



Washington County
Department of Land Use and Transportation
Planning and Development Services
155 N First Ave, Suite 350
Hillsboro, OR 97124

NOTICE OF DECISION OF THE HEARINGS OFFICER

PROCEDURE TYPE: III

CPO: 1 **COMMUNITY PLAN:**
Cedar Hills-Cedar Mill

LAND USE DISTRICT:
Transit Oriented Residential (24-40)

PROPERTY DESCRIPTION:
ASSESSOR MAP/LOT: 1N1 33DB / 5900
SITE SIZE: 0.42 acres
ADDRESS: 560 NW Dale Avenue

PROPOSED DEVELOPMENT ACTION: Preliminary review for a 7-lot subdivision; Development Review for 7 attached dwelling units; modification of the sight distance requirements in accordance with CDC § 501-8.5.F.7; and Type III review of the Design Principles in a Transit Oriented District (TO:R24-40).

DATE OF DECISION:
August 26, 2024

A summary of the decision of the Hearings Officer and supplemental findings are attached.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by filing a notice of Intent to Appeal with LUBA within 21 days of the date of this decision. Contact your attorney if you have any questions in this regard.

For further information contact the Land Use Board of Appeals at 503-373-1265.

The complete case, including Notice of Decision, Application, Staff Report, Findings and Conclusions, and Conditions of Approval, if any, are available for review at no cost at the Department of Land Use and Transportation. Copies of this material will be provided at reasonable cost.

Notice to Mortgagee, Lien Holder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

CASEFILE: L2400097-S/D(R)/TOD

APPLICANT/OWNER:
Main Street Development, Inc.
5331 SW Macadam Avenue, #258
PMB 208
Portland, OR 97239

APPLICANT'S REPRESENTATIVE:
Mark Dane Planning
825 SE 32nd Avenue
Portland, OR 97214

CONTACT PERSON:
Mark Dane

LOCATION: East side of NW Dale Avenue,
at its intersection with NW Sherry Street.

Notice of Decision of Hearings Officer
August 26, 2024
Page 2

CASEFILE NUMBER: L2400097-S/D(R)/TOD

SUMMARY OF DECISION:

On August 26, 2024, the Washington County Hearings Officer issued a written decision (Attachment 'B') for preliminary review for a 7-lot subdivision; Development Review approval for 7 attached dwelling units; modification of the sight distance requirements in accordance with CDC § 501-8.5.F.7; and Type III review of the Design Principles in a Transit Oriented District (TO:R24-40). The development site is located on the east side of NW Dale Avenue at its intersection with NW Sherry Street in CPO #1 and is described as Tax Lot 05900 of Assessor Map 1N1 33DB W.M., Washington County, Oregon. The Hearings Officer's decision is as follows:

ORDER:

The applicant is Approved subject to Conditions of Approval set forth in Attachment B.

Attachments:

- A. Vicinity Map
- B. Hearings Officer's Findings, Conclusion and Order

ATTACHMENT A VICINITY MAP

TAX MAP/LOT NO. 1N133 DB 05900

CASEFILE / PROJECT #: L2400097-S/D(R)/TOD



↑ NORTH



AREA OF CONSIDERATION

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

TO:R24-40 (Transit Oriented Res. 24-40 units/acre)

TO:R9-12 (Transit Oriented Res. 9-12 units/acre)

TO:RC (Transit Oriented Retail Commercial)

REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
 - ARTICLE I, Introduction & General Provisions
 - ARTICLE II, Procedures
 - ARTICLE III, Land Use Districts
 - ARTICLE IV, Development Standards
 - ARTICLE V, Public Facilities and Services
 - ARTICLE VI, Land Divisions & Lot Line Adjustments
 - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

BEFORE THE LAND USE HEARINGS OFFICER
OF WASHINGTON COUNTY, OREGON

In the matter of Preliminary Review for a 7-lot Subdivision, Development Review for 7 Attached Dwelling Units, Modification of Sight Distance Requirements, and Type III Review of the Design Principles in a Transit-Oriented District

Applicant: Main Street Development, Inc.

Applicant's Representative: Mark Dale
Planning

FINAL ORDER
Casefile No. L24000097-D/D(R)/TOD
APPROVED with Conditions

Background

The applicant requests development review approval to subdivide a 0.62-acre parcel into 7 lots and for development review approval to construct 7 attached dwelling units (on the 7 lots) in the Transit Oriented Residential 24-40 (TO:R24-40) District. The applicant also requests approval of certain design adjustments through the Type III Procedure by addressing certain Transit Oriented Design Principles rather than Design Standards. Finally, the applicant requests approval for a design exception for sight distance in accordance with Section 501-8.5 F.(3)(b). The public hearing notice identified that request and noted that the County Engineer approved the exception. A copy of the approved exception is in the record.

The development site consists of Tax Lot 1N133DB05900, which maintains approximately 146 feet of frontage on NW Dale Avenue. Access to and from NW Dale Avenue for the proposed residential development will be provided by a new private street, located close to the north property line.

The entirety of the site is located within the Drainage Hazard Area buffer as are properties to the north and south of the site. A Drainage Hazard Area (25-year flood event) is located along the east property line and has been delineated by the applicant. The DHA is not designated as a Goal 5 Resource other than areas associated with the stream channel identified as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map (Title 13 Riparian Resources). Any wetlands and Vegetated Corridors present along the DHA will be regulated by Clean Water Services and are also subject to Section 422.

The proposed development is basically identical to the development approved on this site through Casefile 18-262-S/D(R), which the Hearings Officer approved on December 6, 2018.

Land use approvals are valid for four years from the date of approval, and the previous land use approval has now expired. The current application is for the same number of lots and attached dwelling units. The difference is that the previous attached units were two stories, and the current units are three stories.

A Type III public notice was mailed to all property owners within 500 feet of the subject property at least 20 days prior to the public hearing. No comment letters were received prior to the hearing.

The Hearings Officer held a duly noticed hearing on July 18, 2024. The record was left open for 7 days to July 25, 2024. There was no public testimony. The 120 day deadline is October 21, 2024 (extended 60 days from August 21, 2024).

Applicable Standards and Affected Jurisdictions

- A. Washington County Comprehensive Plan
- B. Cedar Hills-Cedar Mill Community Plan
- C. Washington County Community Development Code:
 - 1. Article II, Procedures:
 - Section 202-3 Type III Procedure
 - Section 203-3 Neighborhood Meeting
 - Section 207-5 Conditions of Approval
 - 2. Article III, Land Use Districts:
 - Section 375 Transit Oriented Districts
 - 3. Article IV, Development Standards:
 - Section 404 Master Planning
 - Section 405 Open Space
 - Section 406 Building, Siting and Architectural Design
 - Section 407 Landscape Design
 - Section 408 Neighborhood Circulation
 - Section 409 Private Streets
 - Section 410 Grading and Drainage
 - Section 413 Parking and Loading
 - Section 414 Signs
 - Section 415 Lighting
 - Section 416 Utility Design
 - Section 418 Setbacks
 - Section 419 Height
 - Section 421 Flood Plain and Drainage Hazard Area Development
 - Section 422 Significant Natural Resources
 - Section 426 Erosion Control

- | | | |
|-----------------------------|---|---|
| | Section 431 | Transit Oriented Development Principles, Standards and Guidelines |
| 4. | Article V, Public Facilities and Services: | |
| | Section 501-8 | Standards for Development |
| | Section 502 | Sidewalk Standards |
| 5. | Article VI, Land Divisions and Property Line Adjustments | |
| | Section 605-2 | Urban Land Divisions (Partitions and Subdivisions) |
| | Section 605-3 | Development Standards for Urban Land Divisions |
| | | |
| D. | Ordinance Nos. 768/783/799 – Transportation Plan | |
| E. | Ordinance No. 793-A – Washington County Transportation Development Tax | |
| F. | Ordinances No. 524/738 – Road Design and Construction Standards | |
| G. | Resolution & Order No. 86-95 – Determining Traffic Safety Improvements | |
| H. | Resolution and Order No. 17-5 – Conc. Erosion Control, Water Quality & Quantity | |
| | | |
| Sewer: | Clean Water Services | |
| Streets: | Washington County Dept. of Land Use and Transportation | |
| Drainage: | Washington County Dept. of Land Use and Transportation | |
| Water Quality and Quantity: | Clean Water Services | |
| Erosion Control: | Clean Water Services | |
| Water: | Tualatin Valley Water District | |
| Fire Protection: | Tualatin Valley Fire & Rescue | |
| Police Protection: | Washington County Sheriff | |
| Transit: | Tri-Met | |

Findings

A. Washington County Comprehensive Framework Plan:

There are no specific Plan policies or goals, which affect this request that are not implemented by the Code or the Community Plan. The Framework Plan requires development applications to be in compliance with the Community Development Code and the applicable Community Plan. By demonstrating in this Order that the request complies with the standards of the Code and the Community Plan, this Plan requirement will be satisfied.

B. Cedar Hills-Cedar Mill Community Plan

- The site is located in the Cedar Mill West Subarea.
- The site is located within Area of Special Concerns 13 and 13a.

- The site is designated as a Significant Natural Resource (Goal 5/ Regionally Significant Fish & Wildlife Habitat).

The following General Design Elements are considered relevant to this proposal:

1. *In the design of new development, floodplains, drainage hazard areas, streams and their tributaries, riparian and wooded areas, steep slopes, scenic features, and powerline easements and rights-of-way shall be:*
 - a. *used to accept, define, or separate areas of differing residential densities and differing planned land uses;*
 - b. *preserved and protected consistent with the provisions of the Community Development Code to enhance the economic, social, wildlife, open space, scenic, recreation qualities of the community; and*
 - c. *where appropriate, interconnected as part of a park and open space system.*

The applicant proposes to set aside about 13,000 square feet of the Goal 5 Resources (Title 13 Riparian Resources) in an open space tract as well as to enhance the existing resources (to be retained). According to the SNR Assessment, no impacts are proposed within 25 feet of the onsite wetlands, or 50 feet of the onsite waterway (i.e., DHA) and no impacts will be made to any of the native riparian habitat associated with the waterway. As required by CWS, the Vegetative Corridor will be enhanced and protected, extending 50 feet or more from the boundary of the DHA, as well as between the existing stormwater facility and the offsite drainage to the south. The Riparian Resources is in Degraded or Marginal Condition and will be brought up to Good Condition through the removal of invasive species and planting of a diverse grouping of native trees, shrubs and groundcover species. The Hearings Officer finds that the enhancement proposed/required will leave the resource in better condition than it is currently in. Further, no alterations of the Drainage Hazard Area are proposed at this time.

3. Trees located within a Significant Natural Resource area shall not be removed without first obtaining a development permit for tree removal as provided for within the Community Development Code. A permit shall not be required for tree removal from powerline rights-of-way, public parks and playgrounds or mineral and aggregate sites.

No alterations, other than enhancements, to the Goal 5 Resources are proposed at this time.

5. *All new subdivisions, attached unit residential developments, and commercial developments shall provide for pedestrian/bicycle pathways which allow*

public access thorough or along the development and connect adjacent developments and/or shopping areas, schools, public transit and park and recreation sites.

The pedestrian-bicycle system is especially important in providing a link between existing and planned high density residential areas along Barnes Road with the transit center at Highway 26-217. This system may include off right-of-way segments.

No sidewalks exist along the site's frontage of NW Dale Avenue. Twelve foot sidewalks are required pursuant to Section 431-5.1 B. (4). The applicant proposes to provide a sidewalk that meets this standard along NW Dale Avenue. An internal sidewalk is also proposed to connect to the sidewalk to be constructed along NW Dale Avenue. See Attachment D to the Staff Report for further information.

6. *Open space shall be utilized for park and recreation facilities or passive recreation and dedicated to the appropriate recreation service provider wherever feasible.*

The Goal 5 Resources could serve passively from the context of viewing the natural resource area from the developed portion of the site. The Park District has not yet commented on the desire to acquire the open space (Tract 'B').

12. *New development shall dedicate right-of-way for road extensions and alignments as indicated in Washington County's Transportation Plan or Community Plans. New development shall also be subject to conditions set forth in the County's growth management policies during the development review process.*

Required right-of-way is 23 feet from legal centerline (46 feet total ROW) along the entirety of tax lots on NW Dale Avenue. Existing right-of-way is adequate and additional right-of-way dedication is not needed. However, the County Road Design and Construction Standards require a 9-foot easement beyond the 23 feet of ROW on each side of the street. Therefore, given that 2 additional feet of ROW exists, the Hearings Officer finds that a 7-foot easement should suffice to comply with the above-noted Standard. In the event the County Engineer determines that a 9-foot easement is required, options exist to accommodate the 9-foot easement. See Attachment D, Transportation Report, to the Staff Report.

Cedar Mill West

This subarea is composed of the Sunset Science Industrial Park and the Cedar Mill business district. The Plan connects the east and west portions of the Cedar Mill business district, presently separated by several homes along Cornell Road. The connection is made through

placing the Community Business District designation on the existing detached dwellings. This will permit the conversion of these dwellings to retail or office uses and will thus provide incentives to owners to redevelop the area when the Cornell Road location becomes unsuitable for low density residential use. Commercial uses are planned for the whole of the triangle of land surrounded by NW Barnes, NW Cornell and NW Saltzman Roads.

