



**ARCHITECTURAL REVIEW DECISION
 AUTUMN SUNRISE SUBDIVISION TOWNHOMES (AR 23-0009)**

September 27, 2023

Case #: AR 23-0009
 Project: Autumn Sunrise Townhomes
 Location: Current Street Addresses: 23620 & 23740 SW Boones Ferry Road; 9185, 9335, & 9415 SW Greenhill Lane; 23120, 23130, 23140, 23150, 23160, 23170, 23180, 23190, 23200, 23210, 23220, 23230, 23240, 23250, 23260, 23270, 23300, 23310, 23320, 23330, 23340 and 23350 SW Vermillion Drive; 8865 and 8875 SW Mohegan Lane; Tax Map/Lot: Tax Map 2S135D, Tax Lots 400, 401, 500, 600, 800 and 900 and Tax Map 2S135DA, Tax Lots 100, 1700, 1800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000, 10100, 10200, 10300, 10400, 10500, 10600, 10700, 10800, 10900 and 11000
 Applicant: AKS Engineering and Forestry, Melissa Slotemaker, AICP
 Owner: Lennar Northwest, Inc.

TABLE OF CONTENTS

- I. INTRODUCTION 3
 - A. Applicable Criteria 3
 - B. Site Description..... 3
 - C. Proposed Project 4
 - D. Previous Land Use Actions..... 4
 - E. Surrounding Zones and Uses 4
 - F. Exhibit List..... 5
- II. CONDITIONS OF APPROVAL 6
- III. FINDINGS..... 8
 - Chapter 32: Procedures 8
 - Chapter 33: Applications and Approval Criteria 16
 - Chapter 36: Subdivision, Partitions and Property Line Adjustments..... 18
 - Chapter 41: Medium Low Density Residential Zone (RML) 19
 - Chapter 73A: Site Design 22
 - Chapter 73B: Landscaping Standards 25
 - Chapter 73C: Parking Standards 29

Chapter 74: Public Improvement Requirements 31
IV. APPEAL 32

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 Tualatin Development Code (TDC) in effect on April 5, 2021 is applicable due to the Autumn Sunrise Subdivision (SB21-0001/CUP21-0001) application being submitted on July 1, 2021. Autumn Sunrise was approved on December 2, 2021. ORS 92.040 (2) states only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of the original application shall govern subsequent land use decisions for construction on the property unless the applicant elects otherwise.

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 33.020: Architectural Review
- TDC 36: Subdivision, Partitions and Property Line Adjustments
- TDC 41: Medium Low Density Residential (RML) Zone
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 74: Public Improvement Requirements

