



**SUBDIVISION DECISION
NORWOOD TOWNHOMES (SB 25-0001)**

April 29, 2026

Case #:	SB 25-0001
Project:	Norwood Townhomes
Location:	9300 SW Norwood Road
Applicant:	AKS Engineering & Forestry, LLC
Owner:	Norwood Horizon Holdings, LLC & Horizon Community Church

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Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503.691.3026 and allow as much lead time as possible.

I. INTRODUCTION

A. Applicable Criteria

The following Chapters and Section of the Tualatin Development Code (TDC) are applicable to the subject proposal:

- TDC 32: Procedures
- TDC 36: Subdividing, Partitions, and Property Line Adjustments
- TDC 41: Medium Low Density Residential Zone (RML)
- TDC 73A: Site Design Standards
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

B. Site Description

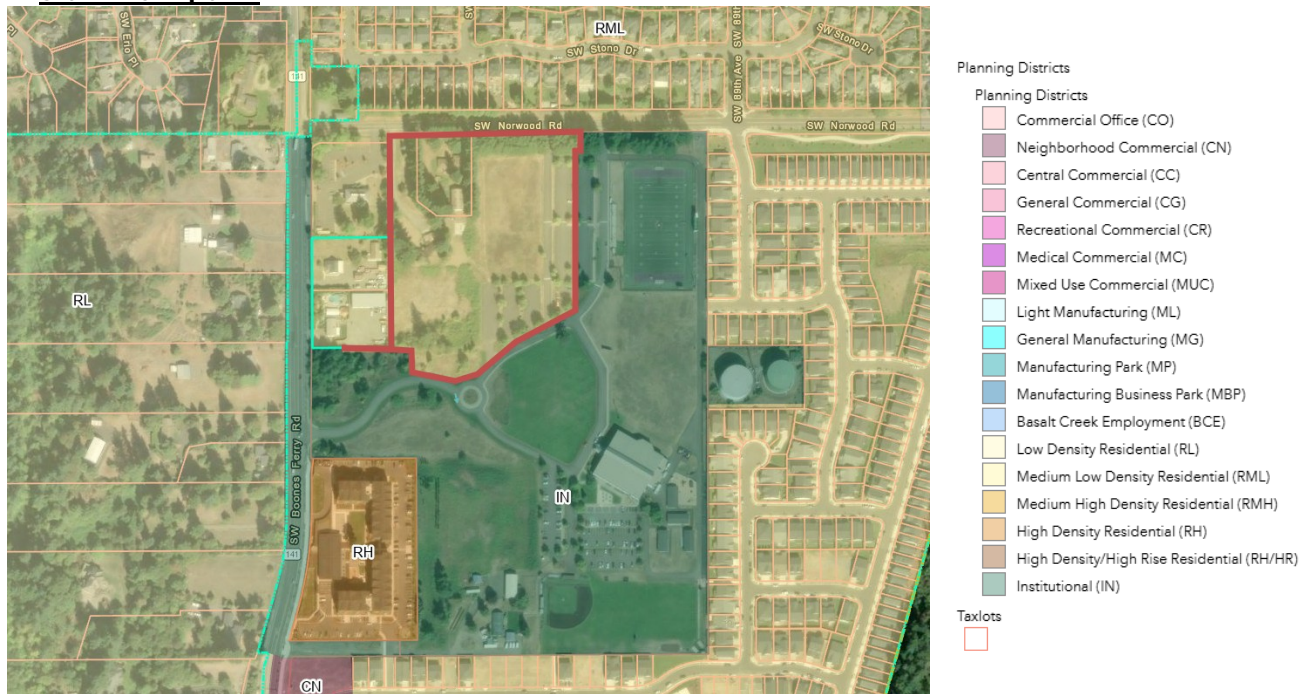


Figure 1 Aerial view of site with zoning (TualGIS)

The subject site in total is ± 9.29 -acres, comprised of a ± 1.0 -acre tax lot (TL:2S135D000108) and an ± 8.29 -acre portion of a larger tax lot that includes the Horizon Community Church and School (TL: 2S135D000106). The subject site is located south of SW Norwood Road and east of SW Boones Ferry Road in the Medium Low Density Residential (RML) Planning District. The existing conditions of the site include two residential dwellings, accessory structures, open areas and parking areas for the Horizon Community Church and School. The subject property is generally sloped from north to south and east to west. Located along the SW Norwood Road frontage is a stand of mature evergreen trees. The site is currently accessed from existing points on SW Norwood Road (Collector classification) and SW Boones Ferry Road (Primary Arterial classification).

A partition application was review in 2022 to partition the Horizon Community Church property to divide the existing 38-acre lot into two parcels under the casefile PAR22-0002, included as Exhibit A8. In 2023, the City acquired the “Horizon flagpole lot” as public right-of-way, but the 18,005-square-foot parcel should have been created as a City-owned lot instead. To correct this, the City initiated a right-of-way vacation while preserving access and utility easements, and submitted a modification (PAR24-0001 Modification to PAR22-0002) to dedicate part of the land to Washington County, after which the final plat will be recorded.

C. Proposed Project

AKSEngineering & Forestry, LLC, on behalf of property owners Norwood Horizon Holdings, LLC and Horizon Community Church, requests approval of a 95-lot residential subdivision for future construction of attached townhomes. The subdivision application proposes new sidewalks, pedestrian connections, on- and off-street parking for residents and visitors, as well as street improvements to SW Norwood Road and the planned internal local subdivision streets. Additional improvements include open space areas, the extension of underground franchise utilities, and a stormwater facility to serve the site. The application also proposes preserving the mature stand of evergreen trees located along the SW Norwood Road frontage.

Subdivisions are reviewed as Type II limited land use applications to subdivide the parent lot into smaller lots that must meet the applicable standards in the Tualatin Development Code (TDC) including Chapters 32, 33, 41, 74 and 75. Type II application review procedures are located in Chapter 32. Tree Removal Permits and review are found in TDC 33.110. Applicable sections of Chapter 36 for the subdivision of the parent lot apply. TDC Chapter 41 Medium Low Density Residential (RML) provides standards for permitted uses and dimensional standards such as lot size and width. Chapter 74 pertains to public and private transportation facilities and utilities. Chapter 75 provides standards for access management including required spacing new roadways within the existing road network.

The architecture of the proposed townhomes will be reviewed for conformance with TDC 73A during the Building Permit Review process. The applicant may choose “clear and objective” design criteria that would be reviewed as an unnoticed Type I review. If the applicant can’t meet the “clear and objective” design criteria, then a Type II review of “discretionary” standards would need to be met. Type II reviews require a preapplication meeting, neighborhood developer meeting with public notice and additional public notice and request for comments sent to all property owners within 1,000 feet. If a plat is bisected by the 1,000-foot notification area, then all property owners are notified even when a lot is further than 1,000 feet. TDC 32.220 describes the Type II administrative review process in greater detail.

D. Previous Land Use Actions

- **ANN22-0003** – Annexation of a 1.0-acre parcel located at 9300 SW Norwood Road
- **PAR22-0002** – Partition to create two parcels and a tract
- **AR 23-0014** – Architectural Review for a new church sanctuary
- **PMA 24-0004** – Plan Map Amendment to change the underlying zone from Institutional to (IN) to Medium Low Density Residential (RML)

E. Surrounding Zones and Uses

Surrounding uses include:

North: Medium Low Density Residential (RML)

- Residential

South: Institutional (IN) and High Density Residential (RH)

- Horizon Community Church and School
- Plambeck Gardens

West: Medium Low Density Residential (RML)

- Residential
- The Bridge Church NW

East: Institutional (IN)

- Horizon Community Church and School

F. Public Comments

Four public comments were submitted within the 14-day public comment period expressing opposition to the proposal and/or shared concerns. The main topics from the comments received centered around traffic, onsite trees, proposed open spaces and the public transit system. None of the comments received addressed the specific approval criteria of the Tualatin Development Code (TDC) pertaining to Type II residential subdivision applications. The approval criteria include TDC Chapters: 32, 33, 36, 41, 74 and 75. The comments are summarized by topic below and individual comments are incorporated into the record as Exhibit C. The findings located in Section III of this decision address applicable standards in the Tualatin Development Code. Staff have considered and provided general responses below.

Traffic Impacts, Safety, and Public Transportation System

Summary of Comments:

One of the comments received stated the traffic around SW Boones Ferry, SW Norwood Road and the local high school is already severely congested. The commenter expressed the need for lights and other traffic control measures in the area.

Another comment stated the public transportation, specifically the Trimet bus line along SW Boones Ferry Road, is very inconsistent. The commenter questioned whether there should be new housing without a consistent public transportation system.

Staff Response:

The applicant submitted a Transportation Impact Analysis (TIA), prepared by an Oregon-licensed professional traffic engineer included in Exhibit A5. The TIA stated that based on a review of the most recent five years of available crash data, no significant trends or crash patterns were identified, as a result, no safety mitigation is recommended per the crash data analysis. The TIA also reported that the preliminary signal warrant analysis showed that the intersection of SW Boones Ferry Road & SW Norwood Road did not meet signal warrants with the existing lane configurations under any analysis scenario. With the provided analysis, no signalization of any of the study intersections is necessary or recommended as part of this application. The City Engineer has reviewed the TIA and found it to have been prepared in accordance with Tualatin Traffic Study Requirements and standard industry practice.

Subdivision approval criteria TDC 36.120(f) requires the 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. The submitted preliminary plans (Exhibit A2) demonstrate internal pedestrian connectivity to surrounding sites, including routes to SW Boones Ferry Road where there is an existing transit stop. TriMet services have seen increased changes to services in some areas due to declining tax revenue, previous drops in ridership and maintenance backlogs. This is a regional issue that policymakers are working to address to ensure the transit system remains safe, efficient, and affordable.

Tree Removal

Summary of Comments:

One comment received questioned if the large trees along SW Norwood Road would be removed.

Staff Response:

Tree removal and preservation are regulated under TDC 33.110. Specifically, TDC33.110(6)(a)(iii) states that a tree removal permit can be granted if *“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”*. The Arborist Report (Exhibit A4) provided an assessment of the proposed subdivision and the ability to preserve certain trees. The submitted application includes trees being removed in conjunction with the planned subdivision development. The report stated 246 trees over 8-inches in diameter are subject to tree preservation and removal standards for the SW Norwood Road Subdivision project. A total of 129 trees will be preserved within two open space tracts, Tract A and Tract B, along SW Norwood Road and on the west side of the construction site. The arborist report detailed the tree preservation measures inside Tract A and Tract B will be protected by (1) tree protection fencing, (2) project arborist oversight during excavation for proposed utilities and sidewalks, and (3) modified fill on the north side of the trees to meet grading requirements. The Arborist Report proposed 117 trees over 8-inches in diameter for removal to facilitate the new streets, sidewalks, utilities, and prepare 95 lots for future construction. The application is evaluated against applicable tree protection, mitigation, and replacement standards. The TDC does not require preservation beyond what is specified in adopted criteria. The Arborist Report discussed the preservation of a grove of Douglas-fir south of SW Norwood Road would be compatible with development if tree preservation measures provided in the report (Exhibit A4) are followed.