The Office Commercial district is applied to several lots located west of the Cedar Mill CBD, across Cornell Road from Sunset High School, which already are undergoing a transition from residential to office commercial use.

Design Elements:

1. Direct access from individual businesses in the Community Business District (CBD) area onto Cornell, Murray, and Barnes Roads shall be limited. Consolidated or shared access will be required prior to the issuance of a development permit for land divisions or structures located adjacent to these Arterials unless demonstrated to be infeasible.
2. To assure a comprehensive review of a proposed expansion of the commercial portion of this subarea into nearby residential areas, plan amendments proposed to apply a commercial district (Community Business District, Office Commercial, General Commercial, or Neighborhood Commercial) to properties presently in residential districts shall be considered for this subarea only through the legislative process.

Design elements for this subarea are not applicable to the proposed project. As stated previously, one new access to NW Dale Avenue, a Special Area Commercial Street, is proposed. The applicant also proposes to provide accesses (driveways) for each of the townhomes accessing the private street. See Attachment D. to the Staff Report for further information.

C. Washington County Development Code

1. Article II, Procedures:

Section 202-3 Type III

202-3.1 Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgment when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.

This request is being processed through the Type III procedure of the Community Development Code in order to utilize certain Design Principles rather than the prescriptive (Type II) Design Standards. Utilization of the broader Design Principles are subject to approval by the Hearings Officer under a Type III Procedure.

In accordance with the Type III procedural requirements, public notice was sent to surrounding property owners 20 days prior to the hearing. No letters of comment were received in response.

Section 203-3 Neighborhood Meeting

The development site abuts residential lands; therefore, a neighborhood meeting is required. A neighborhood meeting was held on May 9, 2024, within the boundaries of the CPO. The applicant submitted the necessary documentation verifying compliance with the Neighborhood Meeting requirements.

Section 207-5 Conditions of Approval:

207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.

Conditions of approval are created to ensure compliance with the standards of the Code and other County regulations, including General Design Elements of the Community Plan, and to mitigate any adverse impacts the use may have on the surrounding area. Conditions of approval are attached to this Order as Exhibit 1. At the hearing, the applicant's representative expressed no concerns with the conditions that staff proposed.

2. Article III, Land Use Districts:

Section 375 Transit Oriented District (TO:RC)

375-1 Intent and Purpose

The intent of the Transit Oriented Districts is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail

transit stations, within one-quarter mile of existing and planned primary bus routes and in town centers and regional centers. The purpose of the Transit Oriented Districts is to limit development to that which (1) has a sufficient density of employees, residents or users to be supportive of the type of transit provided to the area; (2) generates a relatively high percentage of trips serviceable by transit; (3) contains a complementary mix of land uses; (4) is designed to encourage people to walk; ride a bicycle or use transit for a significant percentage of their trips.

The parcel included in the proposed development is designated Transit Oriented Residential 24-40 (TO:R24-40).

375-4 Permitted Uses and Review Procedures

Uses that are permitted in each of the Transit Oriented Districts are described in Table A. The procedure through which uses may be permitted is also specified in Table A.

375-4.2 Uses Which May be Permitted through a Type II Procedure

Type II uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards and Guidelines) and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. If a Type II use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use, shall be required to demonstrate compliance with the applicable design principles or standards in Section 431, and shall not be subject to Section 403-3.1.

Residential uses (attached units/townhomes) are allowed in the TO:R24-40 District through the Type II Procedure (see Table A).

375-8 Dimensional Requirements for Transit Oriented Districts

Dimensional requirements for development in each of the transit-oriented districts are specified in Table B.

The parcel involved is designated TO:R24-40 District, which does not have minimum lot area or dimension standards.

Building Height: The proposed residential units will comply with the maximum building height limitation of 60-feet. The attached units are 32 feet high.

Building Setbacks: The minimum building setback is zero feet, and the maximum building setback is ten (10) feet. The nearest proposed building façade maintains a ten (10) foot setback from the private street. The proposed building façade (Lot 1) maintains about a seven (7) foot setback from NW Dale Avenue. Zero (0) foot setbacks are permitted under current land use regulations for interior yards (non-pedestrian street frontages).

As designed and as conditioned, the Hearings Officer finds that the proposed building will meet the requirements of this Section.

375-9 *Density Requirements for Transit Oriented Districts*

Density requirements for development in each of the transit-oriented districts are specified in Table C.

The development site is located in the Cedar Mill Town Center on lands designated TO:R24-40, which requires a minimum of 24 units per acre. The proposed development will result in seven lots (with seven attached dwelling units). The applicant proposes to net out approximately 13,000 square feet of the site (containing the DHA and wetlands/riparian areas) to result in a developable area of approximately 13,895 square feet (0.31 acres) pursuant to Section 300-2.8. This net area of 0.31 acres at a minimum density of 24 units per acre requires 7.44 or 7 units. As proposed, the project complies with this Section.

375-10 *Development Standards for Transit Oriented Districts*

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Section 403-3.

See below for responses to applicable Article IV standards:

3. Article IV, Development Standards:

Section 404 Master Planning

The applicant has submitted site plan information required by this Section. This information is in the record.

Section 405 Open Space

The applicant has submitted site plan information required by this Section. This information is in the record.

As stated previously, the applicant proposes to retain approximately 13,000 square feet of the development property as open space for the wetlands and Vegetated Corridors associated with the DHA, into open space Tract 'B'.

Ownership and maintenance of this tract will be the responsibility of the property owners, potentially within a Homeowners Association agreement. The requirements of Section 405 concerning the preservation and maintenance of open space have been met.

Section 406 Building, Siting and Architectural Design

406-1 Review Standards

The Review Authority shall evaluate all building and site plans, including detached dwelling units, for conformance to the following standards:

406-1.1 The development is permitted within the primary district;

The proposed uses are permitted within the underlying land use district through a Type II review process. However, as stated previously the proposed use is subject to the Type III Procedure so that the development can utilize certain Type III Transit Oriented Design Principles.

406-1.2 The development is sited to maintain all minimum setback and lot coverage requirements; and

As noted in Section 375-8 findings above, the proposed development will comply with all applicable setbacks.

406-1.3 The development meets the maximum height requirements of the primary district.

The proposed attached units are proposed at 32 feet in height, well within the 60-foot height limitation of the District for new buildings.

406-2 Additional Requirements for Type II and Type III Development

In addition to the requirements of Section 406-1, all Type II and Type III structures and site plans shall:

406-2.1 *Incorporate design features which reflect or complement the surrounding structural and architectural character through building style and materials. Use, in open space or park settings, lines and materials (including plant materials) which blend with the natural features of the site or site background;*

The proposal calls for a 7-unit attached residential structure (an attached dwelling unit on each lot) constructed of a variety of architectural materials.

406-2.2 *Renovate or revitalize existing structures identified within the Community Plan;*

The existing residential structure will be removed to facilitate the redevelopment of the subject property.

406-2.3 *Arrange structures and use areas for compatibility with adjacent developments and surrounding land uses, using the following design and siting techniques:*

- A.** *Locate and design structures and uses not to obscure or degrade identified scenic views or vistas from adjacent properties and public thoroughfares, considering setbacks, building height, bulk and landscaping;*
- B.** *Orient major service activity areas (e.g., loading and delivery areas) of the proposed development away from existing dwellings;*
- C.** *“Street furniture” such as bus shelters, streetlights, drinking fountains, benches and mailboxes shall be similar in design and materials to the buildings of the development.*

There are no scenic views or vistas in the vicinity and no “street furniture” is proposed. Therefore, these review standards are not relevant to this development application.

406-3 Energy Conservation Guidelines

Type II and Type III Developments:

- 406-3.1 *Where possible, lay out streets and building lots for multi-family, commercial, industrial and institutional developments to allow buildings maximum solar access, using techniques such as:*
- A. *East-west street direction so that principal building facades will face south;*
 - B. *Make configuration of lots to allow orientation of the front or rear of buildings within twenty (20) degrees of true south in order to maximize potential solar access.*

No streets are proposed at this time other than the private street. The applicant proposes to divide the parcel into seven smaller attached dwelling unit lots at this time. Due to the orientation of the parent parcel and the riparian drainage along the eastern property line it is not practical or needed to extend the private street to the east property line. The proposed dwelling units face north-south consistent with this provision.

- 406-3.2 *Where possible, design multi-family, commercial, industrial and institutional buildings conducive to energy efficiency and conservation.*

The structures shall satisfy current energy codes. Compliance will be ensured through the building permit process.

- 406-3.3 *Where possible, subject to compliance with applicable review standards, design multi-family developments so structures will not shade the buildable area of urban residential property to the north that is or will be developed with a single-family dwelling or a manufactured dwelling in order to protect solar access to these properties.*

Siting the proposed attached dwelling units may temporarily shade the existing detached dwelling unit to the north – until such time as this property redevelops consistent with the allowed density of the TO:R24-40 District. In addition, the already small parcel is further constrained by the DHA along the east property line.

- 406-3.4 *Where applicable, compliance with the standards of Section 427-3.*

The development proposal is for new attached single family residential units. Therefore, this standard does not apply.

406-6 Mixed Solid Waste and Recyclables Storage Facilities

The mixed solid waste and source-separated recyclables storage standards of this section shall apply to new multi-unit residential buildings containing five or more units and to new commercial, industrial and institutional construction that is subject to a Type II or III review procedure and is located inside the Regional Urban Growth Boundary.

New construction shall incorporate functional and adequate space for on-site storage and efficient collection of mixed solid waste and source-separated recyclables prior to pick-up and removal by haulers by complying with the standards of this Section.

To provide for flexibility in designing functional storage areas, this section provides three different methods to meet the objectives of providing adequate storage space for mixed solid waste and recyclables and improving the efficiency of collection. An applicant shall choose one of the following three methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; or 3) comprehensive recycling plan.

This standard is applicable as it consists of seven attached single family dwelling units. Each of the dwelling units would provide for their own individual storage (within the units) and are anticipated to place waste and recyclables containers at the street (NW Dale Avenue) on collection days.

406-7 Submittal Requirements

In all development review applications, which are required to conform to the standards of Building Siting and Architectural Design, or are required to demonstrate compliance with standards related to building facades, the following information must be submitted:

The application contained information required by this Section.

Section 407 Landscape Design

407-1 Minimum Landscape Standards

407-1.4 Commercial, Industrial and Institutional Districts:

- A. *For new development, the minimum area required for landscaping shall be fifteen (15) percent of the land area.*
- B. *For developed areas where fifteen (15) percent of the land area is not landscaped, where there are additions, alterations or changes, the following amounts of landscaping shall be provided until the fifteen (15) percent requirement is satisfied:*

(2) On sites of more than two (2) acres:

- (a) Changes in use which require an increase in parking shall be required to landscape at least five (5) percent of the developed site area.*

Per Section 431-9.2 there are no minimum landscaping standards as a percentage of the development site.

407-1.5 *All areas of a building site not identified in a site plan or development plan application as intended for a specified immediate use, shall be landscaped except where enclosed and blocked from the view of public streets by solid fencing or buildings.*

According to the applicant's site plans all areas not identified as parking (driveways), sidewalks, buildings and the DHA tract will be maintained in landscaping. This requirement has been met.

407-3 Tree Preservation and Removal

407-3.1 Applicability

Section 407-3 applies to all tree removal that is not excluded from development permits required by Section 201-2 or is not in conjunction with another Type II or Type III development action.

Tree removal is permitted in conjunction with this Type III land use application. Therefore, a separate tree removal permit is not needed, although no tree removal has been proposed in the planned open space tract (Tract 'B').

407-7 Urban Street Tree Standards

Inside an urban growth boundary, all new structures or land divisions fronting on public or private roadways or access drives, except the construction of a detached dwelling unit on an existing lot, shall be required to plant street trees in accordance with the following standards:

- 407-7.1 The species of street trees to be planted shall be chosen from the approved list of street trees unless approval of another species is given by the Director through a Type I procedure. Trees shall be selected and appropriately spaced to maximize canopy coverage and provide canopy overlap for shade. Trees shall be installed at an average of one tree per thirty-five (35) feet of lineal road frontage unless the selected species has a wide canopy. In those instances, the spacing of trees may be greater than thirty-five (35) feet provided the spacing will result in canopy overlap.*
- 407-7.2 Exemption from the street tree requirements may be granted by the Director if existing trees can be used as a substitute. This exemption may be granted through a Type I procedure;*
- 407-7.3 Street trees shall be installed on public or private property no more than five (5) feet from the designated right-of-way; and*
- 407-7.4 Street trees shall be a minimum of one and one-half (1 ½) inches in diameter.*

The preliminary site plans include an adequate number of street trees as required (average spacing of 30 feet per TOD standards) with the exception of additional trees needed on NW Dale Street (abutting Tract 'B which is the water quality facility').

Street trees as required by this Section shall be installed prior to final building inspection/occupancy and shall be from the list of recommended street trees shown in Attachment E of the Staff Report & Recommendation.

