

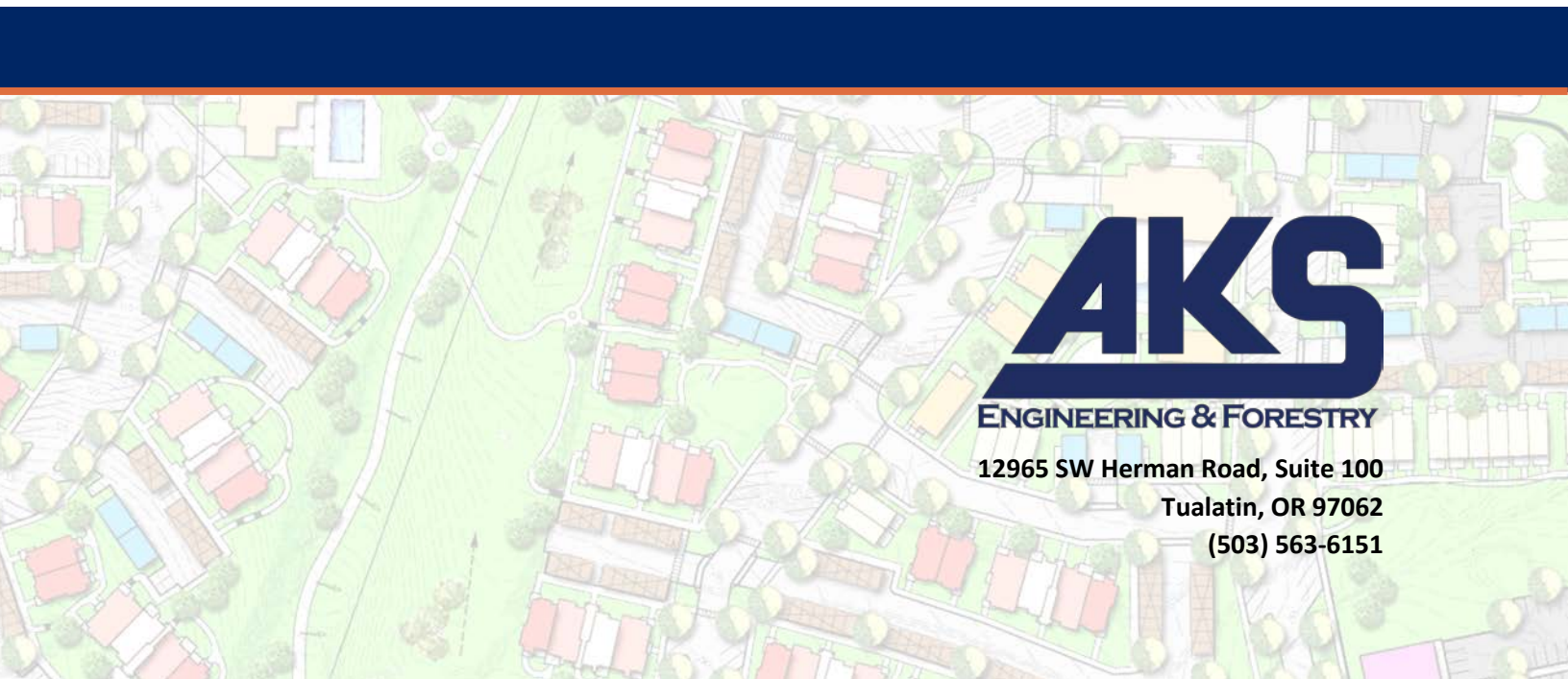
SW Norwood Road Partition Application

Date: November 2022 (Updated December 2022)

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

Applicant: Vista Residential Partners
25 NW 23rd Place, Suite 6 #414
Portland, OR 97210

AKS Job Number: 8723



AKS
ENGINEERING & FORESTRY

12965 SW Herman Road, Suite 100

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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:** Sign Posting Information (Added December 2022)
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Submitted to:	City of Tualatin – Planning Division 18800 SW Martinazzi Avenue Tualatin, OR 97062
Applicant:	Vista Residential Partners 25 NW 23 rd Place, Suite 6 #414 Portland, OR 97210
Property Owner:	Horizon Community Church 23370 SW Boones Ferry Road Tualatin, OR 97062
Applicant’s Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062
	Contact: Melissa Slotemaker, AICP Email: slotemakerm@aks-eng.com Phone: (503) 563-6151
Site Location:	23370 SW Boones Ferry Road
Washington County Assessor’s Map:	2S135D, Tax Lot 106
Site Size:	±38 acres
Land Use Districts:	Institutional (IN)



I. Executive Summary

Vista Residential Partners (Applicant) is submitting this Partition application for the Horizon Community Church and Christian School site. The Partition application is the first of several applications needed to create a new parcel for future multifamily residential dwellings within the Basalt Creek Planning Area of the City of Tualatin. The following is an outline of the anticipated applications.