Livability and Safety

Summary of Comments:

One comment received questioned the livability of adding so many homes without providing adequate green space or park amenities. The commenter also discussed concerns about the subdivision only have one “real” entrance/exit for emergencies.

Staff Response:

Under the development standards provided for the Medium Low Density Residential (RML) Planning District, townhomes are permitted outright and the submitted application requests approval of a 95-lot residential subdivision for future construction of attached townhomes. The subject site is 9.29-acres comprised of a 1.0-acre lot and an 8.29-acre lot located in the Medium Low Density Residential (RML) at 9300 SW Norwood Road (TL: 2S135D000108) and 9320 SW Norwood Road (TL: 2S135D000106). The maximum density for townhouse construction in the Medium Low Density Residential (RML) Planning District is 25-

units per acre. The application proposed 10 townhouse units per acre. The applicant's preliminary plans (Exhibit A2) and narrative (Exhibit A1) depict lot sizes above the 1,400 sf minimum. The proposed lots also exceed the minimum average lot width of 14 feet. All setbacks, structure height, lot coverage and floor area ratios will be reviewed during the Building Permit and Single-Family Architectural Review processes.

The submitted preliminary plans (Exhibit A2) provide tracts for open spaces, including a community park space identified as Tract L. The applicant intends to preserve the grove of Douglas-fir south of SW Norwood Road found in Tract A and B which would be compatible with development if tree preservation measures provided in the Arborist Report (Exhibit A4) are followed. The applicant proposed street trees and community landscaping through the subdivision.

Access management is addressed in TDC Chapter 75. The City Engineer reviewed the site access plans and with the Conditions of Approval outlined in Section II the subdivision is compliant with the required approval criteria. The applicant provided a service provider letter in Exhibit A3 from Tualatin Valley Fire & Rescue who reviewed the proposed subdivision layout for compliance. In addition to the proposed access entrance from SW Norwood Road, there is a fire access road proposed between Tracts G and H in the southeast corner of the subdivision.

Public Comments Conclusion

While the City acknowledges the concerns raised by surrounding residents, as noted above and consistent with state law the City must allow a variety of housing types, including townhomes, wherever single-family homes are a permitted use and the review is limited to only the approval criteria of (TDC 36.120(4)). Where feasible and practicable, the project has been conditioned to preserve trees and facilitate both vehicular and pedestrian circulation.

G. Exhibit List

- A: Application Materials
 - A1. Land Use Application & Narrative
 - A2. Preliminary Plans
 - A3. Service Provider Letters
 - A4. Arborist Report
 - A5: Transportation Impact Analysis
 - A6. Preliminary Stormwater Report
 - A7. Supporting Documents
 - A8. Horizon Community Church Partition (PAR22-0002)
- B: Public Notice
- C: Clean Water Services Memorandum
- D: Public Comments

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, SB 25-0001 is **approved** subject to the following conditions:

GENERAL CONDITIONS:

- A1. This Tentative Subdivision Plan approval expire in two years of the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision), or unless a building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division, or an extension is granted under the terms of Section 33.020(10) or most current revision of the TDC.
- A2. The resulting lots must conform to the applicable lot dimensions, setbacks, and density requirements for the Medium Low Density Residential (RML) Planning District zone found in TDC 41.300.
- A3. Recommendations from the Arborist Report (Exhibit A4) for preservation and protection of trees in Tract A and B, provided in the January 26, 2026, Tree Plan for Norwood Townhomes Subdivision & Horizon Community Church must be adhered to.

PRIOR TO EROSION CONTROL, FLOOD HAZARD AREA DEVELOPMENT, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE:

Submit the following to the Planning Division via eTrakit for review and approval:

- A4. Prior to ground disturbance, trees identified for preservation on the Erosion Control plan must be protected by chain link or other sturdy fencing placed around the tree at the drip line, pursuant to TDC 73B.060. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist. The applicant must install tree protection fencing consistent with the final Tree Assessment Report. Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice.

Submit to the Engineering Division via eTrakit for review and approval:

- A5. The applicant must apply for Engineering Division Erosion Control, Water Quality, and Public Works permits:
 - a. Apply using [eTrakit](#). With the initial Engineering Division permit(s) application(s) include:
 - i. Attaching one combined set of 22"x34" plans using NAVD 1988 with each submitted permit.
 - ii. Payment per the [fee schedule](#) for:
 - 1. An Erosion Control permit.
 - 2. Formal cost estimates and deposits for:
 - a. Public Works and Water Quality permits.
 - iii. All other permit intake submittals to complete the package. Including but not limited to draft plat and associated documents to be recorded.

- b. Deliver one 22"x34" hard copy of the combined Engineering Division permit plan set to:

City of Tualatin
Attn: Engineering Division c/o Principal Engineer
10699 SW Herman Road
Tualatin, OR 97062.

- A6. The applicant must obtain City approval of Final Street Improvement Plans adjacent to the proposed lots associated with the development, in accordance with applicable sections of Tualatin Development Code (TDC) 73, 74, and 75, Washington County standards for County Roads, and Public Works Construction Code (PWCC) or as alternately approved by the City Engineer, that show:
- a. Plan and profile of public utilities as needed to demonstrate consistent horizontal and vertical alignments or improvements to existing public infrastructure.
 - b. The boundaries and nature of private and public access, utility, or other infrastructure supporting easements:
 - i. Existing with recorded document numbers.
 - ii. Proposed.
 - c. Dedication of:
 - i. Right-of-way with a minimum of:
 - 1. 45 feet from centerline for SW Boones Ferry Road.
 - 2. 37 feet from centerline for SW Norwood Road.
 - 3. 42 feet wide for new proposed Residential Local streets (TDC [Figure 74-1B](#)) with a block length not exceeding 400 feet and the block perimeter not exceeding 1,600 feet, consistent with TDC 74.030(2)(i).
 - 4. Additional right-of-way as needed to accommodate proposed roadway, parking areas, sidewalk, planter strip, or other associated features.
 - ii. Public utility easements adjacent to rights-of-way.
 - 1. A minimum of 8-feet-wide.
 - 2. Additional as needed to accommodate any street trees located onsite past any curb-tight sidewalk adjacent to on-street parking.
 - 3. Required by PGE to:
 - a. Encompass poles and guy wires.
 - b. Surround underground vaults.
 - c. Access infrastructure.
 - iii. Public access easements:
 - 1. 16 feet wide and meandering into Tract B from SW Norwood Road and back out from the west to the east.
 - 2. 10 feet wide crossing Tract A from SW Norwood Road to Tract J.
 - 3. Over the entirety of Tract I.
 - 4. 10 feet wide crossing Tract F from Tract E to the south property line.
 - iv. Public access easements over private streets including Tracts C, D, E J, K, and M. Private streets must:
 - 1. Be limited to 150 feet in length.

2. 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. Connect the private street to a pedestrian facility, if a bicycle and pedestrian accessway and the terminus of the private street is within 150 feet of a street or other public pedestrian facility, unless prevented by barriers. The accessway connection must accommodate 6ft hardscape pedestrian path within 10ft easement.
4. Be constructed in accordance with the Typical Street Design Standards (Figures 74-1A thorough 74-1B) and in accordance with all federal ADA standards and regulations and be in width as shown on land use plans, as approved by the City Engineer.
- v. Tract D must provide a connection, as shown, to the existing lots to the west: TLID 2S135D000101, 23170 SW Boones Ferry Road and TLID 2S135D000102, 23240 SW Boones Ferry Road.
- vi. A public emergency access easement across TLID 2S135D000106, 9320 SW NORWOOD RD from the street stub at the southeast corner of the development to public right-of-way.
- d. Construction including:
 - i. The entire frontages of TLID 2S135D000106, 9320 SW Norwood Road, unless the partition plat associated with PAR24-0001 (modified PAR22-0002) is recorded.
 - ii. Cross-sections (TDC [Figure 74-1A](#) and [Figure 74-1B](#)) designed in accordance with Tualatin Public Works Construction Code, Washington County standards, AASHTO standards, and as coordinated with the City Engineer (and shown on the plans submitted) for specific site constraints and conditions including:
 1. Sections of SW Boones Ferry Road and SW Norwood Road being reconstructed with:
 - a. SW Boones Ferry Road to a Primary Arterial.
 - b. SW Norwood Road to a Collector.
 - i. Meandering and modifying the cross-section to preserve existing trees on the south side to the maximum extent practicable.
 - ii. The applicant may propose to reconstruct the existing pedestrian pathway along the north side of SW Norwood Rd to a 6-foot-wide pathway meeting PROWAG guidelines within public right-of-way. The pathway shall extend from TLID 2S135AC00500 to the west and connect to the improved sidewalk at SW 89th Ave. Preserve all existing trees.
 - c. 6-foot-wide planter strips.
 - d. 12-foot-wide multi-use paths.
 2. Residential Local for proposed streets including a minimum of a total of 45 standard parking spaces, as approved by the City Engineer.
 - a. [Figure 73-1: Parking Space Design Standards](#) may be used for 8-foot-wide parallel parking spaces or for head-in or angled parking spaces. If head-in or angled

- parking is used, ensure the public sidewalk is adequately wide to accommodate any bumper overhang while meeting ADA/PROWAG standards.
- b. Include parking bays and street trees wherever feasible.
 - c. Provide public access easements for locations outside public right-of-way which are included to at least meet the minimum public parking requirement.
 - d. Include curb extensions where appropriate to improve sight distance, define parking areas, and shorten pedestrian crossing distances. Private streets within Tracts C, D, E, J, K, and M.
- iii. Public access hard surfaces (concrete meeting PWCC) within public access easements including:
 1. A 12-foot-wide multi-use path centered within the 16-foot-wide public pedestrian easement meandering into Tract B from SW Norwood Road and back out from the west to the east.
 2. A 6-foot-wide surface centered within the 10-foot-wide public pedestrian easement crossing Tract A from SW Norwood Road to Tract J.
 3. A 10-foot-wide surface from east to west centered within Tract I.
 4. A 6-foot-wide surface centered within the 10-foot-wide public pedestrian easement crossing Tract F from Tract E to the south property line.
 5. A 10-foot-wide surface in the center of the dedicated right-of-way extending southeast from the corner of Residential Local streets C and D.
 - iv. A 20-foot-wide emergency vehicle surface in the center of the dedicated right-of-way extending southeast from the corner of Residential Local streets C and D.
 - v. Street signs, striping, and traffic control signs of the required size, type, location, and placement prior to issuance of construction permits to comply with the Public Works Construction Code and the Manual on Uniform Traffic Control Devices (MUTCD).
 1. For SW Norwood Road the applicant may propose to construct a rectangular rapid flashing beacon (RRFB) with a crosswalk across Norwood Road.
 - vi. Sidewalks within public right-of-way, public access easements, and public pedestrian easements must be evaluated and improved as necessary to comply with ADA/PROWAG standards in accordance with the Tualatin Municipal Code and Washington County standards.
- e. Street trees conforming in species and location with the street tree plan and City standards: <https://www.tualatinoregon.gov/recreation/street-trees>.
 - i. Select any species other than Ash from the approved list due to the invasive Emerald Ash Borer.
 - ii. Provide at least 25 square feet of open ground about the base of the trunk for trees up to three inches in diameter.
 - iii. Install root protection to protect public laterals and infrastructure.
 - iv. Where sidewalk is curb-tight adjacent to parking, provide trees behind the sidewalk as feasible to meet spacing requirements. Install root

protection adjacent to the back of sidewalk to keep the roots from intruding into sidewalk areas and as needed to protect franchise utilities within the public utility easement.

