



PARTITION DECISION
23370 SW BOONES FERRY ROAD PARTITION (PAR 22-0002)
 March 29, 2023

Case #:	PAR 22-0002
Project:	23370 SW Boones Ferry Road Partition
Location:	23370 SW Boones Ferry Road; Tax ID: 2S135D000106
Applicant’s Consultant:	Melissa Slotemaker, AICP, AKS Engineering & Forestry, LLC
Applicant:	Vista Residential Partners
Owner:	Horizon Community Church

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Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503.691.3026 and allow as much lead time as possible.

I. INTRODUCTION

A. Applicable Criteria

The following Chapters of the Tualatin Municipal Code (TMC) and the Tualatin Development Code (TDC) are applicable to the subject proposal:

- TDC 32: Procedures
- TDC 36: Subdividing, Partitions, and Property Line Adjustments
- TDC 49: Institutional Zone (IN)
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

B. Site Description

The site at 23370 SW Boones Ferry Road is a ±38-acre lot which is zoned Institutional (IN). The property takes access from existing access points on SW Boones Ferry Road and SW Norwood Road. No additional access is proposed. The Horizon Community Church is located on the site with improved sports fields, parking areas, buildings and access driveways. There are several open and unimproved areas throughout the site. An approximately 60-foot buffer of evergreen trees is located adjacent to SW Norwood Road. Stormwater ponds are adjacent to the access driveway from SW Boones Ferry.

C. Proposed Project

AKS Engineering & Forestry, LLC, on behalf of Vista Residential Partners and Horizon Community Church, proposes a partition application to divide the existing ±38-acre lot into two parcels and a tract. The existing site, 23370 SW Boones Ferry Road (TL: 2S135D000106), would result in a ±29-acre parcel, a ±8.2-acre parcel, and a ±0.39 acre tract. No additional access, development, or construction is considered or authorized as part of this application.

D. Previous Land Use Actions

- AR 12-03 – Expired, Approval in May of 2012
- AR 15-0020 – Expired, Approval in September of 2019

E. Surrounding Uses

Surrounding uses include:

North: Medium Low Density Residential (RML)

- Norwood Heights Subdivision
- Pennington Heights Subdivision
- SW Norwood Road

South: Medium Low Density Residential (RML)/Neighborhood Commercial (CN)

- Autumn Sunrise Subdivision

West: High Density Residential (RH)/Unincorporated Lots with County FD-20 Zoning

- Plambeck Gardens Apartments
- Low Density Residential Properties zoned County FD-20
- SW Boones Ferry Road

East: Medium Low Density Residential (RML)/Institutional (IN)

- Autumn Sunrise Subdivision
- City-owned water tanks

F. Exhibit List

- A: Application Materials
 - A1. Applicant Narrative
 - A2. Preliminary Plans
 - A3. Supporting Documents
 - A4. Neighborhood Developer Meeting
- B: Notice of Application
 - B1. Noticing Materials
 - B2. Public Comments
- C: Washington County Conditions
- D: Clean Water Services Conditions
- E: Engineering Memorandum

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, PAR 22-0023 is **approved** subject to the following conditions:

GENERAL:

- A1. The Tentative Partition Plan approval expires two years after the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).

PRIOR TO APPROVAL OF THE FINAL PLAT

Submit to the Planning Division via [eTrakit](#) for review and approval:

- A2. The applicant must submit a Final Partition Plat in accordance with applicable sections of Tualatin Development Code (TDC) Chapter 36:
- a. Indication of the ownership and location of private easements and tracts, and the ownership and location of private improvements within public rights-of-ways and easements on the plat in compliance with TDC 36.310(2).
 - b. A plan sheet showing the location of existing structures and appurtenances to be removed per TDC 36.340.

