



## Land Use Application

### Applicant's Consultant/Primary Contact:

Melissa Slotemaker  
AKS Engineering & Forestry, LLC  
12965 SW Herman Road, Ste. 100  
Tualatin, OR 97062  
(503)-563-6151  
slotemakerm@aks-eng.com

### Project Information

Project Title: Norwood Townhomes Subdivision

Brief Description:

A residential subdivision for attached townhouses and affiliated site improvements.

**Estimated Construction Value:** 3,000,000

### Property Information

Address: 9300 SW Norwood Road, Tualatin, OR 97062

Assessor's Map/Tax Lot Number: 2S135D, Tax Lot 106, 2S135D, Tax Lot 108

### Applicant/Property Owner

Name: Ken Allen

Company Name: Norwood Horizon Holdings LLC

Address: 9300 SW Norwood Road

City: Tualatin

State: OR

ZIP: 97062

Phone: Please contact Applicant's Consultant

Email: Please contact Applicant's Consultant

*As the person responsible for this application, I hereby acknowledge that I have read this application and state that the information in and included with this application in its entirety is correct. I agree to comply with all applicable City and County ordinances and State laws regarding building construction and land use.*

**Applicant's Signature:**

DocuSigned by:  
*Ken Allen*  
09C146C08985450...

Date: 7/25/2025

### Additional Property Owner

Name: Horizon Community Church

Address: 23370 SW Boones Ferry Road

City: Tualatin

State: OR

ZIP: 97062

Phone: Please contact Applicant's Consultant

Email: Please contact Applicant's Consultant

**Letter of authorization is required if not signed by owner.**

**Property Owner's Signature:**

DocuSigned by:  
*Ken Allen*  
09C146C08985450...

Date: 7/25/2025

### LAND USE APPLICATION TYPE:

☐ Annexation (ANN)

☐ Architectural Review (AR)

☐ Architectural Review—Single Family (ARSF)

☐ Architectural Review—ADU (ARADU)

☐ Conditional Use (CUP)

☐ Historic Landmark (HIST)

☐ Industrial Master Plan (IMP)

☐ Plan Map Amendment (PMA)

☐ Plan Text Amendment (PTA)

☐ Tree Removal Permit (TCP)

☐ Minor Architectural Review (MAR)

☐ Minor Variance (MVAR)

☐ Sign Variance (SVAR)

☐ Variance (VAR)

☒ Other Subdivision

### Office Use

Case No:

Date Received:

Received by:

Fee:

Receipt No:



## SUBDIVISION, PARTITION & PROPERTY LINE ADJUSTMENT

**PROPERTY LINE ADJUSTMENT (TYPE I):** A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a). Property line adjustments cannot be used to create an additional unit of land, or to create units of land that are nonconforming.

**PARTITION (TYPE II):** Tentative Partition Plan approval is required before land can be divided into three or fewer parcels within a calendar year. When the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels.

**SUBDIVISION (TYPE II):** 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).

**TYPE I:** This land use procedure is used when the standards and criteria require limited discretion and interpretation. Type I decisions are decided by staff without public notice with an opportunity for appeal to the Circuit Court.

**TYPE II:** This land use procedure is used when the standards and criteria require limited discretion and interpretation. Type II decisions are decided by staff and require public notice with an opportunity for appeal to the City Council.

Subdivision, Partition & Property Line Adjustments also encompass a Public Facilities Review led by the Engineering Division, to evaluate transportation and access management; sewer, water, and stormwater; water quality and erosion control; and protection of environmentally sensitive areas.

Both divisions coordinate with other City departments and outside agencies, such as Tualatin Valley Fire and Rescue and Clean Water Services, to ensure compliance with all applicable development standards.

### **PRIOR TO APPLICATION SUBMITTAL**

- Attend a Pre-Application Meeting (TDC 32.110) **(TYPE II)**
- Notice and host a Neighborhood/Developer Meeting (TDC 32.120) **(TYPE II)**

Following submittal of the Partition/Subdivision application, the applicant must post a Neighborhood Meeting sign and a second sign on the subject property (TDC 32.150) to provide notice of the pending land use application. The applicant will be required to provide an affidavit of posting demonstrating the sign was posted prior to issuance of the decision (Type II).

*Note: Notice of land use application sign to be posted once the application has been deemed complete.*

### **SUBMITTAL REQUIREMENTS**

Please submit all materials electronically through the following link: <https://permits.ci.tualatin.or.us/eTrakit/>. Details regarding submittal requirements are listed in TDC 32.140, 36.040, and 36.100, 36.110 and 36.120.



#### GENERAL

- ☒ Land Use Application Form
- ☒ Narrative addressing all applicable criteria and standards (TDC sections provided in blue box)
- ☒ Fee
- ☒ Preliminary Title Report, including current deed and legal description
- ☒ Clean Water Services (CWS) Service Provider Letter, obtained directly with CWS at <https://www.cleanwaterservices.org/documents-forms/pre-screen-form/>
- ☒ Service Provider Letter from Tualatin Valley Fire & Rescue (TVF&R), obtained directly with TVF&R at <https://www.tvfr.com/FormCenter/Public-Records-7/Service-provider-permit-for-Tualatin-73>

#### PROPERTY LINE ADJUSTMENT

- N/A ☐ Site Plan – see TDC 36.100 for details  
N/A ☐ Proposed Property Line Adjustment Deed

#### PARITION/SUBDIVISION

- ☒ Subdivision or Partition Plan Map – see TDC 36.040 for details
- ☒ Proposed Plat Name, approved by the County Surveyor
- ☒ Applicant Team Contact Information: Design Engineer and Surveyor
- ☒ For Subdivisions – Completed Trip Generation Estimate and Traffic Impact Analysis
- ☒ Documentation for Neighborhood Developer Meeting, including notice and mailing list, affidavit of mailing notice, certification of sign posting for Neighborhood Developer Meeting, participant sign-in sheet, and meeting notes
- ☒ Summary of Contact with Citizen Involvement Organization

#### **APPROVAL CRITERIA**

The applicant's plans and narrative must work together to demonstrate that all applicable criteria are met.

Other criteria, such as zoning and overlay standards, or standards applicable to a specific use, also apply.

#### **Tualatin Development Code:**

- Chapter 32 Procedures
- Chapter 36.100 Property Line Adjustments
- Chapter 36.110 Tentative Partition Plan
- Chapter 36.120 Tentative Subdivision Plan
- Chapter 74: Public Improvement
- Chapter 75: Access Management





horizoncommunity.church

tualatin campus  
23370 sw boones ferry road  
tualatin, or 97062

administrative offices  
po box 2690  
tualatin, or 97062

September 18, 2024

To: City of Tualatin, Planning Dept

From: Randy Cambell, Horizon Community Church

CC: Melissa Slotemaker, AKS Engineering

This letter is to serve the purpose of Horizon Community Church, authorizing Ken Allen and Sam Allen of Norwood Horizon Holdings, LLC, Heitman Allen Real Estate and Construction, and Syd's Construction, as our official representatives pertaining to matters of land use and development of the proposed multifamily land approval process with the City of Tualatin.

Ken Allen and/or Sam Allen have the authority to sign City of Tualatin, Washington County and Clean Water Services forms and applications as agents on behalf of Horizon Community Church.

If you have any questions, please feel free to contact me at my email address:  
[rcampbell@horizoncommunity.church](mailto:rcampbell@horizoncommunity.church).

