



# IBACH STREET SUBDIVISION

10150 SW IBACH STREET. TUALATIN, OR 97062

## APPLICANT

DEZ DEVELOPMENT LLC  
15950 SE 82ND  
CLACKAMAS, OR 97015

## APPLICATION TYPE

TYPE II SUBDIVISION

## SUBMITTAL DATE

SEPTEMBER 23, 2025

## APPLICANT'S REPRESENTATIVE

3J CONSULTING, INC.  
9600 NW NIMBUS AVENUE, SUITE 100  
BEAVERTON, OR 97008  
CONTACT: SAM HUCK, AICP  
PHONE: 971.253.4220

## RESUBMITTAL DATE

NOVEMBER 12, 2025

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## GENERAL INFORMATION

Property Owner:	<b>Golden Oak Properties LLC</b>
Applicant:	<b>Dez Development LLC</b> 15950 SE 82nd Drive Clackamas, OR 97015 Contact: Slavik Dezhnyuk Phone: 503.209.7561 Email: slavik@dezdevelopment.com
Planning Consultant and Applicant's Representative:	<b>3J Consulting, Inc.</b> 9600 SW Nimbus Avenue, Suite 100 Beaverton, OR 97008 Contact: Sam Huck, AICP Phone: 971.253.4220 Email: sam.huck@3j-consulting.com
Civil Engineer:	<b>3J Consulting, Inc.</b> 9600 SW Nimbus Avenue, Suite 100 Beaverton, OR 97008 Contact: Jim Schmitt, PE Phone: 971.253.4202 Email: jim.schmitt@3j-consulting.com

## SITE INFORMATION

Parcel Number:	2S135BB02100B
Address:	10150 SW Ibach Street, Tualatin, OR 97062
Gross Site Area:	1.76 acres
Comprehensive Plan Designation:	RL – Low Density
Zoning Designation:	RL – Low Density Residential
Existing Use:	Residential Home / Vacant
Surrounding Zoning:	The properties to the north, south, east, and west are zoned low density residential RL.
Street Classification:	SW Ibach Street and 103rd Avenue are classified as neighborhood routes.

## **INTRODUCTION**

### **APPLICANT'S REQUEST**

Dez Development LLC ("the Applicant") proposes a 27-lot subdivision application and seeks approval of a Type II Subdivision Application. This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of Tualatin Development Code ("TDC") Chapters 32, 33, 36, 40, 73A, 73B, 73C, 74, and 75.

Subdivision applications are evaluated under the Type II procedures and decision process. The City Manager will render the Type II decision.

### **SITE DESCRIPTION/SURROUNDING LAND USE**

The subject site is 1.76 acres in size and is located at 10150 SW Ibach Street. The site is identified as tax lot 2S135BB02100B. The property is located within the City of Tualatin and is zoned Low Density Residential ("RL"). The site slopes gently downward to the northwest.

The site fronts on and takes access from SW Ibach Street and SW 103rd Avenue. All of the surrounding properties are also zoned RL and within the City of Tualatin. The surrounding land uses are predominantly residential homes, with nearby churches, schools, other public facilities, and Ibach Park, which is located approximately one quarter mile to the northwest of the site.

### **PROPOSAL**

The Applicant proposes to create a 27-lot subdivision for the future construction of residential townhomes. The proposed subdivision will take access from SW Ibach Street and SW 103rd Avenue, with a new Local street proposed to serve the proposed lots. The new street will have street trees and lighting where applicable. A stormwater tract is proposed to be constructed in the northwest portion of the site.

### **NEIGHBORHOOD MEETING**

The Applicant conducted two neighborhood meetings: the first on June 18th, 2025, and the second on July 9th, 2025. These meetings were conducted with property owners located within 1,000 feet of the property or within platted residential subdivisions located within 1,000 feet of the property to explain the proposed development and answer questions from the surrounding property owners. The submitted materials include the mailing list for the meeting notice, the meeting notice sent to neighboring properties, an affidavit of the mailing and posting, meeting sign-in sheets, and meeting notes.

## APPLICABLE CRITERIA

The following sections of Tualatin Development Code (TDC) have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for Subdivision approval.

### Chapter 32 – PROCEDURES

#### 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.

**Applicant's Finding:** A pre-application conference was held prior to the submittal of this land use application. A copy of the notes from the pre-application conference provided by the City have been submitted with this land use application in Appendix B. The pre-application conference was held on December 18, 2024. The Applicant's representative received email confirmation that follow up communications with city staff are treated like a follow up conference, per the City's policy. A copy of that email was included as part of the pre-app notes in Appendix B. The above standards are met.

### **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.

**Applicant's Finding:** The Applicant's representative held two separate neighborhood/developer meetings. The first was on June 18, 2025, and the second on July 9, 2025. Both meetings were held at the Tualatin Library from 6:30pm to 8:00pm. These meetings were conducted with property owners located within 1,000 feet of the property or within platted residential subdivisions located within 1,000 feet of the property to explain the proposed development and answer questions from the surrounding property owners. The submitted materials include the mailing list for the meeting notice, the meeting notice sent to neighboring properties, CIOs and City staff, an affidavit of the mailing and posting, meeting sign-in sheets, and notes from each meeting. The neighborhood meeting materials submitted with this application are provided in Appendix C. This standard is met.

### 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.

**Applicant's Finding:** The land use application is being initiated by the applicant and property owner on the submitted application form. 3J Consulting, Inc. is acting as the Applicant's representative. This standard is met.

### 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).

**Applicant's Finding:** All submittal requirements are met with this narrative and application package, and the application is being submitted with the City's online eTRAKiT system. This standard is met.

- b. **A written statement addressing each applicable approval criterion and standard;**

**Applicant's Finding:** This narrative addresses each applicable approval criterion and standard. This standard is met.

- c. **Any additional information required under the TDC for the specific land use action sought;**

**Applicant's Finding:** All information required under the Tualatin Development Code for a subdivision application is submitted with this application package. This standard is met.

**d. Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;**

**Applicant's Finding:** Application fees based on the most recently adopted fee schedule are submitted with this land use application. This standard is met.

**e. Recorded deed/land sales contract with legal description.**

**f. A preliminary title report or other proof of ownership.**

**Applicant's Finding:** A preliminary title report with the deed and legal description is submitted with this application and is provided in Appendix A. This standard is met.

**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).**

**Applicant's Finding:** The Applicant's representative held two separate neighborhood/developer meetings. The first was on June 18, 2025, and the second on July 9, 2025. Both meetings were held at the Tualatin Library from 6:30pm to 8:00pm. All required neighborhood/developer meeting information is provided with this application in Appendix C. This standard is met.

**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;**

**Applicant's Finding:** The Applicant and their representative initially received an open letter from the IBACH CIO on April 30, 2025, written by the IBACH CIO President Patricia Parsons detailing collective feedback from the CIO including specific comments and concerns. Upon receipt of this letter and prior to the first neighborhood meeting, the Applicant made changes to the site plan to address some of the identified concerns. Leading up to the first neighborhood/developer meeting, the Applicant and their representative met with IBACH CIO President Parsons via zoom on June 9, 2025, to discuss these changes and work collectively to plan for a smooth and productive neighborhood/developer meeting. The Applicant's representative has been in regular communication with the IBACH CIO president, and has corresponded via email on May 30, June 3, June 6, June 9, June 10, June 14, June 16, June 17, June 18, June 23, June

24, June 30, and September 15. The Applicant's representatives also met again with the IBACH CIO president via zoom ahead of the second neighborhood/developer meeting on July 1. The Applicant's representative has also had numerous phone calls with the IBACH CIO President. The Applicant and their representative have been transparent in the process, timeline, and how the design decisions are being made, and have tried to collaboratively address neighbors' concerns. The IBACH CIO President was extremely helpful in assisting at both neighborhood/developer meetings, and will be notified by the Applicant's representative when this application is submitted to the City, in an effort to continue transparent and open communication about this application.

- 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;**

**Applicant's Finding:** This application package contains all requested information from the City Manager as detailed in the pre-application notes and Tualatin Development Code. This standard is met.

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.**

**Applicant's Finding:** The Applicant understands and acknowledges this procedure for application intake.

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**

**Applicant's Finding:** All information required for a complete application has been submitted with this narrative. The Applicant has included the above applicable information. This standard is met.

### **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 18 inches by 24 inches (18" x 24"); and
  - c. Sign text must be at least two 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 40-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 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.

**Applicant's Finding:** A sign was posted on both frontages of the subject site on June 20, 2025, ahead of the second neighborhood/developer meeting held on July 9, 2025, in accordance with Section 32.120(6). The Applicant or their representative agree to adhere to the sign posting requirements after the application has been submitted and deemed complete in accordance with these standards. This standard is met.

### 32.160 Completeness Review

*[code requirements omitted for brevity]*

**Applicant's Finding:** The Applicant understands and acknowledges that the City Manager will review the application for completeness in accordance with TDC 32.160. The Applicant also understands that a determination of completeness indicates only that the application is ready for review on its merits and does not imply approval of the application.