- v. Preserve the existing tree canopy to the maximum extent practicable and maximize the proposed tree canopy as much as feasible.
- f. Provide turning movement diagrams for all street connections showing:
 - i. Vision clearance triangles.
 - ii. Sight distances based on AASHTO standards.
 - iii. Adequate paved surface to accommodate associated vehicular movements allowing turning movements for the widest path design vehicle.
- g. Driveways with:
 - i. Minimum:
 - 1. Approach widths as provided in TDC 73C-090 measured at right-of-way.
 - 2. Distances of 40 feet between any two adjacent driveways on a single property.
 - ii. Any joint uses identified and associated:
 - 1. Private streets and tracts (or accessways or alleys).
 - 2. Shared access easements adjacent to public right-of-way bounding the entire width of lots with depth to match the public utility easement.
 - 3. Agreements established for future responsibility and maintenance.
- h. Street lighting plans for:
 - i. SW Boones Ferry Road and SW Norwood Road meeting Washington County and City of Tualatin standards.
 - ii. Residential Local streets meeting PGE Option A standards showing the location of proposed streetlight poles, fixtures, and any streetlight footings and grounding material (may include the ground rod and copper wire) for the streetlight pole and/or junction box needed to meet the standards.
 - iii. Obtain PGE approval of the streetlight design. Submit payment to City to cover the City's cost per Street Light Rate Schedule 95, Option A.
 - iv. Private streets within Tracts C, D, E J, K, and M meeting PGE Option A standards.
- i. Underground existing overhead and proposed utilities, unless it is a high-voltage transmission line over 50kv.
 - i. Include a statement: "In order to protect public safety, space, and preserve trees, undergrounding of overhead lines adjacent to SW Norwood Road must be completed and accepted by the City prior to removing any trees onsite or commencing installation of other underground infrastructure. If any tree within Tract A or B proposed for retention is removed, obtain city approval of a mitigation plan, and implement the plan prior to any further work on the project.
- j. Locate mailbox(es) so as to minimize effects on traffic, parking, trees, and utilities.
- k. Street names selected from the City's approved street name list for new Residential Local and private streets.

A7. The applicant must obtain City approval of Final Water System Plans in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:

- a. The boundaries of existing public water easements with recorded document numbers.
 - b. Formal documentation from the Oregon Water Resources Department stating all existing wells, including but not limited to Well Report: WASH 12244 have been decommissioned or repurposed for only irrigation use.
 - c. Separate laterals to the main with gate valves for each:
 - i. Domestic, irrigation, and fire service.
 - ii. Public stormwater facility irrigation service.
 - d. Separate appropriately sized water meters for each domestic or irrigation lateral located within the landscaping adjacent to public right-of-way or City Engineer approved alternate location with:
 - i. Irrigation systems shall be protected with a backflow prevention method that is commensurate with the degree of hazard, as defined in Table 47 by Oregon Administrative Rules (OAR) 333-061-0070 and 333-061-0071.
 - ii. Permanent irrigation after a domestic meter and RPBA serving public stormwater facilities.
 - e. The boundary of a proposed public easement outside of right-of-way 10 feet wide centered on a public lateral serving the public stormwater facility.
 - f. Public fire hydrants meeting all spacing requirements of the Oregon Fire Code (OFC) and PWCC.
- A8. The applicant must obtain City approval of Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show:
- a. Location of the lines, grade, materials, and other details.
 - b. Separate laterals for each service, or as approved by the City Engineer.
 - c. Cleanouts adjacent to public right-of-way.
 - d. DEQ approved decommissioning of any existing septic system.
 - e. The boundaries of proposed 20-foot-wide public sanitary sewer easements centered on public mains outside of right-of-way.
- A9. The applicant must obtain City approval of:
- a. Final Stormwater plans and approved Surface Water Management Report in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4:
 - i. Note: Ash species are not permissible due to the invasive Emerald Ash Borer.
 - ii. Stamped by an Oregon registered professional engineer in accordance with TMC 3-5-390(1).
 - iii. Showing:
 - 1. All retaining walls on private property outside of the stormwater facility tract.
 - 2. A new manhole to connect the proposed stormwater main releasing from the public stormwater facility in Tract F to the public main within SW Boones Ferry Road.
 - 3. The boundaries of proposed 20-foot-wide public stormwater easements centered on public mains outside of right-of-way with

the exception of a 15-foot-wide easement matching the boundary of the future partition from the public stormwater facility to SW Boones Ferry Road.

- iv. Addressing runoff from all new and modified impervious areas:
 1. Showing gravity flow to and within the public stormwater system in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4).
 2. Confirming the capacities for quality, quantity, and hydromodification to include new and modified impervious areas.
 3. Providing a review of the downstream conveyance system that includes an analysis:
 - a. Downstream from the release of the development through the public stormwater system in accordance with CWS D&CS 2.04.2(m.3).
 - b. Including but not limited to observable downstream impacts to structures.
- b. Submitted financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWSD&CS 2.07 Table 2-1.

A10. The applicant must:

- a. Obtain City approval of Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that minimize the impact of stormwater from the development to adjacent properties.
- b. Submit Erosion Prevention and Sediment Control (EPSC) plans to the City sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-C permit from Oregon DEQ;

PRIOR TO PRELIMINARY PLAT APPROVAL:

Submit to the Engineering Division via eTrakit for review and approval:

- A11. In accordance with Public Works Construction Code (PWCC) and Tualatin Development Code (TDC) 74 and 75, the applicant must submit a preliminary plat which shows the City Engineer approved and surveyed, staked, and marked with a City approved boundary marker:
- a. Dedication of rights-of-way and maintenance, pedestrian, private access, public access, public emergency access, public water lateral, and utility easements.
 - b. Public utility and maintenance access easements to:
 - i. Construct and maintain the entirety of public sanitary sewer and stormwater mains outside of right-of-way.
 - ii. Adequately surround and maintain PGE or other utility infrastructure.
 - iii. Any public access and parking lot easements for public parking spaces outside public right-of-way. Submit a maintenance agreement for any on-site public parking on private property for City Engineer approval. Such an agreement would be recorded immediately after the plat.
 - c. All joint use driveway easements. Submit associated supporting satisfactory legal evidence presented to the City in the form of deeds, easements, leases or contracts to establish joint use to be recorded immediately after the

plat including, but not limited to, private shared access easement and maintenance agreements.

- d. Private retaining walls and associated drainage easements supported by a Geotechnical report and approved by the City of Tualatin Building Official. Submit associated maintenance documents to be recorded immediately after the plat.

A12. The applicant must obtain:

- a. A Facilities permit from Washington County.
- b. National Pollution Discharge Elimination System (NPDES) Stormwater Discharge Permit, 1200-C, from DEQ.
- c. Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

A13. If a Public Utility with a current Franchise agreement or Rights-of-Way License (PWCC 100 definitions) from Tualatin requires an applicant to participate in the process of obtaining a Franchise (PWCC 102.1.3 and 207 Public Utility) Permit, the applicant must perform in accordance with TDC 74.660 and 670, PWCC 207, TMC 03-06.

PRIOR TO REMOVAL OF ANY TREES:

A14. Work shall be sequenced and conducted so as to maximize tree preservation and minimize potential for tree (including root) damage. Preserved trees shall match trees identified in the arborist report dated January 26, 2026, specifically shown on Attachment 1 or Exhibit 1 of the arborist report. Any tree (or root) cutting or removal must be overseen on-site by a certified arborist to ensure the preservation and health of the trees to remain. Tree preservation methods shall at a minimum follow those identified in the arborist report: "Trees inside Tract A and Tract B will be protected by (1) tree protection fencing, (2) project arborist oversight during excavation for proposed utilities and sidewalks, and (3) modified fill on the north side of the trees to meet grading requirements.

PRIOR TO RECORDING OF THE FINAL PLAT OR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR CERTIFICATE OF COMPLETION:

Submit to the Engineering Division via eTrakit for review and approval:

A15. The applicant must complete all the private and public improvements as shown on the approved permit plans. All improvements must be constructed and guaranteed as to workmanship and material and also be accepted by the City in accordance with Tualatin Development Code (TDC) 74. Work within Washington County right-of-way must be accepted by Washington County.

A16. The applicant must submit:

- a. An approved final erosion control inspection report.
- b. Pdf as-builts of the Engineering division permits.
- c. Maintenance bonds.
- d. Payment of any final fees for public improvements.

Submit to the Planning Division via eTrakit for review and approval:

- A17. The applicant must submit a Final Subdivision Plat in accordance with applicable sections of Tualatin Development Code (TDC) Chapter 36 that demonstrate:
- a. Shall adhere to the requirements of TDC 36.160.
 - b. The ownership and location of private easements and tracts, and the ownership and location of private improvements within public rights-of-ways and easements on the plat in compliance with TDC 36.310(2).
 - c. Must be consistent with the requirements of TDC 36.330.
 - d. All structures must be properly removed from the site in compliance with TDC 36.340(1) and documentation must be presented to the City confirming removal.
 - e. Applicant compliance with all limitations placed on the issuance of building permits prior to the completion of the final plat and all associated public improvements related to the subdivision. No permits shall be issued until the public improvements are substantially complete, in accordance with any alternative improvement agreement thresholds for County review in compliance with TDC 36.330.
 - f. Provide proof that all existing wells must be properly decommissioned and abandoned in compliance with State and County requirements as required by TDC 36.340(2) and documentation of the abandonment must be provided to the City.
 - g. Provide proof that all underground storage tanks including septic, fuel and oil, and similar underground storage tanks have been properly decommissioned and removed in compliance with Department of Environmental Quality and TDC 36.340(3).
 - h. Show private and public easements and dedication as approved by the City Engineer and shown within issued permits.
 - i. Properly record all easements, maintenance agreements and final plat in compliance with TDC Chapter 36 requirements or a civil infraction under TDC 36.500(2) will be issued.

