C" Street (final street names have not been determined) via Tract B. Additionally, it is anticipated that Tract H will be acquired by the City to site an additional reservoir. Access will then be available to the water reservoir site from the north and the south. The standard is met as applicable.

TDC 74.410. - Future Street Extensions.

- (1) Streets must be extended to the proposed development site boundary where necessary to do any one of the following:
 - (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 culs-de-sac except where topography, barriers such as railroads or freeways, existing development, or environmental constraints such as major streams and rivers prevent street extension; and
 - (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.

Response: As illustrated on the Preliminary Plans (Exhibit A) and in coordination with City and County staff, streets or private access points are extended to the site boundaries where connections are feasible and encouraged. One full street extension is planned to the Horizon School site just north of the existing water reservoirs. In addition, there is a private access tract (Tract L) provided off of "H" Street, ±315 feet east of SW Boones Ferry Road. This tract will be used as the primary access to the Community Partners for Affordable Housing property and secondary access for Horizon School. "M" Street extends

to SW Greenhill Lane to allow for future connectivity to the remnant piece of land that will be created when the Basalt Creek Parkway extension is constructed. Connections to the east are not planned due to the existing Interstate-5 right-of-way. The standards are met.

- (2) Proposed streets must comply with the general location, orientation and spacing identified in the Functional Classification Plan (Comprehensive Plan Map 8-1), Local Streets Plan (Comprehensive Plan Map 8-3) 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 must 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 culs-de-sac and other closed-end street systems to situations where barriers prevent full street extensions; and
 - (iv) Allowing culs-de-sac and closed-end streets to be no longer than 200 feet or with more than 25 dwelling units, except for streets stubbed to future developable areas.

Response: The planned circulation network is consistent with the Functional Classification Plan and the Local Street Plan in the Comprehensive Plan. As illustrated on the Preliminary Street Plans included in Exhibit A, the majority of full street connections are spaced no more than 530 feet apart. Barriers to providing further street connections include access restricted roads such as Interstate 5 to the east, the future Basalt Creek Parkway to the south, SW Boones Ferry Road to the west, and SW Norwood Road to the north. In addition, two interior blocks exceed 530 feet on one block frontage due to the placement of the stormwater facility in the northeast area of the site and the neighborhood park in the southcentral area of the site.

The Horizon School has recently completed a master plan which is included on the Preliminary Circulation Plan in Exhibit A. In order to maintain security and flexibility for the school, full street connections are not desired at the southeastern corner of the school site. Two tracts for bicycle and pedestrian accessways have been reserved between the two sites to allow for future non-vehicular connectivity. Pedestrian accessways are also provided to the south to create a looped trail through the open space adjacent to SW Greenhill Lane. One cul-de-sac (that does not exceed the maximum 200-foot length) is included in the application and is necessary due to the location of the existing and future water reservoirs. The applicable standards are met.

- (b) Streets proposed as part of new industrial or commercial development must comply with Comprehensive Plan Map 8-1 and Figures 74-2A through 74-2G.

Response: This application does not include streets that are part of industrial or commercial development; therefore, this standard does not apply.

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- (3) During the development application process, the location, width, and grade of streets must be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a subdivision must either:
- (a) Provide for the continuation or appropriate projection of existing streets into surrounding areas; or
 - (b) Conform to a street plan approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.

Response: Existing and planned streets, topographical conditions, public convenience and safety, and the planned residential and commercial uses were considered in the process to determine the location, width, and grade of the planned streets. The layout of the streets provides for the future continuation of circulation beyond the site and conforms to the street plans adopted by the City in the TSP. The standards are met.

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

Response: The Product Distribution Plan in Exhibit A includes the planned layout for the future development of the adjacent Horizon School and the Community Partners for Affordable Housing sites as well as the location of the future Basalt Creek Parkway right-of-way. This standard is met as applicable.

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

Response: The traffic impacts of the planned Subdivision and the necessary mitigation are discussed in the Traffic Impact Analysis provided as Exhibit H. Funding of future off-street extensions are not included in the required mitigation. This standard does not apply.

TDC 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 must be improved to standards as set out in the Public Works Construction Code.

Response: As shown on the Preliminary Plans (Exhibit A), planned improvements within the public rights-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.

- (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.

Response: This project includes improvements to the existing frontages along SW Norwood Road and SW Boones Ferry Road. These existing roadways will be brought into compliance with the Public Works Construction Code. This standard is met.

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

Response: Off-site improvements are not planned and have not been identified in the Traffic Impact Analysis or by City staff as being required for this project. This standard does not apply.

- (4) Where development abuts an existing street, the improvement required must 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 Manager 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 must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

Response: As shown on the Preliminary Plans (Exhibit A), new improvements to the existing SW Norwood Road and SW Boones Ferry Road frontages are designed with transitions to the existing paved areas. The design of the frontage improvements includes tapering as needed in accordance with the Public Works Construction Code. This standard is met.

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

Response: Additional street improvements beyond those planned for SW Norwood Road and SW Boones Ferry Road as shown on the Preliminary Plans (Exhibit A), have not been identified in the TIA, by City staff, or TDC Chapter 75. This standard does not apply.