### 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.
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.

**Applicant's Finding:** The Applicant understands, acknowledges, and agrees to adhere to these procedures for the Type II Subdivision application submitted.

## **Chapter 33 – APPLICATIONS AND APPROVAL CRITERIA**

### **33.030 Driveway Approach Permit**

1. ***Applicability.*** A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

a. **Exceptions.** The following do not require a driveway approach permit:

- i. The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that requires a state highway access permit; or
- ii. The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project for which the developer has obtained a Public Works Permits.

**Applicant's Finding:** All new driveway approaches proposed as part of this subdivision are part of the construction of a privately engineered public improvement project. The developer will obtain Public Works Permits for the work conducted as applicable. Therefore, a Driveway Approach Permit is not required for this subdivision.

### **33.110. Tree Removal Permit/Review**

(1) **Purpose.** To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.

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

(3) **Exemptions.** The following actions are exempt from the requirements of a tree removal permit.

- (a) **General Exemption.** Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:

- (i) Not located in the Natural Resource Protection Overlay District (NRPO);



- (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);
  - (iii) Not a Heritage Tree; and
  - (iv) Not previously required to be retained or planted under an approved Architectural Review decision.
- (b) **Forest Harvesting Exemption.** Forest Harvesting Uses, as provided by Agricultural Uses in TDC 39.300 are exempt.
- (c) **Orchard Exemption.** Orchards Uses, as provided by Agricultural Uses in TDC 39.300, are exempt.
- (d) **Public Property Exemption.** Tree removal on federal, state, county, or City property is exempt from the requirements of a tree removal permit. This exemption includes, but is not limited to road, improvements and maintenance to City parks, rights-of-way, water, sanitary sewer, and stormwater facilities. (Removal of trees from public right-of-way are governed by TDC Chapter 74.)

**Applicant's Finding:** Within the project limits, a total of 195 trees have been inventoried. Of these, 194 trees are proposed for removal, and one tree is proposed for retention. None of the trees are located within the Natural Resource Protection Overlay District or the Wetlands Protection Area, and none are designated as Heritage Trees or subject to prior retention requirements. The Applicant will obtain a Tree Removal Permit in accordance with TDC 33.110 for the removal of trees that exceed the general exemption. All proposed tree removals are consistent with the purpose, applicability, and exemptions of this section.

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

**Applicant's Finding:** Because this Tree Removal Permit is submitted in conjunction with the proposed Subdivision application, it will be processed concurrently with the Subdivision review. The Applicant understands and will comply with all procedures applicable to Type II review as required by this section.

**(5) Specific Submittal Requirements.** In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:

- (a) **Tree Preservation Plan.** A tree preservation plan drawn to scale must include:
  - (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;
  - (ii) All trees proposed for removal and all trees proposed to be preserved;
  - (iii) All existing and proposed structures;
  - (iv) All existing and proposed public and private improvements; and (v) All existing public and private easements.



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

**Applicant's Finding:** The Applicant has submitted a Tree Removal and Preservation Plan (Sheet C110) provided in Appendix E that includes all trees within the project limits and identifies which trees are proposed for removal and which are proposed for preservation. The Plan also includes all existing structures, public and private improvements, and proposed Tracts. A Tree Assessment Report prepared by a certified arborist has been provided and is included in Appendix D, analyzing the health and condition of trees proposed for preservation and removal, and addressing the approval criteria set forth in TDC 33.110(6). The report is signed, dated, and prepared within one calendar year of the applications anticipated completeness date. All trees on-site have been physically identified and numbered in the field using an arborist-approved tagging system corresponding to the tree removal and preservation plan and Tree Assessment Report. The above standards are met.

**(6) Approval Criteria.**

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

- (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.
- (b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.
  - (i) **Evergreen Trees.** An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
    - (A) Trunk Condition—extensive decay and hollow; or
    - (B) Crown Development—unbalanced and lacking a full crown;
  - (i) **Deciduous Trees.** A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
    - (A) Trunk Condition—extensive decay and hollow;
    - (B) Crown Development—unbalanced and lacking a full crown; or
    - (C) Structure—Two or more dead limbs.

**Applicant's Finding:** The Applicant has submitted a Tree Assessment Report prepared by Christine Johnson, an ISA Board Certified Master Arborist, which is provided in Appendix D. The report evaluates all trees eight inches or greater in diameter within the project limits, analyzing whether trees proposed for preservation may be preserved, their health and structural conditions, and whether they pose an imminent hazard to persons or property.

One tree, a 31-inch DSH Douglas-fir, is proposed for preservation and has been determined to be a healthy specimen not presenting an imminent hazard. The remaining trees are proposed for removal to accommodate construction of new streets, sidewalks, utilities, and 27 future lots. The Arborist evaluated whether any trees proposed for removal could reasonably be preserved and confirmed that tree preservation has been maximized to the extent practicable given site constraints, utility and stormwater requirements, access, and parking needs. The Tree Assessment Report includes the arborist's name, contact information, and signature, and has been prepared within one calendar year of the anticipated application completeness date.

To protect the retained tree during construction, the arborist has recommended and the Applicant will implement tree protection measures including installation of six-foot-high tree protection fencing, maintenance of tree protection zones, monitoring of tree roots during excavation or grading, project arborist oversight for work within the protection zone, supplemental watering as needed, and periodic risk and health assessments for the retained tree during and after construction. These measures ensure that the preserved tree remains healthy and viable for the foreseeable future.

The approval criteria is met.

**(7) Emergencies.** If emergency conditions occur requiring the immediate cutting or removal of trees to avoid danger or hazard to persons or property, an emergency permit must be issued by the City Manager without payment of a fee and without formal application, provided the

owner provides enough information to the City Manager to document that an emergency exists. If an emergency exists and the City Offices are closed, the emergency condition may be abated provided the person files information documenting the emergency and necessity of immediate removal of the tree as soon as practical after the City Offices reopen. An "emergency condition" for purposes of this section is when a tree presents an immediate danger of collapse, and represents a clear and present hazard to persons or property. For the purposes of this section, "immediate danger of collapse" means that the tree is already leaning, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the nonemergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment. Examples of emergency conditions include:

- (a) A tree leaning on a structure;
- (b) A tree leaning on another tree and there is a significant likelihood that the tree will topple or otherwise fail; or
- (c) If a utility service has been interrupted and repairs cannot be completed without the removal of a tree.

**Applicant's Finding:** The Applicant understands and acknowledges that emergency tree removal to prevent immediate danger or hazard must follow the procedures in TDC 33.110(7) and will comply if such conditions arise.

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

**Applicant's Finding:** The Applicant understands that conditions of approval may be issued to retain and protect the one tree proposed to be retained in accordance with TDC 73B and 73C.

**(9) Permit Expiration. A Tree Removal Permit is valid for one year from the date of issue. A Tree Removal Permit approved in conjunction with an Architectural Review, Subdivision, or Partition decision is valid as provided in the terms of the Architectural Review, Subdivision, or Partition decision.**

**(10) Tree removal in violation of Zone Standards.**

- (a) In addition to any applicable civil violation penalties, any property owner who removes, or causes to be removed, one or more trees in violation of applicable TDC provisions must pay an Enforcement Fee and a Restoration Fee to the City of Tualatin, as follows:
  - (i) Enforcement Fee of \$837.00 per incident, plus \$10.00 for each tree removed; and
  - (ii) Restoration Fee of \$2,000.00 per tree removed.
- (b) The City Manager may administratively reduce or waive these fees based upon a demonstration of hardship, adequate mitigation, or other good cause shown.

**Applicant's Finding:** The Applicant understands and acknowledges that a Tree Removal Permit is valid for one year and that any removal of trees in violation of the TDC may result in

enforcement and restoration fees. The Applicant will comply with these requirements.

## **Chapter 36 – SUBDIVIDING, PARTITIONS, AND PROPERTY LINE ADJUSTMENTS**

### **36.040 Applications and Submittal Requirements**

- 1. Applications subject to this Chapter must follow the procedures specified in TDC Chapter 32; however, in case of conflict the procedures specified in TDC Chapter 36 prevail.**
- 2. Additional Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required to subdivide, partition, or replat land:**
  - a. Subdivision or partition plan map;**
  - b. Proposed plat name, approved by the County Surveyor;**
  - c. The names, addresses, and contact information of the design engineer and surveyor;**
  - d. The date the plan was prepared;**
  - e. North arrow;**
  - f. Scale of drawing;**
  - g. Location of the subdivision or partition by 1-4 Section, Township and Range;**
  - h. Preliminary utility plans for existing and proposed water, sanitary sewer and storm drainage, including the size and grade;**
  - i. A street plan showing all existing streets, proposed streets (public and private), and accessways on the subject property and extending 1,000 feet in all directions from the site, including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets.**
  - j. An outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;**
  - k. Easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;**
  - l. Flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;**
  - m. Natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;**
  - n. Approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;**
  - o. Approximate area of each lot;**
  - p. Proposed lot numbers;**
  - q. Existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;**

- r. All lots intended to be dedicated or reserved for public use;
- s. A vicinity map showing a minimum one-mile radius;
- t. Contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent;
- u. For subdivisions and phased subdivisions, a completed trip generation estimate on forms provided by the City and a Traffic Impact Analysis;
- v. If a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, adequate information to show compliance with the approval criteria in TDC 33.120(5) for a minor variance or TDC 33.120(6) for a variance;
- w. A "Service Provider Letter" from Clean Water Services;
- x. If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received;
- y. A completed City fact sheet;
- z. A title report for the property(ies) subject to the application;
- aa. Other supplementary material as may be required, such as deed restrictions, a statement of ownership, use, covenants, conditions, limitations, and responsibility for maintenance; and
- bb. Other information required by the City Manager.

