

Autumn Sunrise Townhomes Architectural Review

Date: July 2023

Submitted to: City of Tualatin
Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062

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

AKS Job Number: 7454

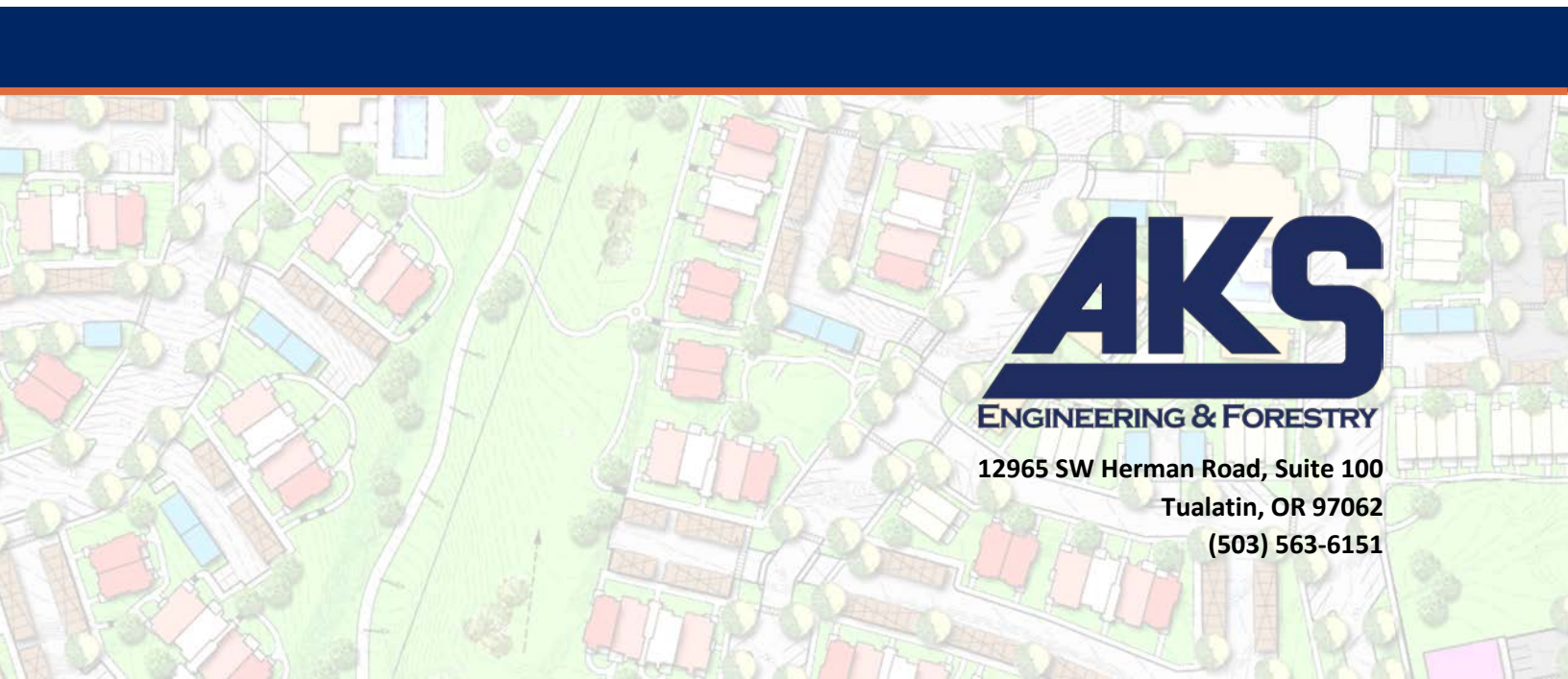


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Autumn Sunrise Townhomes Architectural Review