Section 408 Neighborhood Circulation

408-10 Internal Pedestrian Circulation

408-10.1 Number of Pedestrian Connections

- A. *All developments that generate fourteen (14) or more additional ADT shall provide a pedestrian connection between the street and the main entrance of the primary structure on the lot. For lots with more than one street frontage, a connection shall be provided to each street. As an alternate for new development on lots with multiple buildings, a pedestrian connection shall be provided between the street and the center of the internal pedestrian network. These requirements do not apply to single-family or duplex residential development.*

The applicant proposes a sidewalk (pathway) along the front of the attached dwelling units connecting with the sidewalk to be constructed on NW Dale Avenue. Thus, the proposed units will be adequately connected to the future sidewalk along NW Dale Avenue.

Section 409 Private Streets

The applicant proposes to record a 32-foot wide private street tract in which to construct a 26-foot wide paved private street with curbs on both sides. A 5-foot-wide planter strip is proposed on the north side of the private street and a 5-foot wide sidewalk on the south side. Twenty-six (26) feet of paved width will allow for on-street parking on one side, which the applicant proposes (along the north side). The private street is also less than 150 feet in length; thus, no emergency turnaround is required from the Fire District.

This Section does not prohibit private street tracts from being located along/close to property lines. In fact, in some instances it is encouraged if alternative access is needed to be provided to an abutting underdevelopment property. To this end, the private street tract abuts the property to the north. The proposed design complies with Section 409-3.3 A. (8).

On-street parking is not permitted on the proposed private street at the eastern terminus and on the south side of the street so it shall be posted/signed "NO PARKING" as conditioned in this Order.

The Private Street in Tract 'A' shall be constructed in accordance with the applicable standards of Section 408-3.4 (Private Street Design and Construction) prior to issuance of final approval pursuant to Section 409-3.4 B. (1). See also Attachment D of the staff report.

409-3 *Urban Private Street Standards*

409-3.1 *A private street may be permitted when all of the following criteria are met:*

A. The street is not needed to provide access to other properties in the area in order to facilitate provisions of the applicable Community Plan(s), the Transportation Plan, or Section 431, access spacing, sight distance, and circulation standards and requirements, or emergency access standards or concerns;

A public street is not needed to allow adjacent lands to redevelop. The private street as proposed, and as conditioned, satisfies this provision.

B. The street is not designated as a proposed facility in the Transportation Plan, or is not identified as a public street in the applicable Community Plan or by the requirements of Section 431;

The County's Transportation Plan does not show planned extensions of public roads from an existing tax lot.

C. The street is not designated as a public street by a previous land use action, or by a study adopted by the County;

The proposed private street is not designated on the development site as a public street by a previous land use action, or by a study adopted by the County.

D. The street does not serve as a collector or arterial street, or as a Special Area Commercial Street; and

The proposed private street is not designated as a Local street on the County's Transportation Plan, nor is it needed to serve as a collector or arterial street.

E. In transit oriented districts, the street is permitted as a private street by Section 431.

The development site is designated TO:R24-40 and the street is permitted in accord with Section 431.

409-3.2 Notwithstanding the above criteria for access spacing, circulation, emergency access, and collector function, the Review Authority may approve a private street in conjunction with a proposed development upon adequate findings from the applicant that environmental or topographic constraints make construction of a public street impractical and that no serious adverse impacts will occur to surrounding properties or roads.

The Hearings Officer finds that the proposed private street, as conditioned, meets the criteria required to provide a private street in lieu of a public street.

409-4 General Provisions For Urban Private Streets

Section 409-4.1: Required notations will be shown on the plat.

Section 409-4.2: Access easements in favor of all lots accessing the private street will be recorded/shown on the plat across Tract 'A'.

Section 409-4.4: The Private Street will access a county road (NW Dale Avenue) and will be designed and constructed in accordance with adopted Private Street standards.

Section 409-4.5: A Facility Permit is required to construct the driveway access (to NW Dale Avenue) for the private street.

Section 410 Grading and Drainage

According to the application, the majority of the site grading will be in the area of Lot 7 and associated retaining wall construction, which includes a retaining wall along the north property line to support construction of the private street. The topography of the site falls gently towards the creek along the eastern property line at about a 0.07% slope. No grading is proposed within the DHA/wetlands/riparian areas in the eastern portion of the site, whereas it appears that minor reshaping of the existing water quality facility is proposed to facilitate the proposed development. Clean Water Services will review the final storm drainage plans prior to issuance of the Site Development Permit (issuance of said permit coincides with issuance by the county of the grading permit).

Building Services staff has reviewed the preliminary site grading plans and recommend certain conditions of approval designed to ensure that the proposed development complies with

applicable grading permit criteria as set forth in CDC Section 410-3 (Criteria for Approval). A grading permit will be required (see Condition of Approval I.A.).

Pursuant to Resolution and Order No. 19-05, Clean Water Services (CWS) has the responsibility for review and approval of storm drainage plans as well as erosion control plans. The application included a copy of an erosion control plan. The applicant will need to obtain approval for the proposed drainage plan prior to on-site work.

Section 413 Parking and Loading

413-4 Off-Street Parking Standards

413-4.11 The minimum driveway width for each single-family attached or detached dwelling unit with individual vehicular access to a street shall be 10 feet. The minimum driveway depth for single-family detached and single-family attached units shall be consistent with standards of the primary district for setbacks to garage vehicle entrance. Within a driveway, each 10-foot wide area meeting the minimum driveway depth may be counted as one off-street parking space.

413-4.14 The following minimum dimensional standards apply to garages for detached and attached dwelling units where the space inside the garage is provided for compliance with required off-street parking per Section 413-6 and/or is necessary based on the amount of on-street parking provided by a development for compliance with Section 413-5. Garages that are not provided to fulfill the requirements of either of those sections are exempt from the following dimensional standards.

A. Interior garage space:

- (1) Ten feet wide and 20 feet deep for single vehicle garages.*
- (2) Twenty feet wide and 20 feet deep for double vehicle garages.*
- (3) Ten feet wide and 40 feet deep for tandem vehicle garages.*
- (4) Minimum interior dimensions shall not be obstructed by utilities, water heaters or other permanent fixtures.*

B. Garage door entrances:

(1) Eight feet wide for single vehicle garages.

(2) Sixteen feet wide for double vehicle garages.

The proposed development is for seven attached single family residential lots (for future detached dwelling units). Each attached unit will be provided one off-street parking space. Each driveway measures 10 feet wide and 10 feet deep, which is too shallow to count as a parking space.

The interior garage length is approximately 18 feet. Section 413-4.14 A. (1) and (2) requires interior garage depths 20 feet for single car and double car garages, respectively, in order to provide adequate area to park a vehicle and for the driver to maneuver around said vehicle in the garage. The final plans are required to be revised to provide internal garage depths of at least 20 feet. The applicant proposes off-street parking meeting the current Section 413 standards. However, new State legislation has gone into effect that exempts the proposed residential development from off-street parking requirements given its location near frequent transit.¹ The applicant nevertheless proposes to develop parking as noted in the findings for this section.

413-5 On-Street Parking Requirements for Urban Residential Districts

The following on-street parking standards shall apply to all urban residential districts, including Transit Oriented Districts:

413-5.1. For single family detached dwelling units and single family attached dwelling units with individual on-site parking and individual vehicular access to a local or Neighborhood Route public or private street, the following on-street parking shall be provided:

A. For a dwelling with one (1) off-street parking space, a minimum of two (2) on-street parking spaces shall be provided within two hundred (200) feet of the subject lot, except as provided in Sections 413-5.1 D. or 413-5.3.

¹ Pursuant to Climate-Friendly and Equitable Communities (CFEC) rules, implemented through Oregon Administrative Rule (OAR) 660-012-0440(2). Developments within one half mile of frequent transit corridors are exempt from off-street parking requirements. Any parking provided would need to meet the standards of Section 413.

D. The requirements for on-street parking are not applicable to flag lots or lots that are provided access from the terminus of a non-through street (e.g., cul-de-sac bulb or hammerhead).

413-5.2 Required on-street parking shall be provided within 200 feet of the subject lot by parallel or angled parking in accordance with the standards of the Washington County Road Design and Construction Standards (perpendicular parking is not allowed).

Parallel parking spaces shall be at least 18 feet long for one or two adjoining spaces. When three or more adjoining spaces are provided the minimum length of each space shall be 20 feet. Angled parking may be provided on a street corner but not along the front of dwelling units.

Driveway aprons, crosswalk areas, curb frontage with a fire hydrant and/or congregate mail boxes shall not be used to satisfy required on-street parking standards.

The proposed development is for seven attached single family residential lots. Each attached unit will be provided one off-street parking space. Therefore, 14 on-street parking spaces are required. According to the preliminary site plans, 11 on-street parking spaces will be provided. The applicant proposes to provide two bicycle parking spaces for the reduction of one of the required on-street parking spaces. The proposed bicycle parking spaces will need to be located on private property and not within the public right-of-way.

In addition, the applicant stated that Lot 7 was exempt under Section 413-5.1 D. because of the proposed access at the terminus of the private street. However, the Hearings Officer finds that Lot 7 abuts the private street (i.e., fronts the street side and not the end terminus) which would be the eastern boundary of the private street tract. Therefore, four additional on-street parking spaces are required. Based on evidence in the record, there are more than four additional on-street parking spaces located on NW Dale Avenue and NW Sherry Street within 200 feet of the site consistent with Section 413-5.2.

413-6.1 Minimum Off-Street Parking Requirements

The applicant proposes to provide seven attached dwelling units with seven off-street parking spaces (each unit has a one car garage). The driveways accessing the garages, at about ten feet, are not long enough to constitute a driveway for purposes of counting as off-street parking. The development proposal is also for each attached unit to contain 4 bedrooms.

413-6.1	A. Residential:		
	(1).	Attached and detached (including manufactured dwellings)	One space per dwelling unit

As stated above, the applicant proposes a total of seven off-street parking spaces for the development; whereas pursuant to Section 413-6.1 A. (1) a minimum of seven off-street parking spaces is required. However, as stated previously, state legislation has gone into effect that exempts the proposed residential development from off-street parking requirements given its location near frequent transit. The applicant nevertheless proposes to provide each dwelling unit with one off-street parking space, as noted in the findings for this section.

Section 414 Signs

The applicant is required to obtain approval for a sign permit prior to the installation or alteration of any signage denoting the subdivision.

Section 415 Lighting

415-1 Applicability

The roadways, access drives, parking lots and sidewalks of all new developments of attached units shall be lighted in conformance to the standards of this Section (415). This Section is not intended to apply to public street lighting.

415-2 Lighting Plan

Prior to the issuance of a Development Permit for a structure other than a detached dwelling or attached dwelling of less than three (3) units, an Exterior Lighting Plan shall be submitted in order to determine whether the requirements of this Section (415) have been met. This plan shall include:

415-2.1 Site Plan and Building Floor Plans and Elevations showing luminaire location;

415-2.2 Luminaire details;

415-2.3 Lighting coverage and cutoffs; and

415-2.4 Any additional information necessary to insure compliance with Section 415.

Lighting of attached single family dwelling units is typically provided by individual wall sconces. In addition, there are no parking lots or similar parking areas that would require pole lighting. Based upon the evidence presented, the Hearings Officer finds that lighting can and will satisfy the requirements of this Section. However, to ensure full lighting compliance, the applicant must submit with the Final Approval application lighting information, excluding public street lighting and including photometric details, assuring compliance with Section 415.

Section 416 Utility Design

416-1.1 All utility distribution facilities supplying electric, communication, or similar or associated service, installed in and for the purpose of supplying such service to any development shall be placed underground.

416-1.3 Easements necessary for sewers, water mains, electric lines, or other public utilities shall be provided. The easements will vary according to the need of various utilities. When possible, the easement shall be located on one side of a lot line.

416-1.4 The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum, feasible disturbance of soil and site.

The applicant proposes to utilize the existing storm water quality facility that was constructed as part of the county's Cornell Road-Murray Blvd. Road Project. According to the applicant's engineer, storm water flows from the proposed development are minimal with respect to the entire basin studied for the road project and as such flows from the roof areas and private street/driveway areas "...are negligible and will not impact the operation of the on-site Water Quality facility."

All other new utilities shall be placed underground pursuant to Section 416-1. The location, design and installation of new utilities shall be coordinated with the applicable service provider and carried out with minimum feasible site disturbance. Utility easements shall be provided in accordance with Section 416-1.3.

Section 418 Setbacks

418-1 Obstruction in Required Yards

Required yards shall be horizontally unobstructed except as follows:

- 418-1.1 Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend, or project into a required side yard not more than two (2) inches for each (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty (30) inches. Chimneys may not project into a front or rear yard more than twenty-four (24) inches. Chimneys may project up to twenty-four (24) inches into a side yard setback, but no closer than three (3) feet to a property line.*
- 418-1.2 Open balconies and unenclosed stairways more than thirty (30) inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such porches may extend into a required front yard not more than thirty (30) inches.*
- 418-1.3 A ground level deck not more than thirty (30) inches in height and not covered by a roof or canopy may be allowed in any yard regardless of the setback requirements.*
- 418-1.4 A deck more than thirty (30) inches in height, not covered by a roof or canopy, may be allowed in a required rear yard not closer than five (5) feet to the rear property line when the rear yard abuts a designated open space or public non-buildable tract. Such tracts may include flood plains, power line easements, or drainage courses.*

See Section 302 concerning setbacks.