Submit to the Engineering Division via [eTrakit](#) for review and approval

- A3. The applicant must bond for construction or record an Improvement Agreement including a promise by the owner to complete the required stormwater system improvements, as described in this condition, within 24 months of final plat approval in accordance with TDC 36.320. The City Engineer may allow modification to construction to meet requirements of future Architectural Reviews. Construction will require the applicant to:
- a. Submit Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
 - i. Reroute existing impervious area stormwater runoff flowing through existing stormwater lines and facilities crossing proposed lots to meet current codes with the partitioned lot configuration:
 1. From all impervious areas on a lot to only stormwater facility(ies) and lines on the same lot; and,
 2. With direct release from each lot to the public stormwater system; and,
 3. With the private stormwater line from Parcel 2 crossing Parcel 1 a maximum of 100 feet in length within a private easement; and,
 4. Obtain any Clean Water Services revisions to the existing Service Provider Letter.
 - ii. Provide a downstream analysis, including but not limited to erosion, and include solutions within final plans for ¼ mile downstream from the release from the private development through the public stormwater system, in accordance with TMC 3-5-210(4); and,
 - iii. Accommodate up to a 25-year storm event within the City of Tualatin's public stormwater system with a maximum capacity of 82% for Tualatin's lines in accordance with TDC 74.640, CWS D&CS 5.05.2.d, and the City Engineer; and,

- iv. Address runoff from all new and modified private and public impervious areas; and,
- v. Prove gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise approved by the City Engineer, in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4); and,
- vi. Discharge to an approved public system; and,
- vii. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2; and,
- viii. Prove any proposed infiltration rates in accordance with CWS D&CS 4.08.03; and,
- ix. Detain as required for conveyance with the City of Tualatin's stormwater system, TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08; and,
- x. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for ½ the 2-year storm event and the 5-year and 10-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and,
- xi. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 - 1. The submitted Clean Water Services' Service Provider Letter CWS File Number dated November 1, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter, and,
 - 2. Requirements stated within the Clean Water Services' Memorandum dated February 9, 2023; and,
- b. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1; and,
- c. A copy of the recorded private stormwater maintenance agreements in accordance with TMD 3-5-390(4). The agreements must assure each lot's owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, and treatment.
- d. Submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that:
 - i. Minimize the impact of stormwater from the development to adjacent properties; and,
- e. If needed, are sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if disturbance is between 1 and 5 acres. Obtain:
 - i. A Washington County Right-of-Way Permit; and,
 - ii. If needed, a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality, and,
 - iii. Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

- A4. The applicant must submit a Final Partition Plat in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. Dedication of half-street right-of-way from monumented centerline for:
 - i. SW Boones Ferry Road a minimum of 45 feet with any additional as approved by the City Engineer; and,
 - ii. SW Norwood Road a total of 37 feet; and,
 - b. An 8-foot-wide public utility easement adjacent to final dedicated right-of-way of SW Boones Ferry Road and SW Norwood Road. Modification to the width may be approved by the City Engineer to enable tree or wetland preservation; and,
 - c. A private stormwater easement a maximum of 100 feet in length for a private stormwater line from Parcel 2 crossing Parcel 1 to SW Boones Ferry Road right-of-way.

III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

(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.

[...]

(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.

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
Land Divisions						
Partitions (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).						

Finding:

The proposed Partition application is subject to the Type II Procedure Type according to Table 32-1. It has been processed according to the applicable code for Type II procedures. Any future development or construction will be reviewed under a separate Architectural Review application. This standard is met.

[...]

Section 32.030 – Time to Process Applications.

(1) Time Limit - 120-day Rule. The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)

[...]

Finding:

The application was deemed complete on December 22, 2022. The 120th day will be April 21, 2023. The final action on this application must take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.

Section 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 to 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 (6) months of the pre-application conference;

(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.

Finding:

A Pre-Application meeting is mandatory. The applicant participated in a Pre-Application meeting on July 13, 2022, and submitted their application approximately four months later on November 16, 2022. These standards are met.

Section 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.

(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.

Finding:

The applicant has provided evidence that a Neighborhood/Developer meeting was held on October 25, 2022. The applicant has provided documentation of sign posting and notification in compliance with this section in Exhibit A4. These standards are met.

Section 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.**

[...]

Finding:

The applicant has provided a title report within Exhibit A3 showing Horizon Community Church to be the current owner of the subject site. The application has been signed by an authorized representative of Horizon Community Church. This standard is met.

Section 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;**
 - (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;
- (2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

The applicant submitted an application for PAR 22-0002 on November 16, 2022. The application was deemed complete on December 22, 2022. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

- (1) When Signs Posted. Signs in conformance with these standards must be posted as follows:
- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
 - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:
- (a) Waterproof sign materials;
 - (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and
 - (c) Sign text must be at least two (2) inch font.
- (3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.
- (4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:
- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
 - (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

The applicant provided certification within Exhibit A3 that signs were placed on site in accordance with this section. These standards are met.