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

Response: As shown on the Preliminary Plans (Exhibit A), planned street improvements have been designed and are planned to be constructed consistent with the applicable minimum cross sections, as shown in the City's TSP and Figures 74-2A through 74-2G of the City's TDC. The improvements include the applicable features and facilities listed in this standard. This standard is met.

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

Response: This standard is understood.

- (8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.

Response: This application involves a subdivision. Therefore, this standard does not apply.

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- (9) In addition to land adjacent to an existing or proposed street, the requirements of this section must apply to land separated from such a street only by a railroad right-of-way.

Response: This project does not include land separated from a street by a railroad right-of-way. This standard does not apply.

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

Response: As illustrated on the Preliminary Plans (Exhibit A), the planned streets are designed to be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code. This standard is met.

- (11) Existing streets which abut the proposed development site must 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).

Response: As shown on the Preliminary Plans (Exhibit A), and as discussed previously, improvements to SW Norwood Road and SW Boones Ferry Road have been designed in accordance with the City's Public Works Construction Code, the TSP, and TDC 74.425 (Street Design Standards). This standard is met.

- (12) Sidewalks with appropriate buffering must 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.

Response: As shown on the Preliminary Plans (Exhibit A), sidewalks are planned to be constructed along both sides of the internal streets and along the project's frontages on SW Norwood Road and SW Boones Ferry Road in accordance with the City's Public Works Construction Code. This standard is met.

- (13) The applicant must 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.

Response: The project site has frontage on existing roadways under City of Tualatin (SW Norwood Road), Washington County (SW Boones Ferry Road), and ODOT (Interstate 5) jurisdiction. The planned improvements have been coordinated with the City and County. Alterations and access to the ODOT right-of-way are not included in this application. This standard is met as applicable.

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

Response: This project does not include parcels excluded from development as described 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 must 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.

Response: The planned access to SW Boones Ferry Road and the associated frontage improvements have been coordinated with Washington County Land Use & Transportation and City staff and are designed in accordance with the Public Works Construction Code. This standard is met.

- (16) The City Manager 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 must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.

Response: This project does not include delayed improvements as described above. 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.

Response: As demonstrated in the Traffic Impact Analysis (Exhibit H), intersections adjacent to the site as described in TDC 74.420 above will be improved to operate at a Level of Service of D or better. This standard is met.

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

Response: This project does not include multi-family residential, commercial, or institutional uses. The transit stop along SW Boones Ferry Road is not considered a major transit stop as defined under TDC 31.060. Therefore, this standard does not apply.

TDC 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 Manager to address fish and wildlife habitat.

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

Response: As shown on the Preliminary Plans (Exhibit A), public street improvements have been designed and are planned to be constructed consistent with the preferred cross-section or greater. Reductions to the street standards are not included in the planned designs. The applicable standards are met.

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TDC 74.440. - Streets, Traffic Study Required.

- (1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:
 - (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development; and/or
 - (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.
- (2) The required traffic study must be completed prior to the approval of the development application.
- (3) The traffic study must include, at a minimum:
 - (a) An analysis of the existing situation, including the level of service on adjacent and impacted facilities.

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- (b) An analysis of any existing safety deficiencies.
 - (c) Proposed trip generation and distribution for the proposed development.
 - (d) Projected levels of service on adjacent and impacted facilities.
 - (e) Recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.
 - (f) The City Manager will determine which facilities are impacted and need to be included in the study.
 - (g) The study must be conducted by a registered engineer.
- (4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.

Response: A Traffic Impact Analysis analyzing the existing and planned transportation facilities is included as Exhibit H. The Traffic Impact Analysis includes the elements as outlined under (3) above and recommends improvements that have been incorporated into the Preliminary Plans (Exhibit A). The applicable standards are met.

TDC 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 must be provided as follows:
 - (a) Bike and pedestrian paths must be constructed and surfaced in accordance with the Public Works Construction Code.
 - (b) The applicant must install the striping and signing of the bike lanes and shared roadway facilities, where designated.

Response: Bicycle facilities are identified on the City TSP along SW Norwood Road and SW Boones Ferry Road. As illustrated on the Preliminary Street Plans in Exhibit A, frontage improvements along SW Norwood Road include a 12-foot multi-use path and a future bicycle lane; and the frontage improvements along SW Boones Ferry Road include a bicycle lane. These facilities will be constructed and designed in accordance with the applicable City standards. The standards are met.

TDC 74.460. - Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.

- (1) Accessways must 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.

Response: Accessways are planned within the project boundary as illustrated on the Preliminary Plans (Exhibit A). The accessways will be constructed by the Applicant and dedicated to the City. The standard is met.

- (2) Accessways must 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;

Response: Publicly-owned land is not located adjacent to the project site; therefore, this standard does not apply.

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

Response: SW Boones Ferry Road is designed with bike lanes and has an existing transit stop just south of SW Greenhill Lane. However, this project includes full roadway connections to SW Boones Ferry Road and to SW Greenhill Lane; therefore, accessways are not needed. This standard does not apply.