418-4 Fences and Retaining Walls

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

- 418-4.1 A fence, wall (includes retaining wall), screen or lattice work not more than seven (7) feet in height.*

- 418-4.2 *A fence, wall (includes retaining wall), screen or lattice work not more than eight (8) feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.*
- 418-4.3 *A combination fence (not more than six [6] feet in height) and retaining wall structure (not more than four [4] feet in height) located in a side or rear yard (for design standards see Section 419-4).*
- 418-4.4 *Tiered retaining wall structures not exceeding seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.*
- 418-4.5 *All retaining wall structures, exceeding seven (7) feet in height, not within a required yard or setback area, on two or more contiguous properties, are exempt from the side yard setback requirement.*
- 418-4.6 *A wall not more than eight (8) feet in height along a side or rear property line as required by Section 411.*
- 418-4.7 *Residential lots or parcels shall maintain a clear vision area with no sight obscuring fence or wall (does not include retaining wall) more than three (3) feet in height, measured from finished grade, within a fifteen (15) by fifteen (15) foot triangle along a driveway. A clear vision area shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the fence line (for design standards see Figure 2 and Figure 3).*

Two retaining walls are proposed along the north and east section of the private street and along the east boundary of Lot 7. The latter retaining wall contains sections greater than seven (7) feet in height. However, in the TOD Districts there are no interior/rear yard setbacks. Consequently, retaining walls in excess of seven feet can be located within interior/ rear yard setbacks.

Section 419 Height

In addition to the height restrictions in the primary districts, the following limitations shall apply:

- 419-1 *Within twenty (20) feet of another primary district with a lower height restriction, the height restriction of the adjacent district shall apply.*
- 419-2 *Beyond the twenty (20) foot area in Section 419-1 above, the height may increase on the subject property at a ratio of one (1) foot of height to one (1) foot of horizontal distance from the adjacent primary district with a lower height limitation, to the maximum height permitted in the primary district.*
- 419-3 *A fence, lattice work, screen or wall (includes retaining wall) not more than seven (7) feet in height may be located in any required side, front or rear yard, except as required by Section 418-3 (corner vision). Where a rear, side or front yard abuts an arterial or limited access highway, fence height along the yard may be increased to eight (8) feet. Any fence over six (6) feet in height requires a building permit. Any retaining wall over four (4) feet in height requires a building permit (the height measurement of a retaining wall is from the bottom of footing to the top of the retaining wall).*
- 419-4 *A combination fence and retaining wall structure may be located in a side or rear yard. This structure shall consist of a retaining wall [not more than four (4) feet in height] and a fence [not more than six (6) feet in height]. The fence portion shall be measured from the back-filled or highest side of this structure and may not exceed six (6) feet in height. The non-back-filled or lowest side measurement may not exceed a combined total of ten (10) feet in height. This provision may only be used when there is an existing or proposed grade difference between properties and a retaining wall is required by the Building Official (see Figure 1). This structure is exempt from a structural building permit only when the backfill is level for a proportional horizontal distance to the height of the retaining wall or as approved by the Building Official.*
- 419-5 *Tiered retaining wall structures shall not exceed seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.*

Pursuant to above Section 419 any retaining wall over four feet in height requires a building permit. Also, the retaining walls shown on the submitted plans are not tiered walls.

Section 421 Flood Plain and Drainage Hazard Area Development

The county administers and enforces the State of Oregon Specialty Codes pursuant to the requirement established in ORS 455. The Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard Areas. Therefore, this Section is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards

421-1.2 Drainage Hazard Areas

The following data sources shall be referenced for purposes of determining lands subject to drainage hazard area standards. In any event, the most restrictive flood boundary information shall be utilized. The maps referenced herein are on file at the offices of the Washington County Department of Land Use & Transportation.

The applicant has submitted a Storm Drainage Report and a Drainage Hazard Area Analysis (DHA-25 year flood event) required by this Section (in an attachment to the Storm Drainage Report). This information is in the record.

The DHA Analysis included a delineation of the DHA. Given the topography (lower towards the east property line and the DHA), the Hearings Officer finds that the proposed development will not encroach in the DHA, and according to the information in the record, the relatively narrow boundary of the DHA is located mostly on the abutting parcel to the east with little of the actual DHA located on the development site.

421-3 Submittal Requirements

In addition to the requirements of Sections 203-4 and 410, an application for a floodplain or drainage hazard area alteration shall contain the following information for the area proposed to be disturbed. This information shall be prepared by a licensed professional engineer and may be submitted with or be made part of a site plan or grading plan for the proposed development.

The applicant submitted topographical information required by this Section for the entirety of the development site including within the boundaries of the Drainage Hazard Area. The application and supporting documentation, including the stormwater management report, concluded that the proposed development will not alter the DHA. This information is also in the Casefile.

Additionally, at time of final design, CWS will review and approve the storm drainage facilities; thus, assuring compliance with all applicable CWS design standards pertaining to storm water management and construction of the proposed outfall and encroachments within the Vegetated Corridor (associated with the DHA).

421-5 Uses and Activities Allowed Through a Type II Procedure

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan Element, Section 422, or the Clean Water Services' "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit may be approved in a flood area through a Type II procedure for the following:

421-5.5 Subdivisions and partitions.

The proposed 7-lot attached single family residential subdivision is permitted pursuant to relevant standards in the CDC, including 421-5.5. Encroachment or alterations of the DHA are not proposed. Some minor regrading of the existing water quality facility may be needed to facilitate the proposed development, but said work is outside of the DHA.

421-7 Development Standards for all Type II and Type III Flood Plain and Drainage Hazard Area Uses or Activities

The applicant for a proposed flood plain or drainage hazard area development shall demonstrate compliance with the following applicable standards as required by Section 421-3 above:

421-7.3 Development proposed on a drainage hazard area site shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development

within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase to the drainage hazard area elevation at any point in the community.

Notwithstanding this provision, an increase may be approved if the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the drainage hazard area elevation.

The site contains an identified 25-year (DHA) along the east property line (notably mostly located on adjoining parcel to the east). As stated previously, none of the proposed development activities will be located within the DHA.

Based upon the preliminary storm water plans and approaches, the Hearings Officer finds that no properties will be affected based on the determined [post-development] flows from the development. The applicant's engineer stated that the proposed development will not impact the flood plain. Further, the current County Flood Plain Manager has reviewed and accepted the submittal information and findings noted above, as submitted by the applicant's engineer. The current Flood Plain Manager concurs with findings made by the previous Flood Plain Manager's contained in his memo prepared for Casefile 18-262-S/D(R). The 2018 memo is in the current record.

421-7.9 Drainage systems shall be designed and constructed according to the adopted Drainage Master Plan for the area, if one exists.

A Drainage Master Plan has not been prepared for this area. However, Clean Water Services will review and approve of the final stormwater plans for the development to ensure consistencies with their design and construction standards prior to issuance of the grading permit.

421-14 General Requirements and Prohibitions

421-14.1 Property owners shall maintain the flood area in such a manner as to prevent reduction of the natural carrying capacity. Maintenance outside of the public right-of-way shall be done by means of hand implements unless a development permit for an alteration is first obtained (lawn mowers are considered hand implements).

- 421-14.2 *Storage of petroleum products, explosives, herbicides, pesticides, insecticides, poisons, defoliants, fungicides, desiccants, nematocides and rodenticide is prohibited.*
- 421-14.3 *Dumping of solid waste in the flood area is prohibited.*
- 421-14.4 *Section 421 is in addition to any and all Federal, State or special district laws and regulations in force at the time of approval of the development permit. Any permits required from a local, state or federal agency shall be obtained prior to any development within the flood area.*
- 421-14.5 *The standards and criteria of this Section are cumulative and in addition to any other requirements of this Code. Any more stringent provisions of an applicable Community Plan or the Rural/Natural Resource Plan Element shall control.*
- 421-14.6 *The Review Authority may condition any Type II or III development permit to the extent necessary to avoid any specifically identified deleterious impacts on the natural integrity of the flood area or to wildlife and vegetation within the flood area.*
- 421-14.7 *In the case of the partitioning or subdivision of land for the location of structures for human occupancy, such site shall provide a building site, which includes the ground under the structure plus a ten (10) foot setback around all sides of the structure, with a ground elevation at least one (1) foot above the flood surface elevation. No partition or subdivision shall create a lot whose dimensions do not meet this standard.*
- 421-14.8 *There shall be no dumping of fill in a flood area without a flood plain or drainage hazard area alteration permit.*
- 421-14.9 *The applicant shall submit to the Floodplain Administrator technical data as set forth in Section 421-14.10 prior to any watercourse alteration that will result in the expansion, relocation or elimination of the special flood hazard area.*
- 421-14.10 *Within six (6) months of project completion, an applicant who obtains a CLOMR from FEMA, or whose development alters a watercourse, modifies floodplain boundaries, or base flood elevations shall obtain from FEMA a Letter of Map Revision*

(LOMR) reflecting the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).

The Hearings Officer has imposed conditions of approval in accordance with Section 421-14.6 to mitigate impacts. Included in the recommended conditions of approval are conditions recommended by Clean Water Services and the County's Building Engineer.

Section 422 Significant Natural Resources

422-1 Intent and Purpose

The intent and purpose of these standards is to permit limited and safe development in areas with significant natural resources, while providing for the identification, protection, enhancement and perpetuation of natural sites, features, objects and organisms within the County, here identified as important for their uniqueness, psychological or scientific value, fish and wildlife habitat, educational opportunities or ecological role.

Development within riparian areas, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat shall comply with applicable state and federal regulatory guidelines.

The applicant has submitted site plan information required by this Section as well as a Natural Resource Assessment as required. This information is in the record.

Regarding Metro Title 13 lands, the development application does not seek approval of a DHA Alteration or propose any alteration of the Vegetated Corridor or Metro's Title 13 riparian areas except for a narrow westerly edge of the riparian area along the creek/DHA and a small "nodular-shaped" area north of the existing water quality facility abutting NW Dale Avenue.

422-2 Lands Subject to this Section

Those areas identified in the applicable Community plan or the Rural/Natural Resource Plan Element as Significant Natural Resources and areas identified as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map.

The development site contains lands identified as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map.

422-3 *Criteria for Development*

422-3.1 *The required master plan and site analysis for a site which includes an identified natural resource shall:*

A. Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);

The Metro Title 13 riparian areas are along the creek and along the southern portion of the property (encompassing the existing storm water quality facility). The wildlife biologist generally concurs that the mapped resources are not accurate and should not be mapped as Goal 5 Resource. The primary finding in support of this determination is that the mapped resource has been greatly modified to include rock retaining walls, graded landscaping and vegetation dominated by non-native invasive species. Further, the biologist commented that the existing riparian habitat is generally limited to the narrow band of native vegetation along the eastern and southern properties. The county's natural resource advisor concurs with the applicant's findings.

B. Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1 B. shall be consistent with the program decision for the subject natural resource; and

No alterations to the riparian areas are proposed at this time, with the exception of enhancing the existing degraded/marginal conditions. The existing riparian areas will be enhanced as required by CWS to a 'good' condition. A beneficial result of the proposed development is to reestablish a vegetated riparian corridor.

C. Apply the design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

"Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations."

No specific design elements of the Community Plan apply to this project that are not otherwise addressed within applicable sections of the Community Development Code.

422-3.2 Open Space Inside the UGB:

- A. Shall be identified as provided in Section 404-1, Master Planning - Site Analysis;*
- B. When located in a park deficient area as identified on the significant natural resource map, the applicant shall notify the appropriate park provider of the proposed development.*

The applicant identified the natural resource areas as well as the Vegetated Corridor & Riparian Corridor. These areas will be enhanced and preserved as previously discussed and located in Tract 'B'. That tract may be retained by the applicant (homeowners association) or conveyed to/acquired by the Park District. In either case, this open space tract will be preserved and maintained as natural open space.

The Park District was notified of this development proposal early on in the process, beginning with a written request for service availability.

422-3.3 Development within a Riparian Corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat:

- A. No new or expanded alteration of the vegetation or terrain of the Riparian Corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan Element) shall be allowed except for the following:*

No development is proposed within the riparian corridor (Metro's Title 13 lands) except for a narrow westerly edge of the riparian area along the creek/DHA and a small "nodular-shaped" area north of the existing water quality facility abutting NW Dale Avenue. According to the biologist, the development will not significantly impact the existing resources, but rather improve the condition through enhancements required by CWS.

- B. Where development or alteration of the riparian corridor is permitted under the above exceptions, the flood plain and drainage hazard area development criteria shall be followed.*

See above findings. The applicant's biologist recommended that certain mitigation measures (enhancements required by CWS) will adequately mitigate for the impacts on the riparian corridor. Measures include enhancement through the planting of riparian-supportive plants, again as required by CWS.