Best Regards,

Randy Campbell  
Executive Pastor, COO, CFO

# Norwood Townhomes Subdivision Application

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**Date:** August 2025 (Updated January 2026)

**Submitted to:** City of Tualatin – Planning Division  
10699 SW Herman Road  
Tualatin, OR 97062

**Applicant:** Ken Allen  
Norwood Horizon Holdings LLC  
9300 SW Norwood Road  
Tualatin, OR 97062

**AKS Job Number:** 8723-04



12965 SW Herman Road, Suite 100

Tualatin, OR 97062

(503) 563-6151



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# Norwood Townhomes Subdivision Application

<b>Submitted to:</b>	City of Tualatin – Planning Division 10699 SW Herman Road Tualatin, OR 97062
<b>Applicant/Property Owner:</b>	Ken Allen Norwood Horizon Holdings LLC 9300 SW Norwood Road Tualatin, OR 97062
<b>Additional Property Owner:</b>	Horizon Community Church 23370 SW Boones Ferry Road Tualatin, OR 97062
<b>Applicant's Consultant:</b>	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062  Contact: Melissa Slotemaker, AICP Email: slotemakerm@aks-eng.com Phone: (503) 563-6151
<b>Site Location:</b>	9300 SW Norwood Road
<b>Washington County Assessor's Map:</b>	2S135D, Tax Lots 106 and 108
<b>Site Size:</b>	±9.29 acres
<b>Land Use Districts:</b>	Medium Low Density Residential (RML)





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## **I. Executive Summary**

On behalf of Norwood Horizon Holdings LLC (Applicant and Property Owner), AKS Engineering & Forestry, LLC (AKS) is submitting this application for a 95-lot residential subdivision for attached townhomes. The site is located at 9300 SW Norwood Road. A  $\pm 1.0$ -acre portion of the site was annexed into City of Tualatin (City) limits in 2023 (Ordinance No. 1472-23). The Medium Low Density Residential (RML) zoning district was applied to this portion of the site upon annexation. The remaining portion of the site had the RML designation applied in December 2024 through Ordinance No. 1496-24. The site is also the subject of a recent Partition application that divided the site from the larger Horizon Community Church and School site (File No. PAR 22-0002).

This narrative and accompanying application materials complete an application that was initially submitted on August 8, 2025. After the initial submittal, City staff communicated that the proposed project would work better under the updated Tualatin Development Code (TDC) that was effective in September 2025. Therefore, this January 2026 submittal includes updated plans and narrative to address current City standards.

As planned, the Norwood Townhomes Subdivision will provide amenities including new sidewalks, pedestrian connections, and on- and off-street parking for residents and visitors, as well as street improvements to SW Norwood Road and the planned Local streets internal to the subdivision. As demonstrated by the application materials, the residential subdivision improvements align with the City's standards for public improvements with minor adjustments allowed with City staff approval. Primary access to the site is planned to be taken from SW Norwood Road, where half-street improvements will be provided along the site's frontage, including right-of-way dedication, a planter strip, a  $\pm 12$ -foot-wide multi-use pathway, and roadway expansion and paving. As demonstrated by the application materials, the planned transportation network will allow safe and efficient connectivity for pedestrians, bicycles, and vehicles. Additional improvements include open space areas, the extension of a full range of underground franchise utilities, pedestrian pathways internal to the subdivision and connecting to adjacent properties, and a stormwater facility to serve the site. Emergency access is provided through the Horizon Community Church property at the southeast corner of the subdivision site.

This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

## **II. Site Description/Setting**

The subject site is  $\pm 9.29$ -acres and is comprised of a  $\pm 1.0$ -acre tax lot (Tax Lot 108) and an  $\pm 8.29$ -acre portion of a larger tax lot that includes the Horizon Community Church and School (Tax Lot 106). The site is located south of SW Norwood Road and east of SW Boones Ferry Road. Please refer to the Vicinity Map on the first page of the Preliminary Plans (Exhibit A) for the location of the site. The site is improved with two existing residential dwellings, accessory structures, open areas, and parking and circulation areas for the Horizon Community Church and School. There are two existing driveways accessing the site, both from SW Norwood Road. Evergreen trees are located on both tax lots with a  $\pm 60$ -foot-wide buffer of trees adjacent to portions of the SW Norwood Road frontage (trees to be preserved). Adjacent uses include the following:

- North: SW Norwood Road and Norwood Heights residential subdivision, zoned RML

- East/South: The Horizon Community Church and School and associated improvements, zoned Institutional (IN)
- West: Single-family dwellings on individual lots zoned RML, the Bridge Church NW at the corner of SW Norwood Road and SW Boones Ferry Road, and a portion of SW Boones Ferry Road

### III. **Applicable Review Criteria**

This application involves the development of land for housing. Oregon Revised Statutes (ORS) 197A.400 states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. In addition, this application involves a “limited land use decision” as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development” (*Rogue Valley Association of Realtors v. City of Ashland*, 35 OR LUBA 139, 158 [1998] *aff’d*, 158 OR App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. The exceptions in ORS 197A.400(2) do not apply to this application.

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

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the Applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the Applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

#### City of Tualatin Development Code

##### **CHAPTER 32 – PROCEDURES**

###### **TDC 32.010 Purpose and Applicability.**

(...)

- (2) **Applicability of Review Procedures. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process**

for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

- (a) **Type I Procedure (Ministerial Staff Review).** A Type I procedure is used in applying City standards and criteria that do not require the use of discretion, interpretation, or the exercise of policy or legal judgment (i.e., clear and objective standards). Type I decisions are made by the City Manager without public notice and without a public hearing. Appeals of Type I decisions are to Circuit Court under writ of review.
- (b) **Type II Procedure (Administrative/Staff Review with Notice).** A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are "limited land use decisions" as defined in ORS 197.015 are so noted in Table 32-1.
- (c) **Type III Procedure (Quasi-Judicial Review—Public Hearing).** Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.
- (d) **Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).** Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).

(...)

- (3) **Determination of Review Type.** Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Excerpt of Table 32-1—Applications Types and Review Procedures						
Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Land Divisions Subdivisions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 36
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

**Response:** As described in Table 32-1, a Subdivision application is subject to a Type II procedure, and the City Manager is the decision-making body. The future townhomes are anticipated to be reviewed through a separate Architectural Review application.

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TDC 32.020      Procedures for Review of Multiple Applications.

Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:

- (1) Applications with the highest numbered procedure type must be processed first;
- (2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and
- (3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).

**Response:**      This Subdivision application is expected to be approved prior to submittal of future Architectural Review applications. The review procedure is understood.

(...)

TDC 32.110      Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.
- (4) *Application Requirements for Pre-Application Conference.*
  - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
  - (b) *Submittal Requirements.* Pre-application conference requests must include:
    - (i) A completed application form;
    - (ii) Payment of the application fee;
    - (iii) The information required, if any, for the specific pre-application conference sought; and
    - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
- (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

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- (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
- (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
  - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
  - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

**Response:** A pre-application conference was held with City staff on February 5, 2025, to discuss the Subdivision application. Multiple follow-up meetings were held with staff regarding the project in the subsequent months. Therefore, the pre-application conference is still valid. The standards are met.

**TDC 32.120**      **Neighborhood/Developer Meetings.**

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) *When Mandatory.* Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) *Timing.* A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) *Time and Location.* Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
  - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
  - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.
- (5) *Notice Requirements.*
  - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.
  - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
    - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;
    - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more

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individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and

- (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
- (c) The City will provide the applicant with labels for mailing for a fee.
- (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.
- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
- (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

**Response:** A neighborhood/developer meeting is required for the subject application and was held on May 22, 2025. The applicable meeting documentation is provided in Exhibit F. The above requirements are met.

**TDC 32.130** Initiation of Applications.

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
  - (a) The owner of the subject property;
  - (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
  - (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
  - (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.
- (2) *Type IV-A or B Applications.* Type IV-A or B applications may be initiated by the City.

**Response:** This application has been submitted by the contract purchaser of the lots being created with the subdivision and has been authorized by the current Property Owner. The above standards are met.

**TDC 32.140** Application Submittal.

- (1) *Submittal Requirements.* Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:
  - (a) *A completed application form.* The application form must contain, at a minimum, the following information:



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

(...)

**Response:**

This application submittal includes the applicable information required above, including the application form, fee, narrative, property ownership information, and neighborhood/developer meeting documentation. An email with the neighborhood/developer meeting information was sent to City staff and applicable City-recognized Citizen Involvement

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Organizations (CIOs). The neighborhood/developer meeting documentation is provided in Exhibit F. The above submittal requirements are met.

## CHAPTER 33 – APPLICATIONS AND APPROVAL CRITERIA

(...)

TDC 33.110 Tree Removal Permit/Review.

(...)

- (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.

**Response:** As demonstrated in the Tree Plan Report included as Exhibit H, this application includes trees being removed in conjunction with the planned subdivision improvements. Therefore, the requirements of this section are applicable.

- (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.)