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

Response: The SW Greenhill Lane intersection with SW Boones Ferry Road will ultimately be closed when Basalt Creek Parkway is extended south of the site. Therefore, access to the adjoining undeveloped properties to the south will be provided via "M" Street. Because a full street connection is provided, accessways are not needed. This standard does not apply.

(d) Adjoining developed sites where an accessway is planned or provided.

Response: Horizon School has a master plan for future development of their site. In addition to a street stub and shared access, two tracts for future pedestrian accessways are provided from the Autumn Sunrise boundary to the school site. This standard is met.

(3) In designing residential, commercial and industrial subdivisions and partitions, the applicant is expected to design and locate accessways in a manner which does not restrict or inhibit opportunities for developers of adjacent property to connect with an accessway. The applicant is to have reasonable flexibility to locate the required accessways. When developing a parcel which adjoins parcels where accessways have been constructed or approved for construction, the applicant must connect at the same points to provide system continuity and enhance opportunities for pedestrians and bicyclists to use the completed accessway.

Response: As discussed above, two tracts for future pedestrian accessways are provided from the Autumn Sunrise boundary to the Horizon School site. Existing accessways are not stubbed to the subject site. This standard is met as applicable.

(4) Accessways must be as short as possible, but in no case more than 600 feet in length.

Response: As illustrated on the Preliminary Plans (Exhibit A), the planned accessways are approximately 100 feet long. This standard is met.

(5) Accessways must be as straight as possible to provide visibility from one end to the other.

Response: As illustrated on the Preliminary Plans (Exhibit A), the planned accessways are straight and visibility is provided from one end to the other. This standard is met.

(6) Accessways must be located and improved within a right-of-way or tract of no less than eight feet.

Response: As illustrated on the Preliminary Plans (Exhibit A), the planned accessways are located in 15-foot-wide tracts. This standard is met.

(7) Where possible, accessways must be combined with utility easements.

Response: As illustrated on the Preliminary Composite Utility Plans included in Exhibit A, utilities are provided within planned rights-of-way and easements within the planned accessways are not needed. This standard does not apply.

(8) Accessways must be constructed in accordance with the Public Works Construction Code.

Response: The planned accessways are designed and will be constructed in accordance with the Public Works Construction Code. This standard is met.

(9) Curb ramps must be provided wherever the accessway crosses a curb and must be constructed in accordance with the Public Works Construction Code.

Response: Curb ramps are provided at the intersections of the accessways and sidewalk crossings in accordance with the standards of the Public Works Construction Code. This standard is met.

(10) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Accessways must comply with the Oregon Structural Specialty Code's (OSSC) accessibility standards.

Response: The planned accessways are designed and will be constructed in accordance with the applicable ADA and OSSC accessibility standards. This standard is met.

(11) Fences and gates which prevent pedestrian and bike access must not be allowed at the entrance to or exit from any accessway.

Response: As illustrated on the Preliminary Plans (Exhibit A), fences and gates are not planned at the entrances or exits of accessways. This standard is met.

(12) Final design and location of accessways must be approved by the City.

Response: The final design and location of the accessways will be reviewed and approved by the City with the construction drawings. This standard can be met.

(13) Outdoor Recreation Access Routes must be provided between a subdivision or partition and parks, bikeways and greenways where a bike or pedestrian path is designated.

Response: An Outdoor Recreation Access Route, as defined under TDC 31.060, is a pedestrian path that provides access to a recreation trail. Designated trails are not located adjacent to the site. This standard does not apply.

TDC 74.470. - Street Lights.

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

(2) The applicant must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.

Response: Please see the Preliminary Street Lighting Plans in Exhibit A for details on the planned street light fixtures for the applicable streets. Final street lighting plans will be reviewed with the construction drawings. The standards are met as applicable.

TDC 74.475. - Street Names.

- (1) A street name must not be used which will duplicate or be confused with the names of existing streets in the Counties of Washington or Clackamas, except for extensions of existing streets. Street names and numbers must conform to the established pattern in the surrounding area.
- (2) The City Manager must maintain the approved list of street names from which the applicant may choose. Prior to the creation of any street, the street name must be approved by the City Manager.

Response: As illustrated on the Preliminary Plans (Exhibit A), placeholder names are being used. Final street names will be determined in coordination with the City Engineer prior to construction plan approval. The future street names can meet the applicable standards as described above.

TDC 74.480. - Street Signs.

- (1) Street name signs must be installed at all street intersections in accordance with standards adopted by the City.
- (2) Stop signs and other traffic control signs (speed limit, dead-end, etc.) may be required by the City.
- (3) Prior to approval of the final subdivision or partition plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street signs, traffic control signs and street name signs. The location, placement, and cost of the signs must be determined by the City.

Response: Street name signs, stop signs, and other traffic control signs are planned to be installed in accordance with City standards and the applicable fees will be paid. The standards can be met.

TDC 74.485. - Street Trees.

- (1) Prior to approval of a residential subdivision or partition final plat, the applicant must 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 must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.
- (2) In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.
- (3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.

Response: The Preliminary Street Tree and Planting Plans included in Exhibit A illustrates the planned street tree species and spacing. Appropriate funding for street trees in accordance with this section is planned to be paid by the Applicant based on the City's determination. The applicable standards are met.