Associated Land Use Applications

Partition

The existing Horizon Community Church and Christian School campus is located on a ±38-acre lot (Tax Lot 106 of Washington County Assessor's Map 2S135D). This Partition application is to divide the existing lot into two parcels, resulting in a ±30-acre parcel for the school and church campus (Parcel 1) and an ±8.2-acre parcel planned for future multifamily housing (Parcel 2).

Annexation

Tax Lot 108 is an adjacent ±1.0-acre lot. An Annexation application to the City of Tualatin for Tax Lot 108 has been submitted concurrent with this Partition application to the City. This annexed lot is planned to be combined with the ±8.2-acre parcel (Parcel 2) to create a ±9.2-acre site for future multifamily housing.

Map and Text Amendment

In conjunction with the Partition and Annexation applications, a Plan Map Amendment will be submitted to the City that will apply the High-Density High Rise (RH-HR) zoning district to the new ±9.2-acre site on SW Norwood Road (this ±9.2-acre site combines Parcel 2 of the subject Partition Application and adjacent Tax Lot 108, as described above). Currently, the RH-HR zoning district is defined as a specific area within the City's Central Urban Renewal Area. A Text Amendment to the Tualatin Development Code (TDC) will also be submitted that modifies the TDC's RH-HR language to allow the zoning district to be applied elsewhere in the City.

Lot Consolidation

After Annexation and Partition approval, a Lot Consolidation application will be submitted to combine the ±1.0-acre annexed site with the ±8.2-acre parcel (Parcel 2) from the partition. This ±9.2-acre site is the same area planned for the Map/Text Amendment and will be the subject of the future Architectural Review (AR) application.

Architectural Review

The future use of the ±9.2-acre site is anticipated to be multifamily housing. Planned improvements will require review and approval through the Architectural Review process with the Architectural Review Board acting as the decision-making body.

Improvements are not associated with this Partition application and therefore most of the City standards that are typically associated with a partition do not apply at this time. The future Architectural Review application will provide the City the opportunity to require the necessary improvements to the site and adjoining rights-of-way.

This application includes the City application forms, written materials, and preliminary plans necessary for City staff 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 comprised of one, ±38-acre tax lot located south of SW Norwood Road and east of SW Boones Ferry Road. Please refer to the Vicinity Map on the first page of the Preliminary Plans (Exhibit A) for the location of the site. The Horizon Community Church and School is located on the site and is improved with 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 Road. Adjacent uses include the following:

- North: SW Norwood Road and Norwood Heights residential subdivision, zoned Medium Low Density Residential (RML). Tax Lot 108 is surrounded by the subject site adjacent to SW Norwood Road.
- East: Autumn Sunrise residential subdivision zoned RML. City-owned water tanks zoned Institutional (IN).
- South: Autumn Sunrise residential subdivision zoned RML and Neighborhood Commercial (CN).
- West: Multifamily residential development under construction zoned High Density Residential (RH) as well as unincorporated lots with County FD-20 zoning located adjacent to the site on the east side of SW Boones Ferry Road. Unincorporated low-density residential properties on the west side of SW Boones Ferry Road zoned CountyFD-20.

III. Applicable Review Criteria

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).
 - (a) **Type I Procedure (Ministerial Staff Review).** A Type I procedure is used in applying City standards and criteria that do not require the use of discretion, interpretation, or the exercise of policy or legal judgment (i.e., clear and objective standards). Type I decisions are made by the City Manager without public notice and without a public hearing. Appeals of Type I decisions are to Circuit Court under writ of review.
 - (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.