**Response:** As demonstrated in the Tree Plan Report (Exhibit H), the planned improvements require the removal of more than four trees. A portion of the trees to be removed are located within the SW Norwood Road right-of-way and are technically exempt from this chapter; however, numerous trees are located on private property. Therefore, the standards of this section apply.

- (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.

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**Response:** This application includes a subdivision. Therefore, tree removal can be approved as part of this Subdivision application.

(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.

**Response:** The Preliminary Plans (Exhibit A) and the Tree Plan Report (Exhibit H) include the items listed above as applicable. This requirement is met.

- (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.

**Response:** A tree assessment was provided by a certified arborist and is included in Exhibit H and includes the items listed above. This requirement is met.

- (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.

**Response:** This requirement has been met. Please see the corresponding plan and tree inventory included in Exhibit H.

(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.

**Response:** As discussed in the Tree Plan Report (Exhibit H), the planned tree removal is necessary to construct the improvements related to the subdivision that is the subject of this application. As demonstrated by the Preliminary Street Plan in Exhibit A, the planned street improvements include streets and sidewalks of varying widths as directed by City staff. Additionally, the site includes lots for future residential dwellings. Open spaces in the subdivision are strategically planned along SW Norwood Road to preserve as many existing trees as practicable. Therefore, this criterion is met.

- (b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.

(...)

**Response:** The approval criteria are located in TDC 33.110(6) rather than TDC 33.110(5). As described above, condition (iii) in TDC 33.110(6)(a) is met. Therefore, this criterion is not applicable.

- (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:

(...)

**Response:** The planned tree removal does not involve emergency conditions. This provision is not applicable.

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

**Response:** This provision is understood. The Preliminary Grading and Erosion and Sediment Control Plan provided in Exhibit A and the Tree Plan Report (Exhibit H) demonstrate that tree protection is planned in accordance with the applicable standards of TDC 73B and 73C. See responses to TDC 73B and 73C below for additional information.

- 
- (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.

**Response:** This provision is understood.

(...)

## CHAPTER 36 – SUBDIVIDING, PARTITIONS, AND PROPERTY LINE ADJUSTMENTS

(...)

### TDC 36.040 Applications and Submittal Requirements.

- (1) Applications subject to this Chapter must follow the procedures specified in TDC Chapter 32; however, in case of conflict the procedures specified in TDC Chapter 36 prevail.

**Response:** This requirement is understood; the procedures of TDC Chapter 32 are planned to be followed.

- (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, 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;

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- (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.

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

(...)

TDC 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).

**Response:** This application includes a subdivision of more than four lots. Therefore, the standards of this section are applicable.

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

**Response:** This application is being processed through a Type II procedure in accordance with the requirements of this section and Table 32-1.



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(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).

**Response:** As discussed above, a pre-application conference was held on February 5, 2025. The Pre-Application Conference Notes are included as Exhibit G. A neighborhood meeting was held on May 22, 2025, and the Neighborhood Meeting Documentation is included as Exhibit F. Therefore, this requirement is met.

- (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).

**Response:** As discussed in response to Sections 32.140 and 36.040(2) above, the necessary submittal requirements are provided herein as applicable. This requirement 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.
  - (ii) City infrastructure standards; and
  - (iii) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

**Response:** As described herein, demonstrated by the Preliminary Plans (Exhibit A), and discussed in response to TDC 41.300, the planned subdivision complies with the applicable development standards including lot area, width, depth, and frontage. Additionally, as discussed in response to Chapters 74 and 75, the planned infrastructure (including street, pedestrian, and utility improvements) complies with the standards of the TDC and the City's Public Works Standards as applicable. Therefore, these criteria are met.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned subdivision is designed for townhomes that are planned to be reviewed as part of a subsequent Architectural Review application. Adjacent uses include the Horizon Community Church and School to the south and east, the Bridge Church NW and single-family residences to the west, and a residential subdivision across SW Norwood Road to the north. The subdivision is planned to include fencing along the property line to provide screening to adjacent properties. This screening is anticipated to be reviewed as part of the subsequent Architectural Review application. As discussed in the Transportation Impact Analysis (Exhibit I), vehicular trips from the future townhomes are planned to be routed to SW

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Norwood Road, and the road is adequate to serve the additional trips. Therefore, the planned improvements are adequate for the subdivision, and the planned subdivision will not impede the future use or development of adjacent properties.

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

**Response:** As described in the Preliminary Stormwater Report (Exhibit J) and Preliminary Plans (Exhibit A), there are adequate utilities within SW Norwood Road to serve the planned residential subdivision and adequate capacity to serve future homes. The planned improvements include right-of-way dedication and half-street improvements to SW Norwood Road in conjunction with the planned subdivision. Additionally, as discussed in the Transportation Impact Analysis (Exhibit I), the planned improvements to the local street network and SW Norwood Road are adequate to serve vehicular trips generated by the future homes.

- (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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A) and discussed in the Transportation Impact Analysis (Exhibit I), the planned improvements include right-of-way dedication and half-street improvements to SW Norwood Road. SW Norwood Road is designated as a Collector. As demonstrated by the Preliminary Norwood Road sheets in the Preliminary Plans, the planned half-street improvements will be constructed to the standards of a Collector roadway. The planned street improvements are anticipated to be adequate to serve the vehicular trips generated by the future homes. Please also see the applicable responses to TDC Chapters 74 and 75. Therefore, this criterion 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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A) and discussed in the Transportation Impact Analysis (Exhibit I), the planned street system within the subdivision is anticipated to adequately serve traffic generated by the new dwellings. Trips generated by the subdivision are planned to be routed to SW Norwood Road. The planned improvements include right-of-way dedication and half-street improvements to SW Norwood Road that are sufficient to serve trips generated by the subdivision. Additionally, the planned internal local street network is anticipated to adequately serve local vehicular and pedestrian traffic. Therefore, this criterion 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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned half-street improvements along SW Norwood Road include a ±6-foot-wide bike lane and a ±12-foot-wide multi-use pathway. The new bike lane is planned to connect to the existing bike lane present on SW Norwood Road to the east of the subject site. The planned multi-use path

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will connect to the existing multi-use path to the east of the site and an existing standard sidewalk to the west of the site. The subdivision's internal street network includes a comprehensive network of sidewalks and paved open space pathways to provide pedestrian circulation throughout the site. As shown on the Preliminary Street Plan in Exhibit A, internal pedestrian circulation includes pedestrian paths through the internal block as well as connections to the Horizon Community Church and School property, and through the open space tract to SW Norwood Road to the north. Therefore, this criterion 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.

**Response:** As discussed in the Transportation Impact Analysis (Exhibit I), the planned improvements mitigate impacts to the transportation system consistent with TDC Chapters 74 and 75, which implement the Tualatin Transportation System Plan (TSP). See responses to Chapters 74 and 75 below for additional information.

- (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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned subdivision takes into account the site topography, vegetation, and natural features as practicably as possible. Variances are not included in this application. Adjustments to the street standards are included as permitted by TDC 74.040. Therefore, this criterion is met.

- (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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the site features a large grove of existing trees along SW Norwood Road that is planned to be protected in open space tracts as much as is practicable with the required public street improvements along SW Norwood Road. Therefore, the planned subdivision takes into account the unique topographic and vegetative features on the site and this criterion 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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A) and described above, the planned transportation improvements are designed to comply with the requirements of Chapters 74 and 75, which implement the TSP. Please see responses to Chapters 74 and 75 below for additional information. This criterion is met.

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

**Response:** This provision is understood.

- (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

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two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).

**Response:** This provision is understood.

(...)

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

- (1) The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must provide for the dedication of all public rights-of-way, reserve strips, easements, tracts and accessways, together with public improvements therein approved and accepted for public use.
  - (a) The applicant must comply with the requirements of TDC Chapter 74, Public Improvement Requirements.
  - (b) The applicant must comply with the design and construction standards set forth in the Public Works Construction Code.
  - (c) The applicant must provide evidence to the City that property intended to be dedicated to the public is free of all liens, encumbrances, claims and encroachments.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned subdivision includes the dedication of the applicable public rights-of-way, including a ±17-foot-wide dedication along a portion of the site's SW Norwood Road frontage. The planned street improvements are depicted in the Street Cross Sections and Preliminary Norwood Road sheets in the Preliminary Plans (Exhibit A). The planned street improvements are designed in accordance with the requirements of TDC 74 and the intent of the Public Works Construction Code except as modified at the direction of City staff. Therefore, these standards are met as applicable. See responses to TDC 74.030 and 74.040 below for additional information.