TDC 74.610. - Water Service.

- (1) Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.
- (2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.
- (3) As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must 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.

Response: As shown on the Preliminary Composite Utility Plans in Exhibit A, water lines are planned to be extended throughout the public rights-of-way and individual water laterals extended to each of the planned lots. A public water line is extended to the southern boundary of the site at SW "M" Street to provide service to future development. The water system has been designed as appropriate for the applicable "Pressure Zone C" City standards. The standards are met.

TDC 74.620. - Sanitary Sewer Service.

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

Response: As shown on the Preliminary Composite Utility Plans in Exhibit A, individual sanitary sewer lines are planned to serve each property in accordance with the Public Works Construction Code. A public sanitary sewer line is extended to the southern boundary of the site at SW "M" Street to provide service to future development. The standards are met.

TDC 74.630. - Storm Drainage System.

- (1) Storm drainage lines must be installed to serve each property in accordance with City standards and Clean Water Services standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.
- (2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations and Clean Water Services standards.
- (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 must extend storm drainage lines to the common boundary line with these properties. The lines must 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 adopted Stormwater Master Plan.

Response: As illustrated on the Preliminary Composite Utility Plans in Exhibit A, storm drainage lines are planned within the rights-of-way to serve each lot. Please also see the Preliminary Stormwater Report (Exhibit I) for details on the planned storm drainage system and the applicable calculations. A public storm drainage line is extended to the southern boundary of the site at SW "M" Street to provide service to future development. The standards are met.

TDC 74.640. - Grading.

- (1) Development sites must 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 must 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 Manager may require the applicant to remove all excess material from the development site.

Response: The Preliminary Grading and ESC Plans in Exhibit A and the Preliminary Stormwater Report (Exhibit I) demonstrate that project grading will not cause stormwater runoff to be conveyed to adjoining properties nor affect existing drainage patterns of adjoining properties. The standards are met.

TDC 74.650. - Water Quality, Storm Water Detention and Erosion Control.

- (1) All Applications. The applicant must comply with the water quality, stormwater detention, and erosion control requirements in Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers) and Clean Water Services standards.
- (2) Subdivisions and Partitions. Prior to approval of the final plat, an application for subdivision and partition development must:
 - (a) Submit a stormwater facilities design with calculations to satisfy the requirements of the Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building And Sewers) and applicable Clean Water Services standards;
 - (b) Obtain a Stormwater Connection Permit from Clean Water Services; and
 - (c) Either construct a permanent on-site water quality facility and stormwater detention facility; or enter into an agreement with the City, as provided in TDC 36.320 and TMC 3-5-390, recorded against the property, to guarantee construction of a permanent on-site water quality facility and stormwater detention facility.

...

Response: Water quality, stormwater detention, and erosion control are shown on the Preliminary Plans (Exhibit A) and addressed in the Preliminary Stormwater Report (Exhibit I) in accordance with applicable City and Clean Water Services standards. Final construction plans and a Final Stormwater Report are planned to be submitted to the City for review and approval prior to site disturbance. Please also see the responses to the applicable

Tualatin Municipal Code chapters below under TMC Chapters 3 through 5. The applicable standards are met.

TDC 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 must 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 must 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.

Response: 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. The standards are 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 must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

Response: There are existing overhead utility lines along the frontage of SW Norwood Road. These overhead utilities will be undergrounded with the planned improvements, as illustrated on the Preliminary Composite Utility Plans included in Exhibit A. There are also existing overhead lines within the Greenhill Lane right-of-way. These overhead lines will not be altered with this application because improvements are not being made within the SW Greenhill Lane right-of-way. This standard is met as applicable.

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TDC 74.765. - Street Tree Species and Planting Locations.

All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.

Table 74-1 Street Tree Species					
Species Common Names	Planting Strip Width (feet)			Power line compatible	Spacing on center (feet)
	4	5	6+		
Amur Maackia	•	•	•	•	30
Amur Maple	•	•	•	•	30
Armstrong Maple	•	•	•		30
Autumn Applause Ash		•	•		30
Black Tupelo	•	•	•		30
Capital Flowering Pear	•	•	•		30
Cascara	•	•	•	•	30
Crimson King Maple		•	•		30
Crimson Sentry Maple	•	•	•	•	30

Table 74-1 Street Tree Species					
Eastern Redbud	•	•	•		30
European Hornbeam	•	•	•	•	30
Frontier Elm			•		60
Ginko		•	•		30
Globe Sugar Maple			•		60
Golden Desert Ash	•	•	•	•	30
Goldenrain	•	•	•		30
Greenspire Linden		•	•		30
Ivory Japanese Lilac	•	•	•	•	30
Leprechaun Ash	•	•	•		30
Persain Parrotia	•	•	•		30
Purple Beech	•	•	•		30
Raywood Ash		•	•	•	30
Katsura	•	•	•		30
Red Oak			•		60
Red Sunset Maple			•		60
Scanlon/Bowhall Maple	•	•	•		30
Scarlet Oak			•		60
Shademaster Honey Locust		•	•		30
Skyrocket English Oak	•	•	•		30
Japanese snowbell	•	•	•	•	30
Sourwood	•	•	•	•	30
Tall Stewartia	•	•	•	•	30
Chinese Fringetree	•	•	•	•	30
Tri-Color Beech			•		60
Trident Maple	•	•	•	•	30
Urbanite Ash		•	•		30
Yellowwood	•	•	•		30
Zelkova Musashino	•	•	•		30

Response: As illustrated on the Preliminary Street Tree and Planting Plans in Exhibit A, the planned street trees are listed on the above table and will be planted in accordance with City standards. This standard is met.