B. Site Description

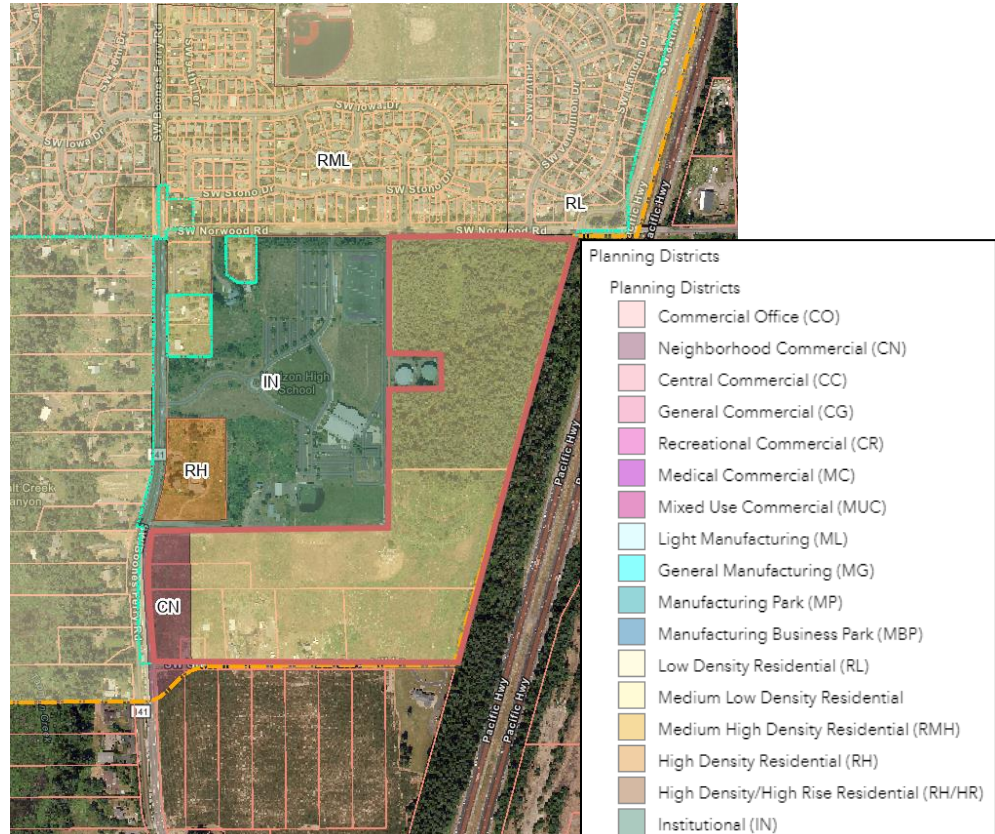


Figure 1 Aerial view of site with zoning (TualGIS)

The site is located south of SW Norwood Road, east of SW Boones Ferry Road, north of SW Greenhill Lane and west of the I-5 Expressway. In total, there is approximately 62 acres of property that encompasses the Autumn Sunrise Subdivision. Most of the property, 58 acres, is zoned Medium-Low Density Residential (RML). There is an approximate 3.9-acre portion of the site adjacent to SW Boones Ferry Road that is zoned Neighborhood Commercial (CN). Currently, only the Phase I Final Plat has been recorded. The applicant is working towards getting the last three phases recorded.

C. Proposed Project

The applicant AKS Engineering and Forestry, on behalf of the property owners Lennar Northwest, Inc., is requesting approval to construct 82 common wall townhomes containing two dwelling units each. Each home will be located on its own 3,000-5,000 square feet with the property line bisecting the two units. The subdivision is planned for four Phases with townhomes being located in the first three phases of the subdivision. There are no townhomes proposed for the fourth and final phase. Phase One will consist of 24 common wall dwelling units, Phase Two 14 common wall dwelling units and Phase Three 44 common wall dwelling units.

D. Previous Land Use Actions

- ANN 19-0002 – The City of Tualatin annexed Tax Lots 400, 401, 500, 501, 600, 800, and 900 of Washington County Assessor's Map 2S 1 35D into the City. These lots comprise the southern ±38 acres of the subject site adjacent to SW Boones Ferry Road and SW Greenhill Lane.
- ANN 20-0003 - The City of Tualatin annexed Tax Lot 100 of Washington County Assessor's Map 2S 1 35D, the northern ±25 acres of the subject site adjacent to SW Norwood Road.
- PTA 20-0003 - This Development Code Text Amendment approved modified development standards—smaller lot sizes, reduced setbacks, and increased structural lot coverage—for development of detached single-family dwellings in a "Small Lot Subdivision" under a Conditional Use Permit in the Basalt Creek Area. It also included requirements to build at least 20 percent of the units in a proposed development as attached single-family (Common Wall Townhomes) and a minimum of 5 percent of the gross site area as open space for the provision of recreational area and/or tree preservation. The maximum density of 10 units per acre remained unchanged.
- PMA 20-0002 and PTA 20-0005 - This application adjusted the combined Comprehensive Plan and Zoning Map to shift the CN zoning district boundary on the subject site. The CN zoning district remains ±3.9 acres in area but is now an elongated rectangle fronting on SW Boones Ferry Road. The RML zoning district is now located further from SW Boones Ferry Road. This approval also included a text amendment to remove a provision that prohibited the CN zoning district within 300 feet of a school property and added the "basic utility" use category to the list of permitted uses within the CN zone.
- SB21-0001/CUP21-0001 – The Conditional Use Permit approved the construction of detached single-family homes in the RML zone, and a Subdivision for 400 single-family attached and detached lots and two commercial lots. Improvements to the commercial lots will be addressed in future land use applications requiring Architectural Review(s).

E. Surrounding Zones and Uses

Surrounding zoning and land uses include:

- North: Medium Low Density Residential (RML), Institutional (I) and High-Density Residential (RH)
- Residential
 - Institutional
- South: Agricultural and Low-Density Residential (FD-20) within Washington County

- Vacant
- Residential

West: Institution (I), High-Density Residential (RH) and Agricultural and Low-Density Residential (FD-20) within Washington County

- Institutional
- Vacant
- Residential

East: Light Manufacturing (ML)

- I-5 Expressway

F. Exhibit List

A: Application Materials

A1. Applicant Narrative

A2. Plan Set and Elevations

A3. Stormwater Report

A4. Supporting Documents

B: Public Noticing

C: Clean Water Services Memorandum

D: Public Comments

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 23-0009 is **approved** subject to the following conditions and conditions:

GENERAL:

- A1. This Architectural Review approval for Phase I expires two years after the effective date of this decision. Approval for Phase II shall expire after four years from the effective date of this decision. Approval for Phase III shall expire six years from the effective date of this decision. For each Phase the applicant must demonstrate development progress prior to expiration of each of the first three phases. In order for approvals for each of the first three Phases to remain valid a building, or grading permit must be submitted in conjunction with a building permit application, said permit must have been issued, substantial construction pursuant thereto has taken place, and an inspection performed by a member of the Building Division, or an extension is granted under the terms of Section 33.020(10). Extensions must be requested prior to the expiration of an approval for a given Phase.