**Applicant's Finding:** All information required for a complete application has been submitted with this narrative. The Applicant has included the above applicable additional submittal materials. This standard is met.

### **36.120 Tentative Subdivision Plan**

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

**Applicant's Finding:** The Applicant acknowledges this requirement and will follow these procedures. A phased subdivision is not proposed.

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

**Applicant's Finding:** The Applicant acknowledges that the Type II procedures will be followed for this application.

### **3. Submittal Requirements.**

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

**Applicant's Finding:** A pre-application conference was held prior to the submittal of this land use application. A copy of the notes from the pre-application conference provided by the City have been submitted with this land use application in Appendix B. The pre-application conference was held on December 18, 2024. The Applicant's representative received email confirmation that follow up communications with city staff are treated like a follow up conference, per the City's policy. A copy of that email was included as part of the pre-app notes in Appendix B. The above standards are met.

The Applicant's representative held two separate neighborhood/developer meetings. The first was on June 18, 2025, and the second on July 9, 2025. Both meetings were held at the Tualatin Library from 6:30pm to 8:00pm. These meetings were conducted with property owners located within 1,000 feet of the property or within platted residential subdivisions located within 1,000 feet of the property to explain the proposed development and answer questions from the surrounding property owners. The submitted materials include the mailing list for the meeting notice, the meeting notice sent to neighboring properties, CIOs and City staff, an affidavit of the mailing and posting, meeting sign-in sheets, and notes from each meeting. The neighborhood meeting materials submitted with this application are provided in Appendix C. This standard is met.

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

- a. **The Tentative Subdivision Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to, the following:**
  - i. **Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.**

**Applicant's Finding:** Lot standards are met as demonstrated in the Applicant's responses to the dimensional standards in this narrative, found under Chapter 40. This standard is met.

**ii. City infrastructure standards; and**

**Applicant's Finding:** City infrastructure standards are met as demonstrated in the Applicant's response to applicable public infrastructure requirements, including streets, utilities, and stormwater management, as detailed in this narrative. This standard is met.

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

**Applicant's Finding:** No floodplain or special setback requirements are applicable to the site. A geotechnical report has been prepared and is included in Appendix D. Intersections within the subdivision have been designed to meet vision clearance requirements. This standard is met.

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

**Applicant's Finding:** The Tentative Subdivision Plan has been designed to accommodate the proposed development without impeding the future use of the site or adjacent properties. All surrounding land is developed with residential subdivisions, and the lot layout, street alignments, and utility placements allow for logical development of the site while maintaining appropriate access to surrounding properties. This standard is met.

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

**Applicant's Finding:** Development within the Tentative Subdivision Plan can be adequately served by City infrastructure. Water, sewer, stormwater, and other necessary utilities are available to the site, and the proposed improvements have been designed to connect to existing City systems. This standard is met.

- d. **The street system in and adjacent to the Tentative Subdivision Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and the Tualatin Transportation System Plan.**

**Applicant's Finding:** The street system in and adjacent to the proposed subdivision conform to the requirements of TDC Chapters 74 and 75 and the Tualatin Transportation System Plan. All proposed streets have been designed to meet applicable standards for alignment, connectivity, and public access, and the Applicant has incorporated City staff's feedback prior to this submittal. This standard is met.

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

**Applicant's Finding:** The street system in and adjacent to the proposed subdivision has been designed to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision. Street alignments, intersections, and internal circulation patterns, as demonstrated on the land use plans provided in Appendix E, have been planned

in accordance with applicable City standards to ensure safe and efficient traffic flow. This standard is met.

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

**Applicant's Finding:** The proposed subdivision provides safe and convenient bicycle and pedestrian access to surrounding neighborhoods and key community destinations. Proposed sidewalks, pathways, and crossings have been designed in accordance with City standards to ensure connectivity and safety for all users. This standard is met.

- g. The Tentative Subdivision Plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, in TDC Chapters 74 and Chapter 75, and the Tualatin Transportation System Plan.**

**Applicant's Finding:** This proposal includes a Transportation Impact Study which is provided in Appendix D. The purpose of the study is to determine whether the transportation system in the vicinity of the site can safely and efficiently support existing and proposed uses and to identify any necessary mitigation. Detailed information on traffic counts, trip generation, safety analyses, and level of service calculations is included in the report and the appendices to the report.

Trip generation for the proposed subdivision is projected to add 12 morning peak hour trips, 15 evening peak hour trips, and 192 average weekday trips. Crash data, pedestrian crossing analyses, and intersection operations indicate no safety concerns, and all study intersections are projected to continue operating safely and efficiently through the 2027 buildout year. Site accesses along SW Ibach Street and SW 103rd Avenue provide sight distances exceeding ISD recommendations and SSD requirements, and no left-turn lanes or new traffic signals are warranted or required. Changes in peak queuing are minor and will not measurably affect existing conditions. This standard is met.

- h. The Tentative Subdivision Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.**
- i. The Tentative Subdivision Plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.**

**Applicant's Finding:** The proposed subdivision has been designed to respond to the existing topography and vegetation while minimizing site disruption. Grading is required to achieve the necessary building pads and street alignments, as shown on the Grading Plan (Sheet C210) provided in Appendix E. Removal of existing trees and vegetation is necessary for construction, with the tree removal and preservation plan shown on Sheet C110



in Appendix E. No variances are being requested with this application. This standard is met.

**j. All transportation improvements are designed to comply with the requirements in TDC Chapters 74 and 75, and the Tualatin Transportation System Plan.**

**Applicant's Finding:** All transportation improvements for the proposed subdivision have been designed to comply with the requirements of TDC Chapters 74 and 75 and the Tualatin Transportation System Plan. Street alignments, intersections, and site accesses have been planned to meet City standards for safety, connectivity, and efficiency. This standard is met.

**5. Effective Date. The effective date of a Tentative Subdivision Plan approval is the date the notice of decision is mailed.**

**Applicant's Finding:** The Applicant understands and acknowledges that the effective date of approval for the proposed subdivision will be the date the notice of decision is mailed. This standard is met.

**6. Permit Expiration. Tentative Subdivision Plan approval expires approval expires two years from the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).**

**Applicant's Finding:** The Applicant understands and acknowledges that tentative subdivision approval for the proposed subdivision will expire two years from the effective date unless an application for final plat is submitted within that period or an extension is granted under TDC 36.210 (Extension of Approval Decision). This standard is met.

**36.160. - Final Plat.**

**1. Applicability. Final plat approval is required before a final plat of a partition, subdivision, phased subdivision, and manufactured dwelling park subdivision is recorded.**

**Applicant's Finding:** The Applicant acknowledges and agrees to submit a final plat for approval prior to the final plat of the subdivision being recorded.

**36.310 Approval of Streets and Rights of Way**

**1. The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must provide for the dedication of all public rights-of-way, reserve strips, easements, tracts and accessways, together with public improvements therein approved and accepted for public use.**

- a. The applicant must comply with the requirements of TDC Chapter 74, Public Improvement Requirements.
- b. The applicant must comply with the design and construction standards set forth in the Public Works Construction Code.

- c. The applicant must provide evidence to the City that property intended to be dedicated to the public is free of all liens, encumbrances, claims and encroachments.
2. The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must indicate the ownership and location of private easements and tracts, and the ownership and location of private improvements within public rights-of-way and easements.
3. Approval of the final plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat by the City constitutes acceptance of all public rights-of-way, reserve strips, easements, tracts and accessways shown thereon, as well as public facilities located therein.

**Applicant's Finding:** The Applicant has designed the plans to adhere to these standards, as demonstrated on the Tentative Plat (Sheet C150), provided in Appendix E. This standard is met.

### **36.320 Improvement Agreement for Public Improvements**

1. An applicant may submit the subdivision plat for City acceptance prior to installing all required public improvements if the applicant submits a signed Improvement Agreement and written assurances, to City Manager.
2. The Improvement Agreement must be in a form approved by the City and contain the following provisions:

**Applicant's Finding:** If required public improvements are not completed prior to plat submission, the Applicant will provide a signed Improvement Agreement and written assurances to the City Manager in a form approved by the City containing all required provisions. This standard is met.