- (2) The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must indicate the ownership and location of private easements and tracts, and the ownership and location of private improvements within public rights-of-way and easements.

**Response:** Information described in this standard is provided on the Preliminary Plans (Exhibit A) and is planned to be shown on the final subdivision plat as applicable. This standard is met.

- (3) Approval of the final plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat by the City constitutes acceptance of all public rights-of-way, reserve strips, easements, tracts and accessways shown thereon, as well as public facilities located therein.

**Response:** This application is for tentative subdivision plat approval. Dedication of public rights-of-way will be completed through the final subdivision plat process. This standard is understood.

(...)

**TDC 36.400** Lot Dimensions.

- (1) Double Frontage and Reverse Frontage.

(...)

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**Response:** This application does not include double frontage or reversed frontage lots as described above. This subsection does not apply.

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

**Response:** This standard requires a future streets plan when further division of a lot or parcel is anticipated. This Subdivision application divides the existing ±9.29-acre lot into 95 lots that are between ±1,700 and ±3,400 square feet for future residential dwellings. Additional subdivision of the planned residential lots is not planned or permissible. Therefore, this standard does not apply.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), side lot lines for the new residential lots are generally oriented at right angles to adjacent public streets. This standard is met.

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

**Response:** As described in response to TDC 41.300, the planned subdivision features lots that meet or exceed the minimum lot size, width, shape, and orientation standards for townhomes in the RML zoning district. This standard is met. See responses to TDC 41.300 for additional information.

- (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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned townhome lots front public streets to the degree practicable. Where lots do not have public street frontage, they have frontage on a shared private street tract. The private street tracts do not adversely impact adjacent properties. The required documentation and easements described in paragraph (c) above can be provided as determined necessary. Therefore, this standard is met as applicable.

#### CHAPTER 41 – MEDIUM LOW DENSITY RESIDENTIAL ZONE (RML)

(...)

TDC 41.200 Use Categories.

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

Excerpt of Table 41-1 Use Categories in the RML Zone		
Use Category	Status	Limitations and Code References
Residential Use Categories		
Household Living	P/C	Permitted housing types subject to TDC 41.220.

**Response:** This Subdivision application is intended for residential townhouses, which are a permitted housing type in the RML zoning district.

TDC 41.210 Additional Limitations on Uses.

- (1) *Agricultural Uses.* The following agricultural uses are allowed with a conditional use permit within areas designated on Comprehensive Plan Map 10-6:  
(...)
- (2) *Wireless Communication Facilities.* Wireless Communication Facilities may be permitted uses or conditional uses, depending on the nature of the use.  
(...)

**Response:** This application does not include agricultural uses or wireless communication facilities. These provisions are not applicable.



TDC 41.220 Housing Types.

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

Excerpt of Table 41-2 Housing Types in the RML Zone		
Housing Type	Status	Limitations and Code References
Townhouse	P	See TDC definition 31.060

**Response:** This Subdivision application is intended for residential townhouses, which are a permitted housing type in the RML zoning district.

TDC 41.300 Development Standards.

- (1) Development standards in the RML zone are listed in Table 41-3. Additional standards may apply to some uses and situations, see TDC 41.310 and TDC 41.330. The standards in Table 41-3 may be modified for greenway and natural area dedications as provided in TDC 36.420. The standards for lot size, lot width, building coverage, and setbacks that apply to single-family dwellings in small lot subdivisions are provided in TDC 36.410(2)(b).
- (2) *Exceptions.* Existing non-conforming situations may be developed according to the provisions of TDC Chapter 35.

Excerpt of Table 41-3 Development Standards in the RML Zone		
Standard	Requirement	Limitations and Code References
Maximum Density		
Townhouse	25 units per acre	
Minimum Lot Size		
Townhouse	1,400 square feet	
Minimum Average Lot Width		
Townhouse	14 feet	
Minimum Setbacks		
Single Family Detached, Duplex, Townhouse, Triplex, or Quadplex		Single Family Detached only in Flexible Lot Subdivisions, subject to TDC 36.410.
Front	10 feet	
Garage Door	20 feet	
Side	5 feet	Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.
Rear	10 feet	
Corner Lots		On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley except for duplexes, triplexes, and quadplexes where the setback is 10 feet.
Maximum Structure Height		
All Uses	35 feet	If all setbacks are equal to or greater than 1.5 times the height of the building, the height may be increased to a maximum of 50 feet with a conditional use permit.
Maximum Lot Coverage		
Townhouse	75%	

**Response:** This application includes a subdivision for residential townhouses. The applicable development standards for subdivisions are addressed in the table below. Additional development standards pertinent to new townhouses will be addressed through an Architectural Review application to be submitted subsequent to this application.

**Table 1: Applicable Development Standards in RML Zoning District**

Standard	Requirement	Planned Improvements
Maximum Density	25 units per acre	±10.23 units per acre
Minimum Lot Size	1,400 square feet	±1,700 square feet
Minimum Average Lot Width	14 feet	±20 feet
Minimum Setback	Front: 10 feet Garage: 20 feet Side: 5 feet Rear: 10 feet	Shown on the Preliminary Setback Plan in Exhibit A. Will be reviewed with forthcoming Architectural Review application.
Maximum Structure Height	35 feet	To be reviewed with forthcoming Architectural Review application.
Maximum Lot Coverage	75%	To be reviewed with forthcoming Architectural Review application.

As demonstrated by the table above and depicted in the Preliminary Plans (Exhibit A), the planned subdivision meets or exceeds the applicable development standards of the RML zoning district. Building setbacks, height, and lot coverage will be reviewed through a separate Architectural Review process.

**TDC 41.310 Projections Into Required Yards.**

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

**Response:** This Subdivision application is intended for residential townhouses. An Architectural Review application is planned to be submitted separately from this application to assess standards pertaining to the future townhome buildings. Therefore, this section is not applicable.

**TDC 41.320 Density Bonus or Setback Reduction for Developments Adjacent to Greenways and Natural Areas.**

To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a density bonus or setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards:

**Response:** The subject site does not contain areas defined as greenways or natural areas. Therefore, this section is not applicable.

**CHAPTER 73A – SITE DESIGN STANDARDS**

(...)

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**TDC 73A.030 Clear and Objective Residential (Type I) Design Standards.**

Residential housing types using the Clear and Objective (Type I) standards must comply with the following:

- (1) *Front Face.* The front face of a residential structure must contain:  
(...)
- (2) *Rear.* The rear of a residential structure must contain:  
(...)
- (3) *Side-Corner Lot.* If the side of a residential structure abuts a public street, the side must contain:  
(...)
- (4) *Walkways.* Walkways must be provided for townhouses as follows:  
(...)

**Response:** An Architectural Review application is planned to be submitted separately from this application to assess standards pertaining to the future townhome buildings. Therefore, this section is not applicable.

**CHAPTER 73B – LANDSCAPING STANDARDS**

(...)

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

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

Excerpt of TDC 73B-1 Landscape Area Standards Minimum Areas by Use and Zone.	
(1) RL, RML, RMH, RH and RH/HR zones— Permitted Uses	None

**Response:** The subject site is located in the RML zoning district. This Subdivision application is intended for future residential townhouses. As described in response to TDC 41.220 above, townhouses are a permitted use in the RML zoning district. Therefore, the landscape area standards of this chapter are not typically applicable. However, this application includes the protection of existing trees on the subject site as well as open space areas and the installation of new landscape strips and street trees. Therefore, the standards of TDC 73B.060 are applicable to the protected landscaping and new landscaping.

(...)

**TDC 73B.060 Minimum Landscaping Standards for All Zones.**

The following are minimum standards for landscaping for all zones.