PRIOR TO BUILDING PERMIT ISSUANCE FOR RESIDENTIAL DWELLINGS:

- A18. The applicant may choose a Type I Single-Family Architectural Review process described in TDC 32.210 and meet the design requirements of TDC 73A.030, 73A.040, 73A.050, and 73C.090 or a Type II Single-Family Architectural Review following the procedure described in TDC 32.220 and meeting the design requirement of TDC 73A.060.

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

- A19. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 73-2.
- A20. Proposed landscaping must meet the minimum landscaping standards for all zones identified in TDC 73B.060 and the standards for trees and plants in accordance with TDC 73B.070.
- A21. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A22. Pedestrian access to Open Space Tract L shall be permanently maintained via Tracts K and M. Open Space Tract L shall be developed and maintained as a landscaped grass surface,

and include the tree plantings depicted on Sheet P16 of the preliminary plans, referenced as Exhibit A2.

III. FINDINGS

Based on the Analysis and Findings presented herein, SB 25-0001 is **approved** subject to the Conditions of Approval in Section II of this decision:

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

(2) *Applicability of Review Procedures.* All land use and development permit applications and decisions will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

[...]

(b) *Type II Procedure (Administrative/Staff Review with Notice).* A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are “limited land use decisions” as defined in ORS 197.015 are so noted in Table 32-1.

[...]

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

Table 32-1 – Application 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 36
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Finding:

The application proposes a 95-lot residential subdivision for attached townhomes in the Medium Low Density Residential (RML) Planning District. This application is subject to Type II Procedure Type according to Table 32-1. The application has been processed according to the applicable code for Type II procedures required under TDC 32.220. The development of the proposed townhomes will be reviewed under a separate Architectural Review. This standard is met.

[...]

Section 32.030 – Time to Process Applications.

(1) *Time Limit - 120-day Rule.* The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)

[...]

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

Finding:

The application was submitted on August 8, 2025, and deemed incomplete on September 3, 2025. Revised materials were submitted and the application was deemed complete on January 29, 2026. The 120th day decision deadline is May 29, 2026. The final action on this application must take place within 120-days, unless the applicant requests an extension in compliance with ORS 227.178. These standards are met.

Section 32.110 – Pre-Application Conference.

(1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

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

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

(4) *Application Requirements for Pre-Application Conference.*

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

(5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the

involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

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

- (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;
- (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
- (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Finding:

A Pre-Application Meeting is a requirement of a Type II subdivision application. The applicant participated in a Pre-Application Meeting on February 5, 2025. The applicant continued to coordinate with city staff via email and several subsequent meetings before submitting the application on August 8, 2025. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

[...]

(2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

(3) Timing. A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

(4) Time and Location. Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:

- (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
- (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

(5) Notice Requirements.

(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

- (i) All property owners within 1,000 feet measured from the boundaries of the subject property;
- (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
- (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

(6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

(7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Finding:

The applicant provided evidence that a Neighborhood Developer Meeting, in accordance with TDC 32.120, was held on May 22, 2025. The meeting documentation is included in Exhibit A7, these standards are met.

Section 32.130 – Initiation of Applications.

(1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:

- (a) The owner of the subject property;
- (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
- (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
- (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

Finding:

The applicant has provided a title report within Exhibit A7 listing the contract purchaser of the lots being created with the subdivision and has been authorized by the current Property Owners. These standards are met.

Section 32.140 – Application Submittal.

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

- (a) *A completed application form.* The application form must contain, at a minimum, the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;

- (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application(s);
 - (vi) A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (b) A written statement addressing each applicable approval criterion and standard;
- (c) Any additional information required under the TDC for the specific land use action sought;
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
- (e) Recorded deed/land sales contract with legal description.
- (f) A preliminary title report or other proof of ownership.
- (g) For those applications requiring a neighborhood/developer meeting:
- (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
- (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) *Application Intake.* Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) *Administrative Standards for Applications.* The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

The application was submitted on August 8, 2025, and deemed incomplete on September 3, 2025, and October 29, 2025. Revised materials were submitted, and the application was formally deemed complete on January 29, 2026. The general land use submittal requirements of TDC 32.140(1) are included with the application. These standards are met.

Section 32.150 - Sign Posting.

- (1) *When Signs Posted.* Signs in conformance with these standards must be posted as follows:
- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
 - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.

(2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:

- (a) Waterproof sign materials;
- (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and
- (c) Sign text must be at least two (2) inch font.

(3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.

(4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:

- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
- (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

The applicant provided certification within Exhibit A7 that signs in conformance with sign posting requirements for this section of the Tualatin Development Code were posted onsite for both the Neighborhood/Developer Meeting and the notice of application. These standards are met.

Section 32.160 – Completeness Review.

(1) Duration. Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

(2) Considerations. Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) Complete Applications. If an application is determined to be complete, review of the application will commence.

(4) Incomplete Applications. If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

(5) Vesting. If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

(6) Void Applications. An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

Finding:

The Architectural Review application was submitted on August 8, 2025, and was deemed incomplete by the Planning Division on September 3, 2025, and October 29, 2025. Revised materials were submitted, and the application was formally deemed complete on January 29, 2026. The completeness review occurred within the 180-day deadline. These standards are met.

Section 32.170 - Revised Applications.

Revisions or alterations of an application may be made following the determination that an application is complete, provided such revisions or alterations do not render the application incomplete and do address applicable requirements. When revisions or alterations are desired by the applicant or required by the City, the applicant must provide fully revised application materials and clearly identifying those application materials which are revised.

Finding:

After the applicant initially submitted their application on September 23, 2025, and was deemed incomplete by the Planning Division on September 3, 2025, and October 29, 2025. Revised materials were submitted, and the application was formally deemed complete on January 29, 2026. The completeness review occurred within the 180-day deadline. These standards are met.

[...]

Section 32.220 - Type II Procedure (Administrative Review with Notice).

Type II decisions are made by the City Manager with public notice and an opportunity for review and comment. The local appeal body for each application type is specified in Table 32-1. Type II decisions include limited land use decisions under ORS 197.195.

(1) Submittal Requirements. Type II applications must include the submittal information required by TDC 32.140(1).

(2) Determination of Completeness. After receiving an application for filing, the City Manager will review the application for completeness in accordance with TDC 32.160.

(3) Written Notice of Application and Opportunity to Comment. Once the application has been deemed complete, the City must mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days before making the Type II decision to allow interested people and agencies the opportunity to submit written comments on the application before the City issues the decision.

(a) Recipients:

(i) The applicant and the owners of the subject property;

(ii) All property owners within 1,000 feet measured from the boundaries of the subject property;

(iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;

(iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;

- (v) Any person who submits a written request to receive a notice;
- (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and
- (vii) Utility companies (as applicable).

(b) The mailed notice of pending Type II Decision, at a minimum, must contain all of the following information:

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;
- (iii) The proposed site plan;
- (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;
- (v) The type of application and a concise description of the nature of the land use action;
- (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;
- (vii) Brief summary of the local decision making process for the land use decision being made;
- (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;
- (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;
- (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;
- (xi) A statement that comments received after the close of the public comment period will not be considered;
- (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and
- (xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.

(c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.

Finding:

After application submittal and completeness review, as required by this section, notices for the Type II application for SB 25-0001 were emailed and mailed by city staff on February 11, 2026. The notices contained the information required by this section (Exhibit B). Four public comments were received during the 14-day public notice comment window. A summary of the comments and staff findings are included in the Introduction within Section F. These standards are met.

(4) Decision. At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:

- (a) Explains the criteria and standards considered relevant to the decision;
- (b) States the facts relied upon in issuing the decision; and
- (c) Explains the justification for the decision based on the criteria, standards and facts set forth.

(5) Notice of Type II Decision. Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:

- (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
- (c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
- (d) The date the decision becomes final, unless an appeal is submitted; and
- (e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.

(6) Appeal of a Type II Decision. Appeals may be made in accordance with TDC 32.310.

(7) Effective Date of Type II Decision. A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

Finding:

A final decision and any appeal will follow the requirements of this section. These standards will be met.

Chapter 33: Applications and Approval Criteria

[...]

Section 33.110. - Tree Removal Permit/Review.

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

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

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

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

- (i) Not located in the Natural Resource Protection Overlay District (NRPO);
- (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);
- (iii) Not a Heritage Tree; and
- (iv) Not previously required to be retained or planted under an approved Architectural Review decision.

[...]

(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.

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

(a) Tree Preservation Plan. A tree preservation plan drawn to scale must include:

- (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;
- (ii) All trees proposed for removal and all trees proposed to be preserved;
- (iii) All existing and proposed structures;
- (iv) All existing and proposed public and private improvements; and
- (v) All existing public and private easements.

(b) Tree Assessment Report. A tree assessment prepared by a certified arborist must include:

- (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;
- (ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;
- (iii) a statement addressing the approval criteria set forth in TDC 33.110(5);
- (iv) the name, contact information, and signature of the arborist preparing the report; and
- (v) The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.

(c) Tree Tags. All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.

(6) Approval Criteria.

(a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:

[...]

- (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.

[...]

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

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

Partition decision is valid as provided in the terms of the Architectural Review, Subdivision, or Partition decision.

[...]

Finding:

The submitted application includes trees being removed in conjunction with the planned subdivision development. The applicant provided an Arborist Report including a tree assessment and preservation plan authored by a certified arborist (Exhibit A4). The report stated 246 trees over 8-inches in diameter are subject to tree preservation and removal standards for the SW Norwood Road Subdivision project. The Arborist Report proposed 117 trees over 8-inches in diameter for removal to facilitate the new streets, sidewalks, utilities, and prepare 95 lots for future construction. The Arborist Report discussed the preservation of a grove of Douglas-fir south of SW Norwood Road would be compatible with development if tree preservation measures provided in the report are followed. The trees proposed for removal were unhealthy or needed to be removed in order to construct the public streets, sidewalks, public utilities and dwelling units as permitted by TDC 33.110(6)(a)(iii). With Condition of Approval A3, these standards will be met.

Chapter 36: Subdividing, Partitions, and Property Line Adjustments

[...]

Section 36.040 - Applications and Submittal Requirements.