- C. *Fencing adjacent to stream buffers or other wildlife habitat areas shall be designed to allow the passage of wildlife. Designs must incorporate openings appropriately sized and spaced to accommodate passage of wildlife common to urban Washington County (common mammals needing access to streams in urban Washington County include but are not limited to: deer, beaver, coyote, muskrat, rabbit, raccoon and skunk).*

Fencing is currently not proposed. Any fencing shall be designed to comply with this section, as applicable, and shall be habitat friendly.

- 422-3.6 *For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a "conflicting use" to occur pursuant to OAR 660-023-0040(5)(c) (effective September 1, 1996).*

In the assessment, the biologist concluded that the development will not seriously interfere with the Metro Title 13 riparian area. The Hearings Officer concurs with these findings in particular since encroachments into these resource areas are nominal and that the existing riparian areas will be enhanced, as required by CWS, to good condition (which is an improvement to the existing degraded to marginal condition). The net result of the development will be to enhance the existing riparian areas. The Goal 5 Resource will be improved and will also be set aside in a protective open space tract.

The current site plans are roughly identical to those submitted in 2018 and approved through Casefile 18-262-S/(D(R). Existing site conditions have not significantly changed. For these reasons, staff's Significant Natural Resource review and comments contained in the October 9, 2018, memo continue to apply. This memo is also included in the current record.

Development within a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat, shall obtain all required local, state and federal permits.

The applicant is responsible for obtaining all necessary permits from local, state, and federal regulatory agencies. The applicant will also be required to obtain a grading permit from the County Building Services Division and all required CWS permits prior to commencement of any grading activities associated with the project.

Section 426 Erosion Control

Section 426 requires erosion control measures in the Tualatin River and Oswego Lake sub-basins during construction to control and limit soil erosion. Section 426-5.2 allows the erosion control plan submission and review to be deferred until the time of any on-site work or construction.

Section 431 Transit Oriented Development Principles, Standards and Guidelines

431-4 Circulation System Design

The design and location of the circulation system in a community is the key element for determining pedestrian orientation, connectivity and the arrangement of land uses. These principles and standards apply to the design and location of the circulation system in transit oriented districts.

431-4.1 Principles:

- A. Pedestrian routes in a Transit Oriented District shall, to the extent practicable, directly connect major activity centers (concentrations of employment and households, major public buildings and spaces, institutional uses and parks & common open spaces, and shopping areas) and transit stops, particularly light rail stations;*
- B. Block dimensions and perimeters shall be at an urban rather than a suburban scale;*
- C. Provide accessways and greenways, as needed, to supplement pedestrian routes along pedestrian streets; and*

- D. Provide clearly marked and well-designed pedestrian street, driveway, loading area and surface parking lot crossings.*

431-2 Standards

- A. In addition to the standards of this subsection, development in a transit oriented district shall be subject to the requirements of Section 408, Section 409 and Article V. In the event of a conflict between the requirements of Section 408, 409 and Article V, the requirements of Section 431-4 shall control.*

Compliance with these sections is addressed below.

- B. Other Community Development Code provisions that apply to Collectors shall apply to Special Area Collectors; provisions that apply to Special Area Neighborhood Routes; and provisions that apply to Local Streets shall apply to Special Area Local Streets and Special Area Commercial Streets. In the case of a conflict, specific Special Area street provisions shall control.*

NW Dale Avenue is a Special Area Commercial Street.

C. Blocks

- (1) Block perimeters for blocks with more than four sides, as defined by public or private streets, accessways or greenways, shall not exceed sixteen hundred (1,600) feet measured along the nearside curb line of the public or private street or the centerline of the defining accessway or greenway. These standards shall not be used to provide direct connections to collector roads where indirect connections are specifically shown in the community plan.*
- (2) Block lengths for streets, accessways and greenways shall not exceed three hundred thirty (330) feet between public or private streets, accessways or greenways, measured along the nearside curb line of the public or private street or the centerline of the accessway or greenway. These standards shall not be used to provide direct connections to collector roads where indirect connections are specifically shown in the community plan.*

- (3) *Except for specific transportation facilities identified in the community plan, the Review Authority may modify these standards based on findings that strict compliance with the standards is not reasonably practicable due to:*
- (a) *Topography;*
 - (b) *The standards of Section 421 and 422;*
 - (c) *Existing development patterns on abutting property which preclude the logical connection of streets or accessways;*
 - (d) *Railroads;*
 - (e) *Traffic safety concerns;*
 - (f) *The functional and operational need to create a large building; or*
 - (g) *The provision of Significant Natural Resources as identified in the Community Plan.*

The development site maintains street frontage on NW Dale Avenue. Pedestrian safety will be addressed with the provision of a 12-foot-wide sidewalk along NW Dale Avenue. It is worth noting that during the Cedar Mill Town Center planning efforts (Ordinance No. 536), NW Dale Avenue was not planned to extend south as a vehicular route but rather a Special Area Off-Street Pathway Corridor was mapped south beyond the street terminus of NW Dale Avenue and east across the common property line of the development site and Tax Lots 1N133DC00102, 103, and 105 – with eventual connection to NW 129th Avenue.

D. Design

- (1) *Streets complying with the provisions of this Section may be public or private. Where a private street is used...*

No new public streets are proposed. One private street is proposed but is not used (or needed to) meet block length and perimeter standards of this Section. The development complies with this Section.

- (2) *When streets are utilized to meet the block length and block perimeter standards within the TO:R24-40, TO:R40-80, TO:R80-120, TO:EMP, TO:BUS, and TO:RC Districts, the Special Area Commercial Street standards shall be used, except for existing or planned arterials or collectors or other specific street designations in the Community Plan. The Review Authority may permit Special Area Local Street in these Districts based on findings that vehicle traffic volumes and pedestrian activity are likely to be found on a special area local street. If the Review Authority does permit a Special Area Local Street, it may be utilized to meet block length and block perimeter standards.*
- (3) *When streets are utilized to meet the block length and block perimeter standards within the TO:R9-12, TO:R12-18, and TO:R18-24 Districts...*
- (4) *Streets in transit oriented districts shall incorporate the following traffic management elements consistent with the Washington County Uniform Road Improvement Design Standards:*
 - (a) *Curb extensions at all intersections of Special Area Local Streets with Special Area Local Streets, Special Area Neighborhood Routes, and Special Area Commercial Streets.*
 - (b) *Landscaped center medians at all Special Area Collector and Special Area Neighborhood Route street intersections.*
 - (c) *In addition to the above requirements, curb extensions, colored and/or textured pavement treatments, or medians may be allowed on any special area public street based on prior approval from the County Engineer and findings that the treatment will be safe, will not result in an unreasonable amount of public maintenance, and will maintain the functional classification of the facility.*

The development site is designated as a TO:R24-40 District. No new streets are proposed; hence block length and block perimeter standards are not applicable. Final design of the half-

street improvements will be reviewed and approved by county engineering staff prior to issuance of a required Facility Permit, as conditioned herein. The development complies with this Section.

(5) In addition to the requirements of Section 431-4.2 D.(4) above, the Review Authority may approve other traffic management measures on an Special Area Street...

Approval of other traffic management measures was not requested at this time by the county's Traffic Engineer.

(6) The required minimum rights-of-way listed in Table 6, Functional Classification Design Parameters for Special Area Streets do not assume the presence of neighborhood traffic management devices are used, additional right-of-way shall be required to provide three feet behind the curb face, except when the curb extensions are used, the right-of-way shall remain three feet behind the standard curb face extended through the curb extension area.

Additional curb extensions are not required or proposed.

(9) Private streets. In addition to the standards of Section 409, private streets in transit-oriented districts shall meet the following standards:

(a) Private Streets with sidewalks shall include a minimum four (4) foot landscape strip between curb and sidewalk with trees spaced no more than every thirty (30) feet, unless Section 431-5.1 B. (4)(a) and/or (b) applies.

While no landscape strip is provided between the private street and the sidewalk, the proposed design will provide a clearly marked pedestrian access (pathway) from the units to the sidewalk to be constructed on NW Dale Avenue (431-4.1 D.)

(b) Local Residential Streets serving five (5) or more units shall have curbs and sidewalks on both sides. Local Residential Streets serving three (3) to four (4) units shall have curbs on one side and a sidewalk on one side.

The applicant is proposing a private street not a Local Residential Street.

- (12) *Special Area Off-Street Pathways (Accessways and Greenways) shall be developed consistent with Section 408. Special Area Off-Street Pathways shall be at least ten (10) feet in paved, unobstructed width when bicycles are intended to share the Special Area Off-Street Pathway. When bicycle travel is otherwise adequately provided, Special Area Pathways shall be at least five (5) feet in paved width.*

A Special Area Off-Street Pathway Corridor is mapped on the development site and also the three parcels to the south and southeast. The Hearings Officer finds that the presence of the existing water quality facility effectively precludes an east-west pathway along the southern section of the development site. However, a future pathway can be provided on the abutting parcel(s) to the south-southeast connecting sidewalks at the terminus of NW Dale Avenue to the east connecting to NW 129th Avenue in accord with the Community Plan.

431-5 *Streetscapes for Pedestrians*

431-5.1 *Streetscapes - Transit Oriented Districts*

These principles and standards apply to the network of pedestrian streets within transit oriented districts.

A. *Principles:*

- (1) *Development along pedestrian routes shall be designed to encourage use by pedestrians by providing a safe, comfortable and interesting walking environment. Examples of pedestrian enhancements that help foster such a pedestrian environment can be found in the county's Pedestrian Enhancements Design Guideline Booklet.*
- (2) *All pedestrian streets shall incorporate pedestrian scale lighting at a level sufficient to provide a safe walking environment. Pedestrian scale lighting guidelines are*

provided in the county's Pedestrian Enhancements Design Guideline Booklet.

B. Standards

- (1) *In the TO:BUS and TO:RC Districts along pedestrian streets where on-street parking is allowed, except as provided in Section 431-12 or in an applicable Community Plan provision, buildings shall be built to the sidewalk edge for a minimum of ninety (90) percent of their site's pedestrian street frontage (excluding street, driveway and accessway intersections). However, where a development site has frontage on two or more pedestrian streets with on-street parking, buildings are not required to meet the frontage requirements on both streets. Notwithstanding the above, a building shall be built to the sidewalk edge of both intersecting streets at their intersection.*

Where a development site has frontage on two pedestrian streets with on street parking on only one of the streets, buildings are required to meet the frontage requirement on the street that allows on street parking. Notwithstanding the above, a building shall be built to the sidewalk edge of both intersecting streets at their intersection.

Where a development site in a TO:BUS District fronts only on a pedestrian street that does not allow on street parking, buildings shall be built to the sidewalk edge for a minimum of seventy five (75) percent of the site's pedestrian street frontage (excluding street and accessway intersections).

Where a development site in a TO:RC District fronts only on a pedestrian street that does not allow on street parking, buildings shall be built to the sidewalk edge for a minimum of fifty (50) percent of their site's pedestrian street frontage (excluding street and accessway intersections).

The development site includes lands designated TO:R24-40 – not TO:RC The site also fronts NW Dale Avenue, a Special Area Commercial Street, which allows on-street parking. The proposed

attached single family units (townhomes on individual lots) are orientated towards NW Dale Avenue as well as the private street. *See Section 375 above regarding setbacks.*

- (2) Street trees are required on all pedestrian streets with an average spacing of not more than thirty (30) feet on center on both sides and two (2) to four (4) feet from the back of curb. Street trees shall not be spaced or located so as to result in violation of Section 418-3. Trees in the County right-of-way or in sidewalk easements shall be approved by the County as to size, quality, tree well design if applicable, and irrigation.*

Street trees are required to be planted along the site's frontages per Section 431-5.1-B. (2). As shown on the plans, a spacing of 30 feet is proposed but street trees are required along both sides of Tract B. Street trees will be provided as required and as conditioned. Final compliance with this standard shall be reviewed at Final Approval and building occupancy.

- (1) All utility lines shall be underground but utility vault access lids may be located in the sidewalk area, provided that they are flush with the sidewalk and provide for a safe pedestrian walking surface during all types of weather.*

All utility services will be underground as required.

- (4) Minimum sidewalk widths in Transit Oriented Districts shall be the widest identified by the Washington County Uniform Road Improvement Design Standards for the adjacent Special Area Street (as shown in the 2020 Transportation Plan, Figures 6 through 8), except for Special Area Commercial Streets. Special Area Commercial Streets shall have sidewalks that are a minimum of twelve (12) feet in width. On arterials within or adjacent to Transit Oriented Districts and which are designated as 'Boulevards' on the Regional Street Design Overlay Map in the 2020 Transportation Plan, the minimum sidewalk width shall be twelve (12) feet (see Technical Appendix B-8 of the 2020 Transportation Plan for typical roadway cross-sections).*

The Road Design and Construction Standards for Special Area Commercial Streets require 12-foot sidewalks along this section of NW Dale Avenue, which is in the Cedar Mill Town Center. The applicant proposes to construct 12-foot-wide sidewalks as required.

- (13) *Sidewalks along pedestrian streets adjacent to undeveloped parcels may be temporary.*

Sidewalks along the project frontage will be permanent.