<p>Table 73B-2</p> <p>Minimum Landscape Standards</p>	
(1) Required Landscape Areas	<ul style="list-style-type: none"> <li>• Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. The foliage crown of trees cannot be used to meet this requirement.</li> <li>• A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</li> <li>• Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</li> <li>• Must be controlled by pruning, trimming, or otherwise so that:</li> <li>• It will not interfere with designated pedestrian or vehicular access; and</li> <li>• It will not constitute a traffic hazard because of reduced visibility.</li> </ul>
(2) Fences	<ul style="list-style-type: none"> <li>• Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.</li> </ul>
(3) Tree Preservation	<ul style="list-style-type: none"> <li>• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</li> <li>• During construction: <ul style="list-style-type: none"> <li>○ Must provide above and below ground protection for existing trees and plant materials identified to remain;</li> <li>○ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line;</li> <li>○ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>○ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>○ Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and</li> </ul> </li> <li>• Tree root ends must not remain exposed. Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>• When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged</li> <li>• 100 percent of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</li> </ul>
(4) Grading	<ul style="list-style-type: none"> <li>• After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. All planting areas must be graded to provide positive drainage.</li> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.</li> </ul>

Table 73B-2 Minimum Landscape Standards	
(5) Irrigation	<ul style="list-style-type: none"> <li>Landscaped areas must be irrigated with an automatic underground or drip irrigation system.</li> </ul>
(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> <li>Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements.</li> <li>Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>

**Response:** As demonstrated by the Preliminary Grading and Erosion and Sediment Control Plan in Exhibit A, the trees to be retained will be protected by a tree protection fence during construction. The additional standards of the table above are planned to be met. See the Preliminary Street Tree and Planting Plan in Exhibit A and the Tree Plan Report in Exhibit H for additional information on the planned tree plantings, preservation, and other landscaping details.

**TDC 73B.070 Minimum Standards Trees and Plants.**

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

Table 73B-5 Minimum Standards for Trees and Plants	
(1) Deciduous Shade Trees	<ul style="list-style-type: none"> <li>One and on-half inch caliper measured six inches above ground;</li> <li>Balled and burlapped; bare root trees will be acceptable to plant during their dormant season;</li> <li>Reach a mature height of 30 feet or more;</li> <li>Cast moderate to dense shade in summer;</li> <li>Live over 60 years;</li> <li>Do well in urban environments, tolerant of pollution and heat, and resistant to drought;</li> <li>Require little maintenance and mechanically strong;</li> <li>Insect- and disease-resistant;</li> <li>Require little pruning; and</li> <li>Barren of fruit production.</li> </ul>
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> <li>One and on-half inch caliper measured six inches above ground; balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</li> </ul>
(3) Coniferous Trees	<ul style="list-style-type: none"> <li>Five feet in height above ground;</li> <li>Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</li> </ul>

Table 73B-5 Minimum Standards for Trees and Plants	
(4) Evergreens and Deciduous Shrubs	<ul style="list-style-type: none"> <li>One to five gallon size;</li> <li>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>Side of shrub with best foliage must be oriented to public view.</li> </ul>
(5) Groundcovers	<ul style="list-style-type: none"> <li>Fully rooted;</li> <li>Well branched or leafed;</li> <li>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>
(6) Lawns	<ul style="list-style-type: none"> <li>Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>100 percent coverage and weed free; and</li> <li>Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>

**Response:** The standards in the table above are understood and planned to be met. See the Preliminary Street Tree and Planting Plan for details on the planned on-site landscaping.

#### CHAPTER 73C – PARKING STANDARDS

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

(...)

- (2) *Applicability.* The off-street parking and loading provisions of this chapter apply to all new development and modifications to existing development, including changes of use, unless otherwise stated in this chapter.

**Response:** This Subdivision application is intended for new residential townhouses. As demonstrated in Table 73C-1, there is no minimum or maximum required parking for townhouses. Therefore, this chapter is not applicable.

Excerpt of Table 73C-1: Off-Street Vehicle and Bicycle Parking Quantity Requirements				
Use	Maximum Permitted Vehicle Parking		Minimum Permitted Bicycle Parking	Percentage of Bicycle Parking to be Covered
	Zone A	Zone B		
(ii) Middle Housing d. Townhouses	None	None	None Required	N/A

#### CHAPTER 73D – WASTE AND RECYCLABLES MANAGEMENT STANDARDS

TDC 73D.010 Applicability and Objectives.

- (1) *Applicability.* The requirements of this Chapter apply to all new or expanded:
- (a) Common wall residential developments containing five or more units;
  - (b) Commercial developments;
  - (c) Industrial developments; and
  - (d) Institutional developments.

**Response:** This application includes a residential subdivision for attached townhouses with some buildings that include five or more units. Therefore, the requirements of this chapter are applicable.



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**TDC 73D.020 Design Methods.**

An applicant required to provide mixed solid waste and source separated recyclables storage areas must comply with one of following methods:

- (1) The minimum standards method in TDSC 73D.030;
- (2) The waste assessment method in TDC 73D.040;
- (3) The comprehensive recycling plan method in TDC 73D.050; or
- (4) The franchised hauler review method in TDC 73D.060.

**Response:** This application complies with the franchise hauler review method of TDC 73D.060.

(...)

**TDC 73D.060 Franchised Hauler Review Method.**

This method can be used when there are unique conditions associated with the site, use, or waste stream that make compliance with any of the three other methods impracticable. The objective of this method is to match a specific hauler program (types of equipment, frequency of collection, etc.) to the unique characteristic(s) of the site or development.

- (1) The applicant must coordinate with the franchised hauler to develop a plan for storage and collection of mixed solid waste and source separated recyclables to be generated. The plan must include:
  - (a) Site plan and architectural drawings showing the size and location of storage area(s) required to accommodate anticipated volumes;
  - (b) A letter from the franchised hauler that describes the level of service to be provided by the hauler, including any special equipment and collection frequency, which will keep the storage area from exceeding its capacity; and
  - (c) A narrative describing how the proposed site meets one or more unique conditions:
    - (i) Use of either of the three other methods of compliance would interfere with the use of the proposed development by reducing the productive space of the proposed development; or
    - (ii) The site is of an irregular shape or possesses steep slopes that do not allow for access by collection vehicles typically used by the franchised hauler to serve uses similar in size and scope to the proposed use, or
    - (iii) The proposed use will generate unique wastes that can be stacked, folded, or easily consolidated without the need for specialized equipment, such as a compactor.

**Response:** As demonstrated by the service provider letter (SPL) from Republic Services in Exhibit E, a site plan was provided to the waste services provider. The SPL describes the requirements for waste storage and collection provided by Republic Services. The use of the minimum standards, waste assessment, or comprehensive recycling plan methods is not compatible with the planned subdivision layout because these methods would reduce the productive space of the subdivision site and be inefficient with the individual lot layout. Therefore, these standards are met.

- (2) The application must demonstrate that the mixed solid waste and source separated recyclable volumes expected to be generated can be stored in less space than required by the Minimum Standards Method. If the application does not demonstrate that the

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waste assessment method requires less space, the minimum standards method will be required.

**Response:** The planned improvements include a residential subdivision for townhomes. Waste storage for the future townhomes is planned to be managed similarly to other single-family residential uses in the area. The planned waste storage methods are acceptable to the service provider (see the Republic Services SPL in Exhibit E). Therefore, this standard is met.

## CHAPTER 73G – MASONRY WALL STANDARDS

(...)

TDC 73G.020    **Applicability.**

(...)

(2)    **Subdivisions and Partitions of Access-Restricted Lot Lines in the RL and RML Zones.** A masonry wall is required to be installed for all subdivisions and partitions in the RL and RML zones that have access-restricted lot lines abutting the following streets for a distance greater than 60 feet:

- (a)    Collectors;
- (b)    Arterials; or
- (c)    Primary arterials.

**Response:** The subject site of this Subdivision application includes an access-restricted lot line in the RML Zone. However, there are 60-foot open space tracts provided along the SW Norwood Road right-of-way for the purpose of tree preservation and a visual buffer. Therefore, the residential lots do not abut the SW Norwood Road right-of-way and the masonry wall standards do not apply. (Please note that fencing is provided on the south side of the open space tracts. See the Preliminary Street Tree and Planting Plan included in Exhibit A for details.) The masonry wall standards are not applicable.

## CHAPTER 74 – PUBLIC AND PRIVATE TRANSPORTATION FACILITIES AND UTILITIES

(...)

TDC 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.

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**Response:** This application includes new public streets as well as improvements to SW Norwood Road, which is a Collector roadway under Washington County (County) jurisdiction. Therefore, the standards of this section apply. It is understood that the planned improvements are required to comply with the applicable requirements of the TDC, the City's Public Works Construction Code, and the CWS Design and Construction Standards. Adjustments to the standard cross sections are included in this application. Please see the responses to TDC 74.040 below.