### **36.330 Issuance of Building Permits.**

*[code requirements omitted for brevity]*

**Applicant's Finding:** The Applicant understands and acknowledges that the City will not issue building permits to connect to City utility services for lots within a subdivision until the City Manager has determined that the corresponding public improvements are substantially complete.

### **36.340 Existing Structures and Appurtenances**

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

**Applicant's Finding:** The Applicant will abide by these procedures for removing or abandoning existing structures and appurtenances.

### **36.400 Lot Dimensions**

#### **1. Double Frontage and Reverse Frontage.**

- a. Double frontage and reversed frontage lots must be avoided except where essential to provide separation of residential development from railroad tracks or crossings, traffic arterials or collectors, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.
- b. Vehicular access on double frontage lots must be oriented towards the lowest classification street adjacent to the lot as follows:
  - i. Alley
  - ii. Local street; or
  - iii. Neighborhood route.

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

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

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

#### **5. Frontage on Public Streets.** All lots created after September 1, 1979 must abut a public street, except for the following:

- a. Secondary condominium lots, which must conform to TDC 73C and TDC 75;
- b. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, and TMC Chapter 3-5 Surface Water Management, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan;
- c. Residential lots where frontage along a public street is impractical due to physical site restraints. Access to lots may be provided by a private street under the provisions of Chapter 74.060. The private street must have no adverse impacts to surrounding properties or roads and may only be approved if it meets the following criteria:
  - i. A public street is not needed to provide access to other adjacent properties as required by TDC Chapter 74;

- ii. A recorded document providing for the ownership, use rights, and allocation for liability for construction and maintenance has been submitted to the City Manager prior to issuance of a building permit; and
  - iii. Access easements have been provided to all properties needing access to the driveway.
- d. Lots in the Manufacturing Park Zone Planning District which have access to the public right-of-way in accordance with TDC 73C and TDC Chapter 75 via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way.

**Applicant's Finding:** The Applicant has designed the plans to adhere to these standards, as demonstrated on the Site Plan (Sheet C200), provided in Appendix E.

## Chapter 40 – LOW DENSITY RESIDENTIAL ZONE (RL)

### 40.200 Use Categories

1. **Use Categories.** Table 40-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RL zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 40-1 and restrictions identified in TDC 40.210. 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 40-1**  
**Use Categories in the RL Zone**

Use Category	Status	Limitations and Code References
<b>Residential Use Categories</b>		
Household Living	P/C	Permitted housing types subject to TDC 40.220.

**Applicant's Finding:** The subdivision has been designed for Household Living Residential Use; therefore, the use is permitted in the RL zone.

### 40.220 Housing Types

Table 40-2 lists housing types permitted in the RL zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N).

**Table 40-2**  
**Housing Types in the RL Zone**

Housing Type	Status	Limitations and Code References
Townhouse	P	See TDC definition in 31.060

**Applicant's Finding:** The subdivision has been designed for one townhouse dwelling on each of the proposed lots; therefore, the subdivision's housing type is permitted in the RL zone.

#### 40.300 Development Standards

1. Development standards in the RL zone are listed in Table 40-3. Additional standards may apply to some uses and situations, see TDC 40.310. The standards in Table 40-3 may be modified for flexible lot subdivisions as provided in TDC 36.410 and for greenway and natural area dedications as provided in TDC 36.420.
2. *Exceptions.* Existing nonconforming situations may be developed according to the provisions of TDC Chapter 35.

**Table 40-30**  
**Development Standards in the RL Zone**

Standard	Requirement	Limitations and Code References
<b>MAXIMUM DENSITY</b>		
Townhouse	25 units per acre	

**Applicant's Finding:** The proposed subdivision has an area of 1.76 acres and will contain 27 townhouse dwellings, which results in a density of approximately 15 units per acre. The proposed density is less than the maximum density; therefore, this standard is met.

Standard	Requirement	Limitations and Code References
<b>MINIMUM LOT SIZE</b>		
Townhouse	1,400 square feet	

**Applicant's Finding:** All proposed lots are greater than 1,400 square feet, which exceeds the minimum lot size standards of the RL zone. Lot sizes are demonstrated on the Overall Tentative Plat (Sheet C150) provided in Appendix E.

Standard	Requirement	Limitations and Code References
<b>MINIMUM LOT WIDTH</b>		
Townhouse	None	

**Applicant's Finding:** There is no minimum lot width for townhouse lots; therefore, this standard is met.

Standard	Requirement	Limitations and Code References
<b>MINIMUM SETBACKS</b>		
Front	15 feet	May be reduced to 12 feet if to an unenclosed porch.
Secondary Frontage on Corner Lot	10 feet	The secondary frontage is determined by the orientation of the structure, based on the location of the front door.
Garage Door	20 feet	
Side	5 feet	Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.

<b>Rear</b>	<b>15 feet</b>	
<b>Any Yard Area Adjacent to Basalt Creek Parkway</b>	<b>50 feet</b>	

**Applicant's Finding:** All lots have been designed to meet all minimum setback requirements, which will be verified at building permit submittal. This standard is met.

<b>Standard</b>	<b>Requirement</b>	<b>Limitations and Code References</b>
<b>MAXIMUM LOT COVERAGE</b>		
<b>Townhouse</b>	<b>75%</b>	

**Applicant's Finding:** All buildings on the proposed lots will be under 75% for building lot coverage, which will be verified at building permit submittal. This standard is met.

<b>Standard</b>	<b>Requirement</b>	<b>Limitations and Code References</b>
<b>MAXIMUM FLOOR AREA RATION (FAR)</b>		
<b>Single Family Dwelling, Duplex, Townhouse, Triplex, Quadplex</b>		<b>FAR does not apply to Cottage Clusters</b>
<b>Lot size</b>	<b>Maximum FAR</b>	
<b>3,000 sf or less</b>	<b>1.4 to 1</b>	
<b>3,001 to 5,000 sf</b>	<b>1.1 to 1</b>	
<b>5,001 to 10,000 sf</b>	<b>0.7 to 1</b>	
<b>10,001 to 19,999 sf</b>	<b>0.6 to 1</b>	
<b>20,000 sf or more</b>	<b>0.4 to 1</b>	

**Applicant's Finding:** All proposed townhome lots are smaller than 3,000 square feet and will each have a maximum Floor Area Ratio of 1.4 to 1, which will be verified at building permit submittal. This standard is met.

#### **40.310 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.**

**Applicant's Finding:** Any projections from architectural features will be verified at the time of building permits.

#### **Chapter 73A – SITE DESIGN STANDARDS**

***[code requirements omitted for brevity]***

**Applicant's Finding:** The Applicant will abide by the applicable design standards and any other landscaping requirements when applying for an architectural review application for

the townhomes. This application is for a subdivision to divide the subject site into suitable lots for future townhomes.

## **Chapter 73B – LANDSCAPING STANDARDS**

*[code requirements omitted for brevity]*

**Applicant's Finding:** The proposal meets the requirements for landscaping required to be installed in all zones.

## **Chapter 73C – PARKING STANDARDS**

### **73C.090. - Parking Lot Driveway and Walkway 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 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.**
- (b) Parking lots driveways and walkways for townhouses, triplexes, quadplexes, and cottage clusters must be provided consistent with the provisions of Chapter 73A.**

**Applicant's Finding:** The proposed subdivision is for townhouses, therefore the provisions of Chapter 73A are applicable and will be followed for this proposal. Applicable standards of Chapter 75 are also addressed in this narrative.

## **Chapter 74 – PUBLIC AND PRIVATE TRANSPORTATION FACILITIES AND UTILITIES**

### **74.020 Applicability**

- (1) Unless otherwise provided, construction, reconstruction or repair of public and private transportation facilities and utilities must comply with the provisions of this chapter. No development may occur and no land use application may be approved unless the public and private facilities related to development comply with the requirements established in this chapter and adequate public facilities are available. Applicants may be required to dedicate land and build required improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.**
- (2) Development must also comply with the applicable requirements of the Tualatin Municipal Code, Tualatin Public Works Construction Code, and Clean Water Services Design and Construction Standards.**
- (3) Adjustments to the provisions in this chapter related to transportation facility and utility improvements shall be requested as an exception in conjunction with an Architectural Review, Subdivision, Partition, or Driveway Approach Permit application consistent with the requirements of 74.040. Adjustment to the provisions in this chapter requested under 74.040 may also be requested as a separate application through a Type II procedure.**

**Applicant's Finding:** The Applicant understands and acknowledges the above requirements. The proposed subdivision has been designed in accordance with the most recent standards to comply with and provide public and private facilities related to the proposed development.