Section 32.160 – Completeness Review.

- (1) Duration.** Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.
- (2) Considerations.** Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.
- (3) Complete Applications.** If an application is determined to be complete, review of the application will commence.
- (4) Incomplete Applications.** If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:
 - (a) All of the missing information;
 - (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (c) Written notice from the applicant that none of the missing information will be provided.
- (5) Vesting.** If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.
- (6) Void Applications.** An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.
[...]

Finding:

The applicant submitted an application for PAR 22-0002 on November 16, 2022. The application was then deemed complete on December 22, 2022. These standards are met.

Section 32.220 – Type II Procedure (Administrative Review with Notice).

Type II decisions are made by the City Manager with public notice and an opportunity for review and comment. The local appeal body for each application type is specified in Table 32-1. Type II decisions include limited land use decisions under ORS 197.195.

- (1) Submittal Requirements.** Type II applications must include the submittal information required by TDC 32.140(1).
- (2) Determination of Completeness.** After receiving an application for filing, the City Manager will review the application for completeness in accordance with TDC 32.160.
- (3) Written Notice of Application and Opportunity to Comment.** Once the application has been deemed complete, the City must mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days before making the Type II decision to allow interested people and agencies the opportunity to submit written comments on the application before the City issues the decision.
 - (a) Recipients:

- (i) The applicant and the owners of the subject property;**
 - (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
 - (iii) 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;**
 - (iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
 - (v) Any person who submits a written request to receive a notice;**
 - (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and**
 - (vii) Utility companies (as applicable).**
- (b) The mailed notice of pending Type II Decision, at a minimum, must contain all of the following information:**
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
 - (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
 - (iii) The proposed site plan;**
 - (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
 - (v) The type of application and a concise description of the nature of the land use action;**
 - (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
 - (vii) Brief summary of the local decision making process for the land use decision being made;**
 - (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**
 - (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;**
 - (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;**
 - (xi) A statement that comments received after the close of the public comment period will not be considered;**
 - (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**
 - (xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.**

(c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.

(4) Decision. At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:

(a) Explains the criteria and standards considered relevant to the decision;

(b) States the facts relied upon in issuing the decision; and

(c) Explains the justification for the decision based on the criteria, standards and facts set forth.

Finding:

After submittal and completeness review as required by this section, notice for the Type II application for PAR 22-0002 was mailed by city staff on January 9, 2023 and contained the information required by this section, as attached in Exhibit B1. Public comments have been received and included in Exhibit B2. These standards are met.

(5) Notice of Type II Decision. Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:

(a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;

(c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;

(d) The date the decision becomes final, unless an appeal is submitted; and

(e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.

(6) Appeal of a Type II Decision. Appeals may be made in accordance with TDC 32.310.

(7) Effective Date of Type II Decision. A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

Finding:

A final decision and any appeal will follow the requirements of this section. These standards will be met.

Chapter 36: Subdividing, Partitions, and Property Line Adjustments

[...]

Section 36.040 - Applications and Submittal Requirements

[...]

(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;**
- (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.**

Finding:

The applicant submitted an application for PAR 22-0002 on November 16, 2022. The application was deemed complete on December 22, 2022. The additional application and submittal requirements were included with this application. These standards are met.

[...]

Section 36.110 Tentative Partition Plan

- (1) **Applicability.** Tentative Partition Plan approval is required before land can be divided into three or fewer parcels within a calendar year. When the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in TDC 36.120 (Tentative Subdivision Plan) apply and any improvements resulting from the application of those standards to the proposed partition must be constructed.

Finding:

The submitted Partition application materials propose dividing one lot into two parcels. These standards are met.

- (2) **Procedure Type.** A Tentative Partition Plan is processed as a Type II procedure under TDC 32.220.
- (3) **Submittal Requirements.**
 - (a) Prior to submitting an application for a Tentative Partition 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 Tentative Partition Plan must include the information required in TDC 36.040(2)(Additional Submittal Requirements).