- (14) *Pedestrian scale street lighting, such as that described in the County's Pedestrian Design Guidelines Booklet shall be provided along all pedestrian streets.*

Pedestrian scale street lighting will be required on NW Dale Avenue. The applicant proposes to provide pedestrian scale lighting as required.

- (7) *Pedestrian street lights shall be no taller than twenty (20) feet along Special Area Neighborhood Routes, Special Area Commercial Streets, and Special Area Local Streets.*

The pedestrian scale street lighting shall not be taller than 20 feet, consistent with this standard.

- (8) *In designated pedestrian focus areas...*

- (9) *In designated pedestrian focus areas...*

- (10) *In designated pedestrian focus areas...*

The project site is not located in a designated pedestrian focus area.

- (11) *The design character of an individual building shall be compatible with its neighbors, but each building shall be unique. Attention shall be paid to similarities and contrasts between the following architectural elements: building forms and massing; building height; rooflines and parapet features; special building features (e.g., towers, arcades, entries, canopies, signs and artwork); window size, orientation and detailing; materials and color; the buildings' relationship to the site.*

The proposed attached units comprise a single building (structure). The Hearings Officer finds that the proposed elevations satisfy this standard. The architecture includes various elements, wall treatment, detailing, including variations in façade treatments. (See Sheet 1 of 8)

431-5.2 *Building Entrances*

The following principles and standards apply to building entrances in transit oriented districts:

A. *Principles:*

Provide for safe, convenient, direct and identifiable access for pedestrians between pedestrian streets, accessways, transit facilities, and adjacent buildings.

B. *Standards*

- (2) *Residential buildings fronting on a pedestrian street shall have an entrance to the building oriented on to the pedestrian street. Such an entrance shall open directly to the outside and shall not require passage through a garage or parking structure to gain access to the doorway. Single family detached, attached and rowhouse/ townhouse residential units fronting on a pedestrian street shall have separate entries to each dwelling unit directly from the street. Ground floor and upper story dwelling units in a multi-family building fronting a pedestrian street may share one or more building entries accessible directly from the pedestrian street. Entries shall be visible from the pedestrian street. In no case shall the primary entry be accessed through a side yard except for an accessory unit to a single family detached dwelling.*

The proposed building is located on NW Dale Avenue, a County Special Area Commercial Street which allows on-street parking. Primary individual building entrances are located on the north side of the attached units. The unit on Lot 1 maintains an entrance NW Dale Avenue. The access provides for safe, convenient, direct and identifiable access for pedestrians (from this unit) between the unit and the pedestrian street. Compliance with the Principle is met.

- (3) *In all transit oriented districts, except the TO:EMP District, building façades over three hundred (300) feet in length facing a pedestrian street where on-street parking is allowed adjacent to the building, shall provide two (2)*

or more main building entrances. In the TO:EMP District, building façades over four hundred (400) feet in length facing a pedestrian street shall provide two (2) or more main building entrances.

The proposed building façade facing NW Dale Avenue is less than 300 feet in length.

- (4) If a building fronts on a pedestrian street where on-street parking is not allowed adjacent to the building, a main building entrance does not have to be oriented to the pedestrian street. If the main building entrance is not oriented to the pedestrian street, a well-demarcated, unobstructed, and well-lighted pathway shall be provided to the entrance from the pedestrian street. The pathway shall not be located within or require passage through a garage, parking structure or loading area.*

Primary individual building entrances are located on north side of the structure.

The site design also includes a well-delineated unobstructed, pathway between the building entrances and the sidewalk on NW Dale Avenue.

- (5) Minimum lighting levels shall conform to the standards as set forth in Section 415-4.*

Verification of compliance of lighting will be submitted with Final Approval.

- (6) For non-residential buildings, or non-residential portions of mixed-use buildings, main building entrances fronting on pedestrian streets shall remain open during normal business hours for that building.*

This standard is not applicable as the proposed use is for seven attached single family dwelling units.

- (7) All entries fronting on a pedestrian route shall be sheltered with a minimum four (4) foot overhang or shelter.*

The buildings plans submitted with the application indicate at least 4-foot awnings/canopies overhang the doors at the building entrances.

- (8) *An exception to the requirements of Section 431-5.2 B. (1)...*

The applicant did not request an exemption to Section 431-5.2 B. (1).

431-5.3 Building Facades

The following principles, standards and guidelines apply to building façades in transit oriented districts:

A. Principles

- (1) *The dominant feature of a building frontage shall be the habitable area with its accompanying windows and doors. Parking lots, garages, and solid wall façades (e.g., warehouses) shall not dominate a pedestrian street frontage.*
- (2) *Developments shall be designed to encourage informal surveillance of pedestrian streets and other public spaces by maximizing sight lines between the buildings and the pedestrian street.*
- (3) *Ensure compatible building designs along a pedestrian street through similar massing (building façade height and width as well as the space between buildings) and frontage setbacks.*
- (4) *Avoid building designs that result in a street frontage with a uniform design style, roof line or façade treatment, which results in an uninteresting and unattractive pedestrian environment.*
- (5) *All new commercial, industrial, office, institutional, mixed use, and multi-family residential buildings shall, on any façade facing a pedestrian route, incorporate discernible architectural features, such as, but not limited to: cornices, bases, fenestration, fluted masonry, bays, recesses, arcades, display windows, unique entry areas or other architectural treatments for visual interest, to create community character and to promote a sense of*

pedestrian scale. The overall design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat façade, in and of itself, does not meet the requirements of this subsection.

- (6) Lighting of a building façade shall be designed so that lighting complements the architectural design. Lighting shall not draw inordinate attention to the building.*
- (7) All buildings, of any type, constructed within any transit oriented district, shall be constructed with exterior building materials and finishes that are of high quality to convey an impression of permanence and durability.*
- (8) To balance horizontal features on longer façades, vertical building elements shall be emphasized.*

B. Standards

- (1) Ground floor windows shall be provided on building facades facing a pedestrian route or common open space. Garage door windows shall not count towards compliance with this standard.*

The proposed private street constitutes a pedestrian route (431-3.7), and pedestrian streets include both public and private streets (431-3.8). Ground floor windows are required in the building facades facing NW Dale Avenue and the private street. With the exception of the unit on Lot 1, the ground floor elevations of the units on Lots 2-7 do not contain ground floor windows as required. Final plans shall be revised to include ground floor windows facing the private street.

- (2) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows.*

Darkly tinted and mirrored windows are not proposed.

- (3) Except as provided in Section 431-12, ground floor building facades along a pedestrian street in the TO:RC or TO:BUS Districts must contain unobscured windows for at least fifty (50) percent of the wall area and seventy-five percent of the wall length within the first ten*

(10) feet of wall height. Required windows shall allow views in to lobbies or other similar areas of activity, building entrances, or merchandise type displays. Lower window sills shall not be more than three feet above grade except where interior flood levels prohibit such placement, in which case the lower window sill shall not be more than a maximum of four (4) feet above the finished exterior grade.

The development site is not designated TO:RC or TO:BUS and this standard is not applicable. Notwithstanding, the building entrance and ground floor units on Lot 1 encourage informal surveillance of NW Dale Avenue by maximizing sight lines between the unit and the street.

(8) In all transit oriented districts, the exterior walls of building facades along pedestrian routes shall be of suitable durable building materials including the following: stucco, stone, terra-cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow course horizontal boards or siding, vertical board and batten siding, articulated architectural concrete masonry units (CMU), or similar materials which are low maintenance, weather resistant, abrasion resistant and easy to clean. Prohibited building materials include the following: plain, smooth untextured concrete block; corrugated metal; unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard); and similar quality, non-durable materials.

This standard is met through various architectural features and elements.

(10) Buildings and sites shall be organized to group the utilitarian functions away from the public view. Delivery and loading operations, mechanical equipment (HVAC), trash compacting/collection, and other utility and service functions shall be incorporated into the overall design of the buildings) and the landscaping. The visual and acoustic impacts of these functions, along with all wall or ground mounted mechanical, electrical and communications equipment shall be out of view from adjacent properties and public pedestrian streets. Screening materials and

landscape screens shall be architecturally compatible with and not inferior to the principle materials of the building and primary landscaping. The visual and acoustic aspects of roof-mounted equipment, vents and chimneys shall be minimized by placing equipment behind parapets, within architectural screening, roof-top landscaping, or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment.

Garbage and recycling services will be provided on an individual basis, with each homeowner/resident responsible for placing the appropriate canisters at curb side.

(11) *The façades of single family attached and detached residences (including duplexes, triplexes, fourplexes, townhouses and rowhouses) shall comply with the following standards:*

(a) No more than forty (40) percent of the horizontal length of the ground floor front elevation of a single family detached or attached dwelling shall be an attached garage door entrance (i.e., garage doorway).

The attached units are proposed at 18 feet wide with 8-foot wide garage doorways. This equates to approximately 44%. The Hearings Officer finds that the additional approximate one foot of garage doorway width does not result in the garage doorway becoming the dominant feature of the dwelling unit (431-5.3 A. (1)).

(b) Front-loaded and street side-loaded garages shall be set back at least eighteen (18) feet from the back of the sidewalk.

The front-loaded garages shall be set back at least eighteen (18) feet from the back of the sidewalk as required. As measured, the setback is about nine feet from the back of the private street sidewalk. The Hearings Officer finds that the reduction in setback of the garage entrance does not result in the garage doorway becoming the dominant feature of the dwelling unit (431-5.3 A. (1) or adversely impact the pedestrian environment).

(c) Garages shall be recessed at least five (5) feet from the ground floor front of the dwelling.

As shown on the site plans, the garage is recessed slightly more than four feet from the ground floor of the front façade of the dwelling.

(d) For all residences with sloped roofs, the roof slope shall be at least 5:12, and no more than 12:12.

The proposed elevations, which are variations of the 2018 building elevations, include some roof slopes that are in excess of 12:12 and some that are less than 5:12. See Sheet 1 of 8. Some roof slopes are at 12:14, slightly steeper than 12:12 and others are at 4:12, slightly flatter than 5:12. The Hearings Officer finds that the final building elevations must be revised to meet the applicable design standards for roof slope, but anticipates that the needed revisions are minor in scope and therefore will not result in the loss of any dwelling units.

(e) Flat roofs with a parapet and cornice are allowed in all transit oriented residential districts except the TO:R 9-12 District, in which only sloped roofs are allowed.

No flat roofs are proposed.

(f) Residential building elevations facing a pedestrian route shall not consist of undifferentiated blank walls, but shall be articulated with architectural features such as windows, dormers, porch details, alcoves, balconies or bays. Porches, if provided, shall have clear dimensions of at least eight (8) feet wide and six (6) feet deep, and shall be covered by a roof supported by columns or brackets.

The proposed development does not include any blank walls facing a pedestrian street (NW Dale Avenue).

(g) Windows shall be vertical or square in proportion. Horizontal windows may be created when vertical windows or a mixture of vertical and other shaped windows are grouped together, or there is a row of clerestory windows across the top.

The proposed windows satisfy the vertical and square proportion requirements of this standard.

(h) There must be architectural detailing that varies from unit to unit. Architectural detailing includes but is not limited to the following: the use of different exterior siding materials or trim, shutters, different window types or sizes, varying roof lines, balconies or porches, and dormers.

The Hearings Officer finds that there is a variation in architectural detailing between the individual attached units (noting that the variation primarily varies between every other unit with two primary architectural styles used for the 7 attached units).

(i) Fences or hedges in a front yard shall not be over four (4) feet high.

The proposed development does not include any fences or hedges in the front yard.

431-6 *Parking Areas, Garages and Parking Structures*

431-6.1 *Location*

A. Principles

Off-street surface parking lots shall be located to the side or rear of buildings, other than single family residences, that front on pedestrian streets where on-street parking is allowed. Parking at mid-block or behind buildings is preferred. Exceptions to this principle may be appropriate for uses that require new buildings to be clustered near existing groups of buildings located away from a pedestrian street, such as expansions of a campus development.

B. Standards

(1) Off-street surface parking lots shall not be located between a front façade of a building adjacent to a pedestrian street where on-street parking is allowed, and the pedestrian street.

The proposed development does not include any surface parking lots.

- (2) *Garages and off-street parking areas shall be set back at least five (5) feet from adjacent primary building facades.*

The proposed attached garages are set back four feet from the front of the ground floor.

- (3) *Parking lots, garages, including garages serving residential uses, and parking structures shall not be located within forty (40) feet of a street corner, except when the first floor of the parking structure is developed with (to be occupied by) commercial/retail uses.*

The attached garage serving Lot 1 fronts the private street and is setback from NW Dale Avenue approximately 25 feet. The deficient setback does not adversely affect access to the garage (from NW Dale Avenue), nor should it affect traffic flow given the fact that the private street is a dead-end street with limited traffic.

- (4) *If a building adjoins a pedestrian route on two (2) or more sides, off-street parking may be allowed between the building and the pedestrian route in the following order of priority:*

- 1st. *Accessways*
- 2nd. *Pedestrian streets that are non-transit streets and do not allow on-street parking.*
- 3rd. *Pedestrian streets that are transit streets and do not allow on-street parking.*
- 4th. *Pedestrian streets that are transit streets and allow on-street parking.*

The proposed development does not include any off-street parking areas located between the new structure and the street.