#### **74.030. Street Standards.**

**(1) Improvement Standards. Street improvements must comply with the following standards:**

- (a) Dedication and improvement to existing or future streets adjacent to or located on property proposed for development must be made consistent with Figures 74-1A through 74-1B. Right-of-way dedication must be for the full width of the property abutting the roadway and slope and utility easements. For development applications that will impact existing streets not adjacent to the applicant's property and require construction of street improvements to mitigate those impacts, which would require additional right-of-way, the applicant must be responsible for obtaining the necessary right-of-way from the applicable property owner(s).**
  - (i) For subdivisions or partitions, the dedication must be shown on the final subdivision or partition plat prior to approval of the plat by the City, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.**
  - (ii) For all other developments, the dedication must be made to the City for use by the public prior to issuance of a Certificate of Occupancy, release of a Construction Improvement Bond, or Final Approval, whichever comes first.**

**Applicant's Finding:** The Applicant understands and acknowledges the above requirements. Expected right-of-way dedication is shown on the Tentative Plat (Sheet C150) of the Land Use Plan Set provided in Appendix E, and will be included on the final plat. The above standards are met.

- (b) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement and right-of-way dedication beyond the centerline necessary to meet requirements for tapering in accordance with the Public Works Construction Code.**
- (c) All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.**

**Applicant's Finding:** The Applicant understands and acknowledges the above requirements. All proposed improvements apply to the portion of the street right-of-way located between the property line of the subject site and the centerline of the right-of-way. Proposed



improvements are demonstrated on the Site Plan (Sheet C200) of the Land Use Plan Set, provided in Appendix E. The above standards are met.

- (d) In addition to land adjacent to an existing or proposed street, the requirements of this section apply to land separated from such a street only by a railroad right-of-way.**
- (e) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County, and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.**

**Applicant's Finding:** There is no railroad right-of-way in the vicinity of the proposed development, and there are no existing rights-of-way under any other jurisdiction other than the City of Tualatin. Therefore, the above standards are not applicable.

- (f) Intersections must be improved to operate at a level of service of at least D for signalized, all-way-stop, and roundabout intersections and at least E for other unsignalized intersections.**

**Applicant's Finding:** The Applicant has provided a Transportation Impact Study (TIS) demonstrating compliance with this standard. The Applicant's traffic engineer coordinated with City of Tualatin staff to determine the study scope, which included safety and level of service (LOS) analyses for the following intersections during the morning and evening peak hours:

1. SW Ibach Street & SW 103rd Avenue
2. SW Ibach Street & Site Access
3. Site Access/SW Gardner Court & SW 103rd Avenue
4. SW Ibach Street & SW Grahams Ferry Road
5. SW Ibach Street & SW Boones Ferry Road

The LOS of an intersection ranges from LOS A, indicating very little or no delay, to LOS F, indicating significant congestion and delay. Based on the TIS, all study intersections are currently operating acceptably and are projected to continue operating acceptably through the 2027 buildout year. All intersections are projected to operate at or above LOS C under buildout conditions, which exceeds the minimum standards of LOS D for signalized intersections and LOS E for unsignalized intersections. Accordingly, no operational mitigation is necessary or recommended.

Traffic counts at the intersection of SW Ibach Street and SW Boones Ferry Road were collected while school was in session (Thursday, May 30, 2024) to account for the most congested conditions in the study area. Counts near the site were collected while school was not in session; however, these intersections experience limited influence from school traffic and operate with minimal delay. The Applicant's traffic engineer added a sensitivity analysis doubling traffic volumes at these intersections, demonstrated that they would continue to operate at LOS A. The intersection of SW Ibach Street and SW Boones Ferry Road will also continue to operate acceptably with the proposed subdivision in place, including during the school year.

With regard to safety, there are no reported crashes at the intersections near the site over the past five years. The proposed frontage improvements will provide new sidewalks where none currently exist and remove vegetation that limits sight distance, improving safety for pedestrians and vehicles near the site. Additional information on traffic counts and analysis is provided in the TIS in Appendix D. This standard is met.

**(2) Street Connectivity and Future Street Extensions. Streets must be extended to the proposed development site boundary and must comply with the minimum location, orientation, and spacing identified in the Functional Classification Plan (Comprehensive Plan Map 8-1), Local Streets Plan (Comprehensive Plan Map 8-3), Typical Street Design Standards (Figures 74-1A through 74-1B), Access Management (Chapter 75), and the following standards:**

**(a) Local streets and major driveways, as defined in TDC 31.060, proposed as part of new residential or mixed residential/commercial developments must comply with the following standards:**

**i. Maximum Block Length and Perimeter.**

- A. The block length shall not exceed 400 feet, and the block perimeter shall not exceed 1,600 feet, except where prevented by barriers.**
- B. The maximum block length and perimeter standard may be met with a full street connection, an alley that conforms with the standards in TDC 74.070, or a mid-block pedestrian and bicycle accessway that conforms with the standards in TDC 74.100.**

**ii. Cul-de-sacs.**

- A. Where provided, cul-de-sacs and closed-end streets must be no longer than 200 feet and shall provide access to no more than 25 dwelling units, except for streets stubbed to future developable areas.**
- B. If the end of a proposed cul-de-sac or other closed-end street is within 150 feet of a street or other public pedestrian facility, a bicycle and pedestrian accessway shall connect the cul-de-sac/closed-end street to the pedestrian facility, unless prevented by barriers. The accessway connection must meet the standards in TDC 74.100.**

**(b) For residential or mixed residential/ commercial redevelopments of a site over 2 acres that does not meet the block length or connectivity standards in TDC 74.030(2)(a), new connections meeting these standards shall be required, provided the City Manager makes findings that the required improvements have a clear nexus with, and are roughly proportional to, the development's impacts.**

**(c) Streets proposed as part of new industrial or commercial development must comply with Functional Classification Plan (Comprehensive Plan Map 8-1).**

**Applicant's Finding:** The proposed development has been designed to extend public streets and driveways to the site boundaries in compliance with the applicable street connectivity standards. The proposed street network maintains logical connections to adjacent rights-of-way and is consistent with the City's Functional Classification Plan and Local Streets Plan.

Block lengths within the subdivision do not exceed 400 feet, and the block perimeters are within 1,600 feet.

No culs-de-sac or closed-end streets are proposed. The overall street layout promotes connectivity, access, and efficient circulation consistent with the intent of the code.

This standard is met.

#### **TDC 74.040. Exceptions.**

***[code requirements omitted for brevity]***

**Applicant's Finding:** No exceptions from the standards are requested with this proposal, therefore this section is not applicable in its entirety.

#### **74.050. Traffic Study**

**(1) A traffic study must be provided with an application for development or when any of the following is proposed:**

- (a) A plan amendment;**
- (b) An increase in average daily site traffic volume generation of more than 100 trips;**
- (c) An increase in peak hour site traffic volume generation of more than 20 trips;**
- (d) An increase in site traffic that results in Queuing within the public right-of-way; or**
- (e) An increase in site traffic where the location of an existing or proposed access driveway does not meet minimum sight distance requirements or is located on a street that is designated as restricted in TDC 75.**

**(2) The traffic study must include, at a minimum:**

- (a) An analysis of the existing situation, including the level of service on adjacent and impacted facilities;**
- (b) An analysis of any existing safety deficiencies;**
- (c) Proposed trip generation and distribution for the proposed development;**
- (d) Projected levels of service on streets on which the property has frontage or takes access or contributes 5 percent or more to total daily or peak hour traffic volumes;**
- (e) Recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D for signalized, all-way stop, and roundabout intersections and at least E for unsignalized intersections, after the future traffic impacts are considered; and**
- (f) The study must be conducted by a registered engineer in the state of Oregon.**

**Applicant's Finding:** The Applicant has submitted a Transportation Impact Study (TIS) prepared by a registered professional engineer in the State of Oregon performed by Lancaster Mobley, as required by TDC 74.050. The study scope was developed in coordination with City of Tualatin staff and was provided with the application because the proposed development will generate more than 100 new average daily trips.

The TIS evaluates existing and projected traffic operations and safety conditions at key intersections along SW Ibach Street and SW 103rd Avenue. The analysis finds that the proposed 27-lot townhouse subdivision is expected to generate approximately 12 morning peak-hour trips, 15 evening peak-hour trips, and 192 average weekday trips. All study intersections are projected to continue operating acceptably at or above LOS C through the 2027 buildout year, consistent with agency standards. Left-turn and traffic signal warrants were evaluated and determined not to be met under buildout conditions.

Traffic counts at the intersection of SW Ibach Street and SW Boones Ferry Road were collected while school was in session (Thursday, May 30, 2024) to capture the most congested conditions in the study area. Counts near the site were collected while school was not in session; however, the traffic engineer finds that these intersections experience minimal influence from school traffic. The Applicant's traffic engineer added a sensitivity analysis doubling the traffic volumes at these intersections and found they would continue to operate at LOS A, confirming that school-related traffic does not alter the conclusions of the TIS. The intersection of SW Ibach Street and SW Boones Ferry Road will continue to operate acceptably with the proposed subdivision in place, including during the school year.

Crash data for the most recent five-year period indicate no significant safety concerns at the study intersections, and no mitigation is recommended. The proposed site access points along SW Ibach Street and SW 103rd Avenue provide adequate sight distance exceeding recommended standards. In addition, the project will construct frontage improvements that include new sidewalks and removal of vegetation to improve sight distance, further enhancing pedestrian and vehicular safety near the site.