PRIOR TO APPLICABLE EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE:

- A2. The applicant must apply for improvements stated within SB21-0001, Autumn Sunrise Subdivision conditions of approval and modified within issued Engineering Division Erosion Control, Public Works, and Water Quality Permits and Washington County permits in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) for each associated phase of the subdivision:
- a. Adjacent to the townhomes; and
 - b. Associated supporting infrastructure required for the subdivision.

PRIOR TO BUILDING PERMIT ISSUANCE:

- A3. For each associated phase of the subdivision the applicant must
- a. Obtain applicable Engineering Division Erosion Control, Public Works, and Water Quality Permits and Washington County permits in accordance with TDC 74.120; and,
 - b. Complete applicable improvements stated within SB21-0001, Autumn Sunrise Subdivision conditions of approval and modified within issued Engineering Division Erosion Control, Public Works, and Water Quality Permits and Washington County permits and be accepted by the City Engineer for the applicable infrastructure of in accordance with TDC 36.330 and 74.140; and,
 - c. Submit applicable paper and electronic as-builts of the Engineering permits along with maintenance bonds; and,
 - d. Submit a copy of the recorded plat in accordance with TDC 36.330.
- A4. Each residential lot the applicant must obtain an Erosion Control Permit 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 minimize the impact of stormwater from the development to adjacent properties.
- A5. Fencing for lots 91 and 92 must include City Engineer approved gates enabling access for City maintenance within the public stormwater easement to the public stormwater outfall.

Submit the following to the Planning Division (Keith Leonard 503.691.3029 or kleonard@tualatin.gov) for review and approval prior to Building Permit issuance unless stated otherwise:

- A6. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. The applicant must provide site plans that clearly illustrate compliance with minimum setbacks. A minimum front yard setback of 20 feet to garages, 15 feet minimum front yard setback to front porches, minimum side yard setback 5 feet (10 feet between buildings) and a minimum rear yard setback of 12 feet are required.
 - c. Each dwelling unit shall be accessed from a driveway approach meeting applicable TDC requirements and provide a minimum of 2 parking spaces, in addition to garages per TDC 73C.100.
 - d. The applicant shall provide a final landscape plan for each unit that illustrates mechanical and/or electrical equipment will be fully screened in compliance with TD 73A.200 (11).
 - e. Demonstrate all areas impacted by grading and not occupied by buildings, driveways or undisturbed natural areas are landscaped and meet all dimensional requirements pursuant to TDC 73B.080 (1).
 - f. The applicant shall protect the trees noted as being protected in the arborist report/plan set for CUP21-0001/SB21-0001 and in compliance with TDC 73B.080 (3).
 - g. Demonstrates all areas impacted by grading will be revegetated pursuant to TDC 73B.080 (4) and in compliance with the land use decision and conditions of approval associated with CUP21-0001/SB21-0001.
 - h. All areas impacted by construction must be revegetated in compliance with TDC 73B.080 (6).
- A7. Any architectural features projections permitted under TDC 41.310 into easements must not occur below 20 feet from grade.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A8. The applicant must construct all proposed site improvements and buildings as illustrated on the approved Final Site Plan Set prior to issuance of a Certificate of Occupancy.

THE FOLLOWING ITEMS APPLY TO THE SITE IN AN ON-GOING MANNER:

- A9. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 73-2.
- A10. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) Modifications to Previously Approved Final Architectural Review Decisions.
- A11. All conditions of approval of CUP21-0001/SB21-001 shall continue to apply to the site unless expressly modified by these conditions of approval.

III. FINDINGS

Findings reference the April 5, 2021 version of the Tualatin Development Code (TDC), 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
Architectural Review						
Architectural Review (except as specified below) (limited land use)	II	CM	CC	Yes	Yes	TDC 33.020
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Finding:

The Architectural Review application proposes the construction of common wall attached townhomes and thus is classified as "General Development" under TDC 33.020(3)(c) and therefore 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. 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.)