CHAPTER 75 – ACCESS MANAGEMENT

...

TDC 75.040. - Driveway Approach Requirements.

- (1) The provision and maintenance of driveway approaches 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. No building or other permit may be issued until scale plans are presented that show how the driveway approach 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 driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

Response: Driveway approaches are provided to each residential lot, as illustrated on the Preliminary Street Plans of Exhibit A. Final driveway approach design will be included in subsequent construction drawing in accordance with City standards. This standard is met.

- (2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach 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 must be placed on permanent file with the City Recorder.

Response: The attached townhomes are planned to have shared driveways and approaches. The maintenance and use of the shared driveways will be addressed in the Covenants, Conditions & Restrictions (CC&Rs) of the townhome units. The CC&Rs will be recorded with the final plat in accordance with City and County requirements. This standard is met.

(3) Joint and Cross Access.

- (a) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.
- (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 ten 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; and
 - (iv) An 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; and
 - (iv) If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection (i) through (iii) above prior to any changes.

Response: The attached townhomes are planned to have shared driveways and approaches. The maintenance and use of the shared driveways will be addressed in the CC&Rs of the townhome units. The CC&Rs will be recorded with the final plat in accordance with City and County requirements. The applicable standards are met.

(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 must be reviewed as one unit in relation to the access standards. The number of access points permitted must 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 must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must 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.

Response: As illustrated on the Preliminary Plans (Exhibit A), the planned access and circulation system is designed for the entire site. The standards are met as applicable.

- (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 Manager.

Response: As illustrated on the Preliminary Plans (Exhibit A), all interior streets are classified as Local streets. Therefore, a "lower classification" does not apply to lots that are located on more than one street. This standard does not apply.

- (6) Except as provided in TDC 53.100, all driveway approach must connect directly with public streets.

Response: As illustrated on the Preliminary Plans (Exhibit A), residential driveway approaches are planned to connect directly with public streets. This standard is met.

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

Response: As illustrated on the Preliminary Plans (Exhibit A), public sidewalks constructed to applicable City standards are planned on all street frontages within the project area. This standard is met.

- (8) The standards set forth in this Code are minimum standards for driveway approaches, 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.

Response: Subsequent Architectural Review applications will be submitted for the attached and detached single-family homes. This standard is understood.

- (9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):

TABLE 75-1 Driveway Approach Width		
Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Single-Family Residential, townhouses, and duplexes	10 feet	26 feet for one or two care garages 37 feet for three or more garages
Multi-family	2 Units = 16 feet 3-49 Units = 24 feet 50-499 = 32 feet Over 500 = as required by the City Manager	May provide two 16 foot one-way driveways instead of one 24-foot driveway May provide two 24-foot one-way driveways instead of one 32-foot driveway
Commercial	1-99 Parking Spaces = 32 feet 100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Industrial	36 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Institutional	1-99 Parking Spaces = 32 feet 100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet

Response: As illustrated on the Preliminary Street Plans included in Exhibit A, each detached single-family lot is planned to have a ±20-foot-wide driveway approach. The attached townhome lots are planned to have shared ±37-foot-wide driveway approaches. The applicable standards are met.

- (10) *Driveway Approach Separation.* There must 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 Manager.

Response: This application does not include lots with more than one driveway. This standard does not apply.

- (11) *Distance between Driveways and Intersections.* Except for single-family dwellings, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.

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Response: The planned project is for single-family dwellings; therefore, the standards in this subsection do not apply.

- (12) *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 must 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 ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

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- (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 must 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 must be ten 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 must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

Response: The applicable vision clearance areas described above are noted on the Preliminary Street Plans of Exhibit A and the vertical height restriction is understood. The standards are met.

TDC 75.050. - Access Limited Roadways.

- (1) This section applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City pertaining to property abutting any road or street listed in TDC 75.050(2). In addition, any property not abutted by a road or street listed in subsection (2), but having access to an arterial by any easement or prescriptive right, must be treated as if the property did abut the arterial and this Chapter applies.
- (2) The following Freeways and Arterials are access limited roadways:
 - (a) Interstate 5 Freeway;
 - (b) Interstate 205 Freeway;
 - (c) Pacific Highway 99W;
 - (d) Tualatin-Sherwood Road at all points located within the City of Tualatin Planning Area;
 - (e) Nyberg Street, from its intersection with Tualatin-Sherwood Road east to 65th Avenue, including the I-5 Interchange;
 - (f) 124th Avenue from Pacific Highway 99W south to Tonquin to Basalt Creek Parkway;
 - (g) Lower Boones Ferry Road, from Boones Ferry Road to the Bridgeport/72nd intersection and from the Bridgeport/72nd intersection to the east City limits;
 - (h) Boones Ferry Road at all points located within the City of Tualatin Planning Area;
 - (i) 65th Avenue from its intersection with Nyberg Street south to City limits;
 - (j) Borland Road from 65th Avenue east to Saum Creek;
 - (k) Bridgeport Road from Lower Boones Ferry Road to the west City limits;
 - (l) Martinazzi Avenue from Boones Ferry Road south to Sagert Street;
 - (m) Sagert Street from Martinazzi Avenue to 65th Avenue;
 - (n) Leveton Drive from 108th Avenue to 124th Avenue;
 - (o) 108th Avenue from Leveton Drive to Herman Road;
 - (p) Herman Road from Teton Avenue to 124th Avenue;