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

(2) Additional Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required to subdivide, partition, or replat land:

- (a) Subdivision or partition plan map;**
- (b) Proposed plat name, approved by the County Surveyor;**
- (c) The names, addresses, and contact information of the design engineer and surveyor;**
- (d) The date the plan was prepared;**
- (e) North arrow;**
- (f) Scale of drawing;**
- (g) Location of the subdivision or partition by 1-4 Section, Township and Range;**
- (h) Preliminary utility plans for existing and proposed water, sanitary sewer and storm drainage, including the size and grade;**
- (i) A street plan showing all existing streets, proposed streets (public and private), and accessways on the subject property and extending 1,000 feet in all directions from the site, including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets;**
- (j) An outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;**
- (k) Easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;**
- (l) Flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;**
- (m) Natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk**

- diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;
- (n) Approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;
 - (o) Approximate area of each lot;
 - (p) Proposed lot numbers;
 - (q) Existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;
 - (r) All lots intended to be dedicated or reserved for public use;
 - (s) A vicinity map showing a minimum one-mile radius;
 - (t) Contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent;
 - (u) For subdivisions and phased subdivisions, a completed trip generation estimate on forms provided by the City and a Traffic Impact Analysis;
 - (v) If a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, adequate information to show compliance with the approval criteria in TDC 33.120(5) for a minor variance or TDC 33.120(6) for a variance;
 - (w) A "Service Provider Letter" from Clean Water Services;
 - (x) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received;
 - (y) A completed City fact sheet;
 - (z) A title report for the property(ies) subject to the application;
 - (aa) Other supplementary material as may be required, such as deed restrictions, a statement of ownership, use, covenants, conditions, limitations, and responsibility for maintenance; and
 - (bb) Other information required by the City Manager.

Finding:

The applicant has provided the applicable submittal materials listed in TDC 32.140 and 36.040. This standard is met.

Section 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).

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

(3) Submittal Requirements.

(a) Prior to submitting an application for a Tentative Subdivision Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).

(b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for subdivision tentative plan must include the information required in TDC 36.040(2) (Additional Submittal Requirements).

Finding:

According to Table 32-1, the proposed subdivision application is subject to the Type II Procedure Type. The application has been processed according to the applicable code for Type II procedures as described in TDC 32.220. The applicant is not proposing a phased subdivision plan. Prior to submitting the Tentative Subdivision Plan, the applicant attended a Pre-Application Meeting in compliance with TDC 32.110, conducted Neighborhood/Developer Meetings in compliance with TDC 32.120 and submitted the applicable materials listed in TDC 32.140 and 36.040(2). These standards are 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.**

Finding:

The applicant has provided the required materials to determine if the proposed subdivision meets or can meet the approval criteria with Conditions of Approval. The subject site is located in the Medium Low Density Residential (RML) Planning District. The lot standards for the RML zone are located in TDC Section 41.300. Applicable lot standards have been reviewed and are adequately addressed within the application materials. City infrastructure findings are addressed later in this report in Chapter 74 Private Public Transportation and Utilities and 75 Access Management findings. Vision clearance requirements are listed in 75.020 (8) and addressed later in this decision. As proposed and with the Conditions of Approval in Section II of this report, these standards are met.

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

Finding:

The surrounding tax lots are developed with residential dwellings and institutional church and school uses. These uses are all accessed by existing road networks. As proposed, the Tentative Subdivision Plan has considered the surrounding area and does not impede the future use or development of the subject property or adjacent developed land. This standard is met.

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

Finding:

TDC Chapters 74 and 75 are further addressed in the analysis and findings. The City of Tualatin Engineering Division has evaluated the proposed subdivision and has determined that the City infrastructure can serve the proposed additional residential development. The proposed subdivision has been reviewed for conformance with Chapters 74, 75, and the Tualatin Transportation System Plan. Where necessary, Conditions of Approval are provided in Section II of this report to ensure compliance with applicable standards. The proposed streets have been evaluated for conformance with City requirements and will provide safe, orderly, and efficient traffic circulation into, through and out of the subdivision. With the Conditions of Approval in Section II of this decision, these standards are 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.

Finding:

The subject property abuts SW Norwood Road. The applicant's preliminary plans (Exhibit A2) and narrative (Exhibit A1) include half-street improvements along SW Norwood Road include a ±6-foot-wide bike lane and a ±12-footwide multi-use pathway. These improvements will provide connection to the existing bike lane and multi-use path on SW Norwood Road. The project proposal includes an internal street network comprised of sidewalks, open space tracts, and pathways to provide pedestrian connectivity throughout the subdivision and to adjacent residential areas and schools. This standard is met.

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

Finding:

The Tentative Subdivision Plan was designed to address requirements of TDC Chapters 74, 75, and the Tualatin Transportation System Plan. The applicant submitted a Transportation Impact Analysis included as Exhibit A5. The Traffic Impact Analysis that has been evaluated by the City Engineer and found to meet the City standards. TDC Chapters 74 and 75 are further addressed in the analysis and findings. This standard is met.

(h) The Tentative Subdivision Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

(i) The Tentative Subdivision Plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding:

The applicant provided an Arborist Report including a tree assessment and preservation plan reviewed by a certified arborist (Exhibit A4). The report stated 246 trees over 8-inches in diameter are subject to tree preservation and removal standards for the SW Norwood Road Subdivision project. The Arborist Report proposed 117 trees over 8-inches in diameter for removal to facilitate the new streets, sidewalks, utilities, and prepare 95 lots for future construction. The Arborist Report discussed the preservation of a grove of Douglas-fir south of SW Norwood Road would be compatible with development if tree preservation measures provided in the report are followed. The applicant's design took into account the topography

and vegetation of the site to preserve this stand of trees protected in open space tracts as much as is practicable with the required public street improvements along SW Norwood Road. Adjustments to the street standards are included as permitted by TDC 74.040. This standard is met.

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

Finding:

Applicable sections of TDC Chapters 74, 75, and the Tualatin Transportation System Plan have been reviewed to ensure compliance with City standards. Chapters 74 and 75 are addressed in more detail in subsequent sections of these analysis and findings. This standard is met.

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

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

Finding:

A final decision and any appeal will follow the requirements of this section. These standards will be met.

Section 36.130 - Phased Tentative Subdivision Plan.

(1) Applicability. Phased Tentative Subdivision Plan approval is required before land is divided as a phased subdivision. When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.

Finding:

The applicant is not proposing any phasing, this section of the TDC is not applicable.

[...]

Section 36.160 - Final Plat.

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

(2) Procedure. Final plats are exempt from the procedures TDC 32.220 (Type II Procedure), and instead follow the procedures set forth in this section. Final plats must be reviewed by the City prior to recording with county.

(3) Submittal Requirements. Applications for final plat must be submitted prior to expiration of tentative plan approval.

(4) Approval Criteria. A final plat must be approved if all of the following criteria are met:

(a) The final plat is in substantial conformance with the approved tentative plan or tentative replat plan.

(b) For phased subdivisions in commercial and industrial zones, unless the divergence from the tentative plan would require a modification of any condition of approval, the final plat for each phase may diverge from the tentative plan and still be in substantial conformance with the approved tentative plan for that phase if there is:

(i) A decrease or increase in the number of lots within the particular phase;

(ii) A change in the location or width of public rights-of-way within the specific phase; provided, however, the change does not materially affect connectivity, does not increase or decrease the number of connections to

- streets set forth in the tentative plan, does not change the point of connection with existing or planned streets, and does not change the street designation from one classification to another;
- (iii) A change in the location or width of a public utility easement, so long as the change does not adversely affect connectivity with constructed or planned utilities;
- (iv) A decrease in the number of phases; or
- (v) An increase or decrease in the area of a specific phase.

- (c) If the approval of a final plat for a specific phase requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative plan must be modified first to reflect the changes.
- (d) The final plat complies with all applicable provisions of ORS Chapter 92.
- (e) Conditions of approval imposed on the tentative plan or tentative replat have been met;
- (f) The final plat dedicates, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by the Tualatin Development Code or as a condition of approval;
- (g) The City Manager has certified that:
 - (i) All required public improvements and private improvements are completed and approved; or
 - (ii) The owner of the property subject to the final plat has executed and filed with the City an Improvement Agreement under TDC 36.320 (Improvement Agreement for Public Improvements), requiring all City infrastructure and private improvements to be completed within 24 months of the final plat approval.

(5) *Approval or Rejection of Final Plat.*

- (a) If the City Manager finds that the final plat does not meet the approval criteria set forth in subsection (3) of this section, the City Manager must notify the applicant of the deficiencies and afford the applicant opportunity to comply. Rejection of a final plat does not affect tentative plan or tentative replat approval.
- (b) If the City Manager finds that the final plat meets the approval criteria set forth in subsection (3) of this section, the City Manager must endorse approval on the final plat, and the applicant may process and record the final plat.

(6) *Recording of Final Plat.* The approved final plat must be recorded within ten years of the effective date of the tentative plan or tentative replat approval. No building permits for development of lots or parcels will be issued until the final plat is recorded.

(7) *Operation and Maintenance of Facilities and Common Property.* Where facilities and common property, including, but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development must include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association. Each property owner must be a member of the property owners' association. The association must have the power to levy and assess against privately owned property in the development all necessary costs for operation and maintenance of such facilities and common property. The documents creating such association must be approved by the City Manager.

(8) *Operation and Maintenance of Flag Lot Accessways.* Where a flag lot accessway serving more than one lot or parcel is included within a development, reciprocal and irrevocable access

rights for all lots or parcels served by the flag lot accessway must be included on the final plat and in the deeds for the individual lots or parcels. Maintenance of the flag lot accessway must be shared between the owners of the properties served by the flag lot accessway and an agreement requiring maintenance of the flag lot accessway must be recorded in the deeds for the individual lots or parcels.

Finding:

Final plats are exempt from the procedures of TDC 32.220 (Type II Procedure). The final plat will follow the procedures outlined in TDC 36.160 before recording. With Condition of Approval A17 these standards are met.

[...]

Section 36.200 - Modification of Prior Approval.

(1) *Applicability.* The approval of a tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, manufactured dwelling park tentative subdivision plan, or tentative replat may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, manufactured dwelling park tentative subdivision plan, or tentative replat.

(2) *Procedure Type.* Modifications pursuant to this section are processed as a Type I procedure under TDC 32.210.

(3) *Submittal Requirements.* In addition to the submittal requirements under TDC 32.220, an application for a modification must include the following:

- (a) For modification of a tentative partition plan approval, the information required under TDC 36.100(3)(Submittal Requirements).
- (b) For modification of a tentative subdivision plan approval, the information required under TDC 36.110(3)(Submittal Requirements).
- (c) For modification of a phased tentative subdivision plan approval, the information required under TDC 36.120(3)(Submittal Requirements).
- (d) For modification of a tentative manufactured dwelling park subdivision plan approval, the information required under TDC 36.130(3)(Submittal Requirements).
- (e) For modification of a tentative replat approval, the information required under

TDC 36.140(3)(Submittal Requirements).