Additionally, the Applicant is willing to reconstruct the sidewalk on the north side of SW Norwood Road and add a rectangular rapid flashing beacon (RRFB) at the site's access with SW Norwood Road if those improvements are Transportation Development Tax (TDT) creditable. Please see the Preliminary Norwood Road (Interim) sheet in the Preliminary Plans (Exhibit A) for details on those optional improvements.

**TDC 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.

**Response:** This application includes dedications and improvements of existing and future streets adjacent to the site and within the project area. The right-of-way dedication widths of the various roadways are shown on the Preliminary Street Plan and Street Cross Sections sheets of the Preliminary Plans (Exhibit A). Additional details of the dedications and improvements of SW Norwood Road are shown on the Preliminary Norwood Road (Ultimate) and (Interim) plan sheets. The final dedication areas will be shown on the final subdivision plat prior to final plat approval. Adjustments to the standard cross sections are included in this application. Please see the responses to TDC 74.040 below. The 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

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beyond the centerline necessary to meet requirements for tapering in accordance with the Public Works Construction Code.

**Response:** As demonstrated by the Preliminary Street Plan in the Preliminary Plans (Exhibit A), the planned SW Norwood Road improvements are located along the portion between the site's northern property line and the centerline as well as to the west for the required tapering. The planned improvements do not include street improvements along SW Boones Ferry Road because the site's frontage along SW Boones Ferry Road is only ±15 feet wide; the only planned improvements in this area are a stormwater line and manhole, and SW Boones Ferry Road is already improved at this location. Therefore, this standard is met as applicable.

- (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.

**Response:** As demonstrated by the Preliminary Street Plan in the Preliminary Plans (Exhibit A), the planned street improvements include curbs, sidewalk with buffering, storm drainage, streetlights, street trees, and bikeways. Street signs will be included on the final engineering plans. The above standard is 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.

**Response:** Railroad rights-of-way are not located adjacent to the site. This standard does not apply.

- (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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include right-of-way dedication and improvements along SW Norwood Road, which is designated as a Collector street by Washington County. The planned improvements include a modified design based on the City's interest and request to preserve specific mature trees within the SW Norwood Road right-of-way. Further coordination between the City and County is anticipated in the final design of SW Norwood Road. This standard is met as 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.

**Response:** There are two intersections that were required to be studied in the Transportation Impact Analysis (Exhibit I). At build-out of the planned subdivision, both intersections will continue to operate at or above a level of service of 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.

**Response:** As illustrated on the Preliminary Plans (Exhibit A), the planned subdivision includes a network of new Local streets with the central block meeting the maximum block length and block perimeter standards. A public street stub is provided to the southeast corner of the site to provide for future connectivity if the Horizon Community Church and School campus were to redevelop, as well as emergency access. Additionally, a private street tract (Tract D) is provided to the west for future vehicular access if the adjacent sites to the west were to redevelop. Pedestrian connectivity is provided through these two connections, as well as to the east through Tract I, to the southwest through Tract F, and to the north through Tracts J and A to SW Norwood Road. Therefore, the block length and perimeter standards are met.

(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.

**Response:** Cul-de-sacs and closed-end public streets are not included in the subdivision design. Private street tracts are less than 150 feet in length and provide access to a maximum of 10 lots for future townhomes. A pedestrian connection is provided from private street Tract J to the north to SW Norwood Road through Tract A. The above standards are met as applicable.

- (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.

**Response:** The block length and connectivity standards are met. This standard does not apply.

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

**Response:** The subject site is not part of a new industrial or commercial development. This standard does not apply.

**TDC 74.040 Exceptions**

- (1) When, in the opinion of the City Manager, the construction of improvements in accordance with TDC 74 would result in the creation of a hazard, or would be impractical, or would be detrimental to the City, the City Manager may modify the scope of the required improvement to eliminate such hazardous, impractical, or detrimental results. Examples of conditions requiring modifications to improvement requirements include but are not limited to horizontal alignment, vertical alignment, significant stands of trees, fish and wildlife habitat areas, the amount of traffic generated by the proposed development, timing of the development or other conditions creating hazards for pedestrian, bicycle or motor vehicle traffic. The City Manager may determine that, although an improvement may be impractical at the time of development, it will be necessary at some future date. In such cases, a written agreement guaranteeing future performance by the applicant in installing the required improvements must be signed by the applicant and approved by the City. It is the intent of Figures 74-1A through 74-1B to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.

**Response:** As illustrated on the Preliminary Plans (Exhibit A), the subject site is constrained on all sides. Private development is to the west, south, and east, while trees that the City desires to be protected line the property along the SW Norwood Road frontage on the north. The planned Local streets only serve the townhome lots within the project area, resulting in no through traffic. There are also private streets planned within the central block as well as the corners of the site to create usable lots for home construction. The typical roadway cross sections would result in impracticable streets with little on-street parking. Adjustments to the typical cross sections are needed to provide parking and consistent sidewalk connectivity while also preserving sufficient lot depth for future townhomes.

After thorough coordination with City Engineering staff, the planned street design includes the following adjustments to the standard street cross sections. Please refer to the Preliminary Cross Sections sheets in Exhibit A for details.

- SW Norwood Road: A ±12-foot-wide paved multi-use pathway along the south side of the street in lieu of standard sidewalk improvements. The planned multi-use pathway is designed to match an existing multi-use pathway to the east of the site. The pathway is currently aligned to avoid impacting some trees within the right-of-way. Coordination with Washington County is needed to finalize the design.
- Local Roads B and D: The modified cross section includes a curb-tight sidewalk adjacent to on-street parallel parking on the north end of the streets, with a widened landscape strip for trash collection and mail services on the south end of the streets. The adjustments to the cross sections allow for the provision of on-street parking as well as space for public services while keeping a consistent right-of-way width of 46 feet.



- Local Road C: 90-degree on-street parking is provided within the right-of-way to provide a large bank of parking spaces available to drivers coming from either direction on Local Road C. A wider, 7-foot sidewalk is provided adjacent to the parking to maintain accessibility along the sidewalk. Given the north-south dimensional constraint due to the tree preservation tract along SW Norwood Road, a wider right-of-way is not feasible.
- Private streets: Paved widths of the private streets range from 20 feet to 23 feet. While the City's standard width of paving for a private street is 20 feet, additional width is provided where feasible to allow for vehicle overhang and better turning navigability to driveways and garages. Additionally, the private streets are designed with a mountable curb to allow a level sidewalk for safer and more accessible pedestrian circulation.

As described above, the dimensional site constraints, the desire to preserve the mature trees along SW Norwood Road, and the need for on-street parking make following the typical street design standards impractical and exceptions to the street design standards are needed. The provisions of this section are met.

- (2) When the City Manager determines that modification of the improvement requirements in TDC 74.030 is warranted pursuant to subsection (1) of this section, the City Manager must prepare written findings of modification. These findings and a determination by the City Manager must be included in the subject application for development, or the applicant may request a separate determination under this section pursuant to the Type II process.

**Response:** The modifications to the street cross sections are included in the Subdivision application. This provision is understood.

**TDC 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;

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- (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.

**Response:** A Transportation Impact Analysis analyzing the existing and planned transportation facilities is included as Exhibit I. The Transportation Impact Analysis includes the elements as outlined above and recommends improvements that have been incorporated into the Preliminary Plans (Exhibit A). The applicable standards are met.

**TDC 74.060 Private Streets.**

In new residential or mixed residential/commercial developments, private streets may be used to provide vehicular access to a site, provided they comply with the following standards:

- (1) The private street must be limited to 150 feet in length;
- (2) Private streets must comply with minimum block length, public street spacing standards, and local street connectivity as shown on the Local Streets Plan (Comprehensive Plan Map 8-3);
- (3) If the terminus of the private street is within 150 feet of a street or other public pedestrian facility, a bicycle and pedestrian accessway shall connect the private street to the pedestrian facility, unless prevented by barriers. The accessway connection must meet the standards in TDC 74.100; and
- (4) Be constructed in accordance with the Typical Street Design Standards (Figures 74-1A through 74-1B) and in accordance with all federal ADA standards and regulations.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include private streets that are less than 150 feet in length. A pedestrian pathway is provided from private street Tract J through Tract A to the north. The pedestrian accessway is less than the typical paved width in order to reduce impacts to the existing trees to be preserved. Please see the responses to TDC 74.040 as well as the Street Cross Sections sheet of the Preliminary Plans (Exhibit A) for additional information. The standards are met as applicable.