The submitted TIS, provided in Appendix D, demonstrates compliance with the requirements of TDC 74.050 and confirms that the proposed development will not result in a significant adverse impact to the surrounding transportation system. This standard is met.

#### **74.080. Easements.**

**(1) Easements shall be required for the following:**

- (a) Greenways, natural areas, and bikeway and pedestrian paths;**
- (b) Slope areas necessary to support street improvements, accessways, or utility improvements;**
- (c) Public utilities, such as water, sanitary sewer, storm drainage, electric lines, cable, and gas;**
- (d) Watercourse or drainage way areas that traverse development; and**
- (e) Public improvement maintenance.**

**(2) For subdivision and partition applications, easement areas must be dedicated to the City on the final subdivision or partition plat, prior to approval of the plat by the City.**

**(3) For all other development applications, easement dedications must be submitted to the City Manager. The applicant must obtain City acceptance of the easement dedication prior to**

issuance of building permits or release of construction improvement bonds, whichever comes first.

(4) When off-site public utility easements are required to serve the proposed development, the public utility easement must have an 8-foot width adjacent to the street.

(5) When storm water easements are required, the easement must be sized to accommodate the existing water course and all future improvements in the drainage basin. There may be additional requirements as set forth in TDC Chapter 72, Greenway and Riverbank Protection District.

(6) All easements dedicated to the City during the development application process must be surveyed, staked, and marked with a City approved boundary marker, prior to acceptance by the City.

**Applicant's Finding:** The proposed subdivision includes public utility easements as shown on the Tentative Plat (Sheet C150) provided in Appendix E. These easements will accommodate necessary public utilities, including water, sanitary sewer, and storm drainage. Additional easements may be required for Tract A, which contains the stormwater facility, and Tract B, which may require a private easement because it contains the shared driveway and parking area serving Lots 10, 11, and 12.

All required easements will be dedicated to the City as applicable on the final subdivision plat prior to approval. This standard is met.

#### **74.090. Bikeways and Pedestrian Paths.**

(1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path identified in the Bicycle and Pedestrian Plan (Comprehensive Plan Map 8-4), it must be constructed within an easement or dedication provided to the City.

(2) Where required, bikeways and pedestrian paths must be provided as follows:

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

**Applicant's Finding:** The proposed subdivision does not abut or contain an existing or proposed bikeway, pedestrian path, or multi-use path identified on the City's Bicycle and Pedestrian Plan (Comprehensive Plan Map 8-4) that require any easements. Sidewalks and street connections within the public right-of-way are provided in accordance with City standards, ensuring safe and convenient pedestrian circulation throughout the subdivision and connections to adjacent rights-of-way.

Because no mapped bikeway or multi-use path crosses or borders the site, no additional easements or path improvements are required. This standard is not applicable.

#### **74.110. Utilities.**

**(1) Water Service. Water lines must be installed to serve each property in accordance with City codes and standards.**

- (a) The developer must obtain City approval of water line construction prior to construction.**
- (b) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the Water System Plan (Comprehensive Plan Map 9-1).**
- (c) As set forth in the Water System Plan (Comprehensive Plan Map 9-1), the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.**

**Applicant's Finding:** Public water service will be extended to serve each lot within the proposed subdivision. Water lines are shown on the Composite Utility Plan (Sheet C300) provided in Appendix E. The water utility design will ensure adequate service and pressure consistent with the City's Water System Plan. The subdivision is located within an established service area, and the proposed water line extensions will connect to the existing public system at appropriate locations. No undeveloped adjacent properties require extension beyond the site boundaries. This standard is met.

**(2) Sanitary Sewer Service. Sanitary sewer lines must be installed to serve each property in accordance with City codes and standards.**

- (a) Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.**
- (b) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up-stream areas that can be expected to drain through the lines on the site, in accordance with the Sewer System Master Plan (Comprehensive Plan Map 9-2).**

**Applicant's Finding:** Sanitary sewer service will be provided to serve each lot within the proposed subdivision. Sewer lines and associated improvements are shown on the Composite Utility Plan (Sheet C300) provided in Appendix E. Sewer utility plans and calculations will be submitted for review and approval prior to construction. No undeveloped adjacent properties require extension of sewer lines beyond the site boundaries. The proposed sewer system is sized to accommodate all anticipated flows from the

subdivision in accordance with the City's Sewer System Master Plan. This standard is met.

**(3) Storm Drainage System. Storm drainage lines must be installed to serve each property in accordance with City codes and standards.**

- (a) Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.**
- (b) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the Tualatin Municipal Code and Public Works Construction Code.**
- (c) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with Storm System Master Plan (Comprehensive Plan Map 9-3).**

**Applicant's Finding:** Storm drainage service will be provided to serve each lot within the proposed subdivision. Storm drainage lines and associated improvements are shown on the Composite Utility Plan (Sheet C300) provided in Appendix E. Storm utility plans and calculations will be submitted for review and approval prior to construction, and have been designed to ensure adequate capacity for the site and compliance with the Tualatin Municipal Code and Public Works Construction Code. No undeveloped adjacent properties require extension of storm drainage lines beyond the site boundaries. The storm drainage system is sized to accommodate all anticipated flows from the subdivision in accordance with the City's Storm System Master Plan. This standard is met.

**(4) Grading. Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.**

- (a) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties.**
- (b) The City Manager may require the applicant to remove all excess material from the development site.**

**Applicant's Finding:** The proposed subdivision is graded to minimize the impact of stormwater runoff onto adjacent properties and to maintain pre-development drainage patterns for surrounding lots as feasible. The Grading Plan (Sheet C210) is provided in Appendix E, showing that all lots will be served by gravity drainage from building foundations and that drainage from the subdivision will not adversely affect adjacent properties. Any excess material will be removed from the site in accordance with City requirements. This standard is met.



**(5) Water Quality, Storm Water Detention, and Erosion Control.** The applicant must comply with the water quality, storm water detention and erosion control requirements in the Tualatin Municipal Code, Public Works Construction Code, and Clean Water Services standards, including:

- (a) The applicant must construct a permanent on-site water quality facility and storm water detention facility.**
  - i. For subdivision and partition applications, the applicant must submit stormwater construction plans and calculations in compliance with the Tualatin Municipal Code and obtain a Stormwater Connection Permit from Clean Water Services and must construct the improvements prior to approval of the final plat.**
  - ii. For all other development applications, the applicant must submit stormwater construction plans and calculations in compliance with the Tualatin Municipal Code and obtain a Stormwater Connection Permit from Clean Water Services prior to issuance of any building permit and must construct the stormwater infrastructure prior to issuance of a Certificate of Occupancy or release of a Construction Improvement Bond.**
- (b) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbance of the site is allowed until the erosion control plan is approved by the City and the required measures are in place and approved by the City.**

**Applicant's Finding:** The proposed subdivision includes a permanent on-site stormwater facility located in Tract A, as shown on the Composite Utility Plan (Sheet C300) provided in Appendix E. Preliminary stormwater calculations and design information are provided in the Preliminary Stormwater Management Report provided in Appendix D. The facility has been designed to meet water quality, stormwater detention, and erosion control requirements in accordance with the Tualatin Municipal Code, Public Works Construction Code, and Clean Water Services standards. Final construction plans and a Stormwater Connection Permit will be submitted and approved prior to final plat approval. An erosion control plan will be prepared and approved prior to any site disturbance. This standard is met.

**(6) Undergrounding of Utilities.**

- (a) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant make all necessary arrangements with all utility companies to provide the**



underground services. The City reserves the right to approve the location of all surface mounted transformers.

- (b) Existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

**Applicant's Finding:** All utilities serving the proposed subdivision will be installed underground. Surface-mounted transformers and meter cabinets will be located as allowed, and all necessary arrangements with utility providers will be completed. This standard is met.

#### **(7) Utility Service to Existing Structures.**

- (a) Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.
- (b) The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.
- (c) The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.

**Applicant's Finding:** No existing structures on the subject site are proposed to be retained by the Applicant, therefore this standard is not applicable.

#### **74.120. Street Lights.**

- (1) Street light poles and luminaries must be installed in accordance with the Public Works Construction Code.
- (2) The applicant must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.

**Applicant's Finding:** Street lighting for the proposed subdivision will be provided in accordance with the Public Works Construction Code. A Photometrics Plan (Sheet C250), included in Appendix E, demonstrates the location and illumination levels for all interior and exterior streets and satisfies the requirement for a street lighting plan. Final plan approval will occur prior to issuance of a Public Works Permit. This standard is met.

#### **74.130. Street Names.**

- (1) A street name must not duplicate or be confused with the names of existing streets in the Counties of Washington or Clackamas, except for extensions of existing streets. Street names and numbers must conform to the established pattern in the surrounding area.