Finding:

The proposed Partition application is subject to the Type II Procedure Type according to Table 32-1. The application has been processed according to the applicable code for Type II procedures. The applicant participated in a Pre-Application meeting on July 13, 2022, and submitted their application approximately four months later on November 16, 2022. The applicant has provided evidence that a Neighborhood/Developer meeting was held on October 25, 2022. The applicant has provided the additional submittal requirements under TDC 36.040(2). These standards are met.

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

Finding:

Lot standards and city infrastructure standards are met by the applicant's narrative and provided exhibits found in Exhibit A1, A2 and A3 and are further addressed in TDC Chapters 49, 74, and 75. These standards are met.

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

Finding:

The Partition plan creates lots that meet the applicable development standards for the Institutional (IN) zone and therefore does not impede future uses or development of the site. Any future development or construction will be reviewed under a separate Architectural Review application. This standard is met.

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

Finding:

The applicant's Existing Conditions Plan in Exhibit A2 demonstrate the following existing infrastructure is available to serve the parcels:

- *An 8-inch water line in SW Norwood Road;*
- *A sanitary sewer line in SW Norwood Road;*
- *Stormwater ponds and storm drainage lines located at the center and western portion of the site.*

In addition, the following added infrastructure will be provided at the time of future development:

- *Connection to the existing 8-inch water line; and*
- *Extension of the sanitary sewer line in SW Boones Ferry Road north of the SW Norwood Road intersection to be extended to the northwest corner of the site.*

As demonstrated in this narrative, shown with the attached exhibits, illustrated on the Existing Conditions Plans of Exhibit A2 and furthered addressed in responses to Chapters 74 and 75 below, the new parcels can be served by the existing and proposed public infrastructure. This standard is met.

(d) The street system in and adjacent to the Tentative Partition Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and Tualatin Transportation System Plan.

Finding:

The site is adjacent to SW Boones Ferry Road and SW Norwood Road. The Tualatin Transportation System Plan (TSP) classifies SW Norwood Road as a Major Collector and SW Boones Ferry Road as a Major Arterial, both of which are under the jurisdiction of Washington County Land Use & Transportation (LUT). Washington County has submitted a letter with recommended conditions of approval that include dedication of right-of-way sufficient to conform to these requirements. Because no new development is proposed at this time, need for frontage or other physical improvements is not addressed and would be addressed through future Architectural Review application(s). The below responses to Chapters 74 and 75 further address the service of the existing street system adjacent to the subject site. This standard is met.

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

Finding:

No development is proposed and as such changes to the existing circulation system are not included in this Partition application. The existing public streets adjacent to the site provide circulation in a safe, orderly, and efficient way and can serve the parcels prior to future development. Any future development or construction will be reviewed under a separate Architectural Review application. This standard is met.

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

Finding:

As demonstrated in this narrative and shown with the attached exhibits and illustrated on the Existing Conditions Plans of Exhibit A2 the subject site is relatively flat and the existing trees will not be impacted by the proposed partition. No variances are proposed or required as a result of this partition application. This standard is met.

- (g) The layout, size, and dimensions of the parcels within the Tentative Partition Plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.**

Finding:

The partition plan proposes to create two parcels that would result in a 30-acre parcel and an 8.2-acre parcel and meet the relevant standards for the Institutional (IN) Zone. These standards are further addressed under the findings for Chapter 49. The topography and vegetation of the site would allow for reasonable future development of the parcels. Any future development or construction will be reviewed under a separate Architectural Review application. This standard is met.

- (5) *Effective Date.* The effective date of a Tentative Partition Plan approval is the date the notice of decision is mailed.**
- (6) *Permit Expiration.* Tentative Partition Plan approval expire in two years of the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).**

Finding:

A final decision will follow the requirements of this section. The standards are met.

[...]

Section 36.160 Final Plat

- (1) *Applicability.* Final plat approval is required before a final plat of a partition, subdivision, phased subdivision, and manufactured dwelling park subdivision is recorded.**
- (2) *Procedure.* Final plats are exempt from the procedures TDC 32.220 (Type II Procedure), and instead follow the procedures set forth in this section. Final plats must be reviewed by the City prior to recording with county.**

[...]

Findings:

Final plats are exempt from the procedures of TDC 32.220 (Type II Procedure). The final plat will follow the procedures outlined in TDC 36.160 before recording. This standard is met.

[...]