(4) *Criteria.* An application for modification pursuant to this section must be approved if all of the following criteria are met:

- (a) The proposed modification is not substantially inconsistent with the conditions of the original approval; and
- (b) Accessways to adjacent streets or properties must not be relocated more than 25 feet from the location approved on the subdivision plan. In addition, accessways must not be relocated to a different adjacent property.
- (c) Stub streets must not be changed to non-through streets.
- (d) Culs-de-sac must not be changed to stub streets.
- (e) Density decreases must not exceed a 20 percent reduction in the total number of approved lots or dwelling units.
- (f) The proposed modification must not result in a change or deletion of a condition of approval of the subdivision plan approval.

(g) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

(5) *Expiration.* The modification does not affect the expiration of the original decision.

Finding:

Any modification to the approval of the tentative subdivision plan must follow the requirements of TDC 36.200.

Section 36.210 - Extension of Approval Decision.

(1) *Applicability.* The City Manager may grant a one-year extension of a Tentative Partition Plan decision, Tentative Subdivision decision, Tentative Phased Subdivision decision, Tentative Manufactured Dwelling Park Tentative Subdivision Plan decision, and Tentative Replat decision.

(2) *Procedure Type.* Extensions pursuant to this section are processed as a Type I procedure under TDC 32.210.

(3) *Criteria.* An application for an extension of Tentative Partition Plan decision, Tentative Subdivision decision, Tentative Phased Subdivision decision, Tentative Manufactured Dwelling Park Tentative Subdivision Plan decision, or Tentative Replat decision will be approved if all of the following criteria are met:

(a) There have been no significant changes in any conditions, ordinances, regulations, or other standards of the City or applicable agencies that affect the previously approved subdivision so as to warrant its resubmittal; and

(b) If the applicant did not neglect the site, its maintenance, or otherwise allowed the site to become blighted.

(4) *Number of Extensions.* The City Manager cannot grant more than a single one-year extension.

Finding:

Any extension of the approved tentative subdivision plan must adhere to the requirements of TDC 36.210.

Section 36.310 - Approval of Streets and Rights of Way.

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

(a) The applicant must comply with the requirements of TDC Chapter 74, Public Improvement Requirements.

(b) The applicant must comply with the design and construction standards set forth in the Public Works Construction Code.

(c) The applicant must provide evidence to the City that property intended to be dedicated to the public is free of all liens, encumbrances, claims and encroachments.

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

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

Finding:

The proposed subdivision has been evaluated by the standards of TDC Chapter 74, as well as, the design and construction standards in the Public Works Construction Code. All street improvements and rights-of-way will be evaluated and approved by the Engineering Division. The final plat of a subdivision application 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. With Condition of Approval A17, these standards are met.

Section 36.330 - Issuance of Building Permits.

(1) Except as provided in subsection (2) of this section, the City must not issue a building permit or permits to connect to City utility services for lots within a subdivision or partition plat until the City Manager has determined that the corresponding public improvements are substantially complete to assure that the health and safety of the citizens will not be endangered from inadequate public facilities.

(2) Subject to submittal and approval of, and compliance with, the subdivision plan, as well as sufficient security to assure completion of the public portions of the subdivision, the applicant or individual lot owners within the subdivision may receive a building permit or utility service for not more than 50 percent of the platted lots within the subdivision prior to:

(a) The completion of all required public improvements in accordance with the Public Works Construction Code; and

(b) The acceptance of the public improvements by resolution of the City Council.

(3) The City must not issue building permits or utility service approval for any lot which together with previously approved lots would exceed 50 percent of the platted lots within the subdivision until:

(a) All required public improvements have been completed in accordance with the Public Works Construction Code; and

(b) The public improvements have been accepted by resolution of the City Council.

(4) City approval for use of a public improvement prior to the final approval and acceptance by the City of the subdivision plat does not constitute a release or waiver of any security which has been filed to assure compliance with the subdivision plan approval or any related agreements.

(5) For a subdivision or partition in commercial, institutional, or manufacturing zones (planning districts) or multi-family residential developments which require Architectural Review approval, the City Manager may authorize building permits to be issued prior to the public improvements being substantially complete provided the following conditions are satisfied:

(a) A Public Works Permit for the public improvements has been issued;

(b) An Architectural Review for the development has been approved;

(c) The subdivision or partition plat is recorded;

(d) All easements and dedications required of any development approval have been recorded; and

(e) Building permits are conditioned to deny occupancy until the public improvements in the subdivision are complete and are accepted by resolution of the City Council.

Finding:

Any future townhome development or construction will be reviewed under a separate Architectural Review application. The applicant shall comply with all limitations placed on the issuance of building permits prior to the completion of the final plat and all associated public improvements related to the subdivision. Any issuance of building permits must adhere to the requirements of TDC 36.330. The applicant within the subdivision may receive a building permit or utility service for not more than 50 percent of the platted lots within the subdivision prior to, the completion of all required public improvements in accordance with the Public Works Construction Code; and the acceptance of the public improvements by resolution of the City Council. Prior to future Building Permit submittal for construction of townhouse dwellings, the applicant shall obtain land use approval from the Planning Division in the form of an Architectural Review for Single Family Residences in compliance with TDC 33.020. With Conditions of Approval A17 and A18, these standards are met.

Section 36.340 - Existing Structures and Appurtenances.

(1) Any existing structures proposed to be demolished must be removed prior to the City approval of the subdivision or partition plat. Any structures determined to be a historic City landmark must be reviewed in accordance with TDC Chapter 68.

(2) Any existing wells must be abandoned in the manner prescribed by State and County regulations prior to the City approval of the subdivision or partition plat.

(3) Any existing underground fuel or oil tanks, septic tanks and similar underground storage tanks must be removed or filled as required by the Department of Environmental Quality prior to the City's approval of the subdivision or partition plat.

Finding:

The existing conditions of the site include two residential dwellings, accessory structures, open areas and parking areas for the Horizon Community Church and School. Any existing structures proposed to be demolished must be removed prior to the City approval of the subdivision or partition plat. Any existing wells must be abandoned in the manner prescribed by State and County regulations prior to the City approval of the subdivision plat. Any existing underground fuel or oil tanks, septic tanks and similar underground storage tanks must be removed or filled as required by the Department of Environmental Quality prior to the City's approval of the subdivision plat. With Condition of Approval A17, these standards are met.

[...]

Section 36.400 - Lot Dimensions.

[...]

(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.

Finding:

The applicant's Preliminary Plans (Exhibit A2) illustrates that the side lot lines, as far as practicable, run at right angles to the street upon the lots face. These standards are 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.

Finding:

The subject site is located in the Medium Low Density Residential (RML) Planning District. Applicable lot size and shape for the RML zone can be found in TDC 41.300. In the RML zone townhouses require a lot size area of 1,400 sf, and an average lot width of 14 ft. These standards are further addressed in TDC Chapter 41 of the analysis and findings. As proposed by the submitted preliminary plans (Exhibit A2), the development standards are met.

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

[...]

(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.**

[...]

Finding:

The applicant's Preliminary Plans (Exhibit A2) demonstrate the residential lots front public streets to the degree practicable. Where lots do not have public street frontage, frontage is provided on a shared private street tract. With Condition of Approval A17, these standards are met.

Section 36.500 - Enforcement and Penalties.

(1) The City Manager is responsible for enforcement of the provisions of this Chapter.

(2) It is a civil infraction to violate to:

- (a) Violate any of the provisions of this Chapter; or**
- (b) Selling, offering to sell, contracting to sell land or an interest in land, contrary to the provisions of this Chapter, or contrary to the subdivision or partition plat, or the survey map of the property line adjustment.**

Finding:

No lots are permitted to be sold until all applicable sections of TDC Chapter 36, and all easements and agreements have been recorded with the final plat or a civil infraction will be issued.

Chapter 41: Medium Low Density Residential Zone (RML)

Section 41.200 - Use Categories.

(1) Use Categories. Table 41-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 41-1 and restrictions identified in TDC 41.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except

for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

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

**Table 41-1
Use Categories in the RML Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 41.220.

Finding:

The subject property is within the Medium Low Density Residential (RML) Planning District. Household Living is permitted subject to the housing types listed in TDC 41.220. There are no applicable overlay zones applicable to the parent lot. TDC 41.220 is addressed below. This standard is met.

Section 41.220 – Housing Types.

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

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

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
Single-Family Dwelling	P	Limited to single-family dwellings in a flexible lot subdivision subject to TDC 36.410.
Accessory Dwelling Unit	P	Subject to TDC 73A.170.
Duplex	P	See TDC definition in 31.060.
Townhouse	P	See TDC definition in 31.060.
Triplex	P	See TDC definition in 31.060.
Quadplex	P	See TDC definition in 31.060.
Cottage Cluster	P	See TDC definition in 31.060.
Multi-Family Structure (5 or more units)	P	See TDC definition in 31.060.
Manufacturing Dwelling	N	See TDC definition in 31.060.
Manufactured Dwelling Park	P	Limited to locations designated by the Tualatin Community Plan Map and subject to TDC 34.190.
Retirement Housing Facility	C	Subject to TDC 34.400.
Residential Home	P	See TDC definition in 31.060.

Finding:

The submitted narrative (Exhibit A1) described the proposed use as residential townhouses. Per TDC Table 41-2, townhouses are a permitted use by right. As defined in TDC 31.060, “townhouse” is “A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.” This application is

for establishment of a subdivision of a parent lot intended for “townhouse” construction. This standard is met.

Section 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.

**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.
Other Development Types		
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	If all setbacks are equal to or greater than 1½ 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%	

Finding:

The submitted application requests approval of a 95-lot residential subdivision for future construction of attached townhomes. The subject site is 9.29-acres comprised of a 1.0-acre lot and an 8.29-acre lot located in the Medium Low Density Residential (RML) at 9300 SW Norwood Road (TL: 2S135D000108) and 9320 SW Norwood Road (TL: 2S135D000106). The maximum density for townhouse construction in the Medium Low Density Residential (RML) Planning District is 25-units per acre. The application proposed 10 townhouse units per acre. The applicant’s preliminary plans (Exhibit A2) and narrative (Exhibit A1) depict lot sizes above the 1,400-sf minimum. The proposed lots also exceed the minimum average lot width of 14 feet. All setbacks, structure height, lot coverage and floor area ratios will be reviewed during the Building Permit and Single-Family Architectural Review processes. The evaluation of this application is limited to the subdivision. With Conditions of Approval A2 and A18, these standards are met.