[...]

(3) Time Periods. "Days" means calendar days unless otherwise specified. In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or City recognized legal holiday.

Finding:

The application was deemed complete on August 3, 2023. The 120th day will be December 1, 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 discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

(2) When Mandatory. Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.

(3) Timing of Pre-Application Conference. A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

(4) Application Requirements for Pre-Application Conference.

(a) Application Form. Pre-application conference requests must be made on forms provided by the City Manager.

(b) Submittal Requirements. Pre-application conference requests must include:

(i) A completed application form;

(ii) Payment of the application fee;

(iii) The information required, if any, for the specific pre-application conference sought; and

(iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.

(5) Scheduling of Pre-Application Conference. Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

(6) Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences. A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:

- (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;**
- (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 May 24, 2023. The application was submitted approximately two months after the pre-application meeting on July 20, 2023. 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 in person on May 25, 2023 at the Tualatin Public Library located at 18878 SW Martinazzi Avenue, Tualatin, Oregon. The applicant has provided documentation of sign posting and mailed notification in compliance with this section in Exhibit A4. The applicant provided sign in sheets, a summary of their presentation and the major points that were discussed. The following are the points or topics that were discussed (Exhibit A4):

- *Status of the construction of subdivision improvements;*
- *Timing of the home construction;*
- *Who the builders are in Phase 1 of the subdivision;*
- *Discussion of façade design of the townhomes;*
- *Discussion of available parking;*
- *Why this application is necessary even though no longer required by current code;*
- *Discussion of past tree removal; and*
- *Discussion of adjacent development.*

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 A4 showing Lennar Northwest, Inc. to be the current owner of the subject properties. The application has been signed by Ryan Mott and David Force who are registered agents of the LLC and are approved to sign the land use application. 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 AR 23-0009 on July 20, 2023 with the application being deemed complete on August 3, 2023. The general land use submittal requirements were included with this application including a statement that the Byrom CIO was contacted, proof of signs being displayed and notices of the meeting sent to surrounding property owners (Exhibit A4). 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 A4 that signs in conformance with sign posting requirements of this section of the Tualatin Development Code (TDC) were posted. 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 on behalf of the property owner on July 20, 2023. The application was deemed complete on August 3, 2023. 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 the application being deemed complete, notice of the Type II application for AR 23-0009 was mailed by city staff on August 4, 2023. The notice contained the information required by this section of the TDC (Exhibit B). Two public and two agency comments were received and are included in Exhibit D. ODOT stated no further review was required for the Townhomes. The City of Wilsonville noted that a preliminary stormwater plan was submitted. The Clean Water Services Memorandum, Exhibit C, addresses stormwater for the Autumn Sunrise Subdivision and the Tualatin Engineering Division will also be reviewing stormwater for future phases. John and Grace Lucini wrote in opposition with comments that were concerned about Public Services and Facilities being adequate. Specifically, the Lucini's mentioned Condition of Approval 36 for SB21-0001. Condition of Approval 36 requires a gated emergency vehicle access to be constructed prior to the Autumn Sunrise Phase 2 Plat being recorded. At the time this report was drafted, the Phase 2 Autumn Sunrise Plat has not been recorded. Condition of Approval 36 will be completed prior to the recording of the Phase 2 Autumn Sunrise Plate. The second public comment was submitted by S Bell and is in opposition to the application. S Bell's comments were concerned about traffic, disasters occurring where people could not get out of the Tualatin area,

stormwater system and associated reservoirs, waste and recycling trucks and delivery trucks causing additional traffic issues. ADA sidewalks were mentioned as not being adequate and the applicant and property owners not being Tualatin residents. The Autumn Sunrise Subdivision was previously reviewed and approved under CUP21-0001 and SB21-0001. As part of the subdivision approval, city staff reviewed a Transportation Impact Analysis, Stormwater Report, waste and recycling, public utilities and all aspects of the subdivision development. Analysis, Findings and Conditions of Approval from the CUP21-0001 and SB21-0001 for the Autumn Sunrise Subdivision will apply and are located in Exhibit A4. 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 of the TDC. These standards will be met.

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(5) Approval Criteria.

(b) General Development.

- (ii) Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.**

(6) Conditions of Approval.

(a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:

- (i) Protect the public from the potentially deleterious effects of the proposal;**
- (ii) Fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the proposal; and**
- (iii) Further the implementation of the requirements of the Tualatin Development Code.**

(b) Types of conditions of approval that may be imposed include, but are not limited to:

- (i) **Development Schedule.** A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.
- (ii) **Dedications, Reservation.** Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.
- (iii) **Construction and Maintenance Guarantees.** Security from the property owners in such an amount that will assure compliance with approval granted.
- (iv) **Plan Modifications.** Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.
- (v) **Other Approvals.** Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.
- (vi) **Access Limitation.** The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

[...]