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- (q) 90th Avenue;
 - (r) Avery Street;
 - (s) Teton Avenue;
 - (t) Basalt Creek Parkway.

If the Council finds that any other road or street is in need of access control for any reason, it may direct that the street or road be added to this section through a Plan Text Amendment.

Response: This application includes a subdivision that abuts the Interstate 5 Freeway, SW Boones Ferry Road, and the future Basalt Creek Parkway extension, which are all listed above. Therefore, this section applies.

- (3) This Chapter takes precedence over any other TDC chapter and over any other ordinance of the City when considering any development, land use approval or other proposal for property abutting an arterial or any property having an access right to an arterial.
- (4) The City may act on its own initiative to protect the public safety and control access on arterials or any street to be included by TDC 75.030, consistent with its authority as the City Road Authority.

Response: The above standards are understood.

TDC 75.060. - Interim Access Agreement.

- (1) When a property abuts a freeway or arterial and a future street shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), or abuts or bisects the property, the City Manager may approve an interim access on the arterial through an agreement with the property owner if:
 - (1) The City Manager finds that at the current time the construction of the new street shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), is impractical due to costs of right-of-way acquisition.

Response: The access to SW Boones Ferry Road is planned to be constructed at the time of the adjacent site improvements. Therefore, an Interim Access Agreement is not needed and this section does not apply.

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TDC 75.070. - Existing Driveways and Street Intersections.

- (1) Existing driveways with access onto arterials on the date this chapter was originally adopted are allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials then this Chapter applies and the entire site must be made to conform with the requirements of this chapter.
- (2) The City Manager may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.

Response: The existing residential driveway onto SW Boones Ferry Road, an Arterial, is planned to be removed and the planned site improvements will conform to the requirements of this chapter. The standards are met as applicable.

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TDC 75.100. - Spacing Standards for New Intersections.

Except as shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), all new intersections with arterials must have a minimum spacing of one-half mile between intersections.

Response: The Washington County minimum spacing standard along SW Boones Ferry Road is 600 feet and the planned spacing from the new intersection to the future Basalt Creek Parkway intersection is ±800 feet. Therefore, the County arterial intersection spacing is met.

TDC 75.110. - Joint Access Standards.

When the City Manager determines that joint accesses are required by properties undergoing development or redevelopment, an overall access plan shall be prescribed by the City Manager and all properties shall adhere to this. Interim accesses may be allowed in accordance with TDC 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

Response: Access to the new lots is provided off of the new local street network and joint access is not planned. The standards do not apply.

TDC 75.120. - Collector Streets Access Standards.

- (1) *Major Collectors.* Direct access from newly constructed single family homes, duplexes or triplexes are not 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.
- (2) *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.
- (3) If access is not able to be relocated to the nearest local street, the City Manager may allow interim access in accordance with 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

Response: SW Norwood Road is classified as a Major Collector. Direct access to the residential lots is planned off of the new local street network. The above standards are met as applicable.

TDC 75.130. - New Streets Access Standards.

- (1) New streets designed to serve as alternatives to direct, parcel by parcel, access onto arterials are shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3). These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process. Unless modified by the City Council by the procedure set out below, these streets will be the only new intersections with arterials in the City. See map for changes.
- (2) Specific alignment of a new street may be altered by the City Manager upon finding that the street, in the proposed alignment, will carry out the objectives of this chapter to the same, or a greater degree as the described alignment, that access to adjacent and nearby properties is as adequately maintained and that the revised alignment will result in a segment of the Tualatin road system which is reasonable and logical.
- (3) The City Council may include additional streets in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), through the plan amendment procedure. In addition to other required findings, the City Council must find that the addition is necessary to implement the objectives of this chapter.

Response: TDC Chapter 11 has been removed from the Development Code and replaced by a separate Comprehensive Plan document. Map 8-3 of the Comprehensive Plan provides a local street plan for the subject site area. A clip of Map 8-3: Local Street Plan is provided here:



A note on Map 8-3 states, "future roadway alignments are approximate and subject to additional engineering and design." The planned circulation plan substantially implements this conceptual local street plan, providing one street connection to SW Boones Ferry Road and two connections to SW Norwood Street. See the Preliminary Plans (Exhibit A) for details. The standards are met, as applicable.

TDC 75.140. - Existing Streets Access Standards.