431-6.2 *Parking Area and Garage Design*

A. *Principles*

- (1) *Garages, parking structures and off-street surface parking areas shall be designed to be as unobtrusive, and as attractive in appearance, as possible.*

- (2) *There shall be low bushes or a low wall or berm at the perimeter of surface parking lots to reduce their visibility from the surrounding area. Barriers around the perimeter of a parking lot shall not be so high, however, that it becomes a safety or security problem.*
- (3) *Trees shall be used extensively at the perimeter and in the interior of surface parking lots to break up large parking areas and provide shade.*
- (4) *Accessways through surface parking lots shall be clearly identified through the use of: different paving materials, grade separation, or landscaping, pedestrian-scale lighting, and be as short as practicable.*

B. Standards

- (1) *Garage doors for single-family dwellings fronting a pedestrian route shall not exceed sixteen (16) feet in width nor exceed eight (8) feet in height.*

The proposed garage doors will not exceed a width of 16 feet, nor will they be taller than 8 feet.

431-7 *Common Open Space*

431-7.1 *Location*

A. Principles

- (1) *Common open spaces shall be located within walking distance of all those living, working and shopping in transit oriented areas.*
- (2) *Common open spaces shall be easily and safely accessed by pedestrians and bicyclists.*
- (3) *For security purposes, common open spaces shall be visible from nearby residences, stores, a pedestrian route and/or pedestrian street or offices.*

- (4) *Common open space shall be available for both passive and active use by people of all ages.*

B. Standards

- (1) *Common open space shall be located within all residential and all mixed residential/non-residential developments with four or more dwelling units, as well as all non-residential developments on sites exceeding one-half acre. Alternatively, common open space for a development may be located within thirteen hundred (1,300) feet walking distance of the development. However, if common open space for a residential development is located off-site, it shall be unnecessary to cross an arterial street to gain access to the site.*
- (2) *Common open space in a residential development shall be located so that windows from the living areas (kitchens, family rooms, living rooms but not bedrooms or bathrooms) of a minimum of four (4) residences face on to the common open space.*
- (3) *Common open spaces for residential developments shall not abut roads classified as an arterial.*

The proposal includes an 808 square foot common open space as required (Tract 'C'). However, the width of the tract ends at the southeast corner of Lot 2. Thus, only Lots 1 and 2 directly abut Tract C and provide direct meaningful view onto the open space. As such, the open space design does not provide for a minimum of 4 residences facing (fronting/abutting) the common open space. Therefore, the Hearings Officer finds that Tract C must be revised to extend to the southeast corner of at least Lot 4.

431-7.2 Amount and Size

A. Principles

- (1) *Common open spaces may vary in size depending on their function and location.*
- (2) *The total amount of common open space provided in a transit oriented community shall be adequate to meet*

the needs of those projected (at the time of build-out), to live, work, shop and recreate there.

- (3) *Developers in station areas shall provide common open space for their project commensurate with the size of the project and the number of residents, workers, shoppers and other users the development is likely to attract.*

B. Standards

- (1) *All residential developments of four (4) or more dwelling units, and all non-residential or mixed-use developments, shall be required to reserve, improve and establish commitments to maintaining common open space.*
- (2) *Any common open space shall be at least four hundred (400) square feet in area, and shall be able to encompass a square area at least twenty (20) feet wide and twenty (20) feet long.*
- (3) *Residential developers shall provide common open space within or near their developments, consistent with the locational standards in Section 431-7.1 B., according to the following standards:*
 - (a) *For single family detached and attached residences, including duplex units, townhouses and rowhouses: one hundred (100) square feet of common open space shall be provided for each dwelling.*

The development consists of 7 attached dwelling units. Therefore, at least 700 square feet of common area is required. There is 808 square feet of proposed common open space.

431-7.3 Open Space Design

A. Principles:

- (1) *Common open spaces in transit oriented communities shall be designed to accommodate a variety of activities and users ranging from active play by children to passive contemplation by adults, but shall generally be able to accommodate a relatively intensive level of use. They*

shall be pedestrian friendly, with amenities such as benches, directional signs, water fountains, and good lighting. They shall be attractive and interesting, with good landscaping and possibly public art or a water feature. And they shall be safe places to be at any time of day.

B. Standards:

(1) Common open spaces shall include at least two (2) of the following improvements:

(a) A bench or benches for seating;

(b) Public art such as a statue;

(c) A water feature such as a fountain;

(d) A children's play structure including a swing and a slide;

(e) A gazebo;

(f) Picnic tables with a barbecue;

(g) An indoor or outdoor sports court for one or more of the following: tennis, basketball, volleyball, badminton, racquetball, handball/paddleball; or

(h) An indoor or outdoor swimming and/or wading pool suitable for children to use.

A final Common Open Space plan is needed to detail the location of the proposed bench and picnic table and barbecue. This requirement has been added as a Condition of Approval in Exhibit 1.

(3) For security purposes, all common open spaces shall be adequately illuminated during hours of darkness.

A final Common Open Space plan is needed that includes illumination details for lighting fixtures which can help illuminate this space.

(5) Common open spaces shall be free from all structural encroachments (i.e., roof overhangs, awnings and other architectural features) of structures on abutting properties.

The area to be designed as the required Common Open Space will be free from any structural encroachment from abutting properties. A final Common Open Space Plan is needed along with floor plans and elevations to ensure that this area is not encroached by the building overhangs/canopies.

431-9 *Landscaping*

431-9.2 *Standards*

No minimum landscaping standard shall be set as a percentage of a development site. Landscaping may be required, however, in conjunction with parking lot design (see Section 431-6.2), building design or the provision of common open space.

Landscaping will be provided on each lot as well as in the Common Open Space area and the street frontage (street trees). Notwithstanding, development in a Transit Oriented District is not subject to the minimum site landscape areas of Section 407.

431-10 *Water Quantity/Quality Facilities*

431-10.2 *Standards*

Non-vaulted surface stormwater detention and/or treatment facilities shall not be located between a pedestrian street and the front of an adjacent building.

The applicant proposes to utilize an existing on-site water quality facility (see Conditions I. B. pertaining to storm water requirements).

431-11 *Signs*

No sign approvals are requested at this time. The applicant must obtain a sign permit for any proposed signage. Sign permits shall be obtained from the Current Planning Services counter prior to installation of any signs.

4. Article V, Public Facilities and Services:

Section 501-8 Standards for Development

Required public services and facilities can be provided to the site to serve the proposed use. Copies of the Service Provider Letters submitted with the application are in the record.

The findings for the transportation standards are set forth in the Transportation Report (Attachment D to the staff report) prepared for Casefile No. L2400097-S/D(R)/TOD and are incorporated herein.

501-8.5 Access to public roads

All developments shall have legal access to a public road. Except for interim access as provided in Section 501-8.5 E. (Interim Access), access onto any public road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the county road standards and the standards of Section 501.

F. Sight Distance

The following specifies the minimum requirements for sight distance for roads intersecting each other and for driveways intersecting public roads. It is the intent of this section to regulate the creation of new access points and new lots or parcels and development in the county in a manner that will insure that each new access point or each new lot or parcel created or development will have a safe access to a public road.

- (1) Inside a UGB, existing access points which do not meet the sight distance standards and are on property included with a development action which will not add any additional vehicle trips to that access, are exempt from this Section (501-8.5 F.), except as required by Section 501-2.1 A.*

Improvements at these existing access points may be required to maximize sight distance to the extent

practicable by the county Operations Division through an Access Permit or Right-of-way Permit.

(2) The minimum intersectional sight distance shall be based on the vehicular speeds of the road. The vehicular speeds for the purpose of determining intersectional sight distance shall be the greater of the following unless the eighty-five percentile speed is determined to be less by the Review Authority pursuant to the standards of Section 501-8.5 F. (2)(c).

(a) Design Speed - A speed selected by a registered engineer (Oregon) for purposes of design and correlation of those features of a road, such as curvature, superelevation, and sight distance, upon which the safe operation of vehicles is dependent.

(b) Posted Speed - That speed which has been established by the Oregon State Speed Control Board and is posted by the county.

(c) Eighty-five (85) Percentile Speed - That speed as certified by a registered engineer (Oregon) below which eighty-five (85) percent of all traffic units travel, and above which fifteen (15) percent travel. The eighty-fifth (85) percentile speed shall be measured at the point where the sight restriction occurs.

(3) The intersectional sight distance shall:

(a) Be based on an eye height of three and one-half (3.5) feet and an object height of four and one-quarter (4.25) feet above the road; and

(b) Be assumed to be fifteen (15) feet from the near edge of pavement or the extended curb line or the near edge of the graveled surface of a gravel road to the eye of the driver of a stopped vehicle.

The applicant obtained approval of a Design Exception allowing the applicant to use a 15 foot offset from the edge of the traveled way rather than the standard 15 feet offset from the edge of the roadway. A copy of the approval is in the record.

Section 502 Sidewalk Standards:

A sidewalk does not exist along the street frontage of NW Dale Avenue and is proposed. (See Attachment D of the staff report).

5. Article VI, Land Divisions and Property Line Adjustments Inside A UGB

Section 605-2 Urban Land Divisions (Partitions and Subdivisions)

Land within the urban unincorporated portions of Washington County may be divided through a partition or subdivision plat. To partition land means to divide a unit of land into two (2) or three (3) parcels within a calendar year. To subdivide land means to divide a unit of land into four (4) or more lots within a calendar year. A partition or subdivision may or may not involve the creation of a street or road. Subdivisions and partitions are subject to the general standards of the land use districts, the applicable development standards of Article IV, the applicable standards of Article V (Public Facility and Service Requirements) and the provisions of this Article, including standards in Section 605-3 (Development Standards for Urban Land Divisions).

Section 605-2.1 Procedures

- A. Preliminary Review

Section 605-2.2 Review Standards

- A. Preliminary Review

A preliminary subdivision plat has been submitted per Section 605-2.3.A. All public utilities, lot dimensions, and lot sizes are shown. This application was reviewed in accordance with Section 605-2.2 A.

When constructed in compliance with the conditions of approval, it will be in conformance with the requirements of the TO:R24-40 District and other applicable sections of the Washington County Community Development Code and the Community Plan.

Section 605-2.4 *Submission Requirements for Final Review of all Standard Land Divisions*

Requests for final review of a Standard Subdivision or Standard Partition shall be submitted within 4 years of preliminary approval and shall include the following information:

A final subdivision plat shall be submitted as part of the Type I Final Approval process, which is required prior to plat recordation. Staff will review the final subdivision plat maps as part of the Final Approval review process.

Section 605-3 **Development Standards for Urban Land Divisions**

In addition to the other standards in this Code, the following standards shall apply to all land divisions within the urban unincorporated portions of Washington County.

Section 605-3.1 **Sewers**

Sanitary sewer plans shall conform to the standards and specifications adopted by the Board of Directors of the Clean Water Services of Washington County. Sewer lines shall be installed to serve all properties within the boundaries of the subdivision or partition except as permitted otherwise by Section 501-2.1, 501-4, or 501-5.

Section 605-3.2 **Storm Drainage Systems**

- A. *Storm drainage systems shall provide for the adequate drainage of surface water on and crossing a site. Storm drainage systems include but are not limited to ditches, pipes, inlets, creeks, rivers and detention facilities. Storm drainage systems may be located within public rights-of-way; easements or tracts for public travel, including private streets; drainage easements; and tracts of common ownership. Drainage plans and street plans shall indicate the direction of storm drainage flow.*

A preliminary utility plan was submitted as part of the application.

Section 605-3.3 Streets and Street Improvements

Street improvements are proposed as required.

Section 605-3.4 Public Utilities

All utilities will be placed within easements and/or within rights-of-way as well as along the private street, as applicable.

Section 605-3.5 Sidewalks

Sidewalks will be provided as required (noting that 12-foot sidewalks are required along NW Dale Avenue.

Section 605-3.6 Lots or Parcels

All lots, as conditioned, comply with the provisions of this section.

Section 605-3.7 Blocks

The proposed development involves an existing parcel bound by developed and underdeveloped residential lands.

Section 605-3.8 Easements

All easements will be sized in accordance with applicable service provider standards.

Transportation Plan:

The findings for the transportation standards are set forth in the Transportation Report (see Attachment D to the Staff Report) prepared for Casefile L2400097-S/D(R)/TOD and are incorporated herein.

E. Ordinance No. 793-A; Transportation Development Tax:

The Transportation Development Tax (TDT) is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to

Collectors and Arterial streets needed for development. This tax is based on the number of daily vehicle trips a site generates and is due at issuance of a building permit.

F. Ordinance Nos. 524/738 - Road Design and Construction Standards

Half-street improvements are required along NW Dale Avenue (see also Attachment D to the staff report).

G. Resolution and Order No. 86-95 – Determining Traffic Safety Improvements

Half-street improvements are required along NW Dale Avenue (see also Attachment D to the staff report).

H. Resolution and Order No. 19-05 - Erosion Control, Water Quality and Water Quantity:

Resolution and Order 19-05 adopted standards and regulations for CWS review and approval of erosion control measures.