Finding:

As previously noted, this application is being reviewed under the April 5, 2021 version of the TDC due to the Autumn Sunrise Subdivision (SB23-0001) being approved under this version of the development code. As discussed above, the subject application, is for “general development” because townhomes or common wall dwellings required a Type II Architectural Review in the April 5, 2021 version of the TDC. If the townhomes were approved under the current TDC then only a Type I review would be required. All “general development” architectural reviews must comply with the standards and objectives in TDC 73A through 73G. Conditions of Approval are provided and discussed in other sections of this decision. These standards are met by submittal of the subject application and Conditions of Approval.

- (8) Effective Date.** The effective date of an Architectural Review decision or Minor Architectural Review decision is the date the notice of decision is mailed.
- (9) Permit Expiration.** Architectural Review decisions (including Minor Architectural Review decisions) expire two (2) years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.
- (10) Extension of Permit Expiration.**
 - (a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.
 - (b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.
 - (c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:
 - (i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.
 - (ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.
 - (d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.

(e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:

- (i) The applicant submitted a written extension request prior to the expiration date;**
- (ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;**
- (iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and**
- (iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.**

(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.

(g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

Finding:

The proposed application is approved subject to compliance with the above standards. With Condition of Approval A1, these standards are met.

Chapter 36: Subdivision, Partitions and Property Line Adjustments

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:

Prior to issuance of Building permits for onsite townhome construction within each phase of SB21-0001 Autumn Sunrise Subdivision, all applicable public improvements will be installed by the applicant. With recommended Conditions of Approval A2 and A3, this standard is met.

Chapter 41: Medium Low Density Residential Zone (RML)

[...]

Section 41.200 Use Categories

(1) Use Categories. Table 41-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 41-1 and restrictions identified in TDC 41.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

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

[...]

Table 41-1: Use Categories in the RML Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 41.220.
[...]		

Finding:

The project area is within the Medium-Low Density Residential (RML) Zone. The Autumn Sunrise Subdivision was approved by CUP21-0001 and SB21-0001. The Conditional Use Permit (CUP) allowed the construction of single-family homes within the RML zone as required by the April 5, 2023 version of the TDC. Exhibit A1 states the applicant is proposing 82 common wall townhomes, which are a permitted use but require a Type II Architectural Review. This standard is met.

TDC 41.220. - Housing Types.

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

**Table 41-2
 Housing Types in the RML Zone**

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

TDC 41.300. - Development Standards.

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

**Table 41-3
 Development Standards in the RML Zone**

Standard	Requirement	Minimum Proposed	Limitations and Code References
[...]			
Minimum Setbacks			
Front Setback			Minimum setback to a garage door must be 20 feet.
[...]			
• Townhouse (or Rowhouse)	0-20 feet	20 feet (garage) 15 feet to Porch	As determined through Architectural Review process.
[...]			
Side and Rear Setback			

• 1 story structure	5 feet	n/a	Where living spaces face a side yard, the minimum setback must be ten feet
• 1.5 story structure	7 feet	n/a	
• 2 story structure	10 feet	10 feet (between buildings), 5 feet to side property line, 10 feet to rear property line	
• 2.5 story structure	12 feet	n/a	
Corner Lots	-	The applicant will have 2 corner lots, minimum setback must be 20 feet on road frontage(s).	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	10 feet	For Townhouses, determined through the Architectural Review process
[...]			
Parking and Circulation Areas	10 feet	n/a	For Townhouses, determined through the Architectural Review process
[...]			
MAXIMUM STRUCTURE HEIGHT			
All Uses	35 feet	Will not exceed 35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
[...]			
Maximum Lot Coverage			
Townhomes (or Rowhouse)	90%	Will not exceed 90%	

Finding:

The applicant is proposing 82 2-story common wall townhomes which are a permitted use within the RML zone. The setbacks and other dimensional requirements were reviewed and approved with SB21-0001. A minimum front yard setback of 20 feet to garages, 15 feet minimum front yard setback to front porches, minimum side yard setback 5 feet (10 feet between buildings), maximum building height of 35 feet and a maximum of 90% lot coverage are proposed by the applicant. With Condition of Approval A6.a., these standards will be met.

TDC 41.310. - Projections Into Required Yards.