Section 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.**

Finding:

The Partition application includes the dedication of applicable public rights-of-way. The applicant's narrative states a 10-foot-wide dedication is required along ± 85 feet of the westernmost portion of the SW Norwood Road frontage. And a variable width of ± 20 feet of right-of-way is dedicated along a portion of the SW Boones Ferry Road frontage of the site.

Washington County provided comments that include the dedication of an additional 20 feet of right-of-way from the centerline of SW Boones Ferry Road. The total right-of-way cannot be less than 45 feet from the centerline. Washington County also stated the need for the dedication of additional right-of-way to meet 37 feet from the centerline (monumented) of SW Norwood Road. These comments are included in Exhibit C.

Future public improvements will be required at the time of future development with any future Architectural Review applications against applicable code standards. These Standards will be further addressed in the findings for Chapter 74 below.

Copies of the property deeds are included in the application materials in Exhibit A3 and indicate the property intended to be dedicated is free of liens, encumbrances, claims, and encroachments. With Condition of Approval A4, the standards 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.**
- (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.**

Finding:

The final plat of a partition 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. With Condition of Approval A2, these standards are met.

[...]

Section 36.330 Issuance of Building Permits

- (1) Except as provided in subsection (2) of this section, the City must not issue a building permit or permits to connect to City utility services for lots within a subdivision or partition plat until the City Manager has determined that the corresponding public improvements are substantially complete to assure that the health and safety of the citizens will not be endangered from inadequate public facilities.**
- (2) Subject to submittal and approval of, and compliance with, the subdivision plan, as well as sufficient security to assure completion of the public portions of the subdivision, the applicant or individual lot owners within the subdivision may receive a building permit or utility service for not more than 50 percent of the platted lots within the subdivision prior to:**
 - (a) The completion of all required public improvements in accordance with the Public Works Construction Code; and**
 - (b) The acceptance of the public improvements by resolution of the City Council.**
- (3) The City must not issue building permits or utility service approval for any lot which together with previously approved lots would exceed 50 percent of the platted lots within the subdivision until:**
 - (a) All required public improvements have been completed in accordance with the Public Works Construction Code; and**
 - (b) The public improvements have been accepted by resolution of the City Council.**
- (4) City approval for use of a public improvement prior to the final approval and acceptance by the City of the subdivision plat does not constitute a release or waiver of any security which has been filed to assure compliance with the subdivision plan approval or any related agreements.**
- (5) For a subdivision or partition in commercial, institutional, or manufacturing zones (planning districts) or multi-family residential developments which require Architectural Review approval, the City Manager may authorize building permits to be issued prior to the public improvements being substantially complete provided the following conditions are satisfied:**
 - (a) A Public Works Permit for the public improvements has been issued;**
 - (b) An Architectural Review for the development has been approved;**
 - (c) The subdivision or partition plat is recorded;**
 - (d) All easements and dedications required of any development approval have been recorded; and**
 - (e) Building permits are conditioned to deny occupancy until the public improvements in the subdivision are complete and are accepted by resolution of the City Council.**

Finding:

Any future development or construction will be reviewed under a separate Architectural Review application. These standards will be met.

Section 36.340 Existing Structures and Appurtenances

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

Finding:

No existing structures are proposed to be demolished in this Partition application. There are no historic City landmark structures on the site. With Condition of Approval A2, these standards are met.

Section 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.**

Finding:

The Partition application does not include double frontage or reversed frontage lots. These standards are not applicable.

- (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.**

Finding:

The subject property is not a residential property and is zoned Institutional (IN). As such, future development of the parcels will be required to address street connectivity at the time of Architectural Review application. These criteria are not applicable.

- (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.**

Finding:

The proposed new side lot line is oriented at a right angle to SW Norwood Road. 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.

Finding:

The size and dimensions of the planned parcels are appropriate for the existing church and school uses and meet the requirements of the Institutional (IN) Zone. See the responses to the standards in Chapter 49 below. Any future development or construction will be reviewed under a separate Architectural Review application. 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.

[...]

Finding:

The proposed parcels abut public streets and the provided exceptions do not apply. These standards are met.

[...]

Chapter 49: Institutional Zone (IN) Zone

[...]

Section 49.200 Use Categories

- (1) **Use Categories.** Table 49-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the IN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 49-1 and restrictions identified in TDC 49.210. 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 TDC31.070.