Submitted to:	City of Tualatin Planning Division 10699 SW Herman Road Tualatin, OR 97062-8233
Applicant/Owner:	Lennar Northwest, Inc. 11807 NE 99 th Street, Suite 1170 Vancouver, WA 98682
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:	23620 & 23740 SW Boones Ferry Road; 9185, 9335, & 9415 SW Greenhill Lane South of SW Norwood Road, east of SW Boones Ferry Road, and north of SW Greenhill Lane; Tualatin, OR
Washington County Assessor's Map:	Map 2S135D, Tax Lots 400, 401, 500, 501, 600, 800, and 900; Map 2S135DA, Tax Lots 100, 1700, 1800, and 8900-11000
Site Size:	Total of ±62 acres Individual lots range in size from ±3,000 to ±5,000 square feet
Land Use District:	Medium Low Density Residential (RML)

I. Executive Summary

On behalf of Lennar Northwest, Inc. (Owner and Applicant), AKS Engineering and Forestry, LLC (AKS) is submitting this application for Architectural Review for the attached single-family homes within the approved Autumn Sunrise Subdivision located south of SW Norwood Road and east of SW Boones Ferry Road. Lots for future attached single-family homes, or “townhomes,” were approved under City Case File No. SB 21-0001. Given that the original Subdivision application was submitted in April 2021, the code that was applicable at that time (Tualatin Development Code dated April 5, 2021) is being applied to the site. Therefore, a Type II Architectural Review application is required for townhomes since they are considered “common-wall dwellings” under the April 5, 2021 Development Code. The Subdivision Notice of Decision is included in Exhibit G along with the approval of a modification to the subdivision that includes an increase in the number of townhome lots from 80 lots to 82 lots. The approved phasing is not changing with this application and all the conditions of approval can still be met after approval of this application.

This application includes the City application forms, written materials, and preliminary plans necessary for the City 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 entire Autumn Sunrise Subdivision site is a total of ±62 acres located at the southernmost extent of the City's Urban Growth Boundary (UGB). The subdivision site has frontage on SW Norwood Road, SW Boones Ferry Road, and SW Greenhill Road. A ±3.9-acre portion of the site adjacent to SW Boones Ferry Road is zoned Neighborhood Commercial (CN). The remaining ±58 acres are zoned RML. Site construction of Phase 1 of the Autumn Sunrise Subdivision is complete, and the plat has been recorded. There are 24 lots in Phase 1 planned for townhome construction. The remaining 58 townhome lots are in Phases 2 and 3.

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

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

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

West: The City of Tualatin water towers and Horizon School are zoned Institutional (IN). Unincorporated properties on the west side of SW Boones Ferry Road have low-density residential development (with County Zoning of FD-20) and will have the Low Density Residential (RL) zoning designation when annexed to the City.

III. Applicable Review Criteria

This application involves the development of land for housing. Oregon Revised Statutes (ORS) 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay.

In addition, this application involves a “limited land use decision” as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

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

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

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

Tualatin Development Code (April 5, 2021 version)

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).

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- (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.

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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.

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	ARB/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).						

Response: As described above, the subject Architectural Review application will be processed through the Type II procedure with a staff decision and is appealable to the Architectural Review Board.

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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;

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- (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.

Response: A pre-application conference was held with City staff on May 24, 2023. The pre-application conference followed the above procedures and is valid for six months, or until November 24, 2023.

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 was held on May 25, 2023. As demonstrated in the information included in Exhibit E, the meeting time, location, noticing, posting, and content followed the applicable standards above.

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TDC 32.140. Application Submittal.

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

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

Response: This application submittal includes the applicable information required above, including the application form, fee, narrative, property ownership information, and neighborhood/developer meeting documentation. The City-recognized Citizen Involvement Organization (CIO) was notified of the neighborhood/developer meeting by email. The neighborhood/developer meeting documentation is provided in Exhibit E.

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CHAPTER 33 APPLICATIONS AND APPROVAL CRITERIA

TDC 33.020. Architectural Review.

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(2) Applicability.