- (d) Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing). Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

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- (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
Annexations • Quasi-judicial	TDC 32.260	CC	LUBA	Yes	Yes	TDC 33.010
Architectural Review • Multifamily Housing Projects 100 units and above (or any number of units abutting a single family district)	III	ARB	CC	Yes	Yes	TDC 33.020
Land Divisions • Property line adjustment (PLA) • Partitions (limited land use)	I II	CM CM	Circuit Court CC	No Yes	No Yes	TDC Ch 36 TDC Ch 36
Map or Text Amendments for a specific property	IV-A	CC	LUBA	Yes	Yes	TDC 33.070
* 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 Partition application is subject to a Type II procedure and the City Manager is the decision-making body. As discussed above in the Executive Summary, Annexation and Map/Text Amendment applications are being submitted concurrent with this Partition application and will be processed separately. Planned future improvements are anticipated to be reviewed with separate Architectural Review applications.

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;
- (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: This Partition application and concurrent Annexation and Map/Text Amendment applications will need to be approved prior to submittal of future Architectural Review applications. The review procedure is understood.

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.

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- (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;
 - (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 July 13, 2022, to discuss the Annexation, Partition, and Map/Text Amendment applications. The pre-application conference followed the above procedures and is valid for six months (until January 13, 2023). 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.
- (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 October 25, 2022. The meeting was held for the Annexation, Partition, and Map/Text Amendment applications. 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 lot being created with the partition and has been authorized by the current owner. 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:

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- (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;

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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 applicable City-recognized Citizen Involvement Organizations (CIOs). The neighborhood/developer meeting documentation is provided in Exhibit E. The above submittal requirements are met.

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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;

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- (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.

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

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TDC 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.
- (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).

Response: As discussed above, a pre-application conference and neighborhood/developer meeting have been held and this Partition application includes the submittal requirements for a Type II application and Tentative Partition Plan as outlined in TDC 36.040(2). The submittal requirements have been 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.**

Response: As discussed below under the responses to Chapters 49, 74, and 75, the applicable lot standards and City infrastructure standards are met. Other special development standards do not apply to this Partition application. The applicable criteria are met.

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

Response: The partitioning of the site takes the future uses and development of the site into consideration and will facilitate future improvements. Future Architectural Review application will address specific site development. This criterion is met.

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

Response: As illustrated on the Existing Conditions Plans of Exhibit A and further addressed in the responses to Chapters 74 and 75 below, the new parcels can be served by the existing public utilities and public streets. Future improvements to the site will be addressed in future Architectural Review applications. This criterion 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.**

Response: The responses to Chapters 74 and 75 below address how the existing street system adjacent to the subject site adequately serves the new parcels. Future improvements of the site will be addressed with future Architectural Review applications and will ensure that applicable City requirements will continue to be met. This criterion 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.**

Response: Changes to the existing circulation system are not included with 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 further development. Future

improvements will be addressed in future Architectural Review applications. This criterion 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.

Response: The site is relatively flat and the existing trees will not be impacted by the subject partition. Variances are not associated with this application and are not anticipated to be needed with future land use applications. This criterion 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.

Response: The Partition application creates two large parcels that will allow flexibility for future development to respond to and work around the existing topography and vegetation in a reasonable way. This criterion is met.

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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 Partition application includes the dedication of applicable public rights-of-way. An approximately 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. Future public improvements will be required at the time of site improvements, will be reviewed and approved with future Architectural Review applications, and will 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 as applicable.

- (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 partition plat. This criterion is met as applicable.

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- (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 partition plat approval. Dedication of public rights-of-way will be completed through the final partition plat process. This criterion is understood.

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TDC 36.400. - Lot Dimensions.

- (1) Double Frontage and Reverse Frontage.

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Response: This application does not include double frontage or reversed frontage lots as described above. This subsection does 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 standard requires a future streets plan when further division of a lot or parcel is anticipated. This Partition application divides the existing ±38-acre lot into two lots of ±8.2 acres and ±30 acres in area. Future development plans for the ±30-acre site include improvements to the existing church and school uses and additional partitioning or subdividing are not planned. The smaller ±8.2-acre parcel is planned to be part of a future multifamily development and further division of the parcel will not be needed. A conceptual plan for the multifamily site was discussed at the neighborhood/developer meeting and is included in Exhibit E to demonstrate what is planned. 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: The 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.

Response: 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) zoning district. See the responses to the standards in Chapter 49 below. Additionally, and as previously discussed, a concurrent Map/Text Amendment application to zone Parcel 2 RH-HR has been submitted. Parcel 2 also meets the area and dimensional standards for the RH-HR zoning district as described in Chapter 44. 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.