**(2) The City Manager must maintain the approved list of street names from which the applicant may choose. Prior to the creation of any street, the street name must be approved by the City Manager.**

**Applicant's Finding:** The Applicant understands and acknowledges that the street names for the proposed subdivision will be selected from the City-approved list and must be approved by the City Manager prior to final plat approval. All street names will conform to the established naming pattern in the surrounding area and will not duplicate or be confused with existing streets in Washington or Clackamas Counties, except for extensions of existing streets. This standard is met.

#### **74.140. Street Signs.**

**(1) Traffic control signs may be required by the City and must comply with the Public Works Construction Code and the Manual on Uniform Traffic Control Devices (MUTCD).**

**(2) The size, type, location, and placement of the signs must be approved by the City, prior to issuance of building permits.**

**(3) The applicant must install street name signs at all street intersections, in accordance with standards adopted by the City.**

**Applicant's Finding:** All street signs for the proposed subdivision will be installed in accordance with the Public Works Construction Code and the Manual on Uniform Traffic Control Devices (MUTCD). The Applicant understands and acknowledges that the size, type, location, and placement of all signs will be reviewed and approved by the City prior to issuance of building permits. This standard is met.

#### **74.150. Street Trees.**

**(1) Applicability and Authority. The City Manager has jurisdiction over all trees planted or growing in or upon the public rights-of-way of the City and their planting, removal, care, maintenance and protection. It is unlawful for a person to remove or injure a tree that is planted or growing in or upon a public right-of-way within the City, without a written permit from the City Manager.**

**(2) Development Review. The location, type, size, and placement of street trees must be approved by the City.**

**(a) In residential subdivisions and partitions, the applicant must furnish and install street trees, prior to approval of final plat.**

**(b) For all other developments, street trees must be planted by the owners of the individuals prior to Certificate of Occupancy or release of a Construction Improvement Bond.**

**(3) Street Tree Species and Planting Locations. All trees planted in the right-of-way of the City must conform in species and location with the street tree plan and City standards.**

**(4) Open Ground. When impervious material or substance is laid down or placed in or upon a public right-of-way near a tree, at least 25 square feet of open ground for a tree up to three inches in diameter must be provided about the base of the trunk of each tree.**

**Applicant's Finding:** Plant materials including species, quantity, and size, as well as approximate street tree planting locations, are provided on the Planting Plan (Sheet L101) provided in Appendix E. The Applicant understands and acknowledges that the location, type, size, and placement of all street trees must be approved by the City, and that street trees must be furnished and installed prior to final plat approval in accordance with City standards. This standard is met.

**(4) Protection of Trees During Construction.**

- (a) During the construction, repair, alteration or removal of a building or structure, trees in or upon a public right-of-way in the vicinity of the building or structure must be protected with a sufficient guard or fence to prevent injury to the tree.**
- (b) Excavations and driveways must not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Manager. During excavation or construction, the person must guard the tree within six feet and all building material or other debris must be kept at least four feet from any tree.**

**Applicant's Finding:** There are no trees in or upon a public right-of-way (after dedication of the right-of-way on the subject site) that are proposed to be retained with this proposal, as demonstrated on the Tree Removal and Preservation Plan (Sheet C110) provided in Appendix E. Therefore, this standard is not applicable.

**(5) Street Tree Voluntary Planting. A person who desires to plant a tree in or upon a public right-of-way may submit a request to the City with payment of fee(s) so that the City may plant a street tree. If a stump exists where a street tree is to be planted, the person must remove the stump or pay a fee to the City, as established in the Tualatin Fee Schedule, so that the City may remove the stump on behalf of the person. In all instances, a person who desires to plant a tree must comply with other applicable TDC sections and any additional requirements of the City Manager.**

**(6) Attachments to Trees. It is unlawful for a person to attach or keep attached a rope, wire, chain, sign or other device to a tree in or upon a public right-of-way or to the guard or stake intended for the protection of such tree.**

**Applicant's Finding:** The Applicant understands and acknowledges the provisions regarding voluntary street tree planting and attachments to trees in or upon public rights-of-way. This standard is met.

**(7) Maintenance Responsibilities. Trees, plants, or shrubs standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk must be kept trimmed by the owner of the property adjacent to or in front of where such trees, plants, or shrubs are growing so that:**

- (a) The lowest branches are a minimum of 12 feet above the surface of the street and a minimum of 14 feet above the surface of streets designated as state highways or County Roads.**

- (b) The lowest branches are a minimum of eight feet above the surface of a sidewalk or footpath.
- (c) A plant, bush, or shrub must not be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured ten feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic. Plants, bushes, or shrubs must also be trimmed to provide adequate sight distance for drivers pulling out from streets, driveways, and other intersections.
- (d) Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.

**Applicant's Finding:** The Applicant understands and acknowledges that maintenance of trees, plants, and shrubs in or upon public rights-of-way must comply with the height and sight distance requirements. This standard is met.

**(8) Notice of Violation.** When the owner, lessee, occupant or person in charge of private grounds neglects or refuses to trim a tree, shrub, or plant as provided in this section, the City Manager may provide a written notice of violation. The notice must be served upon the owner, lessee, occupant or person in charge either by "Certified Mail-Return Receipt Requested," or by posting the same notice on the property or near to the trees, shrubs or plants to be trimmed.

(a) If the owner, lessee, occupant or person in charge of the property fails and neglects to trim the trees, shrubs, or plants within ten days after service of the notice, the City Manager may trim the trees, shrubs or plants. Such trimming by the City does not act to relieve such owner, lessee, occupant or person in charge of responsibility for violating this Chapter.

(b) A person who fails to trim a tree or shrub for which notice to do so was provided, must, upon conviction, be fined not more than \$100.00.

**(9) Street Tree Emergencies.** If emergency conditions require the immediate cutting or removal of street trees to avoid danger or hazard to persons or property, the City Manager may issue emergency permits without payment of fees and formal applications. If the City Manager is unavailable, the adjacent property owners may proceed to cut the trees without permits to the extent necessary to eliminate the immediate danger or hazard. If a street tree is cut under this section without filing an application with the City Manager, the person doing so must report the action to the City Manager within two City business days without payment of fee and must provide such information and evidence as may be reasonably required by the City Manager to explain and justify the removal.

(a) In all instances, a person who removes a street tree as a result of an emergency must replace it within 60 days of notifying the City Manager. The City reserves the right to waive this requirement.

(b) A person who fails to comply with TDC 74.150(9) must pay an enforcement fee, and a restoration fee to the City of Tualatin, as set forth in TDC 33.110, in addition to civil penalties in TDC 31.111.

(c) If no emergency is found to exist, no person must cut or remove a street tree without complying with the requirements of the Tualatin Development Code.

**(10) Removal or Treatment by City.** The City Manager may remove or require removal of a tree, plant, or shrub growing in or upon a public right-of-way when its nature causes an unsafe condition, is injurious to sewers or public improvements, or is affected with a fungus disease, insect, or other pest. When, in the opinion of the City Manager, trimming or treatment of a tree or shrub located on private grounds, but having branches extending over a public right-of-way is necessary, the City Manager may trim such branches or order the branches to be trimmed.

**Applicant's Finding:** The Applicant understands and acknowledges the provisions regarding notice of violation, emergency removal, and City-authorized removal or treatment of trees, plants, or shrubs in or upon public rights-of-way.

**(11) Street Tree Removal Permit and Fees.** A person who desires to remove a tree, as defined in TDC 31.060, in or upon public right-of-way must submit an application to the City.

(a) Upon the City Manager approving the removal of a street tree, the applicant or designated contractor must replace each removed tree on a one-for-one basis by fulfilling the following requirements:

- i. Remove both the tree and stump prior to planting a replacement tree, or request the City to remove the tree and stump and pay the applicable fee(s) established in the city of Tualatin Fee Schedule; and
- ii. Replace the removed tree by planting a species of street tree permitted by the City within the time period specified in writing by the City Manager; or, the applicant may request within 60 days of the permit approval date that the City replace the street tree and pay the applicable fee(s) established in the city of Tualatin Fee Schedule. If an applicant opts for the City to plant the replacement tree, the City may plant the tree on its usual tree-planting schedule. Planting done by the applicant or designated contractor must comply with all applicable TDC sections and any additional requirements imposed by the City Manager
- iii. The applicant must comply with all applicable TDC sections and additional requirements imposed by the City Manager. The City Manager may waive the one-for-one replacement requirement if the City Manager determines that the replacement would;
  - A. Conflict with public improvements or utility facilities, including, but not limited to, fire hydrants, water meters and pipes, lighting fixtures, traffic control signs; private improvements or utility facilities-including, but not limited to, driveways and power, gas, telephone, cable television lines; or, minimum vision clearance;
  - B. Interfere with the existing canopy of adjacent trees, the maturation of the crown of the proposed replacement tree, or both;
  - C. Cause a conflict by planting trees too close to each other, hurting their health; and
  - D. Direct how to plant replacement tree(s).