The following list describes in detail the freeways and arterials as defined in TDC 75.050 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.

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(8) *BOONES FERRY ROAD.*

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Response: While SW Boones Ferry Road is listed in this section, no details are provided for access south of SW Norwood Road along the frontage of the subject site. Therefore, the standards in this section do not apply.

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City of Tualatin Municipal Code

TITLE 3 – UTILITIES AND WATER

CHAPTER 3-02 – SEWER REGULATIONS; RATES

TMC 3-2-020 Application, Permit and Inspection Procedure.

- (1) No person shall connect to any part of the sanitary sewer system without first making an application and securing a permit from the City for such connection, nor may any person substantially increase the flow, or alter the character of sewage, without first obtaining an additional permit and paying such charges therefore as may be fixed by the City, including such charges as inspection charges, connection charges and monthly service charges.
- (2) Upon approval of the application and payment of all charges, the City will issue a sewer connection permit for the premises covered in the application. The application and permit shall be on forms provided by the City.
- (3) After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the City. The applicant's signature on an application for any permit as set forth shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other City of Tualatin ordinances, rules and regulations, laws of the State of Oregon, and with the plans and specifications filed with the application, if any, together with such corrections or modifications as may be made or permitted by the City, if any. Such agreement shall be binding upon the applicant and may be altered only by the City upon the written request for the alteration from the applicant.
- (4) It shall be the duty of the person doing the work authorized by permit to notify the City that said work is ready for inspection.
- (5) All sewer construction work shall be inspected by an inspector acting for the City to insure compliance with all requirements of the City. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the City's public sewer until the work covered by the permit has been completed, inspected, and approved by the inspector. All sewers shall be tested for leakage in the presence of the inspector and shall be cleaned of all debris accumulated from construction operations.
- (6) When any work has been inspected and the test results are not satisfactory, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the City.
- (7) All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the work.

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.
- (2) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Inspector, to meet all requirements of the City.

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- (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.
 - (4) The City and its officers, agents or employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for and shall save the City and its officers, agents and employees harmless from any liability imposed by law upon the City or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same.

Response: Separate sanitary sewer services are planned to each lot within the subdivision. See the Preliminary Composite Utility Plans in Exhibit A for details. Compliance with the applicable City standards will be demonstrated at the time of building and construction permit applications. The applicable standards are met.

CHAPTER 3-03 – WATER SERVICE

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) For nonresidential uses, separate meters shall be provided for each structure. Separate meters shall also be provided to each buildable lot or parcel on which water service is or will be provided.

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.

TMC 3-3-120 Backflow Prevention Devices and Cross Connections.

- (1) Except where this ordinance provides more stringent requirements, the definitions, standards, requirements and regulations set forth in the Oregon Administrative Rules pertaining to public water supply systems and specifically OAR 333 Division 61 in effect on the date this ordinance becomes effective are hereby adopted and incorporated by reference.
- (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:
 - (a) Those circumstances identified in regulations adopted under subsection (1) of this section;
 - (b) Where there is a fire protection service, an irrigation service or a nonresidential service connection which is two inches or larger in size;
 - (c) Where the potable water supply provided inside a structure is 32 feet or more, higher than the elevation of the water main at the point of service connection;

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- (3) All double check detector assemblies used for system containment on fire protection services shall be approved by the Oregon State Health Division. The meter register on all double check detector assemblies shall be indicated in cubic feet measurement.
 - (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.
 - (5) Any installation, corrective measure, disconnection or other change to a backflow prevention device shall be performed at the sole expense of the owner of the property. All costs or expenses for any correction or modification to the City's system caused by or resulting from a cross connection shall be the responsibility of the owner and/or the user of the cross connection.
 - (6) Any backflow prevention device which is installed on property for the protection of the City water supply shall be tested at the time of installation and immediately after the device is moved or relocated. The property owner shall forward the results of such testing to the Operations Director within ten days of the date of installation or relocation.

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.

Response: Separate water services are planned to each lot within the subdivision. See the Preliminary Composite Utility Plans in Exhibit A for details. Compliance with the applicable City standards, including backflow prevention devices and cross-connections, will be demonstrated at the time of building and construction permit applications. The applicable standards are met.

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CHAPTER 3-05 – SOIL EROSION, SURFACE WATER MANAGEMENT, WATER QUALITY FACILITIES, AND BUILDING AND SEWERS

EROSION CONTROL

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.

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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. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.
- (2) No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required. No public agency or body shall undertake any public works project without first obtaining from the City an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.
- (3) No Erosion Control Permit from City is required for the following:
 - (a) For work of a minor nature provided all the following criteria are met:
 - (A) The development does not require a development permit or approval from the City;
 - (B) No development activity or disturbance of land surface occurs within 100 feet of a sensitive area defined in TMC 3-5.270;
 - (C) The slope of the site is less than 20 percent;
 - (D) The work on the site involves the disturbance of less than 500 square feet of land surface; and
 - (E) The excavation, fill or combination thereof involves less than 20 cubic yards of material.
 - (b) Permits and approvals of land division, interior improvements to an existing structure, and other activities for which there is no physical disturbance to the surface of the land.
 - (c) A permit shall not be required for activities within the City which constitute accepted farming practices as defined in ORS 215.203, provided any erosion does not cause sedimentation in waters of the Tualatin River basin.
- (4) An exception from the permit requirement shall not relieve the property or its owner from the prohibition of TMC 3-5.040.