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CHAPTER 49 – INSTITUTIONAL ZONE (IN)

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TDC 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 TDC 31.070.
- (2) Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Excerpt of 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	-

Response: The existing church and school are permitted uses and are not planned to change with this Partition application.

TDC 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 TDC 49.310.

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	-	Limited to the primary condominium lot.
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	

Response: As illustrated on the Preliminary Plans (Exhibit A), the minimum lot size and width standards are met. No improvements to the site are planned and the minimum setbacks

and maximum structure height for the existing improvements continue to be met. The applicable standards are met.

...

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CHAPTER 74 – PUBLIC IMPROVEMENT REQUIREMENTS

Response: Alterations to the subject site are not proposed with this Partition application and therefore public improvements are not required at this time. Street widening and utility improvements will be required with the future site improvements and will be reviewed with future Architectural Review applications. However, this application includes dedications to the existing adjacent rights-of-way, SW Norwood Road and SW Boones Ferry Road. Additionally, demonstration that the lots created through the partition can be served by the public utilities is also required. Therefore, the applicable public improvement requirements are addressed below.

...

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 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). City staff have indicated that the required rights-of-way widths are ±30 feet from centerline along SW Norwood Road and ±45 feet from centerline along SW Boones Ferry Road. Therefore, the westernmost ±85 feet of the site's SW Norwood frontage (west of Tax Lot 108) require an additional ±10 feet of right-of-way, and a portion of the site's SW Boones Ferry Road frontage require an additional ±20 feet of right-of-way. Please see the Preliminary Partition Plat in Exhibit A for details as well as the response to TDC 36.310 above. This standard is met.

...

- (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: This application includes right-of-way dedications on one side of the SW Norwood Road and SW Boones Ferry Road centerlines. The right-of-way widths will allow the roadways to be built to the applicable City and County standards. The standards are met as applicable.

- (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. Therefore, this standard does not apply.

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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 Existing Conditions Plans in Exhibit A, an 8-inch water line is located within the SW Norwood Road right-of-way that serves the existing church and school. Future improvements to the partitioned site will also connect to the SW Norwood Road water line. Future water system improvements will be designed to 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 Existing Conditions Plans in Exhibit A, a sanitary sewer line in SW Norwood Road at the northeast corner of the site currently serves the church and school site and future improvements to the church and school can continue to be served by this connection. The sanitary sewer line in SW Boones Ferry Road north of the SW Norwood Road intersection will be required to be extended to the northwest corner of the site at the time of future improvements to Parcel 2. Future sanitary sewer improvements will meet the requirements of the Public Works Construction Code. The standards are met as applicable.

TDC 74.630. - Storm Drainage System.

- (1) Storm drainage lines must be installed to serve each property in accordance with City 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.
- (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 Tualatin Drainage Plan in TDC Chapter 14.

Response: As illustrated on the Existing Conditions Plans in Exhibit A, stormwater ponds and storm drainage lines are located at the center and western portion of the site. Alterations to the existing stormwater system are not planned with this Partition application. Future improvements to the two partitioned parcels will address the stormwater improvements and will be designed and constructed to current City and CWS standards. Stormwater

calculations and a stormwater report will be provided at that time. The standards are met as applicable.

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: As there are no site improvements associated with this Partition application, no grading is planned, and the above standards do not apply.

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; or
- (2) On all other development applications, prior to issuance of any building permit, 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 met 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.

Response: This Partition application does not include alterations to the subject site. Future modifications to the existing water quality and stormwater detention facilities will be reviewed and approved through the land use process prior to any on-site improvements. Erosion control plans will be submitted in accordance with the above City standards. The above standards do not apply at this time.

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CHAPTER 75 – ACCESS MANAGEMENT

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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 about the arterial and this Chapter applies.

- (2) The following Freeways and Arterials are access limited roadways:

...

- (h) Boones Ferry Road at all points located within the City of Tualatin Planning Area;

...

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 Partition that abuts SW Boones Ferry Road; 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 75.070. - 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: Changes to the existing driveway onto SW Boones Ferry Road, an Arterial, are not planned with this Partition application. Future modifications to the driveway will be addressed in future Architectural Review applications. The standards are met as applicable.

...

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: Changes to the existing driveways onto SW Norwood Road, a Major Collector, are not planned with this Partition application. Future modifications to the driveways will be addressed with future Architectural Review applications. 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.

...

(8) *BOONES FERRY ROAD.*

...

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.

...

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. The evidence in the record is substantial and supports approval of the application.