- (b) A person who fails to comply with the street tree removal permit must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 33.110, in addition to civil penalties in TDC 31.111.
- (c) A person who applies to remove a street tree must pay all costs incurred by the City as reflected in the applicable fees listed in the city of Tualatin Fee Schedule. City actions and associated fees include but are not limited to inspection of a street tree requested for removal, removal of a street tree, removal of a stump, planting of a street tree, and inspection(s) to determine if the applicant has fulfilled permit requirements.
- (d) When a street tree removal permit is denied by the City Manager, an order is issued by the City Manager directing certain trees, shrubs or plants to be trimmed or removed, or a permit is granted by the City Manager containing conditions which the applicant deems unreasonable, the applicant may appeal to the Council in writing and filed with the City Recorder within ten City business days after the denial of the permit sought or the making of the order the appellant deems unreasonable. After hearing, the Council may either grant or deny the application, rescind or modify the order from which the appeal was taken.

**Applicant's Finding:** The Applicant understands and acknowledges the requirements regarding street tree removal permits, replacement, associated fees, and the appeals process.

#### **TDC 74.160. Installation of improvements.**

**(1) Public Improvements.** Except as specially provided, all public improvements must be installed at the expense of the applicant.

- (a) 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.
- (b) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.
- (c) Sidewalks must be maintained, repaired, and upkeep in accordance with the Tualatin Municipal Code by the property owner.

**(2) Private Improvements.** All private improvements must be installed at the expense of the applicant. The property owner must retain maintenance responsibilities over all private improvements.

**(3) Construction of Improvements and Phasing.**

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

- (b) 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.**

**Applicant's Finding:** The Applicant understands and acknowledges that all public and private improvements for the proposed subdivision will be installed at the Applicant's expense, in accordance with City standards, and will be completed and accepted by the City prior to issuance of a Certificate of Occupancy or release of a Construction Improvement Bond.

## **Chapter 75 – ACCESS MANAGEMENT**

### **TDC 75.010. - Purpose and Applicability.**

**(1) Purpose.** The purpose of this chapter is to establish standards and regulations for the development of a safe and efficient transportation system that provides access to properties, while limiting conflicts between driveway access, street intersections, and turning movements.

**(2) Applicability.** The provisions of this chapter apply when lots are created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation; and to all new development and modifications to existing development, including changes of use.

**Applicant's Finding:** The Applicant understands and acknowledges the purpose of this chapter. The standards of Chapter 75 are applicable because new lots are being created through this subdivision application, which constitutes new development subject to access management standards.

### **TDC 75.020. - Driveway Approach Requirements.**

**The standards set forth in this Code are minimum driveway approach standards, the purpose of which are to protect the public health, safety, and general welfare.**

**(1) Public Access.** No development shall occur unless the development has frontage or approved access to a public street. Lots that front on more than one street must locate motor vehicle access on the street with the lower functional classification, or as required by the City Manager.

**Applicant's Finding:** All proposed lots in the subdivision will have frontage on a public street. For lots that front more than one street, motor vehicle access has been located on the street with the lower functional classification, as shown on the Site Plan (Sheet C200) in Appendix E. This standard is met.

**(2) Driveway Width.** Minimum driveway approach widths are as provided in TDC 73C-090.

**Applicant's Finding:** TDC 73C-090 references Chapter 73A for minimum driveway approach widths for townhouses, triplexes, quadplexes, and cottage clusters. Because this application is



for a townhouse subdivision, the Applicant will adhere to the applicable Chapter 73A standards for driveway widths. This standard is met.

**(3) Driveway Approach Separation.** There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

**Applicant's Finding:** Each proposed lot will have a single driveway, and because this standard applies only to multiple driveways on a single property, it is not applicable.

**(4) Distance between Driveways and Intersections.** Driveways shall be outside the stopping queue or storage length of intersections. Except for single-family dwellings, duplexes, townhouses, triplexes, quadplexes, and cottage clusters, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection (or crosswalk if no stop bar).

- (a) At an intersection with a collector or arterial street, driveways must be located a minimum of 150 feet from the intersection and must be outside marked turn lanes or areas where vehicles regularly queue to get through the intersection as may be determined by a traffic study.
- (b) At an intersection with a connector, neighborhood route, and local street, driveways must be located a minimum of 30 feet from the intersection.
- (c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line. In these cases turning movements into and out of the driveway may be limited for safety reasons.

**Applicant's Finding:** For each proposed lot that does not have sufficient width to achieve the minimum separation between the driveway and the intersection, the driveway has been located as far from the intersection as possible while maintaining the 5-foot setback from the property line, in accordance with TDC 75.020(4)(c). The Tentative Plat (Sheet C150) and Site Plan (Sheet C200) in Appendix E demonstrate compliance. This standard is met.

**(5) Existing driveways.** If development occurs on properties with existing driveways, the City Manager may restrict the existing driveways to right-in and right-out by construction of raised median barriers or other means, or may require closure of driveways beyond the minimum needed to serve the site.

**Applicant's Finding:** All existing driveways on the subject property are proposed to be removed. Therefore, the requirements regarding existing driveways are not applicable.

**(6) Joint and Cross Access.**



- (a) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the County Recorder.
- (b) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.
- (c) A system of joint use driveways and cross access easements may be required and may incorporate the following:
  - (i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
  - (ii) A design speed of ten mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, loading vehicles, and emergency vehicles;
  - (iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and
  - (iv) A unified access and circulation system plan for coordinated or shared parking areas.
- (d) Pursuant to this section, property owners may be required to:
  - (i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  - (ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  - (iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and
  - (iv) If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.

**Applicant's Finding:** Lots 10, 11, and 12 will utilize a shared driveway approach located within Tract B. Legal easements and access rights will be recorded to establish joint use, and the design of the shared access meets the applicable standards for two-way travel, emergency access, and coordination between lots in accordance with these requirements. These standards are met.

**(7) Requirements for Development on Less than the Entire Site.**

- (a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards.

The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

- (b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

**Applicant's Finding:** The entire subject property is proposed for development, therefore the requirements of this section are not applicable.

**(8) Vision Clearance Area.**

- (a) **Connectors, Neighborhood Routes, and Local Streets.** A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).
- (b) **Collector Streets.** A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 73-2 for illustration).
- (c) **Vertical Height Restriction.** Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

**(9) Sight Distance.**

- (a) New and/or modified intersections or driveways must be constructed with sight distance in accordance with the Intersection Sight Distance section of the current A Policy on Geometric Design of Highways and Streets by the American Association of State Highway Transportation Officials (AASHTO), and this sight distance must be verified by an Engineer in accordance with the Public Works Construction Code.

**Applicant's Finding:** The proposed intersections at SW Ibach Street and SW 103rd Avenue have been designed to meet the vision clearance area requirements for neighborhood routes and local streets, and to provide sight distance in accordance with AASHTO standards

as required. Final compliance will be verified through the submittal of permit documents. This standard is met.

**TDC 75.030. - Access Spacing Standards.**

(1) Future streets are shown in Functional Classification Plan (Comprehensive Plan Map 8-1) and Local Streets Plan (Comprehensive Plan Map 8-3). These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process.

(2) New access points connecting to the public street network must meet the spacing standards summarized in Table 75-1. Access points include public streets, private streets, and private driveways, and must meet the following standards:

(a) Intersection and driveway spacing is measured from centerline of the first access to centerline of the second access.

(b) Limited access intersections are restricted to right-in/right-out turn movements. In some cases, left-in turn movements may be permitted.

(c) The following are access limited roadways:

**1. Basalt Creek Parkway**

**A. 124th Avenue to Boones Ferry Road: Access shall be limited to Grahams Ferry Road and Boones Ferry Road.**

(3) A variation to the access spacing standards may be granted in areas with limited property frontage and/or environmental constraints. Variation to these spacing standards will require an access management plan to be approved by the City Manager.

**Table 75-1: Access Spacing Standards**

<b>Functional Classification</b>	<b>Minimum Access Spacing: Unrestricted</b>	<b>Minimum Access Spacing: Limited</b>
<b>Primary Arterial</b>	<b>800 feet</b>	<b>400 feet</b>
<b>Arterial</b>	<b>400 feet</b>	<b>200 feet</b>
<b>Collector</b>	<b>200 feet</b>	<b>100 feet</b>
<b>Connector</b>	<b>150 feet from an intersection with an Arterial or Collector</b>	<b>-</b>
<b>Neighborhood Route</b>	<b>150 feet from an intersection with an Arterial or Collector</b>	<b>-</b>
<b>Local</b>	<b>100 feet from an intersection with an Arterial or Collector</b>	<b>-</b>

**Applicant's Finding:** New access points to the proposed subdivision via "Street A" have been designed to provide the maximum feasible spacing to connect to the existing public street network on SW Ibach Street and SW 103rd Avenue. Because the new access points are located on a local street and the nearest intersections are with neighborhood routes, the minimum access spacing requirements in Table 75-1 do not apply.

## **SUMMARY AND CONCLUSION**

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City Manager for this Type II Subdivision application. Thank you for your consideration.