(a) The following types of development are subject to Architectural Review:



- (i) Any exterior modifications to improved or unimproved real property;
 - (ii) Any remodeling that changes the exterior appearance of a building;
 - (iii) Any site alteration which alters the topography, appearance or function of the site; and
 - (iv) Any change in occupancy from single family use to commercial or industrial use.
- (b) Examples of development subject to Architectural Review, include but are not limited to the following:
- (i) New buildings, condominiums, townhouse, single family dwellings, or manufactured dwelling park;
 - (ii) Construction, installation, or alteration of a building or other structure;
 - (iii) Landscape improvements;
 - (iv) New, improved, or expanded parking lots;
 - (v) New, or alterations to, above ground public utility facilities, pump stations, pressure reading stations, water reservoirs, electrical substations, and natural gas pumping stations;
 - (vi) New wireless communication facilities, and new attached wireless communication;
 - (vii) Installation of decorative lighting; and
 - (viii) Exterior painting, awnings, or murals.
- (c) Exceptions to Architectural Review. The following applications for development do not require Architectural Review:
- (i) The addition or alteration of an existing single-family dwelling if it involves:
 - (A) Less than 35% of the structure's existing footprint;
 - (B) No new story;
 - (C) Less than 35% of an existing front or rear wall plane; or
 - (D) A side wall plane that abuts the side yard of an adjacent dwelling.
 - (ii) The modification by the City of greenways, parks, other Parks and Recreation Department improvements, and right-of-way landscaping improvements.

Response: As described above, the planned two-unit townhomes are subject to the Architectural Review process.

(3) Types of Architectural Review Applications—Procedure Type.

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- (c) General Development. All development applications, (except Single Family Dwelling, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.

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Response: The planned two-unit townhomes are considered “common-wall” dwellings under the April 5, 2021 Tualatin Development Code, and not “single-family dwellings”; therefore, this application is subject to the Type II Architectural Review process.

- (4) **Application Materials.** The application must be on forms provided by the City. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:
 - (a) The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;
 - (b) Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;
 - (c) A materials board that includes example building materials and textures;
 - (d) Title report; and
 - (e) A Service Provider Letter from Clean Water Services.

Response: Application materials, including preliminary plans, property ownership information, and the Clean Water Services (CWS) Service Provider Letter (SPL) are provided in this submittal package along with other materials described in Section 32.140. The application materials requirements are met.

- (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.
 - ...

Response: As described above in Subsection 33.020.3.C, this project is considered “General Development” and therefore the standards and objectives in TDC Chapter 73A through 73G apply. See the responses to the applicable sections below.

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CHAPTER 41 MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

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TDC 41.200. - Use Categories.

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

Response: As further described in Table 41-2, the planned townhouse (attached residential) use is a permitted use in the RML zoning district. Overlay zones do not apply to the site.

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

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TDC 41.220. - Housing Types.

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

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

Response: The planned townhomes (attached units) are permitted in the RML zoning district. This standard is met.

TDC 41.300. - Development Standards.

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

Excerpt of Table 41-3 Development Standards in the RML Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MAXIMUM DENSITY		
Household Living Uses	Maximum: 10 units per acre Minimum: 7 units per acre	
MINIMUM LOT SIZE		
Townhouse (or Rowhouse)	1,400 square feet	
MINIMUM AVERAGE LOT WIDTH		
Townhouse(or Rowhouse)	14 feet	
MINIMUM SETBACKS		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	
• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Townhouse (or Rowhouse)	0-20 feet	As determined through Architectural Review process.
Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be ten feet
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
MAXIMUM LOT COVERAGE		
Townhouse (or Rowhouse)	90%	

Response: The density, lot dimensional standards, and setbacks were reviewed and approved with the Autumn Sunrise Subdivision application. The sample site plans included for each townhome type (see Exhibit A) illustrates a minimum 20-foot front setback, 5-foot interior side setbacks (with a minimum of 10 feet between buildings), and rear setbacks greater than the 12-foot minimum. The height of the townhomes will not exceed the 35-foot maximum, and the lot coverage will not exceed the maximum 90 percent standard. The applicable development standards are met.

TDC 41.310. - Projections Into Required Yards.

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

Response: Specific architectural features and projections as described above meet the maximum projection requirements. It is understood that eaves or other architectural features may not extend over the stormwater easement on Lots 91 and 92 unless the eave or feature extends into the easement at a height of 20 feet or higher. This standard is met.

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CHAPTER 73A SITE DESIGN STANDARDS

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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.

Response: As illustrated on the site plans in Exhibit A, each townhome is on its own lot and each has a private backyard in excess of the minimum outdoor area standard. This standard is met as applicable.