**TDC 74.070 Public Alleys.**

In new residential or mixed residential/commercial developments, public alleys may be used to provide vehicular access to a site, provided they comply with the following standards:

- (1) Alleys with a single access point must be limited to 150 feet;
- (2) The alley must be at least 25 feet wide, with a paved width of at least 20 feet;
- (3) Mountable curbs shall be installed with a minimum width of 6 inches;
- (4) The alley must meet minimum fire access requirements;
- (5) Each lot abutting an alley must also have frontage on a public street. Vehicle access must be derived from the alley; and
- (6) The alley must be dedicated as public right-of-way and be constructed in accordance with the Typical Street Design Standards (Figures 74-1A through 74-1B) and in accordance with all federal ADA standards and regulations.

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**Response:** Public alleys are not included in the subdivision design. Therefore, the above standards do not apply.

**TDC 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.

**Response:** As best illustrated on the Preliminary Plat sheet of the Preliminary Plans (Exhibit A) easements are provided where required. Public utility easements are provided along all public street frontages and are 8 feet wide as required. Easements will be dedicated through the final plat recording process. The above standards are met as applicable.

**TDC 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.

**Response:** Bicycle facilities are identified on the City's TSP along SW Norwood Road. As illustrated on the Preliminary Street Plan in Exhibit A, frontage improvements along SW Norwood Road include a ±12-foot-wide paved multi-use path for use by bicycles and pedestrians and a ±6-foot-wide bicycle lane. These facilities are planned to be constructed and

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designed in accordance with the applicable City and County standards. The standards are met as applicable.

**TDC 74.100 Mid-Block Accessways.**

Mid-block accessways in residential, commercial and industrial subdivisions and partitions may be used in-lieu of full street connections and must meet the following standards.

- (1) Accessways must be constructed by the applicant and created within public rights-of-way, public tracts, or private tracts with public access easements. If created within a public right-of-way or tract, the accessway must be dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.

**Response:** As described in the response to the block length standards in TDC 74.030(2) above, mid-block accessways are included in the design to meet the block length and perimeter standards. The planned accessways are located in private tracts with public access easements. This standard is met.

- (2) Accessways must be provided between the proposed subdivision or partition and all of the following locations that apply:
  - (a) Adjoining publicly-owned land intended for public use, including schools and parks. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;
  - (b) Adjoining arterial or collector streets upon which transit stops, sidewalks, or bike lanes are provided or designated;

**Response:** Publicly owned land is not adjacent to the site. The subject site abuts SW Norwood Road to the north and SW Boones Ferry Road to the west. The nearest transit stop is along SW Boones Ferry Road south of its intersection with SW Norwood Road. The site's frontage on SW Boones Ferry Road is for utility purposes and is only ±15 feet wide; therefore, an accessway is not practicable between the subdivision and SW Boones Ferry Road. The planned subdivision includes pedestrian access to the multi-use pathway along SW Norwood Road through the public right-of-way and within a public access easement within Tracts J and A. Therefore, the standards are met as applicable.

- (c) Adjoining undeveloped residential, commercial or industrial properties;

**Response:** The subject site is not adjacent to undeveloped residential, commercial, or industrial properties. This standard is not applicable.

- (d) Adjoining neighborhood activity centers;
  - (e) Adjoining developed sites where an accessway is planned or provided.

**Response:** The subject site abuts the Horizon Community Church and School to the east and south. The Horizon School has a master plan for future development of their site. As demonstrated by the Preliminary Plans (Exhibit A), two pedestrian accessways are planned (in Tracts F and I) to provide connections to the southwest and east. Additionally, a pedestrian accessway is planned within the public street stub to the southeast. Therefore, the applicable standards are met.

- (3) In designing residential, commercial and industrial subdivisions and partitions, the applicant is expected to design and locate accessways in a manner which does not

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restrict or inhibit opportunities for developers of adjacent property to connect with an accessway. The applicant is to have reasonable flexibility to locate the required accessways. When developing a parcel which adjoins parcels where accessways have been constructed or approved for construction, the applicant must connect at the same points to provide system continuity and enhance opportunities for pedestrians and bicyclists to use the completed accessway.

**Response:** As described above, the planned subdivision includes accessways connecting to open spaces internal to the subject site as well as accessways connecting the planned internal street network to the adjacent Horizon Community Church and School site to the southeast and SW Norwood Road to the north. The planned accessway locations will not restrict or inhibit opportunities for adjacent property owners to connect with an accessway. This standard is met.

(4) Accessways must not exceed 300 feet in length.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned accessways are as short as possible and do not exceed 300 feet in length. This standard is met.

(5) Accessways must be sufficiently straight that both end points are visible from any point on the accessway.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned accessways are straight or with subtle curves. This standard is met.

(6) Accessways must be located and improved within a right-of-way, tract, or easement of no less than 15 feet.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned accessways are located within tracts or easements that are a minimum of 15 feet wide. This standard is met.

(7) Where possible, accessways must be combined with utility easements.

**Response:** As demonstrated by the Preliminary Composite Utility Plan in the Preliminary Plans (Exhibit A), utilities are provided within and adjacent to accessways where practicable. This standard is met.

(8) Accessway must have a paved width of at least 10 feet, constructed of asphalt or concrete, unless pervious pavement has been approved by the City Engineer based on usage and site conditions. The slope shall not exceed 5 percent.

(9) Accessways must be constructed in accordance with the Public Works Construction Code.

**Response:** The planned accessways are designed and will be constructed in accordance with the Public Works Construction Code and may be modified if approved by the City Engineer. This standard is met.

(10) Curb ramps must be provided wherever the accessway crosses a curb and must be constructed in accordance with the Public Works Construction Code.

**Response:** As demonstrated by the Preliminary Street Plan in Exhibit A, curb ramps are provided at the intersections of the accessways and sidewalk crossings in accordance with the standards of the Public Works Construction Code. This standard is met.

(11) The Federal Americans With Disabilities Act (ADA) and Public Right of Way Accessibility Guidelines (PROWAG) apply to development in the City of Tualatin.

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Accessways must comply with the Oregon Structural Specialty Code's (OSSC) accessibility standards.

**Response:** The planned accessways are designed and will be constructed in accordance with the applicable Americans with Disabilities Act (ADA) and Oregon Structural Specialty Code (OSSC) accessibility standards. This standard is met.

- (12) Lighting must be provided in an accessway to achieve a minimum lighting level of 0.5 foot-candles and a maximum of 2 foot-candles. Lighting must be shielded to minimize glare on abutting properties.

**Response:** Lighting, in accordance with the above standards, is provided along the planned accessways. Please see the Preliminary Lighting Plan in Exhibit A for details. This standard is met.

- (13) Fences and gates which prevent pedestrian and bike access must not be allowed at the entrance to or exit from any accessway. Removable bollards are permitted to allow emergency vehicle access.

**Response:** Fences and gates are not planned at the entrances or exits of accessways. Bollards may be added in final design. This standard is met as applicable.

- (14) The developer must obtain City approval of final design and location of accessways.

**Response:** The final design and location of the accessways will be reviewed and approved by the City with the construction drawings. This standard can be met.

- (15) If an accessway is not dedicated as public right-of-way, to ensure accessway maintenance over time, a maintenance agreement must be recorded that specifically requires present and future property owners to provide for liability and maintenance of the accessways to City standards.

**Response:** Accessways are planned within public right-of-way or within private tracts. The maintenance agreement requirement is understood.

- (16) Outdoor Recreation Access Routes must be provided between a subdivision or partition and parks, bikeways and greenways where a bike or pedestrian path is designated.

**Response:** An Outdoor Recreation Access Route, as defined under TDC 31.060, is a pedestrian path that provides access to a recreation trail. Designated trails are not located adjacent to the site. This standard does not apply.

**TDC 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



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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.