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

**Table 49-1
 Use Categories in the IN Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	P (L)	Permitted uses limited to places of religious worship.
Schools	P	—

Finding:

The project area is within the Institutional (IN) Planning District. The existing assembly facility, Horizon Community Church and school, Horizon Christian School are permitted uses in the Institutional Zone. Any future development or construction will be reviewed under an Architectural Review application. New uses on the parcels will be required to comply with the applicable zoning district at the time of Architectural Review. These standards are met.

Section 49.300– Development Standards.

Development standards in the IN zone are listed in Table 49-2. Additional standards may apply to some uses and situations, see TDC49.310.

**Table 49-2
 Development Standards in the IN Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	1.5 acres	
MINIMUM LOT WIDTH		
Minimum Average Lot Width	100 feet	When lot has frontage on public street, minimum lot width is 40 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front	25 feet	
Side	0— 25 feet	As determined through the Architectural Review process
Rear	25 feet	
Parking and Vehicle Circulation Areas	5 feet	
	10 feet	
	30 feet	

Fences	5 feet from public right-of-way	
Conditional Uses	—	As determined through Conditional Use Permit and Architectural Review process. No minimum setback must be greater than 50 feet.
MAXIMUM STRUCTURE HEIGHT		
All Uses	50 feet	

Finding:

The proposed parcels, illustrated in the Preliminary Plans in Exhibit A2, both exceed 1.5 acres and the 100 foot minimum average lot width. No improvements to the site are proposed or approved by approval of the Partition application. These standards are met.

Chapter 74: Public Improvement Requirements

[...]

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.

Finding:

All public improvements will be installed by the applicant at their expense after approval of plans and issued Erosion Control, Water Quality, and Public Works Permits. With recommended Conditions of Approval A3, 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.

Finding:

All private improvements will be installed by the applicant at their expense. With Conditions of Approval A3, this standard is met.

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.

Finding:

All public and private improvements proposed and modified by conditions of approval will be completed and accepted by the City prior to issuance of a Certificate of Completion and/or Building Permits. With Conditions of Approval A3, this standard is met.

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.

Finding:

The proposal is adjacent to SW Boones Ferry Road and SW Norwood Road. Washington County maintains jurisdiction of both streets. Washington County submitted a letter with conditions of approval to include half-street dedications. The applicant will dedicate right-of way on the final plat.

With Conditions of Approval A4, this standard is met.

[...]

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

[...]

(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.

Finding:

The applicant will dedicate public utility easements on the final plat 8-feet-wide adjacent to the final dedicated right-of-way of SW Boones Ferry Road and SW Norwood Road. With Conditions of Approval A4, this standard is 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.

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

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

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

[...]

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

Finding:

Final Stormwater System Calculations and Plans will demonstrate that each lot separately conveys stormwater runoff with direct access by gravity to public stormwater systems. Adequate treatment and detention, hydromodification, infiltration, and downstream capacity will be in accordance with City of Tualatin and Clean Water Services standards. Parcel 2 may cross Parcel 1 to the public lines within SW Boones Ferry Road for a maximum of 100 feet within a private easement. The applicant will obtain a Right-Of-Way Permit from Washington County for surface reconstruction for the private stormwater lateral connection to the public stormwater system within SW Boones Ferry Road.

Final Erosion Control Plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet. In addition if between 1 and 5 acres of disturbance, these plans must be sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality or a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres.

A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d). With recommended Conditions of Approval A3 and A4 these standards are met.

[...]

Chapter 75: Access Management

[...]

TDC 75.040. - Driveway Approach Requirements.

(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.

(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.

[...]

Finding:

The proposed property line will separate existing parking areas, drive aisles, and driveway approaches. The property line would allow Parcel 1 to retain access to both SW Boones Ferry Road and SW Norwood Road, but Parcel 2 will be restricted to SW Norwood Road. The applicant will reflect their desired private access easements for interconnectivity through the development and access to public streets on the final plat. With Conditions of Approval A4, these standards are met.

IV. APPEAL

The Partition portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 before 5:00 p.m., April 12, 2023. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Partition decision are reviewed by City Council as specified in TDCTable 32-1.

Submitted by:



Madeleine Nelson
Assistant Planner