Response: The Applicant will obtain the necessary City erosion control permit approvals prior to site improvements. The standards are met as applicable.

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.

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- (2) *Site Plan.* A site specific plan, prepared 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.

Response: The above erosion control permit requirements can be submitted as applicable. The applicable standards can be met.

ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS

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:

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

Response: The project includes new stormwater management facilities to treat and detain stormwater to meet CWS and City of Tualatin standards. (See the Preliminary Stormwater Report in Exhibit I for details.) The applicable standards are met.

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 ten 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: Two-, five-, ten-, 25-year;

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

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

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

The purpose of the City Engineer's review is to protect the City and its inhabitants from the impacts or damage caused by runoff from development while recognizing all appropriate limitations on exactions from the development.

Response: The Preliminary Stormwater Report included as Exhibit I includes a review of the existing storm drainage system and includes a downstream analysis with the above information as applicable. Please see the Preliminary Stormwater Report for details.

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

Response: As described in the Preliminary Stormwater Report (Exhibit I), new facilities are planned to detain stormwater to meet CWS standards. Although downstream deficiencies are not anticipated, detention is required to meet hydromodification standards and is therefore provided. Furthermore, the construction of the detention facilities will match or reduce the predevelopment flows and will have no adverse impacts on the downstream system. The criteria are met as applicable.

TMC 3-5-230 On-Site Detention Design Criteria.

- (1) Unless designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity onsite detention facilities shall be designed to capture run-off so the run-off rates from the site after development do not exceed predevelopment conditions, based upon a 25-year, 24-hour return storm.
- (2) When designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed predevelopment rates for the two through 100 year storms, as required by the determined downstream deficiency.
- (3) Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or subbasin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

TMC 3-5-240 On-Site Detention Design Method.

- (1) The procedure for determining the detention quantities is set forth in Section 4.4 Retention/Detention Facility Analysis and Design, King County, Washington, Surface Water Design Manual, January, 1990, except subchapters 4.4.5 Tanks, 4.4.6 Vaults and Figure 4.4.4G Permanent Surface Water Control Pond Sign. This reference shall be used for procedure only. The design criteria shall be as noted herein. Engineers desiring to utilize a procedure other than that set forth herein shall obtain City approval prior to submitting calculations utilizing the proposed procedure.
- (2) For single family and duplex residential subdivisions, stormwater quantity detention facilities shall be sized for the impervious areas to be created by the subdivision, including all residences on individual lots at a rate of 2,640 square feet of impervious surface area per dwelling unit, plus all roads which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Such facilities shall be constructed as a part of the subdivision public improvements. Construction of a single family or duplex residence on an existing lot of record is not required to construct stormwater quantity detention facilities.
- (3) All developments other than single family and duplex, whether residential, multi-family, commercial, industrial, or other uses, the sizing of stormwater quantity detention facilities shall be based on the impervious area to be created by the development, including structures and all roads and impervious areas which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Impervious surfaces shall be determined based upon building permits, construction plans, site visits or other appropriate methods deemed reliable by City.

Response: As described in the Preliminary Stormwater Report (Exhibit I), the new stormwater facilities are designed to detain stormwater to meet CWS hydromodification standards and City of Tualatin standards. The standards are met as applicable.

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PERMANENT ON-SITE WATER QUALITY FACILITIES

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.

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.

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.

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.

TMC 3-5-320 Definitions.

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.

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.

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.

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.

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

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.

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.

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.

Response: As described in the Preliminary Stormwater Report (Exhibit I), the planned stormwater facilities will mitigate the increase in run-off and provide water quality controls for the planned site improvements. The applicable approvals can be obtained from the City and the above criteria are met.

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.

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.

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.

Response: As described in the Preliminary Stormwater Report (Exhibit I), the planned stormwater facilities are designed to treat stormwater to meet CWS and City of Tualatin standards. The above standards are met as applicable.

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.

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.

Response: As described in the Preliminary Stormwater Report (Exhibit I), the planned stormwater improvements will meet the applicable CWS and City of Tualatin standards. The above standards are met as applicable.

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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.

Response: As described in the Preliminary Stormwater Report (Exhibit I) and on the Preliminary Plans (Exhibit A), the planned stormwater improvements are adequately sized for the planned subdivision improvements and future construction of single-family homes. The standard is met.

TMC 3-5-430 Placement of Water Quality Facilities.

No water quality facilities shall be constructed within the defined area of existing or created wetlands unless a mitigation action is approved by the City, and is constructed to replace the area used for water quality.

Response: As illustrated on the site plans included in the CWS Service Provider Letter (Exhibit F), an existing wetland adjacent to SW Boones Ferry Road is planned to be removed with the planned roadway and stormwater facility improvements. The CWS Service Provider Letter outlines the planned encroachment areas and the mitigation required. The standard is met.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and Tualatin Municipal Code. The evidence in the record is substantial and supports approval of the application.