Chapter 73A: Site Design Standards

Section 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:
 - (a) Windows that occupy at least 12 percent of the wall plane.
 - (i) This requirement may be reduced to ten percent if one additional Residential Wall Design Element is provided beyond the minimum.
 - (ii) This requirement may be reduced to eight percent if two or more additional Residential Wall Design Element are provided beyond the minimum.
 - (iii) Garage door windows may be counted toward the window coverage percentage.
 - (b) At least three Residential Roof Design Elements; and
 - (c) At least five of the Residential Wall Design Elements.
- (2) **Rear.** The rear of a residential structure must contain:
 - (a) Windows that occupy at least 12 percent of the wall plane
 - (i) This requirement may be reduced to ten percent if one or more additional Residential Wall Design Element is provided beyond the minimum.
 - (ii) Garage door windows may be counted toward the window coverage percentage.
 - (b) At least two Residential Roof Design Elements; and
 - (c) At least four Residential Wall Design Elements
- (3) **Side-Corner Lot.** If the side of a residential structure abuts a public street, the side must contain:
 - (a) Windows that occupy at least eight percent of the wall plane;
 - (i) This requirement may be reduced to six percent of the wall plane if one or more additional Residential Wall Design Elements are provided on the same side elevation.
 - (ii) Garage door windows may be counted toward the window coverage percentage.
 - (b) At least two Residential Roof Design Elements; and
 - (c) At least four Residential Wall Design Elements.

- (4) **Walkways.** Walkways must be provided for townhouses as follows:
- (a) Walkways must be a minimum of three feet in width;
 - (b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete; and
 - (c) The walkways must meet ADA standards applicable at time of construction or alteration.

Finding:

The Architectural Review application is planned to be submitted separately from this application to assess standards pertaining to the future townhome buildings. The architecture of the proposed townhomes will be reviewed for conformance with TDC 73A during the Building Permit Review process. The applicant may choose “clear and objective” design criteria that would be reviewed as an unnoticed Type I review. If the applicant can’t meet the “clear and objective” design criteria then a Type II review of “discretionary” standards would need to be met. Type II reviews require a preapplication meeting, neighborhood developer meeting with public notice and additional public notice and request for comments sent to all property owners within 1,000 feet. If a plat is bisected by the 1,000-foot notification area, then all property owners are notified even when a lot is further than 1,000 feet. TDC 32.220 describes the Type II administrative review process in greater detail. These standards are not applicable at this time.

Chapter 73B: Landscaping Standards

Section 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:

**Table 73B-1
 Required Minimum Landscape Area**

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

Finding:

The property is located in the Medium Low Density Residential (RML) Planning District. The proposed use is for residential townhomes which are permitted outright in the RML zone. The permitted residential use does not require a minimum landscape area. The applicant’s preliminary plans (Exhibit A2) include open space areas within the proposed subdivision application as well as new landscape strips and street trees. This standard is met.

Section 73B.060 - Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

**Table 73B-2
 Minimum Landscape Standards**

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

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

Finding:

The applicant provided a grading and erosion control plan within the submitted preliminary plans included as Exhibit A2. The applicant proposed tree protection fencing for the trees identified for retention. With Condition of Approval A3, these standards are met.

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

Finding:

The applicant has provided a preliminary landscaping plan and plant schedule in Exhibit A2. The applicant proposed an Open Space area designated as Tract L on the preliminary plans. Open Space Tract L is centrally located to provide a greenspace amenity to the subdivision. As shown in the preliminary street tree and landscaping planting plan, Tract L will be approximately 5,136 sf. contain a grass surface area and various tree plantings. With Conditions of Approval A19, A20 and A22 these standards are met.

Chapter 73C: Parking Standards

Section 73C.040 – Off-Street Vehicle and Bicycle Parking Quantity Requirements.

(1) *Parking Table.* Table 73C-1 lists the maximum permitted vehicle and minimum required bicycle parking requirements listed for land use types.

USE	MAXIMUM PERMITTED VEHICLE PARKING		MINIMUM PERMITTED BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
	Zone A	Zone B		

(a) Residential Uses				
(ii) Middle Housing: a. Duplexes b. Triplexes c. Quadplexes d. Townhouses e. Cottage Clusters	None	None	None Required	N/A

Section 73C.090 - Parking Lot Driveway and Walkway Requirements.

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

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

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

(b) Parking lots driveways and walkways for townhouses, triplexes, quadplexes, and cottage clusters must be provided consistent with the provisions of Chapter 73A.

Finding:

Tualatin Development Code (TDC) Table 73C-1 has no required minimum or maximum vehicle parking for residential townhouses. The submitted preliminary plans (Exhibit A2) depict on street parking on proposed Local Roads B, C and D. In addition to on street parking, the townhouse plans illustrate a two-car garage for each dwelling unit. One or two car garages and driveways will be confirmed during the Single-Family Architectural Review and Building Permit processes. TDC 73A.030, 73A.040, 73A.050 will be reviewed during the Single-Family Architectural Review process if the applicant chooses “clear and objective” design criteria through a Type I review process. If “discretionary” design criteria are chosen, then the applicant must meet the requirements of TDC 73A.060 and follow a Type II review process. All required walkways will be reviewed in compliance with the applicable section of TDC Chapter 73A as part of the Single-Family Architectural Review process. With Condition of Approval A18, these standards will be met.

Chapter 73D: Waste and Recyclables Management Standards

Section 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.

Section 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 TDC 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.

Section 73D.030 – Minimum Standards Method.

This method specifies a minimum storage area requirement based on the size and general use category of the new or expanded development. This method is most appropriate when specific use of a new or expanded development is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

(1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.

(2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:

(a) Common wall residential five to ten units must provide 50 square feet.

(b) Common wall residential greater than ten units must provide 50 square feet plus an additional five square feet per unit above ten.

(3) Mixed solid waste and source separated recyclables storage areas for multiple tenants on a single site may be combined and shared.

Section 73D.070 – Location, Design and Access Standards.

The following location, design, and access standards are applicable to all storage areas:

(1) Location Standards.

(a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.

(b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.

(c) Exterior storage areas must:

(i) Be located in central and visible locations on the site to enhance security for users;

(ii) Be located in a parking area; and

(iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

(2) Design Standards.

(a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.

(b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.

(c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.

(d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.

(e) Gate openings for haulers must be a minimum of 10 feet wide and must be capable of being secured in a closed and open position.

(f) Horizontal clearance must be a minimum of 10 feet and a vertical clearance of 8 feet is required if the storage area is covered.

[...]

(h) Exterior storage areas must have either a concrete or asphalt floor surface.

(i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.

(3) Access Standards.

(a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.

(b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.

(c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.

(d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.

(e) The following is an exception to the access standard:

(i) Access may be limited for security reasons.

Finding:

The site is located in the Medium Low Density Residential (RML) Planning District. TDC Chapter 73D is applicable to common wall residential developments containing five or more units. Common wall dwellings are defined in TDC 31.060 as, "dwelling units characterized by shared wall structures, including, but not limited to, duplexes, triplexes, rowhouses, townhouses, multi-family dwellings, and condominiums". The applicant's narrative (Exhibit A1) stated the waste storage for the future townhomes is planned to be managed similarly to other single family residential uses in the area. The application materials include a service provider letter from Republic Services (Exhibit A3), which states that the ninety-five units will receive Residential Curbside service specified in the City of Tualatin Solid Waste Franchise agreement. Each unit will require individual service accounts and collection receptacles (roll-carts) for trash, commingle-recycle, yard debris, and glass. Collection will occur one day per week as determined by Republic Services. Due to the inherent hazards of backing in and out of private dead-end driveways, residents of units 18-22, 48-51, 74-95, will be required to place carts on Local Roads A, B, C, and D, for collection. These standards are met.

Chapter 74: Public and Private Transportation Facilities and Utilities

[...]

Section 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.

Finding:

Public and private facilities related to development will comply with the requirements established in this chapter and assure adequate private and public facilities are available. The improvements required have been reviewed and found to be directly related to and roughly proportional to the impact of the development.

Development will comply with the applicable requirements of the Tualatin Municipal Code, Tualatin Public Works Construction Code, and Clean Water Services Design and Construction Standards.

With Conditions of Approval A11, A12, A13, A14, A15, and A16 these standards are met.

Section 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.

[...]

(b) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement and right-of-way dedication beyond the centerline necessary to meet requirements for tapering in accordance with the Public Works Construction Code.

(c) All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.

[...]

(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.

(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.

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

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

(i) *Maximum Block Length and Perimeter*.

(A) The block length shall not exceed 400 feet, and the block perimeter shall not exceed 1,600 feet, except where prevented by barriers.

(B) The maximum block length and perimeter standard may be met with a full street connection, an alley that conforms with the standards in TDC 74.070, or a mid-block pedestrian and bicycle accessway that conforms with the standards in TDC 74.100.

[...]

(ii) *Culs-de-sac*.

(A) Where provided, culs-de-sac and closed-end streets must be no longer than 200 feet and shall provide access to no more than 25 dwelling units, except for streets stubbed to future developable areas.

(B) If the end of a proposed cul-de-sac or other closed-end street is within 150 feet of a street or other public pedestrian facility, a bicycle and pedestrian accessway shall connect the cul-de-sac/closed-end street to the pedestrian facility, unless prevented by barriers. The accessway connection must meet the standards in TDC 74.100.

(b) For residential or mixed residential/commercial redevelopments of a site over two 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.

Finding:

Dedication and improvement to existing streets adjacent to property proposed for development will be consistent with Washington County requirements between the curb and Figures 74-1A with modifications directed by the City Engineer outside the curbs. Dedication and improvement to future private alleys or access easements, public streets, or private tracts located on property proposed for development will be consistent with Figures 74-1B. Right-of-way dedication will be for the full width of the property abutting the roadway and slope and utility easements. As the existing curb may be farther from the platted centerline than the standard half-width, additional dedication may be needed to include standard planter and sidewalk widths within the right-of-way.

Dedication will be shown on the final subdivision 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 decision.

Improvements will 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 of SW Boones Ferry Road, SW Norwood Road, and proposed Residential Local streets, plus any additional pavement and right-of-way dedication beyond the centerline necessary to meet requirements for tapering in accordance with the Public Works Construction Code and other applicable laws and regulations.

Street improvements will include ADA/PROWAG ramps, crosswalks, curb extensions, curbs, on-street parking, sidewalks with appropriate buffering, storm drainage, streetlights, street signs, and street trees, and, where designated, bikeways and transit facilities. Street improvements may include rectangular rapid flashing beacons (RRFB).

Intersections will operate at a level of service of at least E for unsignalized intersections as shown in a traffic analysis submitted by an Engineer licensed in Oregon with expertise in traffic.

Existing SW Boones Ferry Road and SW Norwood Road abut the proposed development site boundary. The proposed Residential Local streets will 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:

The proposed Residential Local streets will include a block length not exceeding 400 feet and the block perimeter will not exceed 1,600 feet. Connections to the existing lots to the west are required: TLID 2S135D000101, 23170 SW Boones Ferry Road and TLID 2S135D000102, 23240 SW Boones Ferry Road.