**Response:** As demonstrated by the Existing Conditions Plan in Exhibit A, a water line is located within the SW Norwood Road right-of-way. As demonstrated by the Preliminary Composite Utility Plan, the planned improvements include a looped water main to provide water service to the planned residential lots. The planned water line is designed and planned to be constructed to the applicable “Pressure Zone C” City standards. These standards are 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).

**Response:** As shown on the Preliminary Composite Utility Plan in Exhibit A, the planned improvements include a sanitary sewer main to serve the planned residential lots. The new sanitary sewer main is planned to connect to an existing sanitary main located in SW Boones Ferry Road and be extended down SW Norwood Road to the subject site. The planned sanitary sewer main is designed and planned to be constructed in accordance with the requirements of the Public Works Construction Code. These standards are met as applicable.

- (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).

**Response:** As illustrated on the Preliminary Composite Utility Plan in Exhibit A, the planned improvements include a storm main routed throughout the site to collect stormwater runoff from the subdivision. Additionally, the new storm main will be extended into SW Norwood Road along the site’s frontage to collect stormwater from the planned street

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improvements to SW Norwood Road. Stormwater from the planned subdivision and associated improvements will be routed to a stormwater facility on the southern portion of the site. Infiltrated stormwater from the stormwater facility will ultimately be conveyed to an existing storm main in SW Boones Ferry Road via a new stormwater line. The new stormwater improvements are designed and planned to be constructed to current City and Clean Water Services (CWS) standards. The Preliminary Stormwater Report in Exhibit J provides additional detail on the planned stormwater improvements. These standards are 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.

**Response:** The Preliminary Grading and Erosion and Sediment Control Plan in Exhibit A and the Preliminary Stormwater Report (Exhibit J) demonstrate that project grading will not cause stormwater runoff to be conveyed to adjoining properties nor affect existing drainage patterns of adjoining properties. The requirement to remove excess material is understood. The standards are met as applicable.

- (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.

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**Response:** Stormwater from the planned subdivision and associated improvements will be routed to a stormwater facility on the southern portion of the site. Infiltrated stormwater from the stormwater facility will ultimately be conveyed to an existing storm main in SW Boones Ferry Road via a new stormwater line. The new stormwater improvements are designed and planned to be constructed to current City and CWS standards. The Preliminary Stormwater Report in Exhibit J provides additional detail on the planned stormwater improvements. A final stormwater report and erosion control plans will be submitted for review and approval by the City prior to constructions. These standards are met as applicable.

(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 must 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.

**Response:** As demonstrated by the Preliminary Composite Utility Plan in the Preliminary Plans (Exhibit A), new utility lines associated with the project are planned to be placed underground. Future utility placement is planned to be coordinated with the appropriate utility provider as required. This standard is met.

- (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.

**Response:** There are existing overhead utility lines along the frontage of SW Norwood Road. These overhead utilities are planned to be undergrounded with the planned improvements, as illustrated on the Preliminary Composite Utility Plan included in Exhibit A. There are also existing overhead lines within the SW Boones Ferry Road right-of-way. These overhead lines will not be altered with this application because right-of-way improvements are not being made to SW Boones Ferry Road. Therefore, this standard is met as applicable.

(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.

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**Response:** As demonstrated by the Existing Conditions Plan in the Preliminary Plans (Exhibit A), the subject site contains two existing dwellings and multiple accessory structures. As demonstrated by the Preliminary Demolition Plan in the Preliminary Plans, the existing structures are planned to be removed as part of this project and utility services will not be retained. Therefore, these standards are not applicable.

**TDC 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.

**Response:** Please see the Preliminary Lighting Plan in Exhibit A for details on the planned streetlight fixtures for the applicable streets. Final street lighting plans will be reviewed with the construction drawings. The standards are met as applicable.

**TDC 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.

**Response:** As illustrated on the Preliminary Plans (Exhibit A), placeholder names are being used. Final street names will be determined in coordination with the City Engineer prior to construction plan approval. The future street names can meet the applicable standards as described above.

**TDC 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.

**Response:** Street name signs, stop signs, and other traffic control signs are planned to be installed in accordance with City standards and the applicable fees will be paid. The standards can be met.

**TDC 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.

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- (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 individual lots 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.

**Response:** As illustrated on the Preliminary Street Tree and Planting Plan in Exhibit A, street trees are planned within the rights-of-way in accordance with the above standards. The standards are met.

- (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.
- (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.

**Response:** As demonstrated by the Preliminary Grading and Erosion and Sediment Control Plan in Exhibit A, tree protection is planned to be provided during construction for trees that are planned to be retained in accordance with the standards above. These standards are met.

- (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.
- (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:
  - (...)
- (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.

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(...)

- (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.

(...)

- (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.

- (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.

(...)

**Response:** As demonstrated and discussed in the Tree Plan Report (Exhibit H), this application includes tree removal within the public right-of-way of SW Norwood Road to facilitate the planned subdivision improvements. The planned right-of-way improvements are designed to minimize tree removal along SW Norwood Road to protect the existing tree grove along this frontage. The other street tree standard above do not apply to the subdivision application. Therefore, the applicable standards are met.

**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 upkept in accordance with the Tualatin Municipal Code by the property owner.

**Response:** Final construction plans designed in accordance with the Public Works Construction Code will be submitted and approved prior to construction. City staff have not indicated that



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the planned improvements along the project's public street frontages are planned to have a negative effect on fish and/or wildlife habitat. Therefore, no modification to right-of-way widths or improvements specifically for fish and wildlife are included with this project. Please refer to the Preliminary Plans (Exhibit A) for additional information regarding right-of-way dedication and planned street improvements as well as the responses to TDC 74.030 and 74.040 above. Public sidewalk maintenance requirements are understood. The above standards are met.

- (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.

**Response:** The Applicant understands that public funds will not be available for planned private improvements or maintenance of the improvements. This standard is understood.

- (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.

**Response:** The sequencing of construction and final plat approval are understood. The planned improvements are not anticipated to be phased.

## 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.

**Response:** This application includes the creation of new lots through a land division. Therefore, the standards of this chapter apply.

### 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

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**Response:** The planned subdivision has access to SW Norwood Road, a public street. New Local streets, both public and private are planned to provide access to individual lots. This standard is met.

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

**Response:** As illustrated on the Preliminary Street Plan included in Exhibit A, each townhome lot is planned to have a ±18-foot-wide driveway approach or a shared ±37-foot-wide driveway approach. The applicable standards are 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.

**Response:** This application does not include lots with more than one driveway. This standard does not apply.

- (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.

**Response:** As illustrated on the Preliminary Street Plan (Exhibit A), driveways are not located on Local Road A and are designed to be more than 150 feet from SW Norwood Road, a Collector. The above standards are met as applicable.

- (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.

**Response:** As illustrated on the Preliminary Demolition Plan sheet (Exhibit A), existing driveways to SW Norwood Road on the subject site are planned to be removed. This standard is met as 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

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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) An 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.

**Response:** The attached townhomes are planned to have shared driveways and approaches where appropriate. The maintenance and use of the shared driveways will be addressed in the covenants, conditions & restrictions (CC&Rs) of the townhome units. The CC&Rs are planned to be recorded with the final plat in accordance with City and County requirements. Private street tracts include access easements to benefit the adjacent properties. The above standards are met as applicable.

(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

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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.

**Response:** As illustrated on the Preliminary Plans (Exhibit A), the planned access and circulation system is designed for the entire site. The standards are met as 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).

**Response:** The applicable vision clearance areas described above are noted on the Preliminary Street Plan in Exhibit A, and the vertical height restriction is understood. The standards are met.

(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.

**Response:** The applicable sight distance analyses can be provided to the City and County as required. This standard can be met prior to construction plan approval.

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.

**Response:** The maps referenced in this standard do not include streets within the subject site. Therefore, this standard does not apply.

- (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:  
(...)

**Response:** The new access to SW Norwood Road meets the applicable unrestricted access spacing for a Collector in Table 75-1. The local roadways meet the applicable local access spacing requirements. SW Norwood Road is not listed as an access limited roadway. Therefore, the above standards are met as applicable.

- (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.

**Response:** Variation to the access spacing standards is not needed. This standard does not apply.

Table 75-1: Access Spacing Standards

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

#### IV. Conclusion

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