Summary and Conclusion

The required findings have been made for all of the applicable Code sections. When constructed in accordance with the conditions of approval, the project will be in compliance with the Community Development Code and the Community Plan. As such, the Hearings Officer approves the request for subdivision and development approval for seven attached dwelling units, and approval of the application of certain Transit Oriented Design Principles subject to the Conditions of Approval set forth in Exhibit 1. The sight distance design exception, approved by the County Engineer, is also incorporated as approved in this decision.

It is so ordered, this 26th day of August, 2024.



David F. Doughman
Washington County Land Use Hearings Officer

Exhibit 1
Conditions of Approval

I. **THIS APPROVAL SHALL AUTOMATICALLY EXPIRE FOUR YEARS FROM THE DATE OF THIS APPROVAL, UNLESS DEVELOPMENT HAS COMMENCED, AN APPLICATION FOR AN EXTENSION IS FILED, OR THIS APPROVAL IS REVOKED OR INVALIDATED (SECTION 201-4).**

II. **PRIOR TO COMMENCING ANY ON-SITE IMPROVEMENTS, INCLUDING DEMOLITION OF THE EXISTING STRUCTURE, GRADING, EXCAVATION AND/OR FILL ACTIVITIES THE APPLICANT SHALL:**

A. **Submit to Building Services (503-846-3470) for review and approval of a Grading Permit:**

1. Grading/drainage plan consistent with the standards of Section 410 (as applicable). The grading permit application shall include at least the following information/reports:
 - a. Site-specific geotechnical engineering report with recommendations for the development of the site is required. The report should be stamped and signed (electronic signature accepted) by an Oregon registered engineer.
 - b. Provide private road/driveway structural details on the plans per site-specific geotechnical engineering recommendations.
 - c. Provide civil engineering plans and drainage analysis report stamped by a civil engineer that shows the proposed work will not negatively impact the surrounding properties, per WCC 14.12.310.
 - d. Demolition permit required to remove the existing house from County tax records.

Note: A site utility permit may also be required for all private work. All grading / site work must also comply with all applicable requirements noted on the Building Services Division Grading Permit application forms.

B. **Submit to Clean Water Services (the District) (503-681-3600) for review and approval:**

Site Development Permit: A Clean Water Services (CWS) Site Development Permit must be obtained prior to plat approval and recordation. Application for

CWS Site Development Permit must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22 (CWS Standards), or prior standards as meeting the implementation policy of R&O 18-28, and is to include:

1. Compliance with all provisions of CWS Standards.
2. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.
3. A drainage report including a downstream drainage analysis meeting the requirements of R&O 19-5, Section 2.04.2.m will be required. If downstream storm conveyance does not have the capacity to convey the volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow as provided in the above-named design standards.
4. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
5. Plans showing storm service requirements to each lot. If private lot LIDA systems proposed, must comply with the current CWS Standards and Washington County Plumbing Standards.
6. Any off-site sanitary or storm sewer improvements identified as part of this development may require additional offsite street improvements/restorations. All transportation-related infrastructure, (including but not limited to roadway surfaces and base material) influenced by sanitary or storm sewer improvements, shall be restored to original or better condition.
7. Provisions for water quality in accordance with the requirements of the above-named design standards. Water Quality is required for all new development and redevelopment areas per R&O 19-5 Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.
8. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to Clean Water Services.
9. Applicant shall comply with the conditions as set forth in Service Provider Letter No. 17-002051, dated September 20, 2017, and extended on January

10, 2024.

10. Developer may be required to preserve a corridor separating the sensitive area from the impact of development. If so, the corridor must be set aside in a separate tract and not be part of any buildable lot and shall further be subject to a Storm Sewer, Surface Water, Drainage and Detention Easement over its entirety to be granted to Clean Water Services.
11. Clean Water Services shall require an easement over the Vegetated Corridor conveying storm and surface water management to Clean Water Services that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.
12. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
13. If there is any activity within the sensitive area, the applicant shall gain any applicable authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.
14. Any proposed off-site construction activities will require an update to the current Service Provider Letter for this project.

PRIOR TO SEWER CONNECTION PERMIT ISSUANCE:

1. The above noted improvements must be completed to CWS satisfaction.
2. The as-constructed drawings (as-builts), or a bond guaranteeing the as-builts, shall be submitted and accepted by CWS.

C. Submit to Planning and Development Services, Project Planner (Paul Schaefer, 503-846-3832):

1. Documentation demonstrating compliance with all applicable requirements of TVF&R Permit 2023-0078.

III. PRIOR TO SUBMITTAL OF THE PROPOSED FINAL SUBDIVISION PLAT TO THE COUNTY SURVEY DIVISION THE APPLICANT SHALL:

Submit two (2) copies of the proposed final plat to Clean Water Services (503-681-3600), the Engineering Division (503-846-7900) and Current Planning Services (503-846-8761). Contact the County Surveyor's Office (503-846-8723) for information regarding submittal and review procedures.

IV. PRIOR TO FINAL DEVELOPMENT REVIEW APPROVAL AND SUBDIVISION PLAT RECORDATION, THE APPLICANT SHALL:

A. Submit to the County Survey Division (503-846-8723):

Ten copies of the proposed final subdivision plat which shall comply with Oregon Revised Statutes, Chapter 92 and Section 605 of the Washington County Community Development Code.

The following shall be shown on the plats:

1. All easements and Tracts, including access easements for each lot, the water quality facility and DHA and common open space tracts.
2. The use and maintenance rights for all easements and tracts (noting that the use and maintenance rights shall be recorded with the plat in a separate document with a plat note referencing the recorded document).
3. Seven (7) foot easement along NW Dale Avenue frontage, except as may be modified by the County Engineer.

B. Submit Planning and Development Services, Public Assurance Staff (503-846-3843):

1. Completed "Design Option" form.
2. Engineer's construction cost estimate (*to be submitted with final set of approved plans for public facility improvements*).
3. Provide a Pavement Report prepared by a Professional Engineer. The report will include recommendations for new full depth pavement and/or pavement repair for existing roadway sections affected by the project. The report shall include but is not limited to the following recommendations: Existing pavement condition analysis, Grind and Inlay/Overlay, pavement repair, "Wet Weather" pavement construction, ESAL calculations, AASHTO pavement design calculations, soil classification, modulus and laboratory

test results. Please contact Rob Saxton at
Rob_Saxton@co.washington.or.us prior to field investigation.

4. \$13,000 Administration Deposit.

NOTE: *The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant.*

Additionally, at any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.

5. Once Public Assurances has received the design option form and administration deposit, you will receive an invitation to our Electronic Plan Review (EPR) system, ProjectDox. Please follow the instructions in the email regarding uploading plans and documents properly. (Upload plans into the "Drawings" folder. Upload documents and a signed and completed Washington County Road Engineering Plan Submittal Checklist in the "Documents" folder. For a complete list of required documents refer to the Road Design Standards Appendix E):

- a. NW Dale Avenue: Construct half-street improvements to a Washington County Special Area Commercial Street (SACM-1) designation. Improvements shall include but not limited to paving, 12' sidewalk, planter strip, curb and gutter, street trees, signing, illumination, utility re-location and drainage. *Section 431-5.1 B. (4) of the Community Development Code requires a 12-foot sidewalk.*
- b. Private street access driveway and closure of all existing accesses.

NOTE: *The access shall be moved as far south as possible for access spacing and to allow appropriate space for an ADA ramp at the southeast corner of the intersection OR approve the access location*

as interim until such time as the adjoining TO:R24-40 parcel to the north redevelops. See Attachment D.

If approved as an interim access (location), the applicant shall pay funds (Trust and Agency) to provide for the eventual closure of the interim private street access when the new shared access becomes available (to the north of the proposed location). If interim, recordation of an access easement over the northwestern section of the private street will likely be needed to ensure future shared access by the property to the north.

- c. Vegetation removal to provide adequate sight distance.

These improvements shall be constructed in accordance with the requirements of the Washington County Road Design and Construction Standards. They shall be completed and accepted by the County within the time frame specified in the public assurance contract, or prior to final building inspection approval, whichever occurs first.

- C. **Obtain Departmental approval, provide financial assurance, and obtain a Facility Permit for construction of the public improvements listed in Conditions of Approval IV.B.5.**
- D. **Ensure the maintenance and power costs of street light facilities through the petition for service and formation of a Service District for Lighting (SDL) assessment area or other funding method approved by the County. This requirement must be satisfied prior to plat recordation or acceptance of the public improvements.**

NOTE: Contact the Service District for Lighting at 503-846-3679. The formation process takes approximately 3 to 4 weeks. You must also establish a job with PGE by contacting 503-323-6700 prior to the SDL formation.

- D. **If applicable, the following documents shall be executed (John Kidd, 503-846-7932):**
 - 1. A recorded agreement to participate in any project that would consolidate access points where such project would not result in new or more severe traffic operation or safety problems.
 - 2. A recorded agreement to abandon use of the existing private access way when an adequate alternative access location to the north becomes

available. The recorded agreement shall also state that the interim access shall ultimately be removed. Noting that the northern portion of the access may be able to be incorporated into the future consolidated access.

E. Submit to Planning and Development Services, Project Planner (Paul Schaefer, 503-846-3832):

1. Final Approval form (Type I procedure; two copies). **NOTE:** The final approval application shall contain complete evidence that all Conditions of Approval have been met.
2. Final Approval fee.
3. Final plans and building elevations that show the following revisions:
 - a. Building elevations shall be revised to ensure that roofs maintain slopes of at least 5:12 but not steeper than 12:12.
 - b. A site design for the common open space area including at least 2 of the items listed in Section 431-7.3 B. (1).
 - c. Relocation/expansion of the Common Open Space such that this area is visible from no less than living areas of four (4) of the attached dwelling units (e.g., extend to at least the southeast corner of Lot 4).
 - d. Lighting information and details demonstrating that illumination complies with Section 415-4.
 - e. No darkly tinted windows or mirrored windows that block two-way visibility shall be installed.
 - f. Street trees with a spacing of 30 feet. Site plan(s) shall include additional trees on NW Dale Avenue and on both sides of the private street.
 - g. Any adjustments to the location of the building to accommodate the half-street improvements and the 7-foot easement (or nine foot if required by the County Engineer).

- h. Two bicycle parking spaces (as substitute for off-street parking spaces) with the proposed bicycle parking spaced located outside of the right-of-way.
- i. Provide internal garage depths of at least 20 feet for a single vehicle parking space.
- j. Final plans for the Private Streets designed in accordance with Section 409-3.3. A. (8) and 409-3.4 A. (1). The Private Streets shall also include the following:
 - 1. Written certification from a registered engineer that the proposed design of private streets complies with applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6 and in accordance with the preliminary approval.
 - 2. "NO PARKING" signs and/or painted striping denoting that no parking is allowed at the eastern terminus of the private street and on the south side of the street.
- k. Pursuant to Section 409-3.4 B. (1), provide evidence prepared by a registered engineer that the private street has been constructed per the applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6, in accordance with the preliminary approval. Including all required NO PARKING designations/signage/markings. *See i. above.*

V. PRIOR TO THE SUBMITTAL OF A BUILDING PERMIT THE APPLICANT SHALL:

- A. Obtain Type I Final Approval
- B. Record Subdivision Plat

VI. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT THE APPLICANT SHALL:

- A. **Submit to Building Services (503-846-3470):**
 - 1. ***Final site plans***, including those approved through the Type I Final Approval process, elevations, and floor plans for the structure consistent with those stamped "Preliminary Approval" (except as revised pursuant to Conditions of Approval IV.E.3.a.-k.), and located in the Casefile.
- B. **Pay Transportation Development Tax (TDT).**

- C. Pay the Tualatin Hills Park & Recreation District Systems Development Charges and all applicable SDCs as required.

VII. PRIOR TO FINAL BUILDING INSPECTION AND/OR OCCUPANCY:

- A. The public improvements as required by Conditions IV.B.5. and as shown on the final approved plans shall be completed and accepted by the County.
- B. All facilities and improvements, including all riparian area enhancements, required by Clean Water Services shall be completed and approved by CWS.
- C. Complete all required on-site improvements, including but not limited to installation of street trees, illumination, bicycle parking, landscaping and irrigation, Common Open Space with amenities and obtain final sign-off by County staff.
- D. Submit to Planning and Development Services, Project Planner (Paul Schaefer, 503-846-3832):
 - 1. Documentation demonstrating compliance with all remaining applicable requirements of TVF&R Permit 2023-0078.

VIII ADDITIONAL CONDITIONS:

- A. A Sign Permit shall be obtained prior to the installation/placement of identification signage in accordance with CDC Section 414.
- B. Landscaping shall be maintained in accordance with Section 407-10. Maintenance shall include, but is not limited to regular watering, weeding, pruning and replacement.
- C. Adequate sight distance shall be continuously maintained by the property owner(s). This may require the property owner(s) to periodically remove obstructing vegetation from the road right-of-way (and on site).
- D. This development shall be constructed in accordance with the conditions of this decision, the approved final plans and the standards of the Community Development Code (Section 207-5).
- E. All conditions of approval shall be binding upon all heirs, successors and assigns (Section 207-5).

- F. Transferability of this Development Permit shall be in accordance with Section 201-8.**