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

...

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

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

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

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Response: The above standards do not apply to townhomes.

- (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.

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- (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.

Response: Storage areas of 48 square feet in area are required for the planned townhomes. The storage area is accommodated either with an attached shed at the back of the homes, or under the decks on sloping lots. Please see the site plans and floor plans in Exhibit A for details. This criterion 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;
 - (b) All other multi-family development must have walkways of a minimum of six 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.

Response: Paved walkways are provided for pedestrian access to each front door. The criteria are met as applicable.

- (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;
 - (ii) Commercial property;
 - (iii) Areas intended for public use, such as schools and parks; and
 - (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;

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- (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.

Response: Accessways, beyond what was provided with the original Subdivision application, are not required with this townhome Architectural Review application. The criteria do not apply.

- (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.

Response: As illustrated on the site plans in Exhibit A, two garage spaces are provided with each townhome. The applicable criterion is met.

- (10) *Safety and Security.* Common wall units must provide safety and security features as follows:
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Response: The safety and security standards do not apply to townhomes.

- (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.

Response: Postal delivery areas are being reviewed and approved through the Subdivision process. Safe pedestrian access is being provided from each townhome building to the public sidewalk to facilitate access to the pedestrian circulation system throughout the development. Please see the site plans in Exhibit A for details on the screening of planned ground-based mechanical equipment. The applicable standards are met.

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CHAPTER 73B LANDSCAPING STANDARDS

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

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

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

Response: A minimum landscape area standard does not apply in the RML zoning district.

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.

Response: As illustrated on the typical landscape plans included in Exhibit A, all areas not occupied by driveways, buildings, or hardscape are landscaped, with a maximum of 10 percent of bark chips, rock, or stone as allowed under TDC 73B.080(1) below. The applicable standards are met.

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

The following are minimum standards for landscaping for all zones.

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

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

Response: The planned landscape areas, as illustrated on the typical landscape plans (Exhibit A), are designed to meet the applicable landscaping standards above. Final details of the landscape areas can be provided with building permits, if required. The standards are met as applicable.

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

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

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

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

Response: The above minimum standards for trees and shrubs are understood and will be met as applicable at the time of installation.

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CHAPTER 73C PARKING STANDARDS

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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;
 - (b) Change in use; or
 - (c) Change in use of an existing structure.

Response: The garage and driveway parking will be provided at the time of building construction. This standard will be met.

- (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.

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- (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;
 - (ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;
 - (iii) Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;
 - (iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;
 - (v) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;
 - (vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;
 - (vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;
 - (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;
 - (x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; and
 - (xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

Response: The above parking requirements are understood and are met as applicable.

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TDC 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 (located in low density (RL) zones) Townhouse and Duplexes	2.00 vehicle parking spaces per dwelling unit, residential home or residential facility (stalls or spaces within a residential garage not included, except as approved in Architectural Review).	None	None Required	N/A

Response: A minimum of two driveway parking spaces are required and provided with each planned townhouse. Two garage spaces are also provided. The minimum parking standard is met.

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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.

Response: As illustrated on the site plans in Exhibit A, the two-unit townhomes have a shared driveway that does not exceed the 37-foot maximum width. This standard is met.

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CHAPTER 74 PUBLIC IMPROVEMENT REQUIREMENTS

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TDC 74.110. - Phasing of Improvements.

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

Response: As illustrated on the Product Distribution Plan in Exhibits A and G, the phasing was approved with the original Subdivision application and updated with the Modification approved in June 2023. The two-unit townhomes are planned to be built in Phases 1, 2, and 3. This standard is met.

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Response: The remaining sections of this Public Improvement chapter are not applicable to the architectural review of the townhome buildings. The public improvements, including street design, sidewalk design, street trees, street lighting, utilities, and grading, were reviewed and approved with the original Subdivision application. The original

Transportation Impact Analysis (TIA) included the attached townhome use and no changes are needed to the approved TIA. The updated stormwater reports with details on the applicable stormwater calculations are included as Exhibit H. The CWS SPL is included as Exhibit F and CWS has already approved the applicable stormwater connection permits.

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IV. Conclusion

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