The following architectural features may project into a required front or rear yard setback area not more than three feet, and into a required side yard not more than two feet: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

Finding:

The applicant has stated that they will abide by this section of the TDC with architectural features not projecting beyond the maximum allowable setback projections. The applicant stated that Lots 91 and 92 will not extend any architectural feature over the stormwater easement unless done so at a height of 20 feet or greater as noted in the preapplication notes provided to the applicant. With Condition of Approval A7, this standard is met.

Chapter 73A: Site Design

TDC 73A.010. - Site and Building Design Standards Purpose and Objectives.

(1) Purpose. The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:

- (a)** The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and
- (b)** The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.

(2) Objectives. The objectives of site and building design standards in TDC 73A through TDC 73G are to:

- (a)** Enhance Tualatin through the creation of attractively designed development and streetscapes;
- (b)** Encourage originality, flexibility, and innovation in building design;
- (c)** Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
- (d)** Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
- (e)** Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
- (f)** Enhance energy efficiency through the use of landscape and architectural elements; and
- (g)** Minimize disruption of natural site features such as topography, trees, and water features.

[...]

Finding:

As part of the building permit review process, the applicant will be required to submit final building elevations to demonstrate compliance with TDC 73A.010 and 73A.200. With Condition of Approval A6.b., these standards will be met.

TDC 73A.200. - Common Wall Design Standards.

The following standards are minimum standard for all duplex, townhouse, and multi-family developments in all zones. These standards do not apply to development in the Central Design District and Mixed Use Commercial (MUC) zone, which have separate standards and may be less than the minimums provided below.

- (1) Private Outdoor Areas.** Common wall uses must provide private outdoor area features as follows:
- (a)** A separate outdoor area of not less than 80 square feet must be attached to each ground level dwelling unit; and
 - (b)** The private outdoor area must be separated from common outdoor areas in a manner that enables the resident to control access from common areas with elements, such as walls, fences or shrubs.

Finding:

The applicant is proposing that each dwelling unit is located on its own lot with a private backyard in excess of 80 square feet. This standard is met.

- (2) Balconies, Terraces, and Loggias.** Common wall uses must provide balconies, terraces, and loggias features as follows:

[...]

(b) The balconies, terraces, and loggias standard does not apply to duplexes and townhouses.

Finding:

Per TDC 73A.200 (2)(b), these standards are not applicable.

(3) Entry Areas. Common wall uses must provide entry area features as follows:

[...]

(e) The entry area standard does not apply to duplexes and townhouses.

Finding:

Per TDC 73A.200 (3)(e), these standards are not applicable.

(4) Shared Outdoor Areas. Common wall uses must provide shared outdoor area features as follows:

[...]

(j) The shared outdoor area must standard does not apply to:

(i) Duplexes and townhouses; and

[...]

Finding:

Per TDC 73A.200 (4)(j)(i), these standards are not applicable.

(5) Children's Play Areas. Common wall uses must provide children's play area features as follows:

[...]

(i) The children's play area standard does not apply to:

(ii) Duplexes and townhouses;

[...]

Finding:

Per TDC 73A.200 (5)(i)(ii), these standards are not applicable.

(6) Storage. Common wall uses must provide storage features as follows:

(a) Enclosed storage areas are required and must be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc.

(i) Garages do not satisfy the storage requirements.

(b) Each storage area must be a minimum of six feet in height and have a minimum floor area of:

(i) 24 square feet for studio and one bedroom units;

(ii) 36 square feet for two bedroom units; and

(iii) 48 square feet for greater than two bedroom units.

Finding:

The applicant is providing at least 48 square feet of outdoor accessible storage for each dwelling (Exhibits A1 and A2) that is not within the garage and attached to the exterior of each dwelling. This standard is met.

(7) Walkways. Common wall uses must provide walkways as follows:

(a) Walkways for duplexes and townhouses must be a minimum of three feet in width;

[...]

(c) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material); and

(d) The walkways must meet ADA standards applicable at time of construction or alteration.

Finding:

The applicant is proposing walkways for each unit that will be a paved surface at least 3 feet wide leading from the driveway to the front door of each unit. These standards will be met.

(8) Accessways.

(a) When Required. Accessways are required to be constructed when a common wall development is adjacent to any of the following:

(i) Residential property;

[...]

(iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.

(b) Design Standard. Accessways must meet the following design standards:

(i) Accessways must be a minimum of eight feet in width;

(ii) Public accessways must be constructed in accordance with the Public Works Construction Code;

(iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material;

(iv) Accessways must meet ADA standards applicable at time of construction or alteration;

(v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;

(vi) Accessways must not be gated to prevent pedestrian or bike access;

(vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and

(viii) Must be constructed, owned and maintained by the property owner.

(c) Exceptions. The Accessway standard does not apply to the following:

(i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and

(ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.

Finding:

Accessways were reviewed and approved through the approval of Autumn Sunrise Subdivision (CUP21-0001/SB21-0001). Accessways will be constructed as part of the larger subdivision and are not applicable to this application.

(9) Carports and Garages. Common wall uses must provide Carports and Garage features as follows:

(a) At least one garage space must be provided for each duplex or townhouse. The form, materials, color, and construction must be compatible with the unit served; and

(b) If carports or garages are provided for multi-family development, the form, materials, color, and construction must be compatible with the complex they serve.

Finding:

Condition of Approval 7 from CUP21-0001/SB21-0001 is applicable and states “each dwelling must be accessed from a driveway approach meeting applicable TDC requirements and provide a minimum of two (2) parking spaces in addition to garages per TDC 73C.100”. Exhibit A2 illustrates that two parking spaces on the driveway plus at least one parking space in each dwelling’s garage will be provided. With Condition of Approval A6.c, these standards will be met.

- (10) Safety and Security.** Common wall units must provide safety and security features as follows:
 [...]
 - (e) The safety and security standard does not apply to duplexes and townhouses.

Finding:

Per TDC 73A.100 (10)(e), these standards are not applicable.

- (11) Service, Delivery and Screening.** Common wall uses must provide service, delivery, and screening features as follows:

- (a) Provisions for postal delivery must be conveniently located and efficiently designed for residents and mail delivery personnel;
- (b) Safe pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas must be provided. Elements include, but not limited to:
 - (i) Concrete paths;
 - (ii) Raised walkways; and
 - (iii) Bark chip trails
- (c) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping.

Finding:

The Autumn Sunrise Subdivision is served by community postal boxes that will hold mail for all residential lots. The site plans located in Exhibit A2 illustrate typical landscaping in the areas of above grade and on-grade electrical and mechanical equipment. With Condition of Approval A6.d., this standard will be met.

Chapter 73B: Landscaping Standards

Section 73B.020 – Landscape Area Standards Minimum Areas by Use and Zone.

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
[...]	[...]	[...]
(1) RL, RML, RMH, RH and RH/HR zones— Permitted Uses	None	None
[...]		

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

[...]

Finding:

The subject property is located within the RML Zone and permitted uses, townhomes, are being proposed. TDC 73B.020 is not applicable.

TDC 73B.030. - Additional Minimum Landscaping Requirements for Common Wall Residential Uses.

(1) General. In addition to requirements in TDC 73B.020, Common Wall Uses must comply with the following additional standards:

- (a)** All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
- (i)** This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.
- (b)** Duplex and Townhouse developments may include hard surfaces in outdoor areas such as patios and storage areas as determined in the Architectural Review process.

Finding:

The applicant has proposed all areas to be landscaped and each dwelling will have a hard surfaced patio or decks and storage area (Exhibit A2). This standard is met.

Section 73B.080 – Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

<p>(1) Required Landscape Areas</p>	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement. • A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
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Finding:

As shown on the Landscape Plan included in Exhibit A2, and with Condition of Approval A6.e., these standards are met.

<p>(2) Fences</p>	<ul style="list-style-type: none"> • Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
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Finding:

The subject site is not located in a habitat area, and no fencing is proposed that would impact animal crossings. This standard is not applicable.

<p>(3) Tree Preservation</p>	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: • Must provide above and below ground protection for existing trees and plant materials identified to remain;
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	<ul style="list-style-type: none"> • Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; • If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; • Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; • Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and • Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
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Finding:

The lots are vacant but have went through the subdivision approval process (CUP21-0001/SB21-0001). The applicant provided an arborist report as part of the submittal material for CUP21-0001/SB21-0001. With Condition of Approval A6.f., these standards will be met.

(4) Grading	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.
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Finding:

The proposal includes grading in compliance with the plans and supporting material submitted as part of CUP21-0001/SB21-0001. Grading and erosion control is further addressed in Chapter 74. With Condition of Approval A6.g., these standards are met.

(5) Irrigation	<ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system • Exceptions: Irrigation requirement does not apply to duplexes and townhouses.
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Finding:

No irrigation system details were provided in Exhibit A1 or A2. Townhouses are exempt from this requirement.

<p>(6) Re-vegetation in Un-landscaped Areas</p>	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements,. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.
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Finding:

The applicant proposes to landscape areas not otherwise proposed for development. With Condition of Approval A6.h., these standards are met.

Section 73B.090 – Minimum Standards Trees and Plants.

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

Standard	
<p>(1) Deciduous Shade Trees</p>	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and • Barren of fruit production.
<p>(2) Deciduous Ornamental Trees</p>	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species
<p>(3) Coniferous Trees</p>	<ul style="list-style-type: none"> • 5 feet in height above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.
<p>(4) Evergreen and Deciduous Shrubs</p>	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view.
<p>(5) Groundcovers</p>	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited.
<p>(6) Lawns</p>	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and

	<ul style="list-style-type: none"> • Healthy, disease-free, damage-free, characteristic of the species.
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Finding:

The applicant has stated in their narrative, Exhibit A1, that the minimum standards for trees and shrubs will be met where applicable. These standards are met.

Chapter 73C: Parking Standards

TDC 73C.010. - Off-Street Parking and Loading Applicability and General Requirements.

(1) Applicability. Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:

- (a) Establishment of a new structure or use;
 [...]

(2) General Requirements. Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.

(a) The following apply to property and/or use with respect to the provisions of TDC 73C.100:

- (i) The requirements apply to both the existing structure and use, and enlarging a structure or use;

[...]

- (viii) Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;

- (ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;
 [...]

Finding:

The applicant is proposing new structures (townhomes), therefore the General Requirements of TDC 73C.010 (2) are applicable.

Section 73C.100 – Off-Street Parking Minimum/Maximum Requirements.

(1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC 73C.110.

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(a) Residential Uses				
(i) Detached single-family dwelling, residential home, residential facilities	2.00 vehicle parking spaces per dwelling unit, residential	None	None Required	N/A

(located in low density (RL) zones) Townhouse and Duplexes	home or residential facility (stalls or spaces within a residential garage not included, except as approved in Architectural Review).			
[...]				

Finding:

The applicant stated (Exhibit A1) and illustrated (Exhibit A2) that there will be 2 off-street parking spaces within the garage and 2 on the driveway located outside of the abutting right-of-way. With Condition of Approval A6.c., these standards are met.

TDC 73C.130. - Parking Lot Driveway and Walkway Minimum Requirements.

Parking lot driveways and walkways must comply with the following requirements:

(1) Residential Use. Minimum requirements for residential uses:

- (a) Ingress and egress for single-family residential uses, including townhouses, and duplexes must be paved to a minimum width of ten feet. Maximum driveway widths must not exceed 26 feet for one and two car garages, and 37 feet for three or more car garages. For the purposes of this section, driveway widths must be measured at the right-of-way line.**

[...]

Finding:

Exhibit A2 illustrates paved driveway widths for each dwelling unit are between 18 and 19 feet wide for a two car garage. These standards are met.

(6) Maximum Driveway Widths and Other Requirements.

[...]

- (b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.**
- (c) The provisions of subsection (b) do not apply to townhouses and duplexes, which are allowed to construct driveways within five feet of adjacent property lines.**
- (d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.**
- (e) Must comply with the distance requirements for access as provided in TDC 75.**
- (f) Must comply with vision clearance requirements in TDC 75.**

Finding:

A single driveway divided by each dwelling unit’s property line will be utilized. No separation is required between the two driveways per TDC 73C.130(c). These standards are met.

TDC 73C.210. - Common Wall Parking Lot Landscaping Requirements.

Common wall residential uses must comply with the following landscaping requirements for parking lots in all zones:

Finding:

Although this is a common wall project, each dwelling unit will be located on an individual lot. A parking lot is not required or proposed for this project. These standards are not applicable.

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:

For each phase of SB21-0001, Autumn Sunrise Subdivision after approval of plans issued Tualatin Engineering Erosion Control, Public Works, and Public Works Permits and Washington County permits all applicable public improvements will be installed by the applicant at their expense. With recommended Conditions of Approval A2 and 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 applicable public and private improvements proposed and modified by conditions of approval will be completed and accepted by the City prior to receiving a Certificate of Occupancy. With recommended Condition of Approval A3, this standard is met.

[...]

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

(1) All Applications. The applicant must comply with the water quality, stormwater detention, and erosion control requirements in Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers) and Clean Water Services standards.

[...]

Finding:

Each single residential lot will obtain an erosion control permit prior to issuance of Building permits. With recommended Condition of Approval A4, this standard is met.

IV. APPEAL

This Type II Architectural Review 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. Appeals may be submitted to **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / planning@tualatin.gov before 5:00 p.m., October 11, 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. The appeal of a Type II Architectural Review decision is reviewed by the City Council.

Submitted by:

A handwritten signature in blue ink, appearing to read "K Leonard".

Keith Leonard, AICP
Associate Planner