The maximum block length and perimeter standard will be met with the proposed Residential Local full street connection to SW Norwood Road, Residential Local streets, private tracts with private streets, shared access easements (or private accessways or alleys).

With Conditions of Approval A6, A11, A12, A13, A14, A15, and A16 these standards are met.

Section 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 20 trips;**
- (d) An increase in site traffic that results in queuing within the public right-of-way; or**
- (e) An increase in site traffic where the location of an existing or proposed access driveway does not meet minimum sight distance requirements or is located on a street that is designated as restricted in TDC 75.**

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

- (a) An analysis of the existing situation, including the level of service on adjacent and impacted facilities;**
- (b) An analysis of any existing safety deficiencies;**
- (c) Proposed trip generation and distribution for the proposed development;**
- (d) Projected levels of service on streets on which the property has frontage or takes access or contributes five 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.**

Finding:

A Transportation Impact Study by Lancaster Mobley was submitted that did not recommend additional improvements greater than the planned cross-sections, and reached conclusions including:

- 1. The proposed Norwood Townhomes project includes 95 townhomes on a site located south of SW Norwood Road and east of SW Boones Ferry Road in Tualatin, Oregon. The site will take access from SW Norwood Road.*
- 2. After deducting the existing site uses, the net new trips are estimated at 45 trips during the morning peak hour, 52 trips during the evening peak hour, and 666 trips during the average weekday.*
- 3. Based on a review of the most recent five years of available crash data, no significant trends or crash patterns were identified. Accordingly, no safety mitigation is recommended per the crash data analysis.*
- 4. Sight distance requirements are met to the east and west of the proposed site access.*
- 5. The site proposal will meet the Washington County access spacing of 100 feet for SW Norwood Road.*
- 6. Left-turn lane warrants are not projected to be met at the proposed site access intersection for either peak hour under the 2028 buildout scenario.*
- 7. The preliminary signal warrant analysis shows that the intersection of SW Boones Ferry Road & SW Norwood Road does not meet signal warrants with the existing lane configurations under any analysis scenario. Accordingly, no signalization of any of the study intersections is necessary or recommended as part of this application.*
- 8. All study intersections are expected to operate within jurisdictional standards under all analysis scenarios with a two-lane cross-section on SW Norwood Road.*
- 9. Queuing analysis results show that the 95th percentile queues at both of the study intersections are anticipated to provide adequate vehicle storage space that does not inhibit safe and expeditious travel under all scenarios."*

The applicant will dedicate right-of-way for SW Boones Ferry Road, SW Norwood Road, and proposed Residential Local streets and construct all street improvements shown on City and Washington County approved permit plans. These streets will meet or will be improved to meet City Standards as determined by the City Engineer and Washington County as determined by the County Engineer.

Intersections will operate at a level of service of at least E for unsignalized intersections as shown in a traffic analysis submitted by an Engineer licensed in Oregon with expertise in traffic.

This standard is met.

Section 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.

Finding:

Private streets within tracts will be limited to 150 feet in length, 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), 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.

With Conditions of Approval A6, A11, A12, A13, A14, A15, and A16 these standards are met.

Section 74.080 - Easements.

(1) Easements shall be required for the following:

[...]

(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;

[...]

(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.

[...]

(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.

[...]

(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.

[...]

Finding:

Easements including slope areas necessary to support street improvements, accessways, or utility improvements; A minimum of 8-foot-wide public utility easements for public utilities, such as water, sanitary sewer, storm drainage, electric lines, cable, and gas; will be shown on permit plans, surveyed, staked, and marked with a City approved boundary marker, prior to acceptance by the City, and dedicated to the City on the final subdivision or partition plat, prior to approval of the plat by the City.

With Conditions of Approval A6, A7, A8, A9, A11, A12, A13, A14, A15, and A16 these standards are met.

Section 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.

[...]

(c) As set forth in the Water System Plan (Comprehensive Plan Map 9-1), the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

(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.

[...]

(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.

[...]

(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.

(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.

[...]

(b)[...] 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.

(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.

Finding:

Water lines will be installed to serve each property in accordance with City codes and standards.

Each dwelling unit's water lateral will separately connect to the public main, domestic services will include a reduced pressure backflow assembly, and fire water services will include a double check detector assembly.

The developer will obtain City approval of water line construction prior to construction. The development will connect the proposed development site to the service level in which the development site is located as set forth in the Water System Plan (Comprehensive Plan Map 9-1). The applicant will install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

Sanitary sewer lines will be installed to serve each property in accordance with City codes and standards. Sanitary sewer construction plans and calculations will be submitted to the City Manager for review and approval prior to construction.

Storm drainage lines will be installed to serve each lot and private tract in accordance with City codes and standards. Storm drainage construction plans and calculations will be submitted to the City Manager for review and approval prior to construction. The storm drainage calculations will confirm that adequate capacity exists to serve the site. The discharge from the development will be analyzed in accordance with the Tualatin Municipal Code and Public Works Construction Code.

The development will be graded to minimize the impact of stormwater runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development. A development applicant will submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The applicant will remove all excess material from the development site.

The applicant will comply with the water quality, stormwater detention and erosion control requirements in the Tualatin Municipal Code, Public Works Construction Code, and Clean Water Services standards. The applicant will construct a permanent public water quality facility and stormwater detention facility. The applicant will submit stormwater construction plans and calculations in compliance with the Tualatin Municipal Code, obtain a Stormwater Connection Permit from Clean Water Services, and will construct the improvements prior to approval of the final plat.

The applicant will submit an erosion control plan prior to issuance of a Public Works Permit. Construction or disturbance of the site will not occur until after the erosion control plan is approved by the City and the required measures are in place and approved by the City.

All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities will be placed underground. The applicant will make all necessary arrangements with all utility companies to provide the underground services. Locations of any proposed surface mounted transformers will be submitted on plans for City consideration and potential approval.

With Conditions of Approval A6, A7, A8, A9, A11, A12, A13, A14, A15, A16 these standards are met.

Section 74.120 - Street Lights.

(1) Street light poles and luminaires 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.

Finding:

The applicant will submit a street lighting plan for all exterior streets on the proposed development site prior to the issuance of a Washington County permit and interior (private and public) prior to issuance of a Public Works Permit.

Street light poles and luminaires will be installed in accordance with the Public Works Construction Code, PGE Requirements, and Washinton County standards.

With Conditions of Approval A6, A11, A12, A13, A14, A15, and A16 these standards are met.

Section 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.

Finding:

The applicant will obtain approval of street names for the proposed public and private streets from the City's approved list. The street names will conform to the established pattern in the surrounding area. City approval of the requested street names will occur only after assuring they are not duplicated or would be confused with the names of existing streets in the Counties of Washington or Clackamas.

With Conditions of Approval A6, A11, A15, and A16 this standard is met.

Section 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.

Finding:

The City will require traffic control signs to comply with the Public Works Construction Code and the Manual on Uniform Traffic Control Devices (MUTCD).

The applicant will install and obtain City approval of signs of the required size, type, location, and placement prior to issuance of construction permits.

The applicant will install street name signs at all street intersections, in accordance with standards adopted by the City.

With Conditions of Approval A6, A13, A15, and A16 these standards are met.

Section 74.150 - Street Trees.

[...]

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

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

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

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

[...]

Finding:

All street trees planted in the right-of-way and public utility easements adjacent to on-street parking will conform in species and location with the street tree plan and City standards. At least 25 square feet of open ground for a tree up to three inches in diameter will be provided about the base of the trunk of each trees. Appropriate root protection will be installed.

With Conditions of Approval A6, A13, A14, A15, and A16 these standards are met.

Section 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.

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

(3) *Construction of Improvements and Phasing.*

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

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

[...]

Finding:

All private and public improvements will be installed at the expense of the applicant.

The applicant will obtain City approval of construction plans, a Public Works Permit issued, and the required fees paid prior to commencement of any work.

Prior to acceptance by the City, Public improvements will be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code.

All private and public improvements required under this chapter will be completed and accepted by the City prior to the release of a Construction Improvement Bond and prior to approval of the subdivision plat.

With Conditions of Approval A13, A14, A15, and A16 these standards are met.

Chapter 75: Access Management

Section 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.

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

(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.

(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.

(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.

(6) *Joint and Cross Access.*

(a) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the County Recorder.

[...]

(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

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

(a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

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

(8) *Vision Clearance Area.*

(a) *Connectors, Neighborhood Routes, and Local Streets.* A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten

feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

(b) **Collector Streets.** A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 73-2 for illustration).

(c) **Vertical Height Restriction.** Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

(9) Sight Distance.

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

Finding:

Lots that front on more than one street must locate motor vehicle access on the street with the lower functional classification.

All driveway approaches will connect to the proposed Residential Local streets, which is the lowest functional classification, with widths as provided in TDC 73C-090.

Easements will be recorded allowing cross access to and from other properties served by the joint use driveways, private streets within tracts (or alleyways and accessways).

Joint maintenance agreements with deeds defining maintenance responsibilities of property owners will be recorded. If public access is dedicated over on-site private tracts (or alleyways and accessways), then the applicant must obtain City Engineer approval of the associated private maintenance agreement prior to recording.

Vision clearance areas (see Figure 73-2 for illustration) from intersections points of the right-of-way lines measured along such lines will be a 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: (1) for driveways to proposed Residential Local street intersections will be ten feet and (2) for intersections of the proposed Residential Local street A with SW Norwood Road will be 25 feet. Curb extensions will be provided to keep parked vehicles from impeding this visibility.

The proposed Residential Local street A intersection with SW Norwood Road and driveways and private street tracts (or alleyways and accessways) within the subdivision will 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). *Sight distances will be verified by an Engineer in accordance with the Public Works Construction Code.*

With Conditions of Approval A6, A13, A15, and A16 these standards are met.

Section 75.030 - Access Spacing Standards.

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

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

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

[...]

Table 75-1: Access Spacing Standards

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

Finding:

The proposed Residential Local street A intersecting with SW Norwood Road will be a minimum of 200 feet from the intersection of SW Boones Ferry Road and Residential local street A with Residential Local street E will be a minimum of 100 feet from the intersection of SW Norwood Road measured from centerline to centerline.

With Conditions of Approval A6, A13, A15, and A16 these standards are met.

IV. APPEAL

This Type II Subdivision decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted under TDC 32.310 or unless the conditions of approval specify otherwise. Appeals may be submitted to **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062/planning@tualatin.gov before 5:00 p.m., May 13, 2026. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

The plans and appeal forms are available at the Community Development Department – Planning Division offices. The appeal of a Type II Subdivision decision is reviewed by the City Council.

Submitted by:



Madeleine Nelson
Associate Planner